



IN THE COMPETITION
APPEAL TRIBUNAL

Case No.: 1216/4/8/13

B E T W E E N

GROUPE EUROTUNNEL S.A.

Applicant

-v-

COMPETITION COMMISSION

Respondent

ORDER

UPON reading the Notice of Application lodged by Groupe Eurotunnel S.A. (“GET”) under rule 8 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (the “Tribunal Rules”) on 18 June 2013, relating to a decision made by the Competition Commission dated 6 June 2013 (the “Decision”)

AND UPON reading the requests for permission to intervene made pursuant to rule 16 of the Tribunal Rules by:

- (1) the Société Coopérative de Production Sea France S.A. (the “SCOP”) on 20 June 2013
- (2) DFDS A/S (“DFDS”) on 24 June 2013
- (3) the Chambre de Commerce et d’Industrie de la Côte d’Opale (“CCICO”) on 24 June 2013

AND UPON the deadline for requests for permission to intervene having been abridged to 12 noon on 24 June 2013 pursuant to an order made on 18 June 2013

AND UPON reading the written observations of the parties, of the SCOP and of DFDS filed in advance of the case management conference

AND UPON hearing counsel for the parties, the SCOP and DFDS at a case management conference on 24 June 2013

AND HAVING REGARD TO the SCOP's stated intention to file a separate Notice of Application in respect of the Decision

IT IS ORDERED THAT:

Forum

1. Pursuant to rule 18 of the Tribunal Rules the proceedings be treated as proceedings in England and Wales.

Interventions

2. As regards the requests for permission to intervene:
 - a. the SCOP be granted permission to intervene in support of GET;
 - b. DFDS be granted permission to intervene in support of the Respondent; and
 - c. CCICO be refused permission to intervene.

Disclosure and confidentiality

3. There be established by separate order a confidentiality ring limited to named external legal advisers in terms to be agreed by the parties, the SCOP and DFDS (the "Proposed Confidentiality Ring").
4. The Respondent disclose to members of the Proposed Confidentiality Ring and file with the Tribunal the confidential version of the Decision by 5pm on 28 June 2013.

Future Conduct of the Proceedings

5. The SCOP file and serve a statement of intervention by 5pm on 4 July 2013.
6. The Respondent file and serve its defence and any supporting evidence by 5pm on 26 July 2013.
7. DFDS file and serve a skeleton argument and statement of intervention by 5pm on 31 July 2013.
8. GET and the SCOP file and serve skeleton arguments, incorporating any submissions in reply, by 5pm on 2 September 2013.
9. The Respondent file and serve a skeleton argument by 5pm on 5 September 2013.
10. GET file six copies of an agreed bundle of documents to serve as the core bundle for the main hearing, together with six copies of an agreed joint bundle of authorities to be referred to at the main hearing, by 5pm on 5 September 2013.

11. GET file and serve an agreed outline timetable for oral submissions at the hearing by 5pm on 6 September 2013.
12. A hearing be listed for 10 September 2013 with a time estimate of two days.
13. There be liberty to apply.

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 24 June 2013
Drawn: 26 June 2013