



Neutral Citation: [2013] CAT 21

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

Case No.: 1217/4/8/13

THE SOCIÉTÉ COOPÉRATIVE DE PRODUCTION SEA FRANCE S.A.

Applicant

-v-

COMPETITION COMMISSION

Respondent

REASONED ORDER (CONFIDENTIALITY RING EXTENSION)

UPON considering the Tribunal's Order of 11 July 2013 establishing a composite confidentiality ring in these appeals (the "Confidentiality Order")

AND UPON DFDS A/S ("DFDS") and Groupe Eurotunnel S.A. ("GET") having each disclosed into the existing confidentiality ring the French legal opinions (the "Legal

Opinions”) they provided to the Competition Commission in relation to the interpretation of the Order of the Tribunal de Commerce de Paris dated 11 June 2012 regarding the acquisition by GET of certain assets of the former SeaFrance S.A.

AND UPON considering the request from the Société Coopérative de Production Sea France S.A. (the “SCOP”) dated 28 August 2013 to amend the confidentiality ring to include Philippe Genin (of Lamy et Associés)

AND UPON considering both the Competition Commission’s and DFDS’s objections to the SCOP’s application, which were notified to the Tribunal in writing on 30 August 2013

AND UPON the solicitors for the SCOP having informed the Tribunal that M. Genin is regulated by the Conseil de l’Ordre des Avocats du Barreau de Lyon

AND UPON the solicitors for the SCOP having informed the Tribunal of their understanding that (a) M. Genin, as a French avocat, is subject to professional and ethical conduct rules and obligations and (b) breach of a confidentiality undertaking would constitute an offence under Article 183 of the General Regulations which govern M. Genin as a French avocat, exposing him to the disciplinary measures set out in Article 184 of the General Regulations

AND UPON M. Genin prior to the making of this Order having given a written undertaking to the Tribunal in the terms of Part B of the Schedule to the Tribunal’s Order of 11 July 2013

IT IS ORDERED THAT:

1. The Confidentiality Order be amended so as to include in Part A of the Schedule to that Order the name of the following individual:

Société Coopérative de Production SeaFrance S.A.

External Solicitor

Philippe Genin (Lamy et Associés)

2. The application of paragraph 3 of the Confidentiality Order to M. Genin be limited to the disclosure of the Legal Opinions only and does not extend to any pleadings or other documents disclosed in these proceedings
3. There be liberty to apply

REASONS

As the Recitals to this Order note, the Competition Commission and DFDS objected to the SCOP’s application to extend the confidentiality ring to the SCOP’s French counsel,

Philippe Genin. I have considered the reasons for their objections, as well as the information provided by the SCOP regarding the professional and ethical conduct rules to which M. Genin is subject as a French avocat. I consider that M. Genin should be admitted to the confidentiality ring in these proceedings for the purpose of reviewing the Legal Opinions only. Save for the Legal Opinions, no unredacted versions of pleadings or other documents served in these proceedings, or any Confidential Information (as defined in the Confidentiality Order) contained within these, is required to be disclosed to M. Genin. I express no view on the relevance to these proceedings of the content of the Legal Opinions, or M. Genin's views regarding the same.

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 30 August 2013
Drawn: 30 August 2013