



COMPETITION APPEAL TRIBUNAL

NOTICE OF AN APPEAL UNDER SECTION 46 OF THE COMPETITION ACT 1998

Case No: 1414/1/12/21

Pursuant to rule 14 of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (“the Rules”), the Registrar gives notice of the receipt of an appeal on 6 October 2021, under section 46 of the Competition Act 1998 (“the Act”), by Intas Pharmaceuticals Limited (“Intas”), Accord Healthcare Limited (“Accord Healthcare”), and Accord-UK Limited (“Accord-UK”) (together, “the Intas Appellants”) against a decision of the Competition and Markets Authority (“the CMA”) in Case 50277 dated 15 July 2021, entitled *Hydrocortisone tablets: Excessive and unfair pricing and anti-competitive agreements* (“the Decision”). For the period in which the Intas Appellants are jointly and severally liable, i.e. 9 January 2017 to 31 July 2018 (“the Intas Period”), the Intas Appellants are represented by Linklaters LLP, One Silk Street, London, EC2Y 8HQ (reference: Nicole Kar).

In the Decision, the CMA found inter alia that Accord-UK abused its dominant position by imposing excessive and unfair prices for 10mg hydrocortisone tablets in the United Kingdom between 1 October 2008 and 31 July 2018, contrary to section 18 of the Act (“the Chapter II Prohibition”). Intas purchased Accord-UK (then named Actavis UK Limited), through its wholly owned subsidiary Accord Healthcare, on 9 January 2017. The Decision found Intas and Accord Healthcare jointly and severally liable with Accord-UK for the breach of the Chapter II Prohibition during the Intas Period in their capacity as parent entities. The Decision imposed a penalty of £44.4m on the Intas Appellants in respect of the Intas Period. The Intas Appellants strongly dispute the findings made in the Decision.

In summary, the Intas Appellants advance four grounds of appeal against the finding of infringement made by the CMA in the Decision in relation to the Intas Period. The Intas Appellants state that:

1. Ground 1: The Decision erred in finding dominance in the Intas Period.
2. Ground 2: The Decision erred in finding any abuse in the Intas Period.
3. Ground 3: Even if (contrary to Grounds 1 and 2 above) there had been any sustainable basis to find that Accord-UK had committed an infringement during that time, the Decision is wrong to impose any penalty in respect of the Intas Period.
4. Ground 4: Even if it had been lawful to impose any penalty on Accord-UK in respect of the Intas Period (contrary to Ground 3 above) the penalty imposed by the Decision is wholly excessive.

By way of relief, the Intas Appellants ask that the Tribunal:

- a. set aside the Decision insofar as it relates to the Intas Appellants and the Intas Period, and find that Accord-UK was not dominant and/or engaged in abusive conduct;
- b. or, in the alternative, substantially reduce the penalty imposed on the Intas Appellants for the Intas Period; and
- c. in either case, order that the CMA pays the Intas Appellants’ costs.

Any person who considers that he has sufficient interest in the outcome of the proceedings may make a request for permission to intervene in the proceedings, in accordance with rule 16 of the Rules.

Please also note that a direction of the President is currently in place as to the electronic filing of documents: see paragraph 2 of the [Practice Direction](#) relating to Covid-19 published on 20 March 2020. Therefore, a request for permission to intervene should be sent to the Registrar electronically, by email to registry@catribunal.org.uk, so that it is received within **three weeks** of the publication of this notice.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at www.catribunal.org.uk. Alternatively, the Tribunal Registry can be contacted by telephone (020 7979 7979) or email (registry@catribunal.org.uk). Please quote the case number mentioned above in all communications.

Charles Dhanowa OBE, QC (Hon)
Registrar

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