

This Order replaces the Order made on 2 December 2014



IN THE SUPREME COURT OF THE UNITED KINGDOM

3 December 2014

Before:

Lord Neuberger
Lord Mance
Lord Sumption
Lord Toulson
Lord Hodge

**British Telecommunications Plc (Appellant) v Telefónica 02 UK Ltd and others
(Respondents)**

AFTER CONSIDERATION of the parties' submissions on the precise form of order and on costs

THE COURT ORDERED that

- 1) The Order of the Court of Appeal made on 25 July 2012 be set aside and the Order of the Competition Appeal Tribunal made on 12 August 2011 restored
- 2) All matters relating to periods subsequent to the judgment of the Competition Appeal Tribunal not resolved by this Order or the Competition Appeal Tribunal's Order and all consequential matters be remitted to the Competition Appeal Tribunal
- 3) The first to fourth respondents repay within 14 days the sums paid to them under paragraph 5 of the Court of Appeal Order made on 25 July 2012, together with interest at the Ofcom Interest Rate as defined in Annex D to the Standard Interconnect Agreement from the dates when such sums were paid to the respondents until the date on which such repayment is made by the respondents
- 4) The first to fourth respondents pay 50% of the appellant's costs in the Supreme Court and 100% of its costs in the Court of Appeal, to include the costs of three counsel (and for the avoidance of doubt work done by other counsel assisting with the appeal is reasonably recoverable but cannot command a brief)

- 5) There be no order for costs as regards the Interested Party (Ofcom) and the Intervener (Gamma).

Registrar
3 December 2014