



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1380/1/12/21

BETWEEN:

(1) BGL (HOLDINGS) LIMITED
(2) BGL GROUP LIMITED
(3) BISL LIMITED
(4) COMPARE THE MARKET LIMITED
(together “BGL”)

Appellants

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

CONFIDENTIALITY RING ORDER

UPON reading the correspondence from the legal representatives of the parties relating to the establishment of a Confidentiality Ring

AND UPON hearing the legal representatives of the parties at a Case Management Conference held remotely on 5 March 2021

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 (including persons subsequently admitted to the Confidentiality Ring pursuant to paragraph 6 of this Order) only upon receipt

by the Competition Appeal Tribunal (“**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) “**Confidentiality Ring**” means all those Relevant Advisers who have signed an undertaking to the Tribunal in the terms of Part B of the Schedule to this Order, of which a copy has been provided to the Tribunal.

(b) “**Confidential Information**” is defined as information which justifies (or is likely to justify) confidential treatment by the Tribunal in accordance with Rule 99 and/or Rule 101 of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648).

(c) “**Relevant Documents**” means all pleadings and other documents filed, served and/or disclosed by the parties for the purposes of these proceedings.

(d) “**Relevant Advisers**” are those persons:

i. listed in Part A of the Schedule to this Order who have given a signed undertaking to the Tribunal in the terms of Part B of the Schedule to this Order; or

ii. subsequently added to the lists in Part A after being admitted to the Confidentiality Ring in accordance with paragraph 6 below and who have given a signed undertaking to the Tribunal in the terms of Part B of the Schedule to this Order.

3. All Relevant 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 7.46 of the Tribunal’s Guide to Proceedings 2015. A system of colour-coding shall be used to indicate to which entity the confidential information belongs (or such other system as the parties shall agree where colour-coding is considered unworkable). Any Confidential Information

contained within those Relevant Documents shall be disclosed only to the Relevant Advisers listed in Part A of the Schedule to this Order and who have signed an undertaking to the Tribunal and to the parties in the terms of Part B of the Schedule to this Order.

4. Except that nothing in this Order shall prohibit any Relevant Adviser from:
 - i. making use of any necessary secretarial, IT, and other support personnel (not including trainee solicitors or paralegals) under the supervision of such Relevant Advisers, provided that such personnel have been informed of the confidential nature of the Confidential Information and the terms of Part B of the Schedule to this Order; and/or
 - ii. granting access to Confidential Information contained in any Relevant Document to an external eDisclosure/eBundle or litigation support provider engaged by or on behalf of the Appellants in connection with these proceedings in order to provide eDisclosure/eBundle or similar services in support of a Relevant Adviser and whose identity is notified in writing to the other party in advance, provided always that the provider has been engaged on terms that impose strict confidentiality obligations on it and informed of the confidential nature of the relevant material and the terms of Annex B to this Order; and/or
 - iii. disclosing any Confidential Information to any other Relevant Adviser.
5. Nothing in these Confidentiality Terms shall prevent or prohibit a receiving party from taking any action (including in particular disclosing Confidential Information to a person who is not a Relevant Adviser and/or referring to such documents or information before the Tribunal) which has been authorised in writing by the disclosing party or which a receiving party is required to take by applicable law or by a court of competent jurisdiction.

6. If any party wishes to add any additional person as a Relevant Adviser for the purposes of paragraph 2(d). of this Order, they may either:
 - (a) obtain the written consent of the other party to the admission of that individual to the Confidentiality Ring and inform the Tribunal in writing accordingly (copying the representatives of the other party); or
 - (b) apply to the Tribunal for an order authorising the admission of that individual to the Confidentiality Ring.
7. A party receiving a request for consent to the admission of an individual to the Confidentiality Ring pursuant to paragraph 6 shall confirm whether it is willing to consent within five working days, such consent not to be unreasonably withheld or delayed.
8. If any party wishes one of its Relevant Advisers to be removed from the Confidentiality Ring, they shall inform the Tribunal in writing (copying the representatives of the other parties).
9. When a Relevant Adviser is admitted to or removed from the Confidentiality Ring, the relevant party will provide to the Tribunal (and circulate to the parties) an up-to-date list of the persons in Part A of the Schedule to this Order.
10. The parties shall make available without charge to any person on request an up-to-date list of the persons in Part A of the Schedule to this Order.
11. Costs be reserved.
12. There be liberty to apply.

