



IN THE COMPETITION
APPEAL TRIBUNAL

Cases No: 1160-1165/1/1/10

BETWEEN:

(1) IMPERIAL TOBACCO GROUP PLC
(2) IMPERIAL TOBACCO LIMITED

Appellants

- v -

OFFICE OF FAIR TRADING

Respondent

CO-OPERATIVE GROUP LIMITED

Appellant

- v -

OFFICE OF FAIR TRADING

Respondent

WM MORRISON SUPERMARKETS PLC

Appellant

- v -

OFFICE OF FAIR TRADING

Respondent

(1) SAFEWAY STORES LIMITED
(2) SAFEWAY LIMITED

Appellants

- v -

OFFICE OF FAIR TRADING

Respondent

(1) ASDA STORES LIMITED
(2) ASDA GROUP LIMITED
(3) WAL-MART STORES (UK) LIMITED
(4) BROADSTREET GREAT WILSON EUROPE LIMITED

Appellants

- v -

OFFICE OF FAIR TRADING

Respondent

(1) SHELL U.K. LIMITED
(2) SHELL U.K. OIL PRODUCTS LIMITED
(3) SHELL HOLDINGS (U.K.) LIMITED

Appellants

- v -

OFFICE OF FAIR TRADING

Respondent

ORDER

(as amended by further orders on 12 September and 10 October 2011)

UPON considering the Tribunal's Order made on 16 August 2010 establishing a confidentiality ring in Cases 1160-1165/1/1/10, as amended by the Tribunal's Order of 13 December 2010 ("the Confidentiality Ring Order")

AND UPON the parties having made arrangements with Opus 2 International for the provision of transcription services during the main hearing in these proceedings

AND UPON the parties requesting that the employees of Opus 2 International listed at Part A of the Schedule to this Order provide a written undertaking to the Tribunal and the parties in the terms of Part B of the Schedule to this Order and there being no objections to that request

IT IS ORDERED THAT:

1. Confidential Information (as defined in the Confidentiality Ring Order) and any other information which is defined as information justifying confidential treatment in accordance with Rule 53 of the Competition Appeal Tribunal Rules 2003 which is disclosed during the oral hearing in cases 1160-1165/1/1/10, or which is otherwise indicated to the Tribunal as confidential during the oral hearing in those cases, may be disclosed to the individuals listed in Part A of the Schedule to this Order, subject to the terms of the undertaking set out at Part B of the Schedule to this Order.

2. There be liberty to apply.

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 5 September 2011
Drawn: 12 September 2011

SCHEDULE

PART A

Billy Kelly
Alex Smith
Miles Annon
Rebecca Ridgway
Mark Hargest
Steve Fleming
James Fox
Priscilla Fung
Kristen Gringeri
Johanna Hogg
David Barrett¹
Michaela Phillips² (all of Opus 2 International)

¹ Johanna Hogg David Barrett included by way of amending order dated 12 September 2011.

² Michaela Phillips included by way of an amending order dated 10 October 2011.

PART B

I, [name] of Opus 2 International undertake to the Competition Appeal Tribunal (“the Tribunal”), to the OFT and to each of the Appellants in Cases 1160-1165/1/1/10 as follows:

1. I have read a copy of the Tribunal’s Order of 16 August 2010 (as amended) (“the Tribunal’s Order”) and understand the implications of that order and the giving of this undertaking.

2. I will not disclose:

(a) the Confidential Information (as defined in the Tribunal’s Order); or

(b) any other information which is defined as information justifying confidential treatment in accordance with Rule 53 of the Competition Appeal Tribunal Rules 2003 which is disclosed during the oral hearing in Cases 1160-1165/1/1/10, or which is otherwise indicated to the Tribunal as confidential during the oral hearing in those cases;

(together the “Relevant Confidential Information”)

to any person who is not a Relevant Person (as defined in the Tribunal’s Order) or an individual listed in Part A of the Schedule to the Order dated 5 September 2011 (“Transcript Reporter”) without the express consent of the person originally disclosing the information or the permission of the Tribunal.

3. I will use the Relevant Confidential Information only for the purpose of these proceedings and for the purpose of no other current or future proceedings, dispute, complaint, or other use whatsoever without the express consent of the person originally disclosing the information or the permission of the Tribunal.

4. All pleadings and documents containing the Relevant Confidential Information will remain in my custody or the custody of a Relevant Person or another Transcript Reporter at all times and be held in a manner appropriate to the circumstance so as to prevent unauthorised access or disclosure.

5. The production of documents (including transcripts) containing the Relevant Confidential Information and/or any further copies by me of documents containing the Relevant Confidential Information shall be limited to those required for the use of the Transcript Reporters and the Relevant Persons for the purposes of these proceedings and shall be held in accordance with paragraph 4 of this undertaking.

6. Any and all copies of the pleadings and documents in paper form containing the Relevant Confidential Information will be returned to the party originally disclosing the pleadings or documents at the conclusion of the present proceedings; any copies pleadings and documents containing the Relevant Confidential Information in electronic form will where possible be returned or, where that is not possible, will be rendered

inaccessible from any computer systems, disk or device so that the Relevant Confidential Information is not readily available to any person.

Signed:
Name:
Date: