



IN THE COMPETITION APPEAL TRIBUNAL

Case: 1094/3/3/08

BETWEEN:

VODAFONE LIMITED

Appellant

-v-

OFFICE OF COMMUNICATIONS

Respondent

-and-

**BRITISH TELECOMMUNICATIONS PLC
HUTCHISON 3G UK LIMITED
O2 (UK) LIMITED
ORANGE PERSONAL COMMUNICATIONS SERVICES LIMITED
T-MOBILE (UK) LIMITED**

Interveners

ORDER

UPON reading the correspondence from the legal representatives of the parties indicating that they have reached agreement as to the establishment of a confidentiality ring according to the terms herewith;

AND UPON hearing the legal representatives of Vodafone Limited, the Office of Communications (“OFCOM”), British Telecommunications plc and Hutchison 3G UK Limited at a case management conference on 31 March 2008;

AND UPON each of the persons named in Part A of the Schedule to this Order, having given a written undertaking to the Tribunal in the terms of Part B of the Schedule to this Order

IT IS ORDERED THAT:

1. 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, S.I. 2003 No. 1372 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 hereafter.
 - b. "**Relevant Advisers**" are the following persons:
 - i. the persons listed in Part A of the Schedule to this Order or authorised by the Tribunal upon further application; and
 - ii. any member of, or person employed by, OFCOM.
2. 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 condition that such un-redacted versions and any Confidential Information contained within these shall be disclosed only to the Relevant Advisers.
3. 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).
4. In the case of pleadings and other documents served thus far in the proceedings, the parties shall comply with paragraph 2 above by 5.00 pm on 18 April 2008.
5. If any party wishes to add any additional person as a Relevant Adviser for the purposes of paragraph 1(b) above, they shall apply to the Tribunal indicating whether each of the other parties consents or does not consent to the addition of that person.
6. Costs be reserved.
7. There be liberty to apply.

SCHEDULE

PART A

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

Vodafone Limited

External counsel

Tim Ward (of Monckton Chambers)

External solicitors

Elizabeth McKnight

Andrew North (both of Herbert Smith LLP)

OFCOM

External counsel

Pushpinder Saini QC (of Blackstone Chambers)

Alan Bates (of Monckton Chambers)

British Telecommunications plc

External counsel

Aidan Robertson (of Brick Court Chambers)

In-house counsel

Jeff Ryen, Senior Regulatory Counsel

Charlotte Mellor, Senior Competition Lawyer

Hutchison 3G UK Limited

External counsel

Dinah Rose QC

Brian Kennelly (both of Blackstone Chambers)

External solicitors

Keith Jones

Jennifer Revis (all of Baker & McKenzie LLP)

External economists

Sam Blackie

Fod Barnes (both of Oxera)

David Harbord (of Market Analysis Limited)

O2 (UK) Limited

External counsel

Kelyn Bacon

Gerard Rothschild (both of Brick Court Chambers)

In-house counsel

Beverley Robertson, Head of Competition Law

Aoife Power, Competition Counsel

Orange Personal Communications Services Limited

External counsel

Marie Demetriou

Sarah Love (both of Brick Court Chambers)

External solicitors

Nicholas Pimlott

Charles Whiddington

Cathy McKenna

Daniel Geey

Joseph Ward (all of Field Fisher Waterhouse LLP)

T-Mobile (UK) Limited

External counsel

Meredith Pickford (of Monckton Chambers)

In-house counsel

Robyn Durie, Regulatory Counsel

Xavier Mooyaart, Regulatory Counsel

PART B

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 or company] 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 draft order of 10 April 2008) 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 such 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; any such 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 the Relevant Advisers from disclosing to the party advised by them information which such party has already seen.