



COMPETITION APPEAL TRIBUNAL

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

**Case No: 1588/1/12/23**

Pursuant to rule 14 of the Competition Appeal Tribunal Rules 2015 (S.I. No. 1648 of 2015) (the “Rules”) the Registrar gives notice of the receipt of an appeal on 23 May 2023 under s. 46 of the Competition Act 1998, by Keltbray Limited and Keltbray Holdings Limited (together, “Keltbray”) against a decision of the Competition and Markets Authority (“CMA”) dated 23 March 2023 entitled *Supply of demolition and related services* (the “Decision”). Keltbray is represented by BCL Solicitors LLP of 51 Lincoln’s Inn Fields, London WC2A 3LZ (reference: Julian Hayes).

By its Decision, the CMA found that 10 undertakings had between them engaged in a total of 19 infringements of the Chapter I prohibition in relation to the supply of demolition and related services and imposed penalties in respect of those infringements. Keltbray was one of those undertakings held liable for a total of eight infringements and subject to a financial penalty of £20,000,000.

According to the Notice of Appeal, Keltbray accepts that it engaged in the infringements but submits that the penalty imposed on it (a) has been assessed on a flawed basis, as the CMA adopted an incorrect and overly broad product market definition of demolition services assessed to have been affected by the eight infringements in which Keltbray engaged; and (b) is in any event disproportionate to the seriousness and impact of Keltbray’s involvement in those infringements.

In summary, Keltbray advances the following grounds of appeal:

1. The CMA erred by calculating a penalty on the basis of relevant turnover comprised by all of Keltbray’s turnover for demolition and/or asbestos removal services. The circumstances of the case required the turnover to be restricted to the value of the very small number of contracts associated with the infringement (**Ground 1**).
2. In the alternative, the CMA erred by including in the relevant turnover for the purposes of calculating the fine revenues from highly complex demolition services notwithstanding that these sit in a separate economic market (**Ground 2**).
3. The CMA erred in calculating the penalty incorrectly and imposed a penalty which is excessive and disproportionate (**Ground 3**).

Keltbray invites the Tribunal to vary the amount of its penalty to a proportionate level.

Any person who considers that they have 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](mailto: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](http://www.catribunal.org.uk). Alternatively, the Tribunal Registry can be contacted by telephone (020 7979 7979) or email ([registry@catribunal.org.uk](mailto:registry@catribunal.org.uk)). Please quote the case number mentioned above in all communications.

*Charles Dhanowa OBE, KC (Hon)*  
Registrar

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