

TUESDAY 25TH
MONDAY 17TH FEBRUARY 2014

IN THE COURT OF APPEAL

ON APPEAL FROM THE COMPETITION APPEAL TRIBUNAL

order amended under
the slip rule as underlined
this 5 March 2014

2012CAT20



Her Majesty's
Court of Appeal

28 FEB 2014

COURT 71
Appeal No.

C3/2013/0443

BEFORE LADY JUSTICE ARDEN
LORD JUSTICE AIKENS
AND LORD JUSTICE VOS

BETWEEN

BRITISH TELECOMMUNICATIONS PLC ("BT")

- and -

APPELLANT

OFFICE OF COMMUNICATIONS ("OFCOM")
BRITISH SKY BROADCASTING LIMITED ("SKY")
VIRGIN MEDIA, INC.
THE FOOTBALL ASSOCIATION PREMIER LEAGUE ("FAPL")

RESPONDENTS

UPON HEARING Counsel for the Appellant and Counsel for the Respondents

AND UPON considering the parties' written submissions on costs and permission to appeal

IT IS ORDERED that:

1. BT's appeal is allowed.
2. Sky and FAPL's cross-appeal is dismissed.
3. The Orders of the Competition Appeal Tribunal of 6 March 2013 and 17 May 2013 are set aside. The matter is remitted to the Competition Appeal Tribunal for further consideration in the light of the Court's judgment of 17 February 2014.
4. Sky and FAPL shall be jointly and severally liable to pay BT's costs of the appeal and cross-appeal, to be subject to detailed assessment on the standard basis if not agreed. Sky and FAPL shall pay £200,000 of BT's costs of the appeal and cross-appeal on account by 4pm on 14 March 2014.
5. Sky and FAPL shall pay Ofcom's costs of the appeal and cross-appeal in the sum of £66,000 plus applicable VAT within 14 days of the date of this Order. being sealed (viz 28 February 2014).
6. Sky's application for permission to appeal is refused.

order amended
under the slip
rule as underlined
on this 3 March 14.



By the Court

~~TUESDAY 25TH~~
~~MONDAY 17TH FEBRUARY 2014~~
IN THE COURT OF APPEAL
ON APPEAL FROM THE
COMPETITION APPEAL TRIBUNAL

ORDER

Copies to:

Ashurst Llp
Broadwalk House
5 Appold Street
London
EC2A 2HA
Ref: DUNCAN LIDDELL

Bt Legal
Bt Centre
81 Newgate Street
London
EC1A 7AJ
Ref: BEATRICE ROXBURGH/JOE WARD

Dla Piper Uk Llp
3 Noble Street
London
EC2V 7EE
Ref: MARTIN REES

Herbert Smith Freehills Llp
Stephen Wisking/ Andrew North
Dx 28
Primrose Street
EC2A 2EG
Ref: 2825/9491/30873711

King And Wood Mallesons Llp
Dx 255
Chancery Lane
EC4R 1BE
Ref: TOM USHER

Milbank, Tweed, Hadley & McCloy Llp
10 Gresham Street
London
EC2V 7JD
Ref: E HOGWOOD

Office Of Communications
Polly Weitzman/Simon Leathley
Riverside House
2a Southwark Bridge Road
SE1 9HA
Ref: POLLY WEITZMAN

Onside Law
28 Elysium Gate
126-128 New Kings Road
London
EC2V 7EE
Ref: OLIVER HUNT

Snr Denton
One Fleet Place
London
EC4M 7WS
Ref: ALEX HAFMEN

Competition Appeal Tribunal
Victoria House
Bloomsbury Square
London WC1A 2EB

* This order was drawn by Mr J Hebden (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Mr J Hebden, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is 020 7947 7896