



**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

**GROUPE EUROTUNNEL S.A.
DFDS A/S**

Interveners

ORDER

UPON considering the Tribunal's Order of 1 July 2013 establishing a confidentiality ring in Case No. 1216/4/8/13 (the "First Confidentiality Order")

AND UPON the Société Coopérative de Production Sea France S.A. (the "SCOP") filing an application in Case No. 1217/4/8/13 for review of a decision dated 6 June 2013 made

by the Competition Commission in a document entitled “Groupe Eurotunnel S.A. and SeaFrance S.A. merger inquiry: A report on the completed acquisition by Groupe Eurotunnel S.A. of certain assets of former SeaFrance S.A.” that is the subject of an application for review in Case No. 1216/4/8/13

AND UPON Groupe Eurotunnel S.A. (“GET”) and DFDS A/S being granted permission to intervene in Case No. 1217/4/8/13

AND UPON the Tribunal ordering that Case No. 1216/4/8/13 and Case No. 1217/4/8/13 be heard together as set out in the Tribunal’s Order dated 10 July 2013

AND HAVING REGARD TO the Tribunal’s indication during the Case Management Conference held on 24 June 2013 in Case No. 1216/4/8/13 that a composite confidentiality order covering Case No. 1216/4/8/13 and Case No. 1217/4/8/13 would be appropriate

AND UPON each of the persons named in Part A of the Schedule to this Order (the “Relevant Advisers”) having given a written undertaking to the Tribunal in the terms of Part B of the Schedule to the First Confidentiality Order or Part B of the Schedule to this Order

IT IS ORDERED THAT:

1. For the purposes of this Order:
 - a. “**Confidential Information**” means information contained in the unredacted versions of the parties’ pleadings and other documents (including the unredacted version of the Respondent’s decision dated 6 June 2013 and entitled “Groupe Eurotunnel S.A. and SeaFrance S.A. merger inquiry: A report on the completed acquisition by Groupe Eurotunnel S.A. of certain assets of former SeaFrance S.A.”) filed with, or otherwise provided to, the Tribunal for the purposes of these proceedings, where such information (i) has been identified by the party providing the document as being confidential and (ii) is (or is likely to be) accorded confidential treatment pursuant to rule 53 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003).
 - b. “**Relevant Advisers**” are those persons:
 - i. listed in Part A of the Schedule to this Order who have given a signed undertaking to the Tribunal in the terms of Part B of the Schedule to this Order or the First Confidentiality Order; or
 - ii. authorised by the Tribunal upon further application.
2. For the purposes of paragraph 3 below, all such unredacted versions of pleadings and other documents served in these proceedings must be marked or highlighted so as to indicate the parts in relation to which confidential treatment is claimed, in the

manner referred to in paragraph 13.22 of the Tribunal's Guide to Proceedings (October 2005).

3. Each of the parties shall hereafter disclose, to the extent not already disclosed under the First Confidentiality Order (as amended), to the other parties unredacted versions of their pleadings and other documents served in these proceedings on the condition that such unredacted versions, and any Confidential Information contained within these, shall be disclosed only to the Relevant Advisers or any Competition Commission staff or member who is for the time being working on these proceedings or the matters which have given rise to them and not to any other officer or employee of that party or to any other person.
4. If any party wishes to add any additional person as a Relevant Adviser for the purposes of paragraph 2.b.ii above, they shall apply to the Tribunal in writing, copied to the other parties, indicating whether each of the other parties consents or does not consent to the addition of that person.
5. Nothing in this Order prevents the disclosure of any information to the Competition Commission (including any Competition Commission staff or member) to facilitate the exercise of its functions.
6. Costs be reserved.
7. There be liberty to apply.

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 11 July 2013
Drawn: 11 July 2013

SCHEDULE

PART A

This part contains the names, for each party, of Relevant Advisers:

Société Coopérative de Production SeaFrance S.A.

External counsel

Daniel Beard Q.C.

Rob Williams (both of Monckton Chambers)

External solicitors

Steve Smith

Lambros Kilaniotis

Paul McComb

Matthew Doyle (all of Reynolds Porter Chamberlain LLP)

Competition Commission

External counsel

Paul Harris Q.C.

Ben Rayment

Thomas Sebastian (all of Monckton Chambers)

External solicitors

Neera Gajjar

Oliver Gilman

Simon Bell

Jennifer Lashley

Linda Maynard (all of the Treasury Solicitor's Office)

Groupe Eurotunnel S.A.

External counsel

Nicholas Green Q.C. (of Brick Court Chambers)

Alistair Lindsay (of Monckton Chambers)

External solicitors

Guy Lougher

Rhiannon Davies

Paul Williams

Elizabeth Hersey (all of Pinsent Masons LLP)

DFDS A/S

External counsel

Meredith Pickford

Ligia Osepciu (both of Monckton Chambers)

External solicitors

Matthew Levitt

Nafsika Karavida

Thomas Smith

Anke Batty (all of Hogan Lovells International LLP)

PART B

Case: 1216/4/8/13 GROUPE EUROTUNNEL S.A. -V- COMPETITION COMMISSION

Case: 1217/4/8/13 THE SOCIÉTÉ COOPÉRATIVE DE PRODUCTION SEA FRANCE S.A. -V- COMPETITION COMMISSION

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Adviser mentioned in Part A of this Order undertakes that they will comply with the following requirements in the following terms:

I, *[name]*, of *[firm, company or establishment]* being *[legal or other qualification]* and regulated so far as my professional conduct is concerned by *[regulatory body if any]* undertake to the Tribunal as follows:

1. I will not disclose the Confidential Information (as defined in the Tribunal’s Order of *[date]*, the “Confidentiality Ring Order”) to any person who is not a Relevant Adviser or any Competition Commission staff or member who is for the time being working on these proceedings or the matters which have given rise to them without the consent of the party originally disclosing the information or the permission of the Tribunal.
2. I will use the Confidential Information only for the purpose of these proceedings (and for no other proceedings or use).
3. The documents containing the Confidential Information will remain in my custody or the custody of the other Relevant Advisers at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
4. The production of further copies by me of the documents containing the Confidential Information shall be limited to those required for the use of the Relevant Advisers or any Competition Commission staff or member who is for the time being working on these proceedings or the matters which have given rise to them for the purposes of these proceedings.
5. Any copies and the documents in paper form containing the Confidential Information will be returned to the party originally disclosing the documents at the conclusion of the present proceedings (including the determination of any appeals); any such copies and the documents containing the Confidential Information in electronic form will be returned where possible or, where that is not possible, will be rendered inaccessible from any computer system, disk or device so that it is not readily available to any person.
6. Save that none of the requirements listed at paragraphs 1 to 4 above shall prevent the Relevant Advisers from disclosing to the party advised by them information (i) of which that party was the original provider in these proceedings, or (ii) which that party has already seen in circumstances not subject to the provisions of the Confidentiality Ring Order.

Signed:

[Name]

Date