



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

**Case Nos: 1224/6/8/14**  
**1225/6/8/14**

**B E T W E E N:**

**LAFARGE TARMAC HOLDINGS LIMITED**

Applicant

**-v-**

**COMPETITION AND MARKETS AUTHORITY**

Respondent

**AND BETWEEN:**

**HOPE CONSTRUCTION MATERIALS LIMITED**

Applicant

**-v-**

**COMPETITION AND MARKETS AUTHORITY**

Respondent

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**ORDER**

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**UPON** reading the correspondence from the legal representatives of the parties in connection with the establishment of a confidentiality ring in relation to Case Nos: 1224/6/8/14 and 1225/6/8/14

**AND UPON** hearing counsel for the parties at a case management conference on 4 April 2014

**AND UPON** the parties having agreed to 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**” means information contained 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 (i) has been identified by any party to these proceedings and (ii) is (or is likely to be) accorded confidential treatment pursuant to rule 53 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 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 unredacted versions of pleadings and other documents served in these proceedings must be marked or highlighted 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 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 and Markets Authority 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 and Markets Authority (including any Competition and Markets Authority staff or member) to facilitate the exercise of its functions.
7. Costs in the case.
8. There be liberty to apply.

**Andrew Lenon Q.C.**  
Chairman of the Competition Appeal Tribunal

Made: 16 April 2014  
Drawn: 16 April 2014

## **SCHEDULE**

### **PART A**

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

#### **Lafarge Tarmac Holdings Limited**

*External counsel*

David Pannick Q.C.

James Segan (both of Blackstone Chambers)

Daniel Jowell Q.C. (of Brick Court Chambers)

*External solicitors*

Michael Rowe

Lisa Wright

Mihkel Wilding

Elena Prattent

Lauren Dingsdale

Gary Eaborn

Deborah Finkler

John Habgood

Emma Hammond

Frances Murphy (all of Slaughter and May)

*External experts*

Professor Chris Higson (of London Business School)

Gordon Cookson

Adrian Majumdar (both of RBB Economics)

#### **Hope Construction Materials Limited**

*External counsel*

Thomas Sharpe Q.C. (of One Essex Court)

*External solicitors*

Gillian Sproul

Natalie Ashford

Merlie Calvert (all of Mayer Brown International LLP)

#### **Competition and Markets Authority**

*External counsel*

Rhodri Thompson Q.C.

Nicholas Gibson (both of Matrix Chambers)

Rob Williams

Julianne Kerr-Morrison (both of Monckton Chambers)

*External solicitors*

Muhammad Saley

Mindy Gill

Gemma Bullmore

Neera Gajjar

Simon Bell

Richard Lancaster

Richard Hilton

Manjula Vekaria

Christopher Roylance (all of the Treasury Solicitor's Office)

## **PART B**

### **Cases:**

**1224/6/8/14 - Lafarge Tarmac Holdings Limited v Competition and Markets Authority**

**1225/6/8/14 - Hope Construction Materials Limited v Competition and Markets Authority**

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 *[date]*, the "Confidentiality Ring Order") to any person who is not a Relevant Adviser or any Competition and Markets Authority 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. 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 and Markets Authority 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, 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. 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