



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1746/5/7/25 (T)
1747/5/7/25 (T)
1748/5/7/25 (T)

BETWEEN:

**(1) THE SECRETARY OF STATE FOR HEALTH AND SOCIAL CARE &
ANOTHER**
English Claimants (Case 1746/5/7/25 (T))

(2) THE SCOTTISH MINISTERS & OTHERS
Scottish/NI Claimants (Case 1747/5/7/25 (T))

(3) THE WELSH MINISTERS & OTHERS
Welsh Claimants (Case 1748/5/7/25 (T))

Claimants

- v -

(1) SERVIER LABORATORIES LIMITED

(2) SERVIER RESEARCH AND DEVELOPMENT LIMITED

(3) LES LABORATOIRES SERVIER SAS

(4) SERVIER SAS

Defendants/Rule 39 Claimants

- and -

(1) NICHE GENERICS LIMITED

(2) UNICHEM LABORATORIES LIMITED

(3) MYLAN LABORATORIES LIMITED

(4) VIATRIS INC.

(5) KRKA, TOVARNA ZDRAVIL, D.D. NOVO MESTO

(6) TEVA UK LIMITED

(7) TEVA PHARMACEUTICALS EUROPE B.V.

(8) TEVA PHARMACEUTICALS INDUSTRIES LTD

(9) LUPIN LIMITED

Rule 39 Defendants

CONSENT ORDER

UPON the transfer of these proceedings (High Court Claims HC-2011-000064, HC-2012-000189 and HC-2012-000188) from the High Court to the Competition Appeal Tribunal (“CAT”), with effect from 31st July 2025, pursuant to the Order of Mr Justice Roth dated 9 June 2025

AND UPON the supplemental Consent Order, approved by the High Court on 22 July 2025, under which the provisions of any Confidentiality Order, made by the High Court and in effect prior to the transfer of the proceedings to the CAT, are to continue in effect following transfer, save to the extent revoked or varied by an Order made by the CAT

AND UPON reading the Order of Mr Justice Henderson dated 4 March 2015 (as amended)

AND UPON reading the Order of Mr Justice Henderson dated 12 May 2015 (as amended)

AND UPON reading the Order of Mr Justice Henderson dated 14 March 2016 (as amended)

(collectively, the “**Original Orders**”)

AND UPON pending further consideration by the CAT at the next CMC of the appropriate way to manage disclosed documents as the proceedings go forward in the CAT

AND UPON the Parties (including the Rule 39 Defendants) having agreed in the interim that the Original Orders and amendments to it should be consolidated into a single Order – and so

as also (i) to accommodate the Rule 39 Defendants as parties to that Order, so that the documents covered by the Original Orders are available to them; (ii) to revise certain definitions and provisions in the Original Orders; and (iii) to incorporate revisions to the Claimants' and Defendants' list of Tier 1 and Tier 2 Permitted Recipients

AND HAVING REGARD TO Accord Healthcare Limited ("Accord") and Apotex Europe BV ("Apotex") having been notified of the proposed terms of this Consent Order and having provided their consent to the terms of this Consent Order

IT IS ORDERED BY CONSENT THAT:

1. For the purposes of this Order:

a. "Confidential Information" means:

- i. Documents which the Disclosing Party has disclosed, which have been designated in accordance with paragraph 2 of this Order as containing sensitive and/or confidential information, and any information that is contained within such documents that is so designated, such designations being subject to paragraph 12 of this Order;
- ii. information, contained within such documents as have been disclosed by the Defendants pursuant to paragraph 6 of the Case Management Order of 21 October 2014 which the Defendants have designated as confidential;
- iii. the documents (and all the information contained therein) which have been disclosed by the English Claimants for the purposes of these proceedings prior to the date of this Order which:
 - (a) emanate from the Medicines and Healthcare products Regulatory Agency ("MHRA"); and/or
 - (b) contain pricing data which is not publicly available and derives from the submissions of persons which are not parties to these proceedings; and/or
- iv. such information as the Tribunal may direct be treated as Confidential Information within the terms of this Order.

