

ROOFING MATERIALS – CMA CASE 50477

Case closure summary in respect of the events of November 2016

1. SUMMARY OF WORK

- 1.1. On 11 July 2017, the Competition and Markets Authority (**'CMA'**) commenced an investigation into suspected anti-competitive arrangements in the supply of rolled lead in the UK which may have infringed Chapter I of the Competition Act 1998 (**'the Chapter I prohibition'**) and/or Article 101 of the Treaty on the Functioning of the European Union (**'TFEU'**)¹. The CMA issued a Statement of Objections (**'SO'**) on 27 March 2019. The CMA subsequently revised its provisional findings and issued a Supplementary Statement of Objections (**'SSO'**) on 12 June 2020 to the following parties (together **'the Parties'**):
- (a) Associated Lead Mills Limited (**'ALM'**), Royston Sheet Lead Limited (previously Jamestown Metals Limited) (**'JML'**) (along with their parent company International Metal Industries Limited) (together **'IMI'**);
 - (b) H.J. Enthoven Limited (trading as BLM British Lead) (**'BLM'**) (along with its parent company Eco-Bat Technologies Limited) (together **'Eco-Bat'**); and
 - (c) Calder Industrial Materials Limited (**'Calder'**) (along with its parent company Calder Group Holdings Limited) (together **'Calder Group'**).
- 1.2. The provisional findings set out in the SSO related to, inter alia, a provisional finding of an agreement and/or concerted practice between ALM and/or JML (**'ALM/JML'**), BLM and Calder not to supply a business by withdrawing or otherwise refusing supply or otherwise refusing supply (the **'Alleged Infringement'**).
- 1.3. The CMA provisionally found that the Alleged Infringement was evidenced by events occurring in October 2015, between ALM/JML and BLM, and in

¹ Under the European Union (Withdrawal Agreement) Act 2020, section 2(1) of the European Communities Act 1972 (under which EU law has effect in the UK's national law) is 'saved' until the end of the Transition Period. This means that directly applicable EU law, including Articles 101 and 102 TFEU and Regulation 1/2003, will continue to apply in the UK during the Transition Period.

November 2016, when the arrangement between ALM/JML and BLM was extended to include Calder (**'the events of November 2016'**).

- 1.4. In September 2020, having considered representations and additional evidence from the Parties, including additional witness evidence, following the issue of the SSO, and having reconsidered the case in the round, the CMA issued a proposed No Grounds for Action (**'NGFA'**) Decision in respect of the events of November 2016. The CMA received and considered representations on the proposed NGFA Decision in September and October 2020. The CMA issued the final NGFA Decision on 21 October 2020.

2. SUMMARY OF THE NGFA DECISION

- 2.1. The CMA concluded that:

- (a) its provisional findings regarding the extension of the Alleged Infringement to include Calder in November 2016 could not be established to the requisite legal standard; and
- (b) further investigatory steps would be unlikely to produce evidence to substantiate, to the requisite legal standard, the provisional findings in the SSO in relation to the events of November 2016.

- 2.2. The CMA therefore decided to close its case in respect of the events of November 2016 under the Chapter I prohibition and Article 101 TFEU on the basis that there were no longer grounds for action by the CMA.

- 2.3. As a result of this decision, the CMA has closed its investigation in relation to Calder and its parent company Calder Group.

3. CONCLUSION

- 3.1. The CMA decided to close its case in relation to the events of November 2016 under the Chapter I prohibition and Article 101 on the basis that there were no longer grounds for action.

4 November 2020