



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1185/6/8/11

BETWEEN:

BAA LIMITED

Applicant

-v-

THE COMPETITION COMMISSION

Respondent

- supported by -

RYANAIR LIMITED

Intervener

ORDER

UPON having heard the legal representatives of BAA Limited ("BAA"), the Competition Commission ("Commission") and Ryanair Limited at a case management conference on 7 October 2011;

AND UPON reading the correspondence from the legal representatives of the parties indicating that they have reached agreement as to the establishment of a confidentiality ring according to the terms herewith;

IT IS ORDERED THAT:

1. This Order becomes effective in respect of each of the persons named in Part A of the Schedule to this Order only upon receipt by the Tribunal of a signed undertaking in the terms of Part B of the Schedule to this Order.
2. For the purposes of this Order:
 - a. "**Confidential Information**" means information contained in the un-redacted versions of the parties' pleadings and other documents filed with, or otherwise provided to, the Tribunal for the purposes of these proceedings, where such information (i) has been identified by the party providing the document as being confidential and (ii) is (or is

likely to be) accorded confidential treatment pursuant to rule 53 of the Competition Appeal Tribunal Rules 2003.

- b. "**Relevant Advisers**" are those persons:
- i. listed in Part A of the Schedule to this Order who **have** given a written undertaking to the Tribunal in the terms of Part B of the Schedule to this Order; or
 - ii. authorised by the Tribunal upon further application.
3. For the purposes of paragraph 4 below, all such un-redacted versions of pleadings and other documents served in these proceedings must be marked so as to indicate the parts in relation to which confidential treatment is claimed, in the manner referred to in paragraph 13.22 of the Tribunal's Guide to Proceedings (October 2005).
 4. Each of the parties shall hereafter disclose to the other parties un-redacted versions of their pleadings and other documents served in these proceedings on condition that such un-redacted versions and any Confidential Information contained within these shall be disclosed only to the Relevant Advisers or any Commission staff or member who is for the time being working on these proceedings or the matters which have given rise to them and not to any other officer or employee of that party or to any other person.
 5. If any party wishes to add any additional person as a Relevant Adviser for the purposes of paragraph 2(b)ii above, they shall apply to the Tribunal in writing and copied to the other parties indicating whether each of the other parties consents or does not consent to the addition of that person.
 6. Nothing in this Order prevents the disclosure of any information to the Competition Commission (including any member or employee of the Commission) to facilitate the exercise of their functions.
 7. Costs be reserved.
 8. There be liberty to apply.

The Honourable Mr Justice Sales
Chairman of the Competition Appeal Tribunal

Made: 11 October 2011
Drawn: 11 October 2011

SCHEDULE

PART A

This part contains the names, for each party, of Relevant Advisers:

BAA Limited

External counsel

Nicholas Green QC

Martin Chamberlain

Tim Johnston (all of Brick Court Chambers)

External solicitors

Nusrat Zar

Stephen Wisking

Andre Pretorius

Anna FitzHerbert

Elizabeth Holloway

Anish Bhasin

Anne Wijkman

Ellen Louise Moens

Rob Martineau (all of Herbert Smith LLP)

David Aitman (of Freshfields Bruckhaus Deringer LLP)

External adviser

Nicolas Thum

Rupert Darwall

Paul Zisman

Elizabeth Wood

David von Simson (all of Europa Partners Limited)

Competition Commission

External counsel

Daniel Beard QC

Alan Bates (both of Monckton Chambers)

External solicitors

Louise Marriott

Alexander Smeath

Neera Gajjar

Christopher Roylance

Laura Willett (all of the Treasury Solicitor's Office)

External adviser

Professor Alan Gregory

Ryanair Limited

External counsel

Paul Harris QC (of Monckton Chambers)

Sarah Love (of Brick Court Chambers)

External solicitors

George Maling

Tim Sales

Ben Williams

Peter Fitzpatrick

Jonathan Scrine (all of Nabarro LLP)

PART B

Case: 1185/6/8/11 BAA Limited v Competition Commission

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Adviser (as defined in this Order) undertakes that they will comply with the following requirements in the following terms:

I, [name], of [chambers, firm or company] being [legal or other qualification] and regulated so far as my professional conduct is concerned by [regulatory body if any] undertake to the Tribunal as follows:

1. I will not disclose the Confidential Information (as defined in the Order) to any person who is not a Relevant Adviser or any Commission staff or member who is for the time being working on these proceedings or the matters which have given rise to them without the consent of the party originally disclosing the information or the permission of the Tribunal.
2. I will use the Confidential Information only for the purpose of these proceedings (and for no other proceedings or use).
3. All documents which I receive containing the Confidential Information will remain in my custody or the custody of the other Relevant Advisers at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
4. The production of further copies by me of the documents containing the Confidential Information shall be limited to those required for the use of the Relevant Advisers or any Commission staff or member who is for the time being working on these proceedings or the matters which have given rise to them for the purposes of these proceedings.
5. Any copies and the documents in paper form containing the Confidential Information will be returned to the party originally disclosing the documents at the conclusion of the present proceedings (including the determination of any appeals); any such copies and the documents containing the Confidential Information in electronic form will be returned where possible or, where that is not possible, will be rendered inaccessible from any computer system, disk or device so that it is not readily available to any person.
6. Save that none of the requirements listed at paragraphs 1 to 4 above shall prevent the Relevant Advisers from disclosing to the party advised by them information (i) of which that party was the original provider in these proceedings, or (ii) which that party has already seen in circumstances not subject to the provisions of this Order.

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[Name]

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Date