



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1219/4/8/13

BETWEEN:

RYANAIR HOLDINGS PLC

Applicant

- v -

COMPETITION COMMISSION

Respondent

- and -

AER LINGUS GROUP PLC

Intervener

ORDER

UPON hearing the legal representatives of the parties at the case management conference held on 10 October 2013

AND HAVING REGARD TO the terms of the Order made on 10 October 2013 regarding the future conduct of these proceedings

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 the information contained in Section 7 and Appendix F of the Report disclosed pursuant to paragraph 4 of the Tribunal’s Order of 10 October 2013 which was not previously included in the public version of the Report, and including, for the avoidance of doubt, where that information is incorporated in the unredacted 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 has been identified by a party to these proceedings;

- 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; and
 - c. **“Report”** is the Respondent’s Final Report dated 28 August 2013 and entitled “Ryanair Holdings plc and Aer Lingus Group plc: A report on the completed acquisition by Ryanair Holdings plc of a minority shareholding in Aer Lingus Group plc”.
3. For the purposes of paragraph 4 below, all such unredacted versions of pleadings and other documents served in these proceedings must be marked or highlighted so as to indicate the parts that contain Confidential Information, 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 unredacted versions of their pleadings and other documents served in these proceedings on the condition that such unredacted versions, and any Confidential Information contained within these, shall be disclosed only to the Relevant Advisers or any Competition 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, 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 Competition Commission staff or member) to facilitate the exercise of its functions.
 7. Costs be reserved.
 8. There be liberty to apply.

SCHEDULE

PART A

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

Ryanair Holdings Plc

External Counsel

Lord Pannick QC

Brian Kennelly

Tristan Jones (*all of Blackstone Chambers*)

External Solicitors

Nicholas Levy

Sunil Gadhia

Paul Gilbert

Luke Streatfeild

Ricardo Zimbron

Ian Hastings

Alexander White

Edward Cassels (*all of Cleary Gottlieb Steen & Hamilton LLP*)

Competition Commission

External Counsel

Daniel Beard QC

Rob Williams

Alison Berridge (*all of Monckton Chambers*)

External Counsel

Maya Lester (*of Brick Court Chambers*)

External Solicitors

Neera Gajjar

Natalie Cohen

Mindy Gill

Laura Willett

Richard Lancaster

Simon Bell

Richard Hilton

Chris Roylance (*all of the Treasury Solicitor's Department*)

Aer Lingus Group Plc

External Counsel

James Flynn QC

Daniel Piccinin (*both of Brick Court Chambers*)

External Solicitors

Alec Burnside

Evan Flowers

Anne MacGregor

Marjolein De Backer

David Boyle

Christian Lorenz

Nandu Machiraju

Antoinette Maginness (*all of Cadwalader, Wickersham & Taft LLP*)

PART B

Case: 1219/4/8/13 RYANAIR HOLDINGS PLC V COMPETITION COMMISSION (AER LINGUS GROUP PLC INTERVENING)

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 17 October 2013, the "Confidentiality Ring Order") to any person who is not a Relevant Adviser or any Competition 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 to the Competition Commission, the consent of the Competition Commission, 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 or any Competition 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 destroyed or 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 will be rendered inaccessible from any computer system, disk or device so that it is not readily available to any person. In the event that material containing Confidential Information is to be destroyed (or rendered inaccessible if it is in electronic form) the party destroying (or rendering the material inaccessible if it is in electronic form) shall notify the party originally disclosing the documents as to the manner of, and date of, the destruction (or rendering inaccessible if it is in electronic form).
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 the Confidentiality Ring Order.

Signed:

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[*Name*]

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Date: