



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No. 1340/5/7/20 (T)
Case No. 1341/5/7/20 (T)

B E T W E E N:

Case No. 1340/5/7/20 (T)

NATIONAL GRID ELECTRICITY TRANSMISSION PLC

Claimant

- and -

~~(1-9) ABB LTD & ORS~~
~~(10-14) NKT HOLDING A/S & ORS~~
~~(15-19) PRYSMIAN S.P.A & ORS~~
~~(20) SAFRAN SA~~

Defendants

- and -

(1) BRUGG KABEL AG
(2) KABELWERKE BRUGG AG HOLDING
(3) SILEC CABLE SAS
(4) GENERAL CABLE CORPORATION
(5) NEXANS FRANCE SAS
(6) NEXANS SA

Third Parties

- and -

(1) PIRELLI & C. S.P.A.
(2) THE GOLDMAN SACHS GROUP, INC.

Fourth Parties

AND BETWEEN:

Case No. 1341/5/7/20 (T)

SP POWER SYSTEMS LIMITED & OTHERS

Claimants

- and -

~~(1-5) NKT HOLDING A/S & ORS~~

~~(6-10) PRYSMIAN S.P.A & ORS~~

~~(11-17) ABB LTD & ORS~~

Defendants

- and -

(1) BRUGG KABEL AG

(2) KABELWERKE BRUGG AG HOLDING

(3) SILEC CABLE SAS

(4) GENERAL CABLE CORPORATION

(5) NEXANS FRANCE SAS

(6) NEXANS SA

Third Parties

- and -

(1) PIRELLI & C. S.P.A.

(2) THE GOLDMAN SACHS GROUP, INC.

Fourth Parties

CONSENT ORDER

UPON the 15th to 19th Defendants to the NGET Proceedings and the 6th to 10th Defendants to the SP Proceedings (together “**Prysmian**”) having commenced the Part 20 Proceedings against the Third Parties and the Fourth Parties on 2 October 2015;

AND UPON the Parties noting in particular the protection for confidential information already afforded by CPR Rule 31.22 / Rule 102 of the Competition Appeal Tribunal Rules 2015, and agreeing to consider carefully which documents (or parts of documents) are actually confidential, and what confidential treatment of those documents is necessary in order to protect legitimate interests;

AND UPON each of the Part 20 Parties having access to the file materials and the Decision from their involvement in the European Commission’s investigation (defined terms as defined below);

AND UPON documents originating from the NGET Proceedings and SP Proceedings containing Confidential Information potentially belonging to more than one of the Claimants, Settled Defendants, and Part 20 Parties who were party to the NGET Proceedings and SP Proceedings (defined terms as defined below);

AND UPON noting the Confidentiality Ring Order of the Chancery Division of the High Court dated 27 October 2016 made in the NGET Proceedings and SP Proceedings, as amended by the Order of Mr Justice Trower on 23 October 2020 in the Competition Appeal Tribunal (the “**NGET and SP Proceedings Confidentiality Ring Order**”);

AND UPON each of the persons named in Part A of the Schedule to this Order giving a written undertaking to the Tribunal in the terms of Part C of the Schedule to this Order prior to receiving any Confidential Information (as defined below);

AND UPON each of the persons named in Part B of the Schedule to this Order giving a written undertaking to the Tribunal in the terms of Part D of the Schedule to this Order prior to receiving any Outer Confidentiality Ring Information (as defined below);

AND UPON the Claimants, Settled Defendants and Part 20 Parties (other than the First Named Fourth Party against whom the Part 20 Proceedings are stayed as at the date of this Order) having agreed to the terms set out below and consented to the making of this Order, and the Claimants and Settled Defendants having consented to the disclosure of documents from the NGET Proceedings and SP Proceedings in the Part 20 Proceedings pursuant to the mechanism in paragraph 5.6 of the NGET and SP Proceedings Confidentiality Ring Order subject to the terms of this Order (terms as defined below),

IT IS ORDERED THAT:

- 1 For the purposes of this Order:
 - 1.1 “**Confidential Information**” means Inner Confidentiality Ring Information and/or Outer Confidentiality Ring Information, as appropriate.
 - 1.2 “**Decision**” means the decision of the European Commission in case AT.39610 – Power Cables, including the version disclosed pursuant to paragraph 3 of the Order of 27 October 2016.
 - 1.3 “**Inner Confidentiality Ring Information**” means documents disclosed in these proceedings, including any part of those documents and any information contained within those documents which:
 - 1.3.1 the disclosing party has designated as Inner Confidentiality Ring Information in accordance with paragraph 7 of this Order; or
 - 1.3.2 are designated as Inner Confidentiality Ring Information by the Tribunal.

