



COMPETITION APPEAL TRIBUNAL

**IN THE COMPETITION  
APPEAL TRIBUNAL**

**Case: 1026/2/3/04**

**BEFORE:**

**Sir Christopher Bellamy (President)  
Professor John Pickering  
Patricia S Quigley WS**

**WANADOO UK PLC (formerly FREESERVE.COM PLC )**

**Appellant**

**-v-**

**THE OFFICE OF COMMUNICATIONS**

**Respondent**

**-supported by-**

**BT GROUP PLC**

**Intervener**

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**ORDER OF THE TRIBUNAL**

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**UPON** reading the notice of appeal dated 20 January 2004

**AND UPON** reading the defence dated 3 March 2004

**AND UPON** reading the statement of intervention dated 2 April 2004

**AND UPON** reading the replies of appellant and respondent dated 30 April 2004

**AND UPON** reading the appellant's application dated 7 May 2004 to amend its notice of appeal and all consequential matters to reflect the change in corporate and trading name of Freeserve.com plc to Wanadoo UK plc

**AND UPON** reading correspondence between the parties concerning the European Commission's decision in Case COMP/38.233 *Wanadoo Interactive SA* and Wanadoo Interactive SA's appeal of that decision to the Court of First Instance of the European Communities (Case T-340/03)

**AND UPON** considering the potential relevance of the European Commission's decision in Case COMP/38.233 and the appeal of that decision to the present proceedings

**AND UPON** considering the potential relevance of the respondent's ongoing investigation into BT's pricing of certain residential broadband products from June 2002 ("the ongoing investigation")

**AND UPON** hearing Counsel for the parties at a case management conference on 4 June 2004

**AND UPON** Counsel for the respondent stating that the respondent still intended, in relation to the ongoing investigation, to conform to its general guidelines as to timeframes for reaching infringement and non-infringement decisions

**AND UPON** the Tribunal provisionally listing a case management conference for 10 September 2004 at a time and location to be notified to the parties to consider the future conduct of the proceedings, to take place in the event that the respondent can commit by 30 July 2004 either to taking a non-infringement decision or to issuing a statement of objections in respect of the ongoing investigation by the end of August 2004

**AND UPON** the Tribunal provisionally listing the full hearing of the proceedings for 22 September 2004 with a time estimate of 1 to 2 days at a time and location to be notified to the parties, to take place in the event that the respondent cannot commit by 30 July 2004 either to taking a non-infringement decision or to issuing a statement of objections in respect of the ongoing investigation by the end of August 2004

**IT IS ORDERED THAT:**

1. The appellant's application for permission to amend its notice of appeal and all consequential matters to reflect the change in its corporate and trading name be granted.
2. The appellant provide the Tribunal and the parties with a non-confidential copy of all of Wanadoo Interactive SA's pleadings in Case T-340/03 by 5 p.m. on 25 June 2004.
3. Point 6 of the Tribunal's Order of 27 February 2004 be revoked.
4. A further case management conference be listed for 30 July 2004 at a time and location to be notified to the parties to discuss the question of the progress of the ongoing investigation and any other matters.
5. The issue of costs be reserved.
6. There be liberty to apply.

**Sir Christopher Bellamy**  
President of the Competition Appeal Tribunal

Made: 10 June 2004  
Drawn: 10 June 2004