- b. “The Commission Decision” means the unredacted Commission decision in case COMP/39612 *Perindopril (Servier)*, subject to paragraph 10 of this Order.
 - c. “Disclosing Party” means the Party that disclosed the relevant document or information.
 - d. “Receiving Party” means a Party that received disclosure of the relevant document or information.
 - e. “Interested Party” means a Party (or Accord, or Apotex) whose legitimate business interests could be significantly harmed by disclosure of the relevant document or information and/or who otherwise asserts a claim that a disclosed document should be accorded confidential treatment in whole or part.
 - f. “Professional Advisers” means, in respect of each of the Parties, the legal, economic or other advisers, counsel, consultants or experts engaged in relation to the proceedings, (including without limitation the Parties’ Solicitors).
 - g. “Permitted Recipients” means Tier 1 Permitted Recipients and Tier 2 Permitted Recipients.
 - h. “Tier 1 Permitted Recipients” and “Tier 2 Permitted Recipients” mean those persons:
 - i. identified as such in the Schedule to this Order; or
 - ii. authorised by the Tribunal upon further application.
 - i. “Parties’ Solicitors” means the solicitors acting for each of the Parties and Rule 39 Defendants in these proceedings.
2. The Disclosing Party shall designate a document as containing Confidential Information by clearly identifying such a document as being confidential upon disclosure and, if relevant, on the disclosure list. Further:
- a. Where a Disclosing Party considers that another Interested Party may wish a document (or part thereof) to be accorded confidential treatment, the Disclosing Party shall notify the Interested Party in writing before disclosing the document to any other

Party, stating whether or not the Disclosing Party intends upon disclosure to designate the document as containing Confidential Information.

- b. If a Disclosing Party notifies an Interested Party in writing that it intends to disclose a document to another Party without designating it pursuant to this paragraph as containing confidential information unless the Interested Party requests such designation, and the Interested Party does not respond to that notification within 28 days, objecting either to the disclosure of the document or the intention to disclose the document without designating it as confidential, the Interested Party shall be presumed to have consented to its disclosure without such designation.
 - c. If a Disclosing Party notifies an Interested Party in writing that it intends to disclose a document to another Party without designating it pursuant to this paragraph as containing Confidential Information, or if a document has been disclosed without such designation, the Interested Party may apply to the Tribunal for a direction that the document be treated in part or in whole as containing Confidential Information.
3. In the first instance, only the Professional Advisers and Tier 1 Permitted Recipients shall be provided with copies of, and be permitted to inspect, the Commission Decision and documents comprising or containing Confidential Information.
4. Notwithstanding anything in paragraph 3 of this Order, if in the opinion of any of the Parties' or Rule 39 Defendants' Solicitors it becomes reasonably necessary to do so for the purposes set out in paragraph 7 below, copies and/or any parts of the Commission Decision or documents containing Confidential Information and/or any information derived from the Commission Decision or documents containing Confidential Information may be disclosed to and inspected by any of the Tier 2 Permitted Recipients.
5. No Professional Adviser or Permitted Recipient or person so enabled by the provisions of paragraph 13 below shall be provided with copies of the Commission Decision or information derived therefrom, or documents containing Confidential Information or information derived therefrom or be permitted to inspect the Commission Decision or documents containing Confidential Information, until that Professional Adviser or Permitted Recipient has been provided with a copy of this Order.

6. The Professional Advisers and Permitted Recipients shall keep the Commission Decision or Confidential Information which is not otherwise known to the Professional Advisers and/or Permitted Recipients in strict confidence and not disclose it to any person who is not a Professional Adviser or Permitted Recipient, without the written consent of the Defendants in respect of Confidential Information as defined in paragraph 1(a)(ii) above or the English Claimants in respect of Confidential Information as defined in paragraph 1(a)(iii) above, save to the extent that they are required to do so pursuant to any applicable law or regulation or any order of a Court of competent jurisdiction.
7. The Professional Advisers and Permitted Recipients shall use the Commission Decision or Confidential Information as defined in paragraph 1(a)(i) above only for the purpose of these proceedings or for the purposes of issuing new proceedings for the application of Article 101 and/or Article 102 of the Treaty on the Functioning of the European Union arising out of the subject matter of these proceedings (and for no other proceedings or use). The Professional Advisers and Permitted Recipients shall use the Confidential Information as defined in paragraph 1(a)(ii) – (iv) above only for the purpose of these proceedings (and for no other proceedings or use).
8. The production of further copies by Professional Advisers and Permitted Recipients of the Commission Decision or documents containing the Confidential Information shall be limited to those reasonably required for the use of Professional Advisers and Permitted Recipients for the purposes of the proceedings in paragraph 7 above.
9. At the conclusion of these proceedings, or, if earlier, at the date on which a Professional Adviser or Permitted Recipient ceases to be involved in the proceedings, the Professional Adviser(s) and Permitted Recipient(s) shall destroy all hard copies of the Commission Decision and documents containing Confidential Information held by them, and shall delete or render inaccessible all electronic copies (save that Professional Advisers shall not be required to delete such electronic copies as are retained in email records or on back-up tapes).
10. This Order shall not apply to the extent that the Commission Decision, or parts of it, or documents containing the Confidential Information are already in the public domain or come into the public domain other than by a breach of this Order.