- 1.4 **"Outer Confidentiality Ring Information"** means a document or documents disclosed in these proceedings, including any part of those documents and any information contained within the documents, which
- 1.4.1 the disclosing party has designated as Outer Confidentiality Ring Information in accordance with paragraph 7 below; or
 - 1.4.2 are designated as Outer Confidentiality Ring Information by the Tribunal.
- 1.5 **"Confidentiality Ring Members"** means Inner Confidentiality Ring Members and Outer Confidentiality Ring Members;
- 1.6 **"Inner Confidentiality Ring Members"** are those persons (including but not limited to external advisers, trainee solicitors or paralegals, secretarial and other support personnel, engaged by one of the Part 20 Parties in connection with the Part 20 Proceedings) listed in Part A of the Schedule to this Order, as amended from time to time in accordance with the provisions of paragraph 4 below or an order of the Tribunal, who have given a signed undertaking to the Tribunal in the terms of Part C of the Schedule to this Order;
- 1.7 **"Outer Confidentiality Ring Members"** are those persons listed in Part B of the Schedule to this Order, as amended from time to time in accordance the provisions of paragraph 4 below, who are (unless otherwise described) in-house lawyers at the Part 20 Parties or limited named non-legal employees of the Part 20 Parties whose involvement is necessary for the conduct of the Part 20 Proceedings, and who have given a signed undertaking to the Tribunal in the terms of Part D of the Schedule to this Order and who only have access to the Outer Confidentiality Ring Information which has been identified pursuant to paragraph 7 below;
- 1.8 **"Third Party Addressee"** means a person who was an addressee of the Decision but who is not a party to the main NGET Proceedings or SP Proceedings, or the Part 20 Proceedings, and from whom the European Commission obtained confidential information for the purpose of its investigation;
- 1.9 **"NGET Proceedings"** means the claim issued by National Grid Electricity Transmission Plc on 26 January 2015 in the English High Court Chancery Division under Claim No. HC-2015-000269, which was subsequently transferred to the Tribunal by Order of the Chancellor of the High Court dated 28 February 2020 and assigned Case No 1340/5/7/20 (T);
- 1.10 **"SP Proceedings"** means the claim issued by SP Power Systems Limited and Others on 27 January 2015 in the English High Court Chancery Division under Claim No. HC-2015-000275, which was subsequently transferred to the Tribunal by Order of the Chancellor of the High Court dated 28 February 2020 and assigned Case No 1341/5/7/20 (T);
- 1.11 **"these proceedings"** or the **"Part 20 Proceedings"** means:

