



**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

ORDER

UPON reading the respondent's decision dated 6 September 2005

AND UPON reading the appellants' Notices of Appeal lodged with the Tribunal on 2, 4 and 7 November 2005 respectively

AND UPON reading the requests for permission to intervene in the proceedings submitted by Visa Europe Limited and Visa UK Limited ("Visa") and the British Retail Consortium ("BRC")

AND UPON considering the parties' written submissions in advance of the case management conference on 9 December 2005

AND UPON hearing the counsel for the parties at that case management conference

IT IS ORDERED THAT:

1. Pursuant to rule 18(1) of the Competition Appeal Tribunal Rules 2003, S.I. 2003 No. 1372 ("the Tribunal's Rules") the proceedings are proceedings before a Tribunal in England and Wales.
2. Cases 1054/1/1/05, 1055/1/1/05 and 1056/1/1/05 be consolidated pursuant to Rule 17 of the Tribunal's Rules.
3. Visa and BRC are granted permission to intervene in these proceedings pursuant to Rule 16 of the Tribunal's Rules.
4. The appellants shall serve on the interveners by 5.00pm pm on 16 December 2005 non-confidential versions of their Notices of Appeal and Annexes (being the documents referred to in the Notices of Appeal).
5. In respect of the other files filed with the Notices of Appeal, the parties shall co-operate and liaise to ensure as liberal an exchange of documents as possible by taking the following steps:
 - i. the appellants shall serve an index to the files on the interveners by 5.00pm on 16 December 2005;
 - ii. the appellants shall disclose all material from the files which is already in a form to be disclosed to the interveners by 5.00pm on 16 December 2005;
 - iii. in relation to any other material, the appellants shall;
 - a) prepare and disclose non-confidential versions of the documents to the interveners as soon as possible;
 - b) file and serve a schedule setting out any specific claims for confidentiality in respect of either the whole of the

undisclosed documents contained in the files detailing why they are considered confidential and are not being disclosed;

- iv. as a means of alleviating any difficulty with regard to confidentiality, the parties shall consider whether it is appropriate to extend the existing confidentiality ring to the interveners;
 - v. failing agreement on the issues of confidentiality and disclosure, any party may make an application in writing to the Tribunal by 5.00pm on 15 January 2006 for a hearing to be fixed to determine the matter.
6. Visa should file and serve its statement of intervention by 5.00pm on 31 January 2006.
 7. The time for the respondent to file a consolidated defence, pursuant to Rule 14 of the Tribunal's Rules, be extended until 5pm on 28 February 2006.
 8. A further case management conference shall be listed for late March or early April 2006 on a date to be notified to the parties in due course.
 9. Costs be reserved.
 10. There be liberty to apply.

Sir Christopher Bellamy
President of the Competition Appeal Tribunal

Made: 09 December 2005
Drawn: 14 December 2005