



**IN THE COMPETITION  
APPEAL TRIBUNAL**

Case No: 1579/4/12/23

BETWEEN:

**CÉRÉLIA GROUP HOLDING SAS  
CÉRÉLIA UK LIMITED**

Applicants

- 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 relating to the establishment of a Confidentiality Ring

**AND UPON** the parties having agreed 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 4 of this Order) only upon receipt by the Competition Appeal Tribunal (“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) “**Confidentiality Ring**” means all those External 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 justifying confidential treatment by the Tribunal in accordance with Rule 101 of the Competition Appeal Tribunal Rules 2015 which is contained in any pleadings or other documents submitted, or to be submitted, by the Parties to the present proceedings before the Tribunal.
- (c) “**External Advisers**” are:
  - (i) those persons 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) those persons subsequently added to the lists in Part A after being admitted to the ring in accordance with paragraph 4 below and who have given a signed undertaking to the Tribunal in the terms of Part B of the Schedule to this Order;

3. Nothing in this Order shall prohibit any External Adviser from making use of any

- (a) necessary in-house secretarial and other support personnel (not including trainee solicitors and paralegals) under the supervision of External Advisers, provided that the terms of employment of such personnel oblige them to maintain the confidentiality of the Confidential Information and to adhere to the obligations in the terms of Part B of the Schedule to this Order; and
- (b) Any external eDisclosure or litigation support provider (including providers of printing services) engaged by any of the Parties in connection with these proceedings to provide eDisclosure or similar services in support of those persons identified in paragraphs 2(c)(i) and 2(c)(ii) above, who may have access to the Confidential Information as a necessary consequence of the provision of

their services, and whose identity is notified in writing to the other parties in advance, provided that such provider has been informed of the confidential nature of the Confidential Information and the terms of Part B of the Schedule to this Order.

4. All 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 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 pleadings and documents shall be disclosed only to the External 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.
5. If any party wishes to add any additional person as an External Adviser for the purposes of paragraph 2(c) 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 parties); or
  - (b) apply to the Tribunal for an order authorising the admission of that individual to the Confidentiality Ring.
6. If any party wishes one of its External Advisers to be removed from the Confidentiality Ring, they shall inform the Tribunal in writing (copying the representatives of the other parties).
7. When an External 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.

8. 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.
9. Costs be reserved.
10. There be liberty to apply.

**Hodge Malek KC**  
Chair of the Competition Appeal Tribunal

Made: 24 March 2023  
Drawn: 30 March 2023

## **SCHEDULE**

### **PART A**

This part contains the names, for each party, of External Advisers for the purposes of paragraph 2(c) of this Order:

#### **C r lia Group Holding SAS**

##### *Counsel*

Brian Kennelly KC

Alison Berridge

##### *Solicitors*

Boris Bronfentrinker

Elaine Whiteford

Philipp Girardet

Rahul Saha

Eduardo Fernandez

Alaric Green Adele Behles

Addiped Cheng

Ellie Byrne

Oliwia Siutkowska

Jan De Corte

Delyth Thomas

##### *Frontier Economics*

Rachel Webster

James Baker

Chiara Riviera

*Turl Advisory*

Andrea Gomes da Silva

**Competition and Markets Authority**

*Counsel*

Robert Palmer KC

Michael Armitage

**PART B**  
**Undertaking**

In respect of any Confidential Information disclosed to them pursuant to this Order, each External 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:

11. I have read a copy of the Tribunal's Order of 24 March 2023 ("the Tribunal's Order") and understand the implications of that Order and the giving of this undertaking.
12. 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 will not disclose the Confidential Information (as defined in the Tribunal's Order) to any person who is not an External Adviser (as defined in the Tribunal's Order) without the express consent of the party originally disclosing the Confidential Information ("the Disclosing Party") or the permission of the Tribunal.
13. 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.
14. The pleadings and documents containing the Confidential Information will remain in my custody, the custody of another External Adviser, or a CMA employee and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
15. The production by me of further copies of the documents containing the Confidential Information shall be limited to those strictly required for the use of the External Advisers for the purpose of these proceedings and shall be held in accordance with paragraph 4 of this undertaking.
16. Any and all copies and the pleadings and documents in paper form containing the Confidential Information will be returned to the Disclosing Party, or destroyed by the

receiving party at the conclusion of the present proceedings; and copies of the pleadings and the 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.

17. Save that none of the requirements listed above shall prevent External Advisers from disclosing to a person advised by them Confidential Information which such person has already legitimately seen.
18. Save that none of the requirements listed above shall prevent External Advisers from:
  - (a) Disclosing to a person advised by them Confidential Information which such person has already legitimately seen,
  - (b) Taking any action which has been authorised in writing by the relevant Disclosing Party, or
  - (c) Complying with any regulatory requirement in relation to their profession (or individual or firm professional indemnity insurance requirement or practice, provided that relevant documents containing Confidential Information are always retained securely and only disclosed with the consent of the CMA on terms respecting the confidentiality of the information contained therein) or that they are required to take by any applicable law or by a court of competent jurisdiction.

Signed:

Name: [NAME]

[LEGAL QUALIFICATION / ROLE / JOB TITLE]

[FIRM / COMPANY / ESTABLISHMENT]

Date: [DATE]