- 1.11.1 the contribution proceedings issued in the NGET Proceedings on 2 October 2015 by Prysmian against the Third Parties and the Fourth Parties pursuant to CPR Part 20 (the “**NGET Part 20 Proceedings**”); and
 - 1.11.2 the contribution proceedings issued in the SP Proceedings on 2 October 2015 by Prysmian against the Third Parties and the Fourth Parties pursuant to CPR Part 20 (the “**SP Part 20 Proceedings**”);
 - 1.12 “**Settled Defendant**” means each of the 1st-14th and 20th Defendants in the NGET Proceedings and the 1st-5th and 11th-17th Defendants in the SP Proceedings, and “**Settled Defendants**” means all of the 1st-14th and 20th Defendants in the NGET Proceedings and the 1st-5th and 11th-17th Defendants in the SP Proceedings;
 - 1.13 “**Part 20 Party**” means Prysmian or each of the Third Parties or each of the Fourth Parties, and “**Part 20 Parties**” means Prysmian, the Third Parties and the Fourth Parties;
 - 1.14 “**Settlement Documents**” means the settlement agreement dated 29 July 2020 between the Claimants and Prysmian in the SP Proceedings and the deed of settlement dated 10 November 2020 between the Claimant and Prysmian in the NGET Proceedings, and such other documents that relate to Prysmian’s settlement of the NGET Proceedings and SP Proceedings.
- 2 When Inner Confidentiality Ring Information is disclosed in the context of these proceedings, it is to be provided or made available solely to the Inner Confidentiality Ring Members, to be held by them on the terms set out in Part C of the Schedule to this Order, subject to the following paragraphs of this Order.
- 3 When Outer Confidentiality Ring Information is disclosed in the context of these proceedings, it is to be provided or made available to Confidentiality Ring Members, to be held by them on the terms set out in:
 - 3.1 if the individual is also an Inner Confidentiality Ring Member, Part C of the Schedule to this Order, subject to the following paragraphs of this Order;
 - 3.2 if the individual is not also an Inner Confidentiality Ring Member, Part D of the Schedule to this Order, subject to the following paragraphs of this Order.
- 4 If a Part 20 Party (the “**Proposing Party**”) wishes to add an additional person as an Inner Confidentiality Ring Member or as an Outer Confidentiality Ring Member in the Part 20 Proceedings:
 - 4.1 it shall notify the other Part 20 Parties in writing accordingly who may consent in writing, with such consent not to be unreasonably withheld;
 - 4.2 if any Part 20 Party objects to the proposed addition to the Inner Confidentiality Ring Members or the Outer Confidentiality Ring Members (as applicable), they shall notify the Proposing Party in writing within 7 days that they so object, giving reasons;

4.3 on the sooner of consent being provided in accordance with paragraph 4.1 above and/or no such objections being received under paragraph 4.2 above:

4.3.1 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 this Order; and

4.3.2 the Part 20 Party concerned will provide the written undertaking referred to in paragraph 4.3.1 above and an amended version of Part A or B (as appropriate) of the Schedule to this Order to the Tribunal and the other Part 20 Parties;

at which point the additional person will become an Inner Confidentiality Ring Member or an Outer Confidentiality Ring Member (as appropriate).

4.4 if any objection referred to in paragraph 4.2 above is received, the Proposing Party may apply to the Tribunal and give notice of such application to the other Part 20 Parties.

5 In addition to the steps set out in paragraph 4 above, if a Part 20 Party (the “**Proposing Party**”) wishes to add an additional person who is in the employment of a Part 20 Party as an Inner Confidentiality Ring Member in the Part 20 Proceedings:

5.1 it shall notify the Claimants and Settled Defendants in writing accordingly who may consent in writing, with such consent not to be unreasonably withheld;

5.2 if any of the Claimants or Settled Defendants object to the proposed addition to the Inner Confidentiality Ring Members, they shall notify the Proposing Party in writing within 7 days that they so object, giving reasons;

5.3 on the sooner of consent being provided in accordance with paragraph 5.1 above and/or no such objections being received under paragraph 5.2 above:

5.3.1 the additional person will be required to give the written undertaking to the Tribunal in the terms of Part C of the Schedule to this Order; and

5.3.2 the Part 20 Party concerned will provide the written undertaking referred to in paragraph 5.3.1 above and an amended version of Part A of the Schedule to this Order to the Claimants and Settled Defendants (as well as the Tribunal and the other Part 20 Parties as required by paragraph 4.3.2 above);

at which point the additional person will become an Inner Confidentiality Ring Member;

5.4 if any objection referred to in paragraph 5.2 above is received, the Proposing Party may apply to the Tribunal and give notice of such application to the other Part 20 Parties, Claimants and Settled Defendants.

6 Where a document (or part thereof) was designated as containing Confidential Information in the NGET Proceedings or SP Proceedings pursuant to the NGET

and SP Proceedings Confidentiality Ring Order, it will be designated with the same (or an equivalent) designation when disclosed in the Part 20 Proceedings. The disclosing party in the Part 20 Proceedings will clearly identify to the other Part 20 Parties (at the time of disclosure) the Claimants and/or Settled Defendants from whom the document containing Confidential Information originated.

