



IN THE COMPETITION APPEAL TRIBUNAL

Case: 1109/6/8/09

BETWEEN:

BARCLAYS BANK PLC

Applicant

-supported by-

**LLOYDS BANKING GROUP PLC
SHOP DIRECT GROUP FINANCIAL SERVICES LTD**

Interveners

-v-

COMPETITION COMMISSION

Respondent

-supported by-

FINANCIAL SERVICES AUTHORITY

Intervener

ORDER

UPON reading the letters of consent from the legal representatives of the parties indicating that they have reached agreement as to the establishment of a confidentiality ring on the terms set out in this Order;

AND UPON each of the persons named in Part A of the Schedule to this Order (“the Relevant Persons”), prior to the making of 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 BY CONSENT THAT:

1. For the purposes of this Order:
 - a. “**Confidential Information**” means:
 - i. information the disclosure of which would be contrary to the public interest; and/or
 - ii. commercial information the disclosure of which could significantly harm the legitimate business interests of the undertaking to which it relates; and/or

- iii. information relating to the private affairs of an individual the disclosure of which could significantly harm his interests;

being the material contained in the Un-Redacted Documents (and 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) which is identified as being confidential in the manner set out in paragraph 3 below.

b. **"Relevant Persons"** are those persons:

- i. listed in Part A of the Schedule to this Order;
- ii. authorised by the Tribunal upon further application.

c. **"the Un-Redacted Documents"** means full, un-redacted versions of:

- i. the pleadings and other documents filed at the Tribunal with the pleadings; and
- ii. any other documents served in connection with these proceedings; which contain in un-redacted form any Confidential Information.

2. Each of the parties shall hereafter disclose to the other parties copies of the Un-Redacted Documents on condition that such Un-Redacted Documents and any Confidential Information contained within these shall be disclosed only to the Relevant Persons listed in Part A of the Schedule to this Order.
3. For the purposes of paragraph 2 above, the Un-Redacted Documents must be marked so as to indicate the parts containing Confidential Information, 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 as soon as practicable and in any event by 18 May 2009.
5. If any party wishes to add any additional person as a Relevant Person 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 Persons:

Barclays Bank PLC

External Counsel and Solicitors

Thomas Sharpe QC

Matthew Cook

Oliver Bretz

Elizabeth Morony

Natalie Greenwood

Samantha Ward

External Economists

Professor George Yarrow

Chris Decker

The Competition Commission

Any member of, or person employed by, the Competition Commission who is for the time being working on these proceedings or the matters which have given rise to them.

External Counsel and Solicitors

John Swift QC

Kassie Smith

Elisa Holmes

Lee John-Charles

Piers Doggart

Ivan Milatović

Lloyds Banking Group plc

External Counsel and Solicitors

Helen Davies QC

Kelyn Bacon

Elizabeth McKnight

Victoria Ripley

Mark Friend

Cerry Darbon

External Economist

Liam Colley

Shop Direct Group Financial Services Ltd

External Counsel and Solicitors

Paul Lasok QC

Tim Ward

Martin Rees

Kate Vernon

Alex Galloway

The Financial Services Authority

Mark Hoskins QC

Marie Demetriou

John O'Hara

Simone Ferreira

Mark Threipland

Peter Edmonds

Part B

I, [NAME] of [FIRM OR COMPANY], undertake to the Tribunal:

1. I will not disclose the Confidential Information (as defined in the Tribunal's Order) 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 Persons 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 Persons 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 or destroyed; any such copies and the documents containing the Confidential Information in electronic form will either be returned where possible or destroyed to the extent practicable.
6. Save that none of the requirements listed at paragraphs 1 to 4 above shall prevent the Relevant Persons from disclosing to the party advised by them information which such party has already seen.