



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case: 1086/4/1/07

B E T W E E N:

AGGREGATE INDUSTRIES LIMITED

Applicant

supported by

HANSON QUARRY PRODUCTS EUROPE LIMITED

Intervener

-v-

OFFICE OF FAIR TRADING

Respondent

ORDER

UPON considering the notice of application filed by the applicant on 2 July 2007

AND UPON considering the request for permission to intervene by Hanson Quarry Products Europe Limited dated 12 July 2007

AND UPON considering the observations of the respondent contained in a letter dated 13 July 2007

AND UPON hearing counsel for the parties at a case management conference on 16 July 2007

AND UPON each of the persons named in Part A of the Schedule to this Order, prior to the making of this Order, and in respect of the information mentioned in Part B of the Schedule to this Order, having given a written undertaking to the Tribunal, in the terms of Part C of the Schedule to this Order

AND pursuant to rules 16, 18 and 19 of the Competition Appeal Tribunal Rules 2003, S.I. 2003 No. 1372 (“the Tribunal Rules”)

IT IS ORDERED THAT:

1. The proceedings be treated as proceedings in England & Wales.
2. Hanson Quarry Products Europe Limited be granted permission to intervene in these proceedings.
3. The applicant serve a non-confidential version of the notice of application on the intervener forthwith and file five copies of the same on the Tribunal.
4. The intervener shall file and serve any further submissions or evidence on which it intends to rely by 5.00pm on 27 July 2007.
5. Pursuant to Rule 19(2)(i) of the Tribunal Rules the period for the service of the defence provided for in Rule 14(1) in conjunction with Rule 28(3) be extended such that the respondent file and serve its defence by 5.00pm on 15 August 2007.
6. The applicant file and serve any reply and/or skeleton argument by 5.00pm on 4 September 2007.
7. The intervener file and serve any reply and/or skeleton argument by 5.00pm on 12 September 2007.
8. The respondent file and serve any reply and/or skeleton argument by 5.00pm on 24 September 2007.
9. The parties jointly prepare a schedule of agreed and contested issues, to be filed by 5.00pm on 24 September 2007.
10. The public hearing of this matter be listed for 2 October 2007 with a time estimate of one day.
11. Costs be reserved.
12. Permission to apply.

Lord Carlile of Berriew QC
Chairman of the Competition Appeal Tribunal

Made: 26 July 2007
Drawn: 26 July 2007

SCHEDULE

Part A

For the purposes of this Order:

“**External Advisers**” is limited to the following persons save as otherwise expressly authorised by the Tribunal upon the further application of the parties.

For the applicant:

Peter Roth QC	Monckton Chambers
Valentina Sloane	Monckton Chambers
Nicholas French	Freshfields
William Robinson	Freshfields
Dan Burton	Freshfields
Simon Constantine	Freshfields
Alice Goodenough	Freshfields

For the intervener:

Ronit Kreisberger	Monckton Chambers
Giles Warrington	Pinsent Masons
Amy Hitchen	Pinsent Masons

Part B

For the purposes of this Order:

“Protected Information” means all confidential material marked as such in any notice of application, reply, defence or intervention submissions (including any annexes thereto), together with any supporting documents not in the public domain which are served with any reply, defence or skeleton.

Part C

In respect of any Protected Information disclosed to the Tribunal pursuant to this agreement, each External Adviser undertakes that they will comply with the following requirements, that:

- (i) The Protected Information will not be disclosed to any person other than the External Advisers and the Office of Fair Trading and the Tribunal without the permission of the Tribunal;
- (ii) The Protected Information will only be used for the purpose of these proceedings;
- (iii) The documents containing the Protected Information are to remain in the custody of the External Advisers at all times; and
- (iv) The production of further copies of the documents containing the Protected Information shall be limited to those required for the use of the External Advisers for the purposes of these proceedings; copies of the Protected Information shall be numbered and identified as being for the specific use of one of the External Advisers; any such copies and the documents containing the Protected Information will be returned to the respondent at the conclusion of the present proceedings;

Save that none of the requirements listed at paragraphs i. to iv. above shall prevent the External Advisers from disclosing to the party advised by them information which such party has already seen.