11. If any Party wishes to add any additional person as a Permitted Recipient for the purposes of paragraphs 3 and 4 above, they shall notify the other Parties, as well as Apotex and Accord, of the identity of that person and either:

- i. obtain written consent (such consent not to be unreasonably withheld or delayed) from them to the addition of that person as a Permitted Recipient (such consent to be presumed in the absence of a response from the solicitors acting for a Party, or Apotex, or Accord, within 28 days of the date of the notification); or
- ii. apply to the Tribunal in the event that one or more of the other Parties, or Apotex, or Accord, objects to any additional person as a Permitted Recipient.

12. If, following disclosure, any Party considers that a document marked as containing Confidential Information by the Disclosing Party (whether on their own behalf or on behalf of an Interested Party) should not in fact be subject to the confidentiality obligations imposed by this Order, they shall notify the Disclosing Party and any relevant Interested Party in writing of the identity of that document. If the Disclosing Party considers that another Interested Party may assert a claim to confidential treatment in respect of the document but has not been notified, the Disclosing Party shall notify that Interested Party in writing of the identity of the document. The Party or Parties so notified shall provide an explanation as soon as reasonably practicable as to why the document contains Confidential Information and in any event within 28 days of receipt of the relevant notification (or such other time as the notifying and notified Parties may agree) of why it has done so. Thereafter, either:

- a. the Disclosing Party and any relevant Interested Parties shall agree to that document not being treated as containing Confidential Information (such consent not to be unreasonably withheld or delayed); or
- b. the Disclosing Party and any relevant Interested Parties shall agree to a redacted version of the document not being treated as containing Confidential Information; or
- c. in the event that the Disclosing Party and/or any relevant Interested Parties indicate that it does not agree to either paragraph (a) or (b) above, any other Party may apply to the Tribunal as soon as reasonably practicable and in any event within 28 days of

the relevant explanation being provided pursuant to paragraph 12 above (or such other time as the Disclosing/Interested and Receiving Parties may agree) in order to determine whether such document should be treated as containing Confidential Information, failing which the document shall continue to be treated as containing Confidential Information.

13. If any Party wishes to show (provide access to, provide copies of, or permit to be inspected) particular parts of the Commission Decision, but not the entirety of that Decision, or particular Confidential Information within the Decision, to a person who is not a Professional Adviser or Permitted Recipient they shall notify:
 - a. the Disclosing Party, as well as any relevant Interested Party, of the identity of that person; the particular part of the Commission Decision or Confidential Information; and the reason why they need to show that information to them, and either;
 - i. obtain written consent (such consent not to be unreasonably withheld or delayed) from the Disclosing or Interested Party (such consent to be presumed in the absence of a response from the solicitors acting for a Party or Rule 39 Defendant, or Apotex, or Accord, within 28 days of the date of the request); or
 - ii. apply to the Tribunal in the event that the Disclosing or Interested Parties objects;
14. Pursuant to paragraphs 5 and 13 of this Order, where a person who is not a Professional Adviser or Permitted Recipient is shown particular parts of the Commission Decision or particular Confidential Information, that person shall be bound by the obligations in this Order in the same way as the Professional Advisers and Permitted Recipients.
15. The Parties shall each maintain a list of their respective individual Professional Advisers, and persons enabled by the provisions of paragraph 13 to whom the Commission Decision or documents containing Confidential Information has been disclosed and, if ordered to do so by the Tribunal, shall disclose that list to the Tribunal and/or to any Party and/or to such other persons as the Tribunal may require.

16. Nothing in this Order shall restrict the Defendants' use of Confidential Information originating from the Defendants' file at the MHRA. Likewise, nothing in this Order shall restrict the Rule 39 Defendants' use of Confidential Information originating from their files at the MHRA.