- 7 This paragraph 7 does not apply to the Settlement Documents. In relation to the designation of Confidential Information in the Part 20 Proceedings:
 - 7.1 Without prejudice to paragraph 6 of this Order, a Part 20 Party disclosing a document in connection with the Part 20 Proceedings may designate that the document is: (a) Inner Confidentiality Ring Information; (b) Outer Confidentiality Ring Information; or (c) not confidential.
 - 7.2 Designation of a document as Inner Confidentiality Ring Information or Outer Confidentiality Ring Information must be made in writing to the Part 20 Parties receiving the disclosure. Within 7 days of the date of disclosure the Part 20 Party providing the disclosure must, either in respect of each document or, if appropriate, in respect of categories of documents, set out a sufficient explanation to enable any opposing Part 20 Party to understand the confidentiality that has been claimed and to challenge the confidential treatment of that information.
 - 7.3 A designation of not confidential means that the document is not Inner Confidentiality Ring Information or Outer Confidentiality Ring Information.
 - 7.4 Without prejudice to paragraph 6 of this Order, failure to provide a designation for a document at the time the document is disclosed shall be deemed to be a designation that the document in question is not confidential.
 - 7.5 A Part 20 Party receiving disclosure of documents in these proceedings may request that the designation of a document be amended (including amendment to a designation of not confidential).
 - 7.6 For the purpose of paragraph 7.5 above, where a document originates from a Part 20 Party:
 - 7.6.1 the requesting Part 20 Party must provide a written request to the disclosing Part 20 Party (copied to the other Part 20 Parties) specifying the following:
 - (i) the relevant Confidential Information;
 - (ii) the designation the requesting Part 20 Party believes is appropriate; and
 - (iii) why it is reasonable and necessary for the designation of the Confidential Information to be amended;
 - 7.6.2 the disclosing Part 20 Party may consent in writing to amend the designation of the Confidential Information, 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 notice referred to at paragraph 7.6.1 above. If no response is provided within 10 days, consent shall be deemed to have been given; and

7.6.3 should an objection be received within the 10 day period referred to in paragraph 7.6.2 above, the requesting Part 20 Party may apply to the Tribunal for an order that the Confidential Information should be designated as either: (a) Inner Confidentiality Ring Information, (b) Outer Confidentiality Ring Information; or (c) not confidential (as the requesting Part 20 Party deems appropriate), provided that notice is given of that application to the other Part 20 Parties.

7.7 For the purpose of paragraph 7.5 above, where a document (or part thereof) has been designated as containing Confidential Information in the NGET Proceedings and SP Proceedings pursuant to the NGET and SP Proceedings Confidentiality Ring Order, and originates from a Claimant or Settled Defendant (even if it is disclosed in the Part 20 Proceedings by a Part 20 Party):

7.7.1 the requesting Part 20 Party must provide a written request to the Claimant or Settled Defendant from whom the document originates (copied to all of the other Claimants, Settled Defendants and Part 20 Parties, whose legal representatives' contact details are provided at Part E of the Schedule to this Order) specifying the following:

- (i) the relevant Confidential Information;
- (ii) the designation the requesting Part 20 Party believes is appropriate; and
- (iii) why it is reasonable and necessary for the designation of the Confidential Information to be amended;

7.7.2 the Claimant or Settled Defendant from whom the document originates may consent in writing (copied to the other Part 20 Parties, Claimants and Settled Defendants) to amend the designation of the Confidential Information, 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 notice referred to at paragraph 7.7.1 above. If no response is provided within 10 days, consent shall be deemed to have been given;

7.7.3 in addition, any other Claimant or Settled Defendant whose confidential information is contained within a document that does not originate from them may object to the amendment of the designation of the Confidential Information within 10 days of having initially received the written notice referred to at paragraph 7.7.1 above or within 5 days of another Claimant or Settled Defendant providing the written consent referred to at paragraph 7.7.2 above; and

