



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1740/12/13/25

BETWEEN:

BRISTOL AIRPORT LIMITED

Appellant

- v -

WELSH MINISTERS

Respondent

ORDER (CONFIDENTIALITY RING)

UPON reading the Notice of Appeal pursuant to section 70 of the Subsidy Control Act filed by the Appellant on 20 June 2025

AND UPON the parties agreeing that it is appropriate to establish a confidentiality ring to protect certain commercially sensitive and confidential material

IT IS ORDERED THAT:

1. This Order becomes effective in respect of each of the person named in Part A of the Schedule to this Order (including persons subsequently admitted to the Confidentiality Ring pursuant to paragraph 5 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 CRO Members 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 (i) over which confidential treatment has been claimed and (ii) justifying confidential treatment by the Tribunal in accordance with Rule 101 of the Tribunal Rules 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) **“CRO Members”** 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 ring in accordance with paragraph 5 below and who have given a signed undertaking to the Tribunal in the terms of Part B of the Schedule to this Order or on such other terms as the parties may agree or the Tribunal may Order.
 - (d) **“Party”** or **“Parties”** means a party to these proceedings.
 - (e) **“Disclosing Party”** means a party to these proceedings disclosing Confidential Information.
 - (f) **“Receiving Party”** means a party to these proceedings to which Confidential Information is disclosed.
3. Nothing in this Order shall prohibit any CRO Member from disclosing Confidential Information, as reasonably required, to any necessary in-house secretarial, administration, IT and other support colleagues under the direction or supervision of a CRO Member, provided that it is done on a confidential basis and in line with the obligations set out in Part B of the Schedule to this Order.

4. All pleadings and other documents served in these proceedings must be marked to indicate the parts in relation to which confidential treatment is claimed, in the manner similar to that 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 CRO Members 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 CRO Member 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; or
 - (b) apply to the Tribunal for an order authorising the admission of that individual to the Confidentiality Ring.
6. A party receiving a request for consent to the admission of an individual to the Confidentiality Ring pursuant to paragraph 5 shall confirm whether it is willing to consent within 2 working days, such consent not to be unreasonably withheld or delayed.
7. If a party does not consent to the admission of an individual to the Confidentiality Ring pursuant to a request pursuant to paragraph 5, the party requesting will have liberty to write to the Tribunal requesting a ruling on whether the individual should be added. Upon such an application to the Tribunal, the parties shall file and serve short written submissions of not more than 6 pages to the Tribunal explaining their positions and shall take all reasonable steps to co-operate to facilitate the Tribunal determining the dispute as quickly as possible. The Tribunal will provide a written ruling on the application.

8. If any Party wishes one of its CRO Members to be removed from the Confidentiality Ring, they shall inform the Tribunal in writing (copying the representatives of the other Parties).
9. When a CRO Member is admitted to or removed from the Confidentiality Ring, the relevant Party will provide to the Tribunal (and circulate to the Parties at the same time) an up-to-date list of the persons in Part A of the Schedule to this Order.
10. If a Receiving Party wishes to challenge the inclusion of documentation within the confidentiality ring, they shall in the first instance write to the Disclosing Party requesting the removal of the document or documents from the Confidentiality Ring, providing with the written request an explanation as to why they believe it should not be included in the Confidentiality Ring and/or should be released.
11. A Disclosing Party receiving a request for the release of documentation from the Confidentiality Ring pursuant to paragraph 10 shall confirm whether it is willing to consent within 2 working days, such consent not to be unreasonably withheld or delayed.
12. If the Disclosing Party does not consent to the removal of a document from the Confidentiality Ring, the Receiving Party will have liberty to write to the Tribunal requesting a ruling on whether the documentation should be released from the Confidentiality Ring. Upon such an application to the Tribunal, the parties shall file and serve short written submissions of not more than 6 pages, to the Tribunal explaining their positions and shall take all reasonable steps to co-operate to facilitate the Tribunal determining the dispute as quickly as possible. The Tribunal will provide a written ruling on the application.
13. 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.
14. Costs in the Case.

Mr Ben Tidswell

Chair of the Competition Appeal Tribunal

Made: 18 July 2025

Drawn: 18 July 2025

SCHEDULE

PART A

List of CRO Members

For the Appellant:

Ewan West KC	Monckton Chambers
Aqeel Kadri, Partner	Osborne Clarke LLP
Marc Shrimpling, Partner	Osborne Clarke LLP
James Harnett, Trainee Solicitor	Osborne Clarke LLP

For the Respondent:

TBC

SCHEDULE

PART B

FORM OF UNDERTAKING

Case 1740/12/13/25 Bristol Airport Limited v Welsh Ministers

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

- i. I have read a copy of the draft confidentiality ring Order which the Tribunal is to be asked to approve (“the Order”) and understand the implications of that Order and the giving of this undertaking. Save in respect of provision to the Tribunal, I will only disclose the Confidential Information in accordance with the terms of the Order and will not disclose the Confidential Information (as defined in the Order) to any person who is not a CRO Member (as defined in the Order) without the express written consent of the Disclosing Party or the permission of the Tribunal. Where Confidential Information is disclosed under paragraph 3 of the Order, I will abide by the terms set out in that paragraph.
- ii. I will use the Confidential Information only for the purpose of these proceedings and not for the purpose of any 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.
- iii. The pleadings and documents containing the Confidential Information will remain in my custody or the custody of another CRO Member at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
- iv. 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 CRO Members for the purpose of these proceedings and shall be held in accordance with paragraph iii of this undertaking.
- v. Unless required to be retained for regulatory, legal or insurance requirements, I will either destroy or return to the Disclosing Party all copies of the pleadings and

documents in paper form containing the Confidential Information at the conclusion of the present proceedings; 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.

Signed:

Name: [NAME]

[JOB TITLE]

[ORGANISATION]

Date: