



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case: 1055/1/1/05

**MASTERCARD INTERNATIONAL INCORPORATED
AND
MASTERCARD EUROPE SPRL**

Appellants

-and-

OFFICE OF FAIR TRADING

Respondent

ORDER

UPON reading the application by the respondent dated 22 November 2005 for an order permitting disclosure of certain documents to its expert advisers

AND UPON receiving confirmation from the appellants that they do not object to the request

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 liberty to apply.

Sir Christopher Bellamy
President of the Competition Appeal Tribunal

Made: 25 November 2005
Drawn: 25 November 2005

Schedule

Part A

"Protected Information" means:

- 1.1 MCI/MCE's Notice of Appeal ("MCI/MCE's Notice of Appeal") dated 4 November 2005 against the Decision of the OFT No CA98/05/05;
- 1.2 Annex A of MCI/MCE's Notice of Appeal;
- 1.3 Annex B of MCI/MCE's Notice of Appeal;
- 1.4 Annex C of MCI/MCE's Notice of Appeal;
- 1.5 Appendix 1 of MCI/MCE's Notice of Appeal;
- 1.6 Appendix 2 of MCI/MCE's Notice of Appeal; and
- 1.7 Appendix 3 of MCI/MCE's Notice of Appeal

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 the appellant 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 Shampine	Economist	Lexecon
Eric Tolocka	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 the appellant 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.