- 7.7.4 should an objection be received within the periods referred to in paragraphs 7.7.2 and 7.7.3 above, the requesting Part 20 Party may apply to the Tribunal for an order that the Confidential Information should be designated as either: (a) Inner Confidentiality Ring Information, (b) Outer Confidentiality Ring Information; or (c) not confidential (as the requesting Part 20 Party deems appropriate), provided that notice is given of that application to the other Claimants, Settled Defendants and Part 20 Parties.
- 7.8 If a Part 20 Party receiving disclosure of a document considers that the document (for the avoidance of doubt, including a part thereof) needs to be shown to a person who is not a Confidentiality Ring Member or a person who is an Outer Confidentiality Ring Member (for a document designated as Inner Confidentiality Ring Information), for the purposes of these proceedings:
- 7.8.1 that Part 20 Party must provide a written request to the disclosing Part 20 Party and, to the extent that the document originates from or contains the Confidential Information of another Part 20 Party, Claimant or Settled Defendant, also copying that Part 20 Party, Claimant or Settled Defendant, setting out the following:
- (i) the document in question;
 - (ii) the person or persons to whom it is proposed that the document should be shown; and
 - (iii) why it is reasonable to show the document to that person or those persons;
- 7.8.2 the Part 20 Party, Claimant or Settled Defendant concerned may agree in writing that the document shall be shown to the additional person or persons concerned, 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 notice referred to at paragraph 7.8.1 above. In the event that no response is given within that period consent shall be deemed to have been given; and
- 7.8.3 should an objection be received within the 10 day period referred to in paragraph 7.8.2 above, the Part 20 Party who considers that the document should be shown to the further person or persons concerned may apply to the Tribunal for an order to that effect, provided that notice is given of that application to the other Part 20 Parties and Claimant or Settled Defendant where a document originating from or containing the Confidential Information of a Claimant or Settled Defendant is concerned.
- 8 Subject to the following paragraphs in this clause, the Settlement Documents disclosed by Prysmian in the Part 20 Proceedings shall be designated as Outer Confidentiality Ring Information.

8.1 If a Part 20 Party receiving the Settlement Documents considers that the Settlement Documents (for the avoidance of doubt, including a part thereof) need to be shown to any other person, for the purposes of the Part 20 Proceedings:

8.1.1 that Part 20 Party must provide a written request to Prysmian and the Claimant in the NGET Proceedings and/or Claimants in the SP Proceedings, setting out the following:

(i) the person or persons to whom it is proposed that the Settlement Documents should be shown; and

(ii) why it is reasonable to show the Settlement Documents to that person or those persons;

8.1.2 Prysmian and the Claimant and/or Claimants concerned may agree in writing that the Settlement Documents shall be shown to the additional person or persons concerned, with such consent not to be unreasonably withheld and, in any event, a response should be provided within 7 days of having initially received the written notice referred to at paragraph 8.1.1 above. In the event that no response is given within that period consent shall be deemed to have been given; and

8.1.3 should an objection be received within the 7 day period referred to in paragraph 8.1.2 above, the Part 20 Party who considers that the Settlement Documents should be shown to the further person or persons concerned may apply to the Tribunal for an order to that effect, provided that notice is given of that application to Prysmian and the Claimant and/or Claimants concerned.

9 In the event of any disclosure of:

9.1 Confidential Information contained in documents originating from the NGET Proceedings and/or SP Proceedings; or

9.2 the Settlement Documents,

other than in a manner authorised by this Order, including any unintentional or inadvertent disclosure, the improperly disclosing Part 20 Party shall comply with paragraph 10 of this Order.

10 In the event of improper disclosure for the purposes of paragraph 9 of this Order:

10.1 lawyers for the improperly disclosing Part 20 Party shall immediately notify the improper recipient(s) and the lawyers for (a) the Claimants or Settled Defendants from whom the Confidential Information originated (in the case of a disclosure falling under paragraph 9.1) or (b) the parties involved in the Settlement Documents (in the case of a disclosure falling under paragraph 9.2) of all pertinent facts; and

