



**IN THE COMPETITION  
APPEAL TRIBUNAL**

**Case: 1054/1/1/05  
1055/1/1/05  
1056/1/1/05**

**Before:  
Sir Christopher Bellamy (President)  
Dr Arthur Prior CB  
Mr David Summers**

**MASTERCARD UK MEMBERS FORUM LIMITED**

**-and-**

**MASTERCARD INTERNATIONAL INCORPORATED AND  
MASTERCARD EUROPE SPRL**

**-and-**

**ROYAL BANK OF SCOTLAND GROUP**

**Appellants**

**-supported by-**

**VISA (EUROPE) LIMITED AND VISA (UK) LIMITED**

**Interveners**

**-and-**

**OFFICE OF FAIR TRADING**

**Respondent**

**-supported by-**

**THE BRITISH RETAIL CONSORTIUM**

**Intervener**

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**ORDER**

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**UPON** reading the application by the Respondent dated 14 February 2006 for an order permitting disclosure of certain documents relating to Visa (Europe) Limited and Visa (UK) Limited (“Visa”) to its expert advisers

**AND UPON** reading the letter from Visa to the Respondent dated 14 February 2006

**AND UPON** each of the persons named in Part B of the Schedule to this Order ("the External Advisers"), prior to the making of this Order, having given a written undertaking to the Tribunal, in the terms of Part C of the Schedule to this Order

**IT IS ORDERED BY CONSENT THAT:**

1. The Respondent be permitted to disclose the Protected Information (as defined in Part A of the Schedule to this Order) to the External Advisers listed in Part B.
2. Costs be reserved.
3. There be general liberty to apply.

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

Made: 15 February 2006  
Drawn: 20 February 2006

## Schedule

### **Part A**

**“Protected Information”** means:

- 1.1. The confidential version of the decision of the Office of Fair Trading (CA98/05/05) provided by the Respondent to Visa; and
- 1.2. The confidential version of the Statement of Intervention of Visa and accompanying documents.

## Part B

For the purposes of this Order:

**"External Advisers"** is limited to the following persons in Part B save as otherwise expressly agreed by Visa or expressly authorised by the Tribunal upon the further application by the Respondent:

Dennis Carlton	Economist	Lexecon
Alan Frankel	Economist	Lexecon
Laura McIntyre	Economist	Lexecon
Ian MacSwain	Economist	Lexecon
Katy MacSwain	Economist	Lexecon
Rena Quandt	Economist	Lexecon
Alan Champine	Economist	Lexecon
Eric Tolocka	Economist	Lexecon
David Gross	Economist	Lexecon

## Part C

In respect of any Protected Information disclosed to them pursuant to this Order, each External Adviser mentioned in Part B of this Order undertakes that they will comply with the following requirements, that:

- i. The Protected Information will not be disclosed to any person apart from the Respondent or its Counsel without the consent of Visa Europe Limited and Visa UK Limited or permission of the Tribunal;
- ii. The Protected Information will only be used for the purpose of these proceedings (and for no other proceedings or use);
- iii. The documents containing the Protected Information are to remain in the custody of the External Advisers at all times; and
- iv. The production of further copies of the documents containing the Protected Information shall be limited to those required for the use of the External Advisers for the purposes of these proceedings; copies shall be numbered and identified as being for the specific use of one of the External Advisers; any such copies and the documents containing the Protected Information will be returned to the Respondent at the conclusion of the present proceedings and the Protected Information will be expunged by the External Advisers from any computer system, disk or device containing it.

Save that none of the requirements listed at paragraphs i. to iv. above shall prevent the External Advisers from disclosing to the party advised by them information which such party has already seen.