

#### **DEROGATION LETTER**

## IN RESPECT OF INITIAL ENFORCEMENT ORDERS ISSUED PURSUANT TO SECTION 72(2) ENTERPRISE ACT 2002

## Consent under section 72(3C) of the Enterprise Act 2002 to certain actions for the purposes of the Initial Enforcement Order made by the Competition and Markets Authority ('CMA') on 10 November 2023

# COMPLETED ACQUISITION BY LINDAB LIMITED OF HAS-VENT HOLDINGS LIMITED

We refer to your emails dated 21 and 22 December 2023 requesting that the CMA consents to derogations from the Initial Enforcement Order of 10 November 2023 (the '**Initial Order**'). The terms defined in the Initial Order have the same meaning in this letter.

Under the Initial Order, save with the written consent of the CMA, Lindab, Lindab UK and HAS-Vent are required to hold separate the HAS-Vent business from the Lindab business and refrain from taking any action which might prejudice a reference under section 22 of the Act or impede the taking of any remedial action following such a reference.

After due consideration of your request for a derogation from the Initial Order, based on the information received from you and in the particular circumstances of this case, Lindab UK may carry out the following actions, in respect of the specific paragraph:

#### Paragraphs 5(c) and (i) of the Initial Order

Lindab UK submits that it has decided to create the new senior leadership role of National Branch Operations Manager (the '**NBOM**') and proposes to appoint to that role [ $\gg$ ], who has worked for Lindab UK for over 20 years, latterly as the manager of its Croydon Branch. Lindab UK submits that it will then look to hire a new manager for the Croydon Branch. Lindab UK further submits that the applicant is eminently suited to the new role as he is already familiar with Lindab's operations, structure and branch operations.

Lindab therefore requests a derogation from paragraph 5(c) and (i) to allow Lindab UK to:

- (i) create the new senior leadership role of NBOM at Lindab UK; and
- (ii) appoint [%], the current manager of its Croydon Branch, to this role.

The CMA consents to Lindab's request for a derogation strictly on the basis that:

- (a) these changes will not result in any disruption to, or impact on the viability of the Lindab business;
- (b) [%] has the necessary skills and experience to assume the role of NBOM;
- (c) the role is offered to [≫] and, if he declines the role, Lindab UK seeks the approval of the CMA of any other candidate before appointment to the role of NBOM;
- (d) Lindab UK will seek to appoint a new manager for its Croydon branch; and
- (e) no other organisation changes or key staff changes will be made to the Lindab business as a result of the proposed changes.

Yours sincerely,

Adam Cooper

Director, Remedies Business and Financial Analysis

5 January 2024