



IN THE COMPETITION
APPEAL TRIBUNAL

Case No.: 1216/4/8/13

B E T W E E N

GROUPE EUROTUNNEL S.A.

Applicant

-v-

COMPETITION COMMISSION

Respondent

- and -

THE SOCIÉTÉ COOPÉRATIVE DE PRODUCTION SEA FRANCE S.A.
DFDS A/S

Interveners

ORDER

UPON considering paragraph 4 of the Order of the Chairman made on 24 June 2013 (the “CMC Order”), as amended by the Orders of the Chairman made on 28 June 2013 and 2 July 2013 (the “Amendment Orders”), requiring the Respondent to disclose to members of a confidentiality ring and file with the Tribunal by 5pm on 3 July 2013 the confidential version of the decision made by the Competition Commission (the “Commission”) dated 6 June 2013 (the “Decision”)

AND UPON considering the redactions set out in the Amendment Orders, which are to be made to the Decision prior to disclosure

AND UPON considering the objections to certain parts of the confidential Decision being disclosed pursuant to paragraph 4 of the CMC Order received by the Tribunal on 27 June 2013, 28 June 2013, 2 July 2013 and 3 July 2013

AND UPON being notified by the Commission that certain parts of the Decision, which were redacted in the publically available non-confidential version, were not shown those third parties whose confidential information was contained in the Decision (the “Undisclosed Text”)

AND UPON being notified by the Commission that the Undisclosed Text contains information which is required to be redacted elsewhere in the Decision pursuant to the Amendment Orders

AND HAVING REGARD TO the right of any party to apply for the redactions to be removed from the Decision as disclosed by the Respondent

IT IS ORDERED THAT:

1. Paragraph 4 of the CMC Order (as amended by the Amendment Orders) be varied to permit the Respondent to redact information contained in the Undisclosed Text, where that information is required to be redacted elsewhere in the Decision pursuant to the Amendment Orders, prior to giving disclosure pursuant to the aforementioned paragraph.
2. For each redaction made to the version of the Decision disclosed pursuant to paragraph 4 of the CMC Order (as amended), the Respondent identify who requested that the redaction be made, save where their identity is itself confidential.
3. Paragraph 4 of the CMC Order (as amended) be further varied to extend the deadline for the Respondent to give disclosure to 5pm on 5 July 2013.
4. There be liberty to apply.

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 3 July 2013
Drawn: 3 July 2013