SCHEDULE

PART A

1. Relevant Advisers for the Appellants

1. Permitted Person	2. Role(s)
External counsel	
Daniel Beard QC	Counsel (Monckton Chambers)
Alison Berridge	Counsel (Monckton Chambers)
External solicitors	
<i>Linklaters LLP</i>	
Nicole Kar	Partner
Tom Cassels	Partner
Stéphanie Patureau	Managing Associate
Haidee Barratt	Managing Associate
Benjamin Sidbury	Associate
Matteo Lenzi	Associate
Marianne Davey	Associate
<i>TLT LLP</i>	
Miles Trower	Partner
Siân Ashton	Partner
Richard Collie	Associate
Charlotte Mapston	Associate
Molly Efford	Solicitor
External economists	
<i>Oxera Consulting LLP</i>	
Gunnar Niels	Partner
Helen Ralston	Partner
Walter Beckert	Associate
Tamrat Shone	Senior Consultant
Robin Masters	Consultant
Simona Castellini	Consultant
Andreea Antuca	Consultant
Luca Grezio	Consultant
Tom Davies	Analyst
Debby Moore	Analyst

1. Permitted Person	2. Role(s)
Lorenz Adams	Analyst
Louis Pech	Analyst

2. Relevant Advisers for the Respondent

3. Permitted Person	4. Role(s)
External counsel	
Marie Demetriou QC	Counsel (Brick Court)
Michael Armitage	Counsel (Monckton Chambers)
Ben Lask	Counsel (Monckton Chambers)
External economists	
Professor Jonathan Baker	Economist

PART B – UNDERTAKING

Defined terms set out in this document have the meaning set out in the Tribunal's Order of [5 March] 2021 above ("**Tribunal's Order**").

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Adviser undertakes that they will comply with the following requirements in the following terms:

I, the undersigned, undertake to the Tribunal and each of the parties as follows:

1. I have read a copy of the Tribunal's Order and understand the implications of that Order and the giving of this undertaking.
2. Save in respect of provision to the Tribunal, I will only disclose the Confidential Information in accordance with the terms of the Tribunal's Order and (save as otherwise permitted under the terms of the Tribunal's Order) will not disclose the Confidential Information to any person who is not a Relevant Adviser without the express written consent of the party originally disclosing the Confidential Information ("**the Disclosing Party**") or the permission of the Tribunal.
3. I will use the Confidential Information only for the purpose of these proceedings and for the purpose of no other current or future proceedings, dispute, complaint, or other use whatsoever without the express written consent of the Disclosing Party or the permission of the Tribunal.
4. Relevant Documents containing Confidential Information will remain in my custody or the custody of another Relevant Adviser at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
5. The production by me of further copies of Relevant Documents containing Confidential Information shall be limited to those strictly required for the use of the Relevant Advisers for the purpose of these proceedings and shall be held in accordance with paragraph 4 of this undertaking.
6. Any and all copies of Relevant Documents containing Confidential Information in paper form will, on request, be returned to the Disclosing Party, or destroyed by the receiving party at the conclusion of the present proceedings; and copies of Relevant Documents containing Confidential Information in electronic form will where possible be returned or where that is not possible will be rendered inaccessible from any computer systems, disk or device so that the Confidential Information is not readily available to any person.
7. Save that none of the requirements listed above shall prevent Relevant Advisers from disclosing to a person advised by them Confidential Information which such person has already legitimately seen.
8. Save that none of the requirements listed above shall prevent Relevant Advisers from taking any action which has been authorised in writing by the relevant Disclosing Party, or complying with any regulatory requirement in relation to their profession (or individual or firm professional indemnity insurance requirement or practice provided Relevant Documents containing Confidential

Information are always retained securely and only disclosed on terms respecting the confidentiality of the information contained therein following previous consultation with the Respondent) or that they are required to take by any applicable law or by a court of competent jurisdiction.

Name:

[Firm] OR [Company] OR [Establishment]:

[Legal qualification] OR [Role / Job title]:

IF APPLICABLE [Professional regulator]:

Signed:

Date: [] 2021