



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1224/6/8/14
1225/6/8/14

B E T W E E N:

LAFARGE TARMAC HOLDINGS LIMITED

Applicant

-v-

COMPETITION AND MARKETS AUTHORITY

Respondent

AND BETWEEN:

HOPE CONSTRUCTION MATERIALS LIMITED

Applicant

-v-

COMPETITION AND MARKETS AUTHORITY

Respondent

ORDER

UPON reading the Notices of Application for review of decisions made by the Competition Commission, now the Competition and Markets Authority (the “CMA”), in its investigation into the markets for the supply and acquisition of aggregates, cement and ready-mix concrete in Great Britain (the “Investigation”) by:

1. Lafarge Tarmac Holdings Limited (“Lafarge Tarmac”) on 12 March 2014 in Case No. 1224/6/8/14
2. Hope Construction Materials Limited (“Hope”) on 13 March 2014 in Case No. 1225/6/8/14

AND UPON reading the application for permission to adduce expert evidence in the form of the Expert Report of Professor Higson dated 11 March 2014 made by Lafarge Tarmac on 12 March 2014

AND UPON reading the request for the treatment of confidential information made pursuant to rule 53 of the Tribunal Rules by Lafarge Tarmac on 25 March 2014

AND UPON reading the request for permission to intervene made pursuant to rule 16 of the Tribunal Rules by Lafarge Tarmac on 2 April 2014

AND UPON reading the request for permission to intervene made pursuant to rule 16 of the Tribunal Rules by Hope on 2 April 2014

AND UPON hearing counsel for the parties at a case management conference on 4 April 2014

IT IS ORDERED THAT:

Forum

1. Pursuant to rule 18 of the Tribunal Rules the proceedings be treated as proceedings in England and Wales.

Evidence and Confidentiality

2. Lafarge Tarmac's application to admit expert evidence be refused.
3. There be established by separate order a confidentiality ring limited to named external legal advisers in terms to be agreed by the parties.

Hearing Together of Applications

4. Case No. 1225/6/8/14 be heard together with Ground 4F of Case No. 1224/6/8/14 (as set out in Lafarge Tarmac's Notice of Application filed on 12 March 2014).

Future Conduct of the Proceedings

5. The CMA file and serve its defence and any supporting evidence by 4pm on 22 May 2014.
6. Lafarge Tarmac and Hope file and serve replies, should either wish to do so, by 4pm on 19 June 2014.

7. Lafarge Tarmac and Hope file and serve skeleton arguments by 4pm on 1 September 2014.
8. The CMA file and serve its skeleton argument by 4pm on 15 September 2014.
9. Lafarge Tarmac file and serve 6 copies of an agreed bundle of documents to serve as the core bundle for the main hearing, together with 6 copies of an agreed joint bundle of authorities to be referred to at the main hearing, by 4pm on 24 September 2014.
10. A hearing be listed for 29 September 2014 with a time estimate of four days (with a fifth day in reserve).
11. Costs (including the costs of Lafarge Tarmac's application to admit expert evidence) be costs in the case.
12. There be liberty to apply.

Andrew Lenon Q.C.
Chairman of the Competition Appeal Tribunal

Made: 4 April 2014
Drawn: 9 April 2014