



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1639/7/7/24

BETWEEN:

BULK MAIL CLAIM LIMITED

Class Representative

- v -

INTERNATIONAL DISTRIBUTION SERVICES PLC
(formerly ROYAL MAIL PLC)

Defendant

ORDER (DIRECTIONS)

UPON the Order of the Tribunal made on 6 March 2025 granting a Collective Proceedings Order in Case No. 1639/7/7/24 (the “**Proceedings**”)

AND UPON the Defendant to the Bulk Mail Claim being the First Defendant in *Whistl UK Limited* (“**Whistl**”) v (1) *International Distribution Services PLC* (2) *Royal Mail Group Limited* (Case No. 1584/5/7/23) (the “**Whistl Proceedings**”)

AND UPON the Defendant holding documents on Ofcom’s case file in case CW/01122/01/14 and documents disclosed in the Whistl Proceedings

AND UPON Ofcom’s letter of 19 November 2024 to the Class Representative’s Solicitors, Lewis Silkin LLP, in which Ofcom confirmed that it did not have any objections to the disclosure of:

- a. the confidential version of the decision of Ofcom in case CW/01122/01/14 on discriminatory pricing in relation to the supply of bulk mail delivery services in the UK (the “**Ofcom Decision**”);

- b. the confidential version of the judgment of the Tribunal in case 1299/1/3/18 *Royal Mail plc v Office of Communications* [2019] CAT 27 dated 12 November 2019 (the “**CAT Judgment**”); and
- c. all documents in Ofcom’s case file for the Ofcom Decision held by the Defendant;

to the Class Representative and that it is content for the question of disclosure to be resolved by the Tribunal as the Tribunal considers appropriate in accordance with the Tribunal’s Rules

AND UPON the letters from Whistl’s solicitors, Fieldfisher LLP, of 28 November 2024 and 4 March 2025 to the Class Representative’s solicitors, Lewis Silkin LLP, confirming that (subject to a suitable Confidentiality Ring Order (“**CRO**”) being put in place) Whistl would have no objection to the Defendant providing disclosure to the Class Representative of all the pleadings in the Whistl Proceedings, a confidential version of the Ofcom Decision, the factual witness statements, and disclosure lists served in the Whistl Proceedings

AND UPON hearing counsel for the Class Representative and counsel for the Defendant

IT IS ORDERED THAT:

Disclosure

1. Subject to a CRO having been established by a further order of the Tribunal, the Defendant shall disclose by list and provide copies of the following documents or categories of documents from the Whistl Proceedings to the Class Representative into the confidentiality ring on the date falling 14 days after the establishment of the CRO:
 - (a) The confidential versions of the Ofcom Decision and the CAT Judgment;
 - (b) the index to Ofcom’s case file for the Ofcom Decision held by the Defendant (the **Ofcom Case File**);
 - (c) all documents from the Ofcom Case File identified by the Defendant as being relevant to the Proceedings;
 - (d) Unredacted versions of the pleadings to include any Requests for Further Information and any responses thereto;

- (e) Witness statements of fact (including any exhibits not falling within (c) and identified by the Defendant as being relevant to the Proceedings); and
- (f) Disclosure lists/statements served by the Defendant and Whistl.

Pleadings

- 2. The Defendant shall file and serve its Defence by 4pm on 20 May 2025.
- 3. The Class Representative shall file and serve any Reply by 4pm on 15 July 2025.

Ofcom Decision and CAT Judgment

- 4. The Class Representative shall serve on the Defendant a list of the specific findings in the Ofcom Decision and CAT Judgment (with paragraph references) which it considers to be binding on the Defendant in these Proceedings by 4pm on 15 July 2025.
- 5. The Defendant shall serve its response on the Class Representative indicating whether or not it agrees that the findings identified by the Class Representative pursuant to paragraph 4 above are binding on it in these Proceedings by 4pm on 10 September 2025.

Case Management Conference

- 6. A further case management conference (the “CMC”) shall be listed on 23 September 2025 with a time estimate of 1 day.
- 7. If any party intends to seek an order at the CMC that any issue be tried as a preliminary issue or that there be a split trial, they must file and serve an application to the Tribunal supported by evidence no later than 4pm on 10 September 2025. Any response to such an application must be filed and served no later than 4pm on 17 September 2025.
- 8. The Class Representative shall file and serve a new or updated report from its expert Dr Williams by 4pm on 10 September 2025 setting out in detail his methodology, the

proposed qualitative evidence, the interrelationship between the two, and how he proposes to calculate the overcharge.

9. The Class Representative shall file and serve an updated litigation budget for the Proceedings by 4pm on 10 September 2025, and unless otherwise directed shall similarly file and serve an updated litigation budget in advance of every future case management conference in the Proceedings. The updated budgets shall specify the costs incurred to the date of the budget.
10. Each party shall write to the other providing an indication in general terms of their proposals to seek disclosure from non-parties (if any) by 4pm on 10 September 2025. The proposals shall identify any such non-parties together with a description of the general categories of documents that may be sought.
11. The parties shall liaise ahead of the CMC and seek to agree in so far as possible any further directions in the Proceedings as may be appropriate.
12. The parties shall file and serve bundles and skeleton arguments (incorporating bundle references) 5 days before the CMC.

Miscellaneous

13. The parties may agree to extend any time period or deadline in this Order without further order, provided that such extension does not affect the date of the trial, the pre-trial review, any listed case management conference or any other hearing. The parties shall notify the Tribunal in writing in advance of the expiry of the relevant deadline of any such agreed extension.
14. Costs in the case.
15. There be liberty to apply.

Hodge Malek K.C.

Chair of the Competition Appeal Tribunal

Made: 6 March 2025

Drawn: 7 March 2025