



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1611/13/12/2023 (W)
1612/13/12/2022 (W)
1613/13/12/2023 (W)
1614/13/12/2023 (W)

BETWEEN:

**COMPETITION AND MARKETS
AUTHORITY**

Applicant

and

(1) SIKA LIMITED
**(2) MASTER BUILDERS SOLUTIONS UK
LIMITED**

Respondents

ORDER

UPON reading various applications on behalf of the Applicant for an order that warrants be issued under section 28(1)(b) and 28A(1)(b) of the Competition Act 1998 in respect of premises identified in the draft warrant attached to the respective applications

AND UPON hearing counsel for the Applicant at a hearing in private on 12 October 2023

AND UPON the Tribunal ordering that its file, including the Claim Form and documents filed in support, in addition to the transcript of the private hearing (“the Supporting Materials”) remain closed pending further order of the Tribunal (by an order of the Tribunal made on 12 October 2023 and drawn on 13 October 2023)

AND UPON handing down a Judgment under neutral citation number [2023] CAT 62 on 17 October 2023 as a “closed” judgment, and subsequently published as a public judgment on 7 December 2023

IT IS HEREBY ORDERED that:

1. A hearing is listed on 19 January 2024 at 10.30am.
2. By no later than 4pm on 15 December 2023, the CMA shall identify those parts of the Supporting Material in respect of which a case of public interest immunity is advanced by the CMA (“PII Material”), in accordance with the principles articulated by the Supreme Court in *R (Haralambous) v. St Albans Crown Court*, [2018] UKSC 1.
3. By no later than 20 December 2023, the Supporting Material shall be provided to the Respondents by the CMA, subject to (i) all PII Material being removed from the Supporting Material and (ii) appropriate confidentiality arrangements being entered into by the Respondents. (The Tribunal reserves the right, by further order, to specify those arrangements.)
4. By 4pm on 5 January 2024, the CMA shall file written submissions detailing its position in respect of the publication of the Supporting Material on the Tribunal’s website.
5. By 4pm on 12 January 2024, the Respondents, if so advised, may file written submissions detailing their respective positions on the publication of the Supporting Material.
6. By 4pm on 16 January 2024, an agreed bundle containing any documents that either party would wish to rely on shall be filed.
7. There be general permission to apply.

Sir Marcus Smith

President of the Competition Appeal Tribunal

Made: 8 December 2023

Drawn: 8 December 2023