17. Nothing in this Order shall prevent or prohibit a Party or a Professional Adviser or a Permitted Recipient from taking any action in relation to:

- a. the Commission Decision which is authorised by Order of the Tribunal or required by law;
- b. the documents containing the Confidential Information as defined in paragraph 1(a)(ii) above which:
 - i. have been authorised in writing by the Defendants or Rule 39 Defendants; or
 - ii. is required by law.
- c. the documents containing the Confidential Information as defined in paragraph 1(a)(iii) above which:
 - i. it would otherwise be permitted to take in the normal course of the operation of the MHRA; or dealing with the MHRA, as a national regulatory authority; or
 - ii. have been authorised in writing by the English Claimants (or where Apotex or Accord is a Disclosing or Interested Party, where authorisation in writing has been obtained from them); or
 - iii. is required by law.

18. Costs of this Order shall in each case be costs in the case.

19. The Parties shall have liberty to apply.

The Honourable Mr Justice Meade
Chair of the Competition Appeal Tribunal

Made: 8 October 2025
Drawn: 8 October 2025

SCHEDULE

The English Claimants

The following individuals identified by their name or position

Tier 2 Permitted Recipients

1. The Secretary of State for Health and Social Care
2. Minister of State at the Department of Health and Social Care
3. Parliamentary Under Secretary of State for Health
4. Parliamentary Under Secretary of State for Health (Lords)
5. Permanent Secretary of the Department of Health and Social Care
6. Second Permanent Secretary of the Department of Health and Social Care
7. Director General of Finance and Group Operations at the Department of Health and Social Care
8. Director of Finance and Group Operations at the Department of Health and Social Care
9. Chris Atkinson, Digital Forensics Lead
10. Andrew Dos Santos, Senior Digital Forensic Investigator
11. Robert Spoor, Senior Digital Forensic Investigator

Tier 1 Permitted Recipients

1. Sean Byrne, Deputy Director, Department of Health and Social Care Anti-Fraud Unit
2. Patrick Nolan, Investigation Manager, Department of Health and Social Care Anti-Fraud Unit
3. Man Yiu Wong, Senior Fraud Investigator, Department of Health and Social Care Anti-Fraud Unit
4. Julian Hayward, Senior Fraud Investigator, Department of Health and Social Care Anti-Fraud Unit
5. Guendolyn Jones, Senior Fraud Investigator, Department of Health and Social Care Anti-Fraud Unit
6. Alexandra Horton, Counter Fraud Policy Officer, Department of Health and Social Care Anti-Fraud Unit
7. Cameron Rowe, Investigation Support Officer, Department of Health and Social Care Anti-Fraud Unit

The Welsh Claimants

Tier 2 Permitted Recipients

1. Cabinet Secretary for Health, Social Care and Early Years Group
2. Dr Andrew Goodall (Permanent Secretary of the Welsh Government)
3. Jacqueline Totterdell (Director General for Health, Social Care and Early Years Group and NHS Wales Chief Executive)
4. Hywel Jones (Director of Finance for, Health, Social Care and Early Years Group)

Tier 1 Permitted Recipients

1. Counsel General for Wales and Minister for Delivery
2. Nia James (Director of Legal Services)
3. Phil Elkin (Deputy Director for Legal Services)
4. Mari Williams (Senior Lawyer in Legal Services)
5. Andrea Hughes (Head of NHS Financial Management, Health, Social Care and Early Years Group)
6. Matthew Denham-Jones (Deputy Director – Finance, Health, Social Care and Early Years Group)
7. Andrew Evans (Chief Pharmaceutical Officer)

The Scottish Claimants

Tier 2 Permitted Recipients

Scottish Government (advisers to the Scottish Ministers)

1. Neil Gray (Cabinet Secretary for Health and Social Care)

Tier 1 Permitted Recipients

In-house Counsel for Scotland

1. Michael Stewart (Head of Litigation, Central Legal Office NHS NSS)

Scottish Government (advisers to the Scottish Ministers)

2. Fiona Bennett (Director for Health Finance, Scottish Government Health Directorates)
3. Rowena Roche (Health Finance Policy Lead, Directorate of Health Finance)
4. Bryan Lamb (Head of Pharmacy Policy, Scottish Government)
5. Stuart McTaggart (Principal Pharmacist– Public Health Scotland)
6. Alison Strath (Chief Pharmaceutical Officer, Scottish Government)

