



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1152/8/3/10 (IR)

**B E T W E E N:**

**BRITISH SKY BROADCASTING LIMITED**

Applicant / Respondent in the Interim Application

-v-

**OFFICE OF COMMUNICATIONS**

Respondent

- and -

**BRITISH TELECOMMUNICATIONS PLC**

Intervener / Applicant in the Interim Application

**VIRGIN MEDIA, INC.**  
**THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED**  
**TOP-UP TV EUROPE LIMITED**

Interveners

**EE LIMITED**

Intervener in the Interim Application

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**ORDER**

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**UPON** the application by British Telecommunications plc (“BT”) dated 11 April 2014 (“the Interim Application”) to amend the Tribunal’s Interim Relief Order made by consent on 29 April 2010 (“the IRO”);

**AND UPON** considering written and oral submissions in support of and opposing the Interim Application made by BT and British Sky Broadcasting Limited (“Sky”) respectively, the written and oral submissions of the Office of Communications (“Ofcom”) and the written submissions of EE Limited opposing the Interim Application;

**AND UPON** the Tribunal handing down its judgment in respect of the Interim Application on 5 November 2014 ([2014] CAT 17) (“the Judgment”);

**AND UPON** BT undertaking that it will maintain the self-retailing of its BT Sport channels (known as BT Sport 1, BT Sport 2 and ESPN) on Sky’s DTH satellite platform until the final determination of Sky’s appeal against Ofcom’s Pay TV Statement dated 31 March 2010 or until further order;

**IT IS ORDERED THAT:**

1. The IRO be amended in accordance with the attached schedule
2. Sky pay BT’s costs of the Interim Application, to be assessed if not agreed
3. Sky pay Ofcom’s costs of the Interim Application, summarily assessed in the amount of £8,112.51 plus VAT insofar as not recoverable

4. There be liberty to apply

**The Honourable Mr Justice Roth**  
President of the Competition Appeal Tribunal

Made: 12 November 2014  
Drawn: 13 November 2014

## SCHEDULE

The Schedule to the IRO is varied as follows:

- (1) Paragraph 2 is amended to read:

“Qualifying Platform means via DTT and/or Internet Protocol Television (“IPTV”) to BT’s set-top box-based IPTV platforms (currently Cardinal and YouView), excluding over-the-top internet supply in the case of BT, via DTT and its existing cable platform in the case of Virgin, and via DTT in the case of Top-Up TV, with all parties having liberty to apply.”

- (2) Paragraph 3A is added, to read:

“The provision by Sky to BT of terms and conditions of supply to both BT’s YouView and Cardinal IPTV platforms by 21 November 2014 including at least those specified in subparagraph (3) of Condition 14A in respect of Sky Sports 1 and Sky Sports 2, and including terms that provide that the existing service establishment arrangements shall be maintained pending the launch of Sky Sports 1 and Sky Sports 2 in accordance with those terms, shall be deemed to constitute in each case an offer satisfying that subparagraph (“reference offer”), subject to paragraph 4 below.”

- (3) There shall be inserted at the end of Paragraph 6:

“This paragraph shall not apply in respect of any reference offer made to BT in respect of supply via IPTV to BT’s set-top box-based IPTV platforms.”