



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1639/7/7/24

BETWEEN

BULK MAIL CLAIM LIMITED

Class Representative

- v -

INTERNATIONAL DISTRIBUTION SERVICES PLC
(formerly ROYAL MAIL PLC)

Defendant

- and -

PostNL N.V.

Third Party

CONSENT ORDER

UPON the terms of this Order having been agreed between the Class Representative, the Defendant and PostNL N.V. ("**PostNL**");

AND UPON the proceedings in *Whistl UK Limited v International Distributions Services Plc & another* (Case No. 1584/5/7/23(T)) having been withdrawn by the Consent Order of Hodge Malek KC drawn on 21 February 2025 (the "**Whistl Proceedings**");

AND UPON paragraph 5 of the Tribunal's Order in these Proceedings drawn on 8 October 2025 providing that the Defendant shall disclose to the Class Representative documents that PostNL provided to the Defendant (and Whistl) by way of voluntary disclosure in the Whistl Proceedings (the "**PostNL Documents**") by 4pm on the third working day following the date on which this order is made (the "**Disclosure Order**");

AND UPON the Disclosure Order having been made subject to the Tribunal making a further order disapplying the collateral use restrictions that arise under Rule 102 in respect of the PostNL Documents;

AND HAVING REGARD TO the Tribunal's power in rule 102(3) of the Competition Appeal Tribunal Rules 2015, and the Tribunal's general case management powers in rule 53

IT IS ORDERED BY CONSENT THAT:

Use of the PostNL Documents

1. The Class Representative and the Defendant have permission to use the PostNL Documents for the purposes of these Proceedings.
2. The PostNL Documents shall be Inner Confidentiality Ring Information within the meaning, and for the purposes, of the Tribunal's Amended Confidentiality Ring Order in these Proceedings dated 8 October 2025 (as amended from time-to-time) (the "**Bulk Mail CRO**").

Enforcement of the Tribunal Confidentiality Ring Order

3. In the event of any anticipated or actual breach of the Bulk Mail CRO in these Proceedings in relation to any of the PostNL Documents, PostNL may seek to enforce the terms of the Bulk Mail CRO as though they were a Party to that Order.

Amendments to the designation of PostNL Documents

4. Where a party makes a written request to amend the designation of any of the PostNL Documents pursuant to paragraph 5.4 of the Bulk Mail CRO, the following additional provisions apply:
 - 4.1 The requesting party must provide their written request to PostNL.
 - 4.2 PostNL may consent in writing to amend the designation of certain PostNL Documents, with such consent not to be unreasonably withheld and, in any event, a response should be provided within 10 days of having initially received the written request referred to at paragraph 4.1 above.
 - 4.3 Should the consent referred to in paragraph 4.2 above not be obtained, the requesting party may apply to the Tribunal for an order that certain PostNL Documents should be designated as either: (i) Outer Confidentiality Ring Information; or (ii) not confidential (as the requesting party deems appropriate), provided that notice is given of that application to the other party and PostNL.

Proposed provision of PostNL Documents to persons outside the confidentiality rings

5. Where any party makes a written request pursuant to paragraph 6 of the Bulk Mail CRO that:
 - (a) certain PostNL Documents be provided or made available to one or more persons who are neither Inner Confidentiality Ring Members nor Outer Confidentiality Ring Members; and/or
 - (b) certain PostNL Documents be provided or made available to one or more Outer Confidentiality Ring Members,

the following additional provisions apply:

- 5.1 The requesting party must provide their written request to PostNL.
- 5.2 Following receipt of a notice pursuant to paragraph 5.1 above, PostNL shall not unreasonably withhold or delay their consent and if such recipient objects to certain PostNL Documents being provided or made available to the proposed person, they shall notify the requesting party in writing within 10 days that they so object.

- 5.3 If express consent is given by PostNL or it fails to give express consent and fails to give written notice of objection within the 10-day period specified in paragraph 5.2 above:
- (a) the additional person will be required to give the written undertaking to the Tribunal in the terms of Part C or D (as appropriate) of the Schedule to the Bulk Mail CRO, as amended to list the specific documents that are to be provided or made available to them; and
 - (b) the party concerned will provide the written undertaking referred to in paragraph 5.3(a) above to the Tribunal, the other party and PostNL.
- 5.4 If any objection referred to in paragraph 5.3 above is received, the requesting party may apply to the Tribunal and give notice of such application to the other party and PostNL.

Unauthorised disclosure of PostNL Documents

6. In the event of any disclosure of any of the PostNL Documents other than in a manner authorised by this Order and/or the Bulk Mail CRO, including any unintentional or inadvertent disclosure, the improperly disclosing Party shall immediately notify the improper recipient(s) and PostNL of all the pertinent facts, and the improperly disclosing Party shall use its best endeavours to further prevent unauthorised disclosure including retrieving all copies of the PostNL Documents from the improper recipient(s) thereof and securing the agreement of such recipient(s) not to further disseminate the PostNL Documents in any form.

Notices

7. With respect to any notice, consent or objection to be given under or in connection with paragraphs 4, 5 or 6 of this Order (each a “**Notice**” for the purposes of this paragraph), the following additional provisions apply:
- 7.1 Service of a Notice must be effected by email.
- 7.2 Notices shall be addressed as follows:
- (a) Notices for PostNL shall be marked for the attention of:
Email addresses: ewout.de.wit@postnl.nl
 - (b) Notices for the Class Representative and the Defendant shall be addressed in accordance with paragraph 11.3 of the Bulk Mail CRO.

Liberty to apply

8. Liberty to apply to the CAT for further orders, which shall be on notice to the other Parties and PostNL (as applicable).

Hodge Malek KC
Chair of the Competition Appeal Tribunal

Made: 23 October 2025
Drawn: 23 October 2025