The Northern Irish Claimants

Tier 2 Permitted Recipients

Department of Health (NI)

1. Peter May (Permanent Secretary)
2. Brigitte Worth (Director of Finance)
3. Chris Matthews (Deputy Secretary, Resources & Performance Management Group)
4. Mike Nesbitt (Minister of Health)

Tier 1 Permitted Recipients

Department of Health (NI)

1. Kathryn Turner (Head of Pharmaceutical Services)

2. Cathy Harrison (Chief Pharmaceutical Officer)
3. Bernie Duffy (Head of Medicines Policy Branch)
4. Edward Murphy (Deputy Principal, Medicines Policy Branch)
5. Veranne Lynch (Drug Tariff Co-Ordinator)

Business Services Organisation

6. June Turkington (Chief Legal Adviser, Directorate of Legal Services)
7. Claire McGoldrick (Solicitor Consultant, Directorate of Legal Services)

Departmental Solicitor's Office

8. Nicola McAlister (Legal Advisor)

The Defendants

Tier 2 Permitted Recipients

1. Paula Valencia (General Manager UK & Ireland – Servier Laboratories Limited)
2. Patrick Lenoir (Operations - Les Laboratoires Servier)

Tier 1 Permitted Recipients

1. Gabrielle Rostand (Legal - Les Laboratoires Servier)
2. Damien Catoir (Executive Vice President General Counsel and Corporate Secretary, Les Laboratoires Servier)
3. Benoit Chéron (Head of Legal, Les Laboratoires Servier)
4. Aurelie Bonneau (Head of Litigation, Les Laboratoires Servier)
5. Maryse Phan (Regulatory Affairs (API) – Oril Industrie)
6. Elsa Foucher-Valognes (Quality Director – Oril Industrie)
7. Gustavo Marco (Head of Regulatory CMC)
8. Alexandra Pearce (Head, Worldwide Regulatory Affairs - Les Laboratoires Servier)
9. Stefan Mueller (Global Head of Non-Clinical Safety - Les Laboratoires Servier)

The Rule 39 Defendants

Niche Generics Limited

Tier 1 Permitted Recipients

1. Gerard Cole, Managing Director
2. Chris Moss, Director

Unichem Laboratories Limited

Tier 1 Permitted Recipients

1. Pradeep Bhandari, Head of Legal and Company Secretary

Mylan Laboratories Limited and Viatris Inc.

Tier 2 Permitted Recipients

1. Douglas Miner, General Counsel (North America)
2. Sheela Vadavalli, General Counsel (India and Emerging Markets)

Tier 1 Permitted Recipients

1. Mark Ferguson, General Counsel (Europe)
2. Veronique Lanoë, Strategic Legal Counsel
3. Deshni Naidoo, Senior Litigation Counsel
4. Gemma Adams, Associate Litigation Counsel

Krka, tovarna zdravil, d.d., Novo mesto

Tier 2 Permitted Recipients

1. Jože Colarič, President of the Management Board and CEO
2. Boštjan Korošec, Sales Director of Region West Europe
3. Marko Pavsek, Assistant Director of Region West Europe
4. Dr. Aleš Rotar, Member of the Management Board and Director of Pharmaceutical R&D and Production

Tier 1 Permitted Recipients

1. Borut Lekše, Deputy Chief Executive and Head of Legal Department
2. Luka Šuln, Legal Counsel
3. Uroš Novoselič, Legal Counsel

Teva UK Limited, Teva Pharmaceuticals Europe B.V. and Teva Pharmaceuticals Industries Limited

Tier 1 Permitted Recipients

1. Daniel Forchheimer, Senior Director, Complex Commercial & IP Litigation
2. Jose Solis Garcia, General Counsel Spain & Portugal
3. Brian Savage, SVP and General Counsel, Global Litigation
4. Vanessa Kitching, GC UK & Lead GC SE, Benelux and Nordics
5. Richard Daniell, Executive Vice President, European Commercial
6. Adrian Andrews, Senior Director Regulatory Affairs

Lupin Limited

Tier 1 Permitted Recipients

1. Dr. Sofia Mumtaz, President, Legal and Compliance, ANZ, Japan, Canada
2. Dr. Himanshu Godbole, Head IPMG, Senior Vice President
3. Mr. Pavan Kumar Vitta, Director