



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

Case No. 1241/5/7/15 (T)

**BETWEEN:**

**SAINSBURY'S SUPERMARKETS LTD**

**Claimant**

**and**

**(1) MASTERCARD INCORPORATED**  
**(2) MASTERCARD INTERNATIONAL INCORPORATED**  
**(3) MASTERCARD EUROPE S.P.R.L.**

**Defendants**

---

**ORDER**

---

**UPON** the Claimant's Application dated 8 December 2015 for an Order under Rule 99 of The Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (the "Tribunal Rules") that part of a hearing be in private

**AND UPON** the Defendants' Application dated 10 December 2015 for an Order under Rule 101(1) of the Tribunal Rules that certain documentation be kept confidential and under Rule 99 of the Tribunal Rules that part of a hearing be in private

**AND UPON** hearing Leading Counsel for the Claimant and for the Defendants at a Pre-Trial Review on 14 December 2015

**AND UPON** the parties indicating that they have no objection to publication of an Opinion of the European Commission (CT.00928) dated 29 October 2015 under Article 15(1) of Regulation (EC) No 1/2003 relating to the Interchange Fee Litigation: Sainsbury's Supermarkets Ltd v MasterCard Incorporated and Others (Claim No HC 2012-000063)

**AND UPON** the Tribunal indicating its intention to notify the European Commission accordingly

**AND UPON** reading the evidence and material submitted by the parties

**IT IS ORDERED THAT:**

1. The Tribunal will accede to the Claimant's application that part of the hearing be heard in private when matters concerning the Claimant's pricing information and/or information concerning the Claimant's investments and/or financial planning are to be referred to in evidence or submissions.
2. The Tribunal will accede to the Defendants' application that part of the hearing be heard in private when matters concerning the Defendant's internal interchange fee setting process, financial information contained in or obtained for the purposes of EDC's cost studies, and/or the Defendants' internal assessment of how to operate in a low interchange environment and alternative business models are to be referred to in evidence or submissions. The remainder of the Defendants' application in relation to documents and information pertaining to the European Commission and OFT investigations is adjourned.
3. By 4pm on Tuesday 15 December 2015 the Defendants shall provide the Claimants with a list of documents they wish to include in the core bundle.
4. By 4pm on Wednesday 16 December 2015 the Claimants shall provide the Defendants with additions to the list of documents they wish to include in the core bundle.
5. By 4pm on Tuesday 15 December 2015 the Claimant shall provide the Defendants with a list of documents they wish to include in the trial bundle.
6. By 4pm on Wednesday 16 December 2015 the Defendants shall provide the Claimants with additions to the list of documents they wish to include in the trial bundle.
7. The Claimant shall lodge one hard copy of the trial bundle and five hard copies of the core bundle with the Tribunal by 4pm on 8 January 2016.
8. The Claimant will arrange for live transcription services to be provided at the hearing.
9. Costs in the case.
10. There be liberty to apply.

**The Hon Mr Justice Barling**  
Chairman

Made: 18 December 2015  
Drawn: 18 December 2015