



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1702/5/7/25 (T)

BETWEEN:

LENZING AG & OTHERS

Claimants

- v -

WESTLAKE VINNOLIT GMBH & CO. KG & OTHERS

Defendants

Part 20 Claimants/Defendants

REASONED ORDER (CMC3 ORDER STAY)

UPON the Ruling of the Chair at the case management conference on 6 July 2026 (the **CMC3 Ruling**)

AND UPON the Order of the Chair, Mr Hodge Malek KC, dated 11 August 2026 giving effect to the CMC3 Ruling (the **CMC3 Order**)

AND UPON the application by the Defendants dated 21 August 2026 for Permission to Appeal the CMC3 Ruling, as reflected in the CMC3 Order (the **PTA Application**)

AND UPON the Claimants' submissions in response to the PTA Application dated 4 September 2026

AND UPON the Reasoned Order of the Chair dated 10 September 2026 refusing the PTA Application

AND UPON the first and second letters from Wilkie Farr & Gallagher (UK) LLP dated 11 September 2026 and the letter from Stewarts Law dated 11 September 2026 regarding the Defendants' request that the Tribunal stay paragraphs 1-4, 6-8, 10-11 and 14 of the CMC3 Order

IT IS ORDERED THAT:

1. Paragraphs 1–4, 6–8, 10–11 and 14 of the CMC3 Order are stayed until 9 October 2026.

REASONS:

1. On 21 August 2026 the Defendants applied for permission to appeal the Tribunal’s CMC3 Ruling. The PTA Application was subsequently refused by the Tribunal on 10 September 2026 by way of Reasoned Order. As part of the PTA Application, the Defendants requested that the paragraphs of the CMC3 Order which they were seeking to appeal should be stayed until the appeal has been finally determined so as not to make any appeal moot. The Defendants have informed the Tribunal that they intend to apply to the Court of Appeal for permission to appeal the CMC3 Ruling.
2. The CMC3 Order requires the Defendants to comply with the directions in paragraphs 1, 4, 5, 10, 11 and 14 by 30 September 2026. Paragraph 7 of the CMC3 Order is to be completed by 10 September 2026, however the Tribunal understands the Defendants are yet to comply with this direction. The directions in paragraph 3 of the CMC3 Order are to be completed “as soon as reasonably practicable”. It is the Defendants’ position that the Court of Appeal will not be able to determine the present appeal by 30 September 2026.
3. The Defendants submit that if the order is not stayed as requested, the integrity of their intended appeal will be undermined as the Defendants would be obliged to comply with the order before the legality of the directions had been considered. They further suggest that the requested stay would not cause any prejudice since there is, as yet, no trial listing and CMC4 has been listed for 4 February 2027.
4. The Tribunal determines that the stay request should be refused as the proposed grounds of appeal lack merit and there is no other compelling reason for the appeal to be heard by the Court of Appeal. The Defendants should be given the opportunity to seek a stay from the Court of Appeal, but this should not be open ended. In the circumstances, the Tribunal is willing to grant a stay of paragraphs 1–4, 6–8, 10–11 and 14 of the CMC3 Order until 9 October 2026.

Hodge Malek KC

Chair of the Competition Appeal Tribunal

Made: 18 September 2026

Drawn: 18 September 2026