- 10.2 the improperly disclosing Part 20 Party shall use its best endeavours to further prevent unauthorised disclosure, including retrieving all copies of the Confidential Information from the improper recipient(s) thereof and securing the agreement of such recipient(s) not to further disseminate the Confidential Information in any form.
- 11 For the avoidance of doubt, for the purposes of paragraph 10 of this Order:
- 11.1 the parties involved in the relevant Settlement Documents means Prysmian and either the Claimants in the NGET Proceedings or the Claimants in the SP Proceedings depending on whether the Settlement Documents relate to the NGET Proceedings or the SP Proceedings.
- 11.2 in the event that the identity of the party or parties from whom the relevant Confidential Information originated is not known by the improperly disclosing Part 20 Party, they shall direct the required notification to all the Claimants, Settled Defendants and Part 20 Parties.
- 12 Nothing in this Order or in its Schedule prevents a Part 20 Party, its advisors or experts from sharing (or from consenting to the sharing of) Confidential Information provided by that Part 20 Party in these proceedings.
- 13 All time limits imposed by the terms of this Order shall be determined in accordance with Rule 112 of the Competition Appeal Tribunal Rules 2015.
- 14 There shall be liberty to apply, which shall be on notice to any Part 20 Party, Claimant or Settled Defendant, if appropriate.
- 15 There be no order as to costs.
- 16 In the event of any breach, or anticipated breach, of this Order which affects a Claimant or Settled Defendant that is not a Part 20 Party or a Third Party Addressee, that Claimant, Settled Defendant or Third Party Addressee shall be entitled to enforce its terms.
- 17 This order shall be served by Prysmian on the other Part 20 Parties and a copy will be sent to the Claimants and Settled Defendants that are not Part 20 Parties.

The Honourable Mr Justice Trower
Chairman of the Competition Appeal Tribunal

Made: 1 September 2021
Drawn: 1 September 2021

**SCHEDULE
PART A**

This part contains the names of Inner Confidentiality Ring Members in the Part 20 Proceedings:

Prysmian Defendants

Counsel

Helen Davies QC
Fiona Banks

Solicitors, Trainee Solicitors and other lawyers

Cameron Firth
Simon Day
Caja Griesenbach
Rachel Carter

External Economist Advisers (Compass Lexecon)

John Davies
Ferenc Peto
Alexander Lynchehaun
Orjan Sandewall

Support staff

Elma Stanislas

Brugg Third Parties

Solicitors, Trainee Solicitors and other lawyers

Tom Canning
Dr. Alexander Rinne
Mark Padley
Rosy Villar
Michael Bingham
Susanne Schricker

Support staff

Claire Money
Kara Whitton
Adrian Embarba

Nexans Third Parties

Counsel

Tony Singla

Solicitors, Trainee Solicitors and other lawyers

Marc Israel

Charles Balmain
Alexandra Rogers
Mark Powell
Genevra Forwood
Kate Kelliher
Rob Eyres
Iakovos Sarmas
J Mark Gidley
Raif Hassan
Luc Rosenberg
Amy Sharpe

Paralegals

Daniel North

External Economist Advisers

Francesco Rosati
Tristan Lécuyer

Support staff

Nancy Leon
Natalie Woods

Pirelli Fourth Party

Goldman Sachs Fourth Party

Goldman Sachs

Philip Linton

Counsel

Daniel Piccinin
Harry Gillow

Solicitors, Trainee Solicitors and other lawyers

Tom Cassels
Sarina Williams
Rachel Metcalf
Emma Scheuer
Edward Richardson
Ella Maton-Lewis

Support staff

Louise Stout

SCHEDULE

PART B

This part contains the names of Outer Confidentiality Ring Members in the Part 20 Proceedings:

Prysmian Defendants

Brugg Third Parties

Andreas Heinemann
Stephan Wartmann

Nexans Third Parties

Nino Cusimano
Agnès Poggi
Sophie Vasselin

Pirelli Fourth Party

Goldman Sachs Fourth Party

Scott Kilpatrick
Michele Titi-Cappelli
Laurie E Schmidt

SCHEDULE

PART C

In respect of any Confidential Information disclosed to them pursuant to this Order, each Inner Confidentiality Ring Member undertakes that they will comply with the following requirements, to the extent applicable to them, in the terms below.

None of the requirements listed at paragraphs 2 to 6 below shall prevent Confidentiality Ring Members from disclosing to their clients any information contained within the Confidential Information which:

- (A) is or becomes publicly available otherwise than through the Confidentiality Ring Member's default;
- (B) was lawfully in the Confidentiality Ring Member's possession prior to the date of this Order;
- (C) is subsequently received from a third party not under any obligation of confidence in relation to the Confidential Information; or
- (D) is required to be disclosed by operation of law or by order of a court of competent jurisdiction or by a regulatory or other body having jurisdiction over the Confidentiality Ring Member.

