



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1211/3/3/13

BETWEEN:

BRITISH TELECOMMUNICATIONS PLC

Appellant

-v-

OFFICE OF COMMUNICATIONS

Respondent

- and -

EE LIMITED
GAMMA TELECOM HOLDINGS LIMITED
HUTCHISON 3G UK LIMITED
TELEFONICA O2 UK LIMITED
VODAFONE LIMITED

Interveners

ORDER

UPON hearing counsel for the parties at a case management conference on 30 October 2014

AND UPON confirmation that all parties to these proceedings consent to the establishment of a confidentiality ring

AND UPON the parties having agreed the terms of this order

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**” is defined as information justifying confidential treatment by the Tribunal in accordance with rule 53 of the Competition Appeal Tribunal Rules 2003 which is contained in (i) the full un-redacted versions of the parties’ pleadings and other documents served on the Tribunal which has not, prior to the making of this Order, been disclosed to all other parties in the non-confidential versions of pleadings and other documents thus far served, and/or (ii) any documents served or disclosed hereafter.
 - b. “**Relevant Advisers**” are those persons:
 - i. listed in Part A of the Schedule to this Order; or
 - ii. authorised by the Tribunal upon further application
3. 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 the condition that such un-redacted versions and save in respect of the Office of Communications’ employees any Confidential Information contained within those pleadings and documents shall be disclosed only to Relevant Advisers who have signed an undertaking to the Tribunal and to the parties in the terms of Part B of the Schedule to this Order
4. 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)
5. In the case of pleadings and other documents served thus far in the proceedings, the Appellants shall comply with paragraph 3 of this Order by 5pm on 7 November 2014
6. If any party wishes to add any additional person as a Relevant Adviser for the purposes of paragraph 2(b) of this Order, they shall apply to the Tribunal indicating whether each of the other parties consents or does not consent to the addition of that person
7. Costs be reserved

8. There be liberty to apply.

Marcus Smith Q.C.
Chairman of the Competition Appeal Tribunal

Made: 5 November 2014
Drawn: 5 November 2014

SCHEDULE

PART A

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

British Telecommunications PLC

External counsel

Daniel Beard QC, Monckton Chambers
Sara Lee, Brick Court Chambers
Ligia Osepciu, Monckton Chambers

In-house counsel

Frederic Dupas, BT Legal

External experts

Professor Ian Dobbs, Newcastle University
Dr Dan Maldoom, DotEcon Ltd
David Thomas, KPMG
Nick Morris, KPMG

Office of Communications

External counsel

Javan Herberg QC, Blackstone Chambers

EE Limited

External counsel

Stefan Kuppen, Monckton Chambers

In-house counsel

James Blendis, General Counsel

Hutchison 3G UK Limited

External solicitors

Richard Pike, Constantine Cannon LLP
Irene Fraile, Constantine Cannon LLP

Vodafone Limited

External solicitors

Stephen Wisking, Herbert Smith Freehills LLP
Andrew North, Herbert Smith Freehills LLP
Hafsa Zayyan, Herbert Smith Freehills LLP

Telefónica O2 UK Limited

External counsel

Tim Ward QC, Monckton Chambers

Robert O'Donoghue, Brick Court Chambers

External solicitors

Elaine Gibson-Bolton, King & Wood Mallesons

Elaine Whiteford, King & Wood Mallesons

Rahul Saha, King & Wood Mallesons

Charlie Critchley, King & Wood Mallesons

Clarke Heap, King & Wood Mallesons

Gamma Telecom Holdings Limited

External counsel

Sarah Love, Brick Court Chambers

External solicitors

Paul Stone, Charles Russell Speechlys LLP

Elora Mukherjee, Charles Rusell Speechlys LLP

Experts instructed by Telefónica O2 UK Limited, EE Limited, Hutchison 3G UK Limited and Vodafone Limited

Matt Hunt, AlixPartners UK LLP

Dr Orjan Sandewal, AlixPartners UK LLP

Dr Frederick Wandschneider, AlixPartners UK LLP

Professor Eugenio Miravete, AlixPartners UK LLP

Liam Colley, AlixPartners UK LLP

External Counsel instructed by EE Limited, Hutchison 3G UK Limited and Vodafone Limited

Jon Turner QC, Monckton Chambers

Meredith Pickford, Monckton Chambers

Philip Woolfe, Monckton Chambers

PART B

Case 1211/3/3/13 British Telecommunications PLC v Office of Communications

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

I, [name], of [firm, company or establishment] 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 Tribunal's order of [_____]) to any person outside those listed in Part A without the consent of the person 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. The documents 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 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 unless they contain Confidential Information from more than one party, in which case they shall be destroyed; any copies and the documents containing the Confidential Information in electronic form will either 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 Relevant Advisers from disclosing to the party advised by them information which such party has already seen.

Signed

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Name

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Date