



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1345/4/12/20

BETWEEN:

**SABRE CORPORATION**

Applicant

- v -

**COMPETITION AND MARKETS AUTHORITY**

Respondent

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**ORDER**

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**HAVING REGARD TO** the Tribunal's Order of 18 June 2020 establishing a Confidentiality Ring, as amended on 15 July 2020 (the "**First Confidentiality Ring Order**")

**AND UPON** reading the correspondence from Sabre's legal representatives of 6, 10 and 16 July 2020 regarding the request to admit lawyers for Farelogix from Macfarlanes LLP to the Confidentiality Ring, and the Tribunal's letters of 15 July and 17 August 2020

**AND UPON** the parties having agreed the terms of this order

**IT IS ORDERED THAT:**

1. This Order becomes effective in respect of each of the persons named in Part A of the Schedule to this Order (including persons subsequently admitted to the Confidentiality Ring pursuant to paragraph 4 of this Order) only upon receipt by the Tribunal of a signed undertaking in the terms of Part B of the Schedule to this Order.
2. For the purposes of this Order:

- a. "**Macfarlanes Confidential Information**" means information justifying confidential treatment by the Tribunal in accordance with rule 101 of the Competition Appeal Tribunal Rules 2015 which is both (i) contained in any pleadings or other documents submitted, or to be submitted, by the parties to the present proceedings before the Tribunal and (ii) relates to Farelogix's relationship with British Airways and/or with American Airlines.
- b. "**Relevant Macfarlanes 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
  - ii. subsequently added to the list in Part A after being admitted to the ring in accordance with paragraph 5 below and who have given a signed undertaking to the Tribunal in the terms of Part B of the Schedule to this Order.
3. The Relevant Advisers under the First Confidentiality Ring Order shall be permitted to disclose Macfarlanes Confidential Information to the Relevant Macfarlanes Advisers. The definition of Relevant Advisers under the First Confidentiality Ring Order, and undertakings given by Relevant Advisers pursuant to the First Confidentiality Ring Order, shall be deemed to include Relevant Macfarlanes Advisers **only** for the purpose of allowing that disclosure.
4. All pleadings and other documents served in these proceedings must be marked so as to indicate the parts in relation to which confidential treatment is claimed, in the manner referred to in paragraph 7.46 of the Tribunal's Guide to Proceedings 2015. A system of colour-coding shall be used to indicate to which entity the confidential information belongs (or such other system as the parties shall agree where colour-coding is considered unworkable). Any Macfarlanes Confidential Information contained within those pleadings and documents shall be disclosed only to (i) the Macfarlanes Relevant Advisers listed in Part A of the Schedule to this Order and who have signed an undertaking to the Tribunal and to the parties in the terms of Part B of the Schedule to this Order or (ii) Relevant Advisers as defined in the First Confidentiality Ring Order.
5. If Macfarlanes LLP wishes to add any additional person as a Relevant Macfarlanes Adviser for the purposes of paragraph 2(b)(ii) of this Order, it may either:
  - a. obtain the written consent of the parties to the admission of that individual to the Confidentiality Ring and inform the Tribunal in writing accordingly (copying the representatives of the parties); or
  - b. apply to the Tribunal for an order authorising the admission of that individual to the Confidentiality Ring.

6. If Macfarlanes LLP wishes one of the Relevant Macfarlanes Advisers to be removed from the Confidentiality Ring, it shall inform the Tribunal in writing (copying the representatives of the parties).
7. When a Relevant Adviser (under the First Confidentiality Ring Order) or Relevant Macfarlanes Adviser (under this Order) is admitted to or removed from the Confidentiality Ring, the relevant person will provide to the Tribunal (and circulate to the parties and Macfarlanes LLP) an up-to-date list of the persons in Part A of the Schedule to this Order and the First Confidentiality Ring Order.
8. The parties shall make available without charge to any person on request an up-to-date list of the persons in Part A of the Schedule to this Order and First Confidentiality Ring Order.
9. Costs be reserved.
10. There be liberty to apply.

**The Honourable Mr Justice Morris**  
Chairman of the Competition Appeal Tribunal

Made: 20 August 2020  
Drawn: 20 August 2020

**PART A**

The following persons are Relevant Macfarlanes Advisers for the purposes of paragraph 2(b)(i) of this Order:

Malcolm Walton, Partner, Macfarlanes LLP

Andrew Morrison, Solicitor, Macfarlanes LLP

Sophie Chesterton, Solicitor, Macfarlanes LLP

Christophe Humpe, Partner, Macfarlanes LLP

## **PART B**

In respect of any Macfarlanes Confidential Information disclosed to them pursuant to this Order, each Relevant Macfarlanes Adviser 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 and each of the parties as follows:

1. I have read a copy of the Tribunal's Order of [DATE] (the "Tribunal's Order") and understand the implications of that Order and the giving of this undertaking.
2. Save in respect of provision to the Tribunal, I will only disclose the Macfarlanes Confidential Information in accordance with the terms of the Tribunal's Order and will not disclose the Macfarlanes Confidential Information (as defined in the Tribunal's Order) to any person who is not a Relevant Macfarlanes Adviser (as defined in the Tribunal's Order) or Relevant Adviser (as defined in the First Confidentiality Ring Order) without the express consent of the party originally disclosing the information or the permission of the Tribunal.
3. I will use the Macfarlanes 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 without the express consent of the party originally disclosing the information, or the permission of the Tribunal.
4. The pleadings and documents containing the Macfarlanes Confidential Information will remain in my custody or the custody of another Relevant Macfarlanes Adviser or Relevant Adviser at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
5. The production by me of further copies of the documents containing the Macfarlanes Confidential Information shall be limited to those strictly required for the use of the Relevant Macfarlanes Advisers and Relevant Advisers for the purpose of these proceedings and shall be held in accordance with paragraph 4 of this undertaking.
6. Any and all copies and the pleadings and documents in paper form containing the Macfarlanes Confidential Information will be returned to the party originally disclosing the pleading or documents, or destroyed by the receiving party at the conclusion of the present proceedings; and copies of the pleadings and the documents containing Macfarlanes Confidential Information in electronic form will where possible be returned or where that is not possible will be rendered inaccessible from any computer systems, disk or device so that the Macfarlanes Confidential Information is not readily available to any person.

7. Save that none of the requirements listed above shall prevent Relevant Macfarlanes Advisers from disclosing to a person advised by them Macfarlanes Confidential Information which such person has already legitimately seen.
8. Save that none of the requirements listed above shall prevent Relevant Macfarlanes Advisers from complying with any regulatory requirement in relation to their profession.

Signed:

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Name:

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Date:

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