I, **[name]**, of **[chambers, firm, or company]** being **[legal or other qualification or position]** undertake to the Tribunal and each of the Parties as follows:

- 1 I have read a copy of the Tribunal's Order of **[date of confidentiality order]** and understand that Order and the implications of giving this undertaking.
- 2 I have read Rule 31.22 of the Civil Procedure Rules and Rule 102 of the Competition Appeal Tribunal Rules 2015 and I am aware of and will comply with the obligations imposed by these rules.
- 3 I will not disclose the Inner Confidentiality Ring Information to any person who is not an Inner Confidentiality Ring Member; or the Outer Confidentiality Ring Information to any person who is not a Confidentiality Ring Member.
- 4 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 in any jurisdiction.
- 5 The documents containing any Inner Confidentiality Ring Information will remain in my custody or the custody of another Inner Confidentiality Ring Member at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
- 6 The documents containing any Outer Confidentiality Ring Information will remain in my custody or the custody of another Confidentiality Ring Member at

all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.

- 7 The production of further copies by me of the documents containing the Inner Confidentiality Ring Information shall be limited to those required for the use of the Inner Confidentiality Ring Members for the purposes of these proceedings only and shall be held in accordance with paragraph 5 of this undertaking.
- 8 The production of further copies by me of the documents containing the Outer Confidentiality Ring Information shall be limited to those required for the use of the Confidentiality Ring Members for the purposes of these proceedings only and shall be held in accordance with paragraph 6 of this undertaking.

Signed:

Name:

Date:

SCHEDULE

PART D

In respect of any Outer Confidentiality Ring Information disclosed to them pursuant to this Order, each Outer Confidentiality Ring Member undertakes that they will comply with the following requirements, to the extent applicable to them, in the terms below.

I, **[name]**, of **[company]** being **[legal or other qualification or position]** undertake to the Tribunal and each of the Parties as follows:

- 1 I have read a copy of the Tribunal's Order of [date of confidentiality order] and understand that Order and the implications of giving this undertaking.
- 2 I have read rule 31.22 of the Civil Procedure Rules and Rule 102 of the Competition Appeal Tribunal Rules 2015 and I am aware of and will comply with the obligations imposed by these rules.
- 3 I will not disclose the Outer Confidentiality Ring Information to any person who is not a Confidentiality Ring Member.
- 4 I will use the Outer Confidentiality Ring 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 in any jurisdiction.
- 5 The documents containing any Outer Confidentiality Ring Information will remain in my custody or the custody of another Confidentiality Ring Member at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
- 6 The production of further copies by me of the documents containing the Outer Confidentiality Ring Information shall be limited to those required for the use of the Confidentiality Ring Members, or other Outer Confidentiality Ring Members who have access to that Outer Confidentiality Ring Information, for the purposes of these proceedings only and shall be held in accordance with paragraph 5 of this undertaking.

Signed:

Name:

Date:

SCHEDULE

PART E

This part contains the details of the legal representatives of the Claimants and Settled Defendants:

NGET Claimant

Bryan Cave Leighton Paisner LLP

Attention: Joby Davies (joby.davies@bclplaw.com) / Ben Blacklock (ben.blacklock@bclplaw.com)

SP Claimants

Bryan Cave Leighton Paisner LLP

Attention: Ed Coulson (edward.coulson@bclplaw.com) / Alexandra Hildyard (alexandra.hildyard@bclplaw.com)

ABB Defendants

Freshfields Bruckhaus Deringer LLP

Attention: Mark Sansom (mark.sansom@freshfields.com) / Nicholas Frey (nicholas.frey@freshfields.com)

NKT Defendants

Addleshaw Goddard LLP

Attention: Mark Molyneux (Mark.Molyneux@addleshawgoddard.com) / Sam Haigh (Samantha.Haigh@addleshawgoddard.com)

Safran Defendant

Hogan Lovells International LLP

Attention: Nick Heaton (Nicholas.Heaton@hoganlovells.com) / Paul Chaplin (Paul.Chaplin@hoganlovells.com)