



IN THE COMPETITION
APPEAL TRIBUNAL

Cases No: 1160-1165/1/1/10

BETWEEN:

(1) IMPERIAL TOBACCO GROUP PLC
(2) IMPERIAL TOBACCO LIMITED

Appellants

- v -

OFFICE OF FAIR TRADING

Respondent

CO-OPERATIVE GROUP LIMITED

Appellant

- v -

OFFICE OF FAIR TRADING

Respondent

WM MORRISON SUPERMARKETS PLC

Appellant

- v -

OFFICE OF FAIR TRADING

Respondent

(1) SAFEWAY STORES LIMITED
(2) SAFEWAY LIMITED

Appellants

- v -

OFFICE OF FAIR TRADING

Respondent

(1) ASDA STORES LIMITED
(2) ASDA GROUP LIMITED
(3) WAL-MART STORES (UK) LIMITED
(4) BROADSTREET GREAT WILSON EUROPE LIMITED

Appellants

- v -

OFFICE OF FAIR TRADING

Respondent

**(1) SHELL U.K. LIMITED
(2) SHELL U.K. OIL PRODUCTS LIMITED
(3) SHELL HOLDINGS (U.K.) LIMITED**

Appellants

- v -

OFFICE OF FAIR TRADING

Respondent

ORDER AMENDING ORDER MADE ON 25 OCTOBER 2010

UPON reading a letter from Ashurst LLP dated 1 November 2010 (on behalf of Imperial Tobacco Group plc and Imperial Tobacco Ltd) applying for disclosure of unredacted versions of certain documents on the Office of Fair Trading's case file

AND UPON reading correspondence from the legal representatives of the parties relating to the terms of the Tribunal's Order made on 25 October 2010

IT IS ORDERED THAT:

1. In this Order the term "the earlier Order" means the order made by the Tribunal in these appeals on 25 October 2010.
2. Paragraph 4(b) of the earlier Order be replaced with the following:

"Subject to subparagraphs 4(c) and 4(d) below, the OFT disclose (in electronic form only) to the members of the confidentiality ring established by Order of 16 August 2010 (as amended) confidential versions of:-

- i. the Decision;
- ii. the Statements of Objections;
- iii. the annexes to the Statements of Objections and to the Decision; and
- iv. documents forming part of the OFT's case file and referred to in the Appellants' notices of appeal, which documents are to be identified by the relevant Appellant in writing to the OFT no later than 4pm on 15 November 2010

(together, "Key Confidential Documents")."

3. In paragraph 4(c) of the earlier Order the words "each of the addressees of the Decision other than the Appellants" be replaced with "any person who, in the

opinion of the OFT, may reasonably maintain a claim that their confidential information is included in one or more of the Key Confidential Documents”

Vivien Rose
Chairman of the Competition Appeal Tribunal

Made: 15 November 2010
Drawn: 15 November 2010