

**SCHEDULE "A"**

**THE COMPETITION TRIBUNAL**

CT-95/02

**IN THE MATTER OF** an application by the  
Commissioner of Competition under sections 79 and 105 of  
the *Competition Act*, R.S.C. 1985, c.C-34, as amended;

**AND IN THE MATTER OF** an abuse of dominant  
position in the supply of shared electronic network services  
for consumer-initiated shared electronic financial services;

**AND IN THE MATTER OF** a Consent Order granted by  
the Competition Tribunal dated June 20, 1996 and varied  
on March 25, 1998, and further varied on September 8,  
2000;

**AND IN THE MATTER OF** an application by Bank of  
Montreal, et al., under sections 105 and 106(1)(b) of the  
*Competition Act*, R.S.C. 1985, c.C-34, as amended, to vary  
on consent the Consent Order granted by the Competition  
Tribunal on June 20, 1996 and varied on March 25, 1998,  
and further varied on September 8, 2000.

BETWEEN:

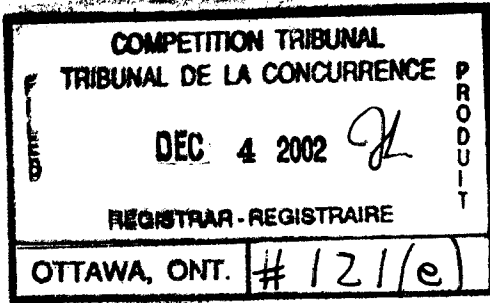
**Bank of Montreal  
The Bank of Nova Scotia  
Canada Trustco Mortgage Company  
Canadian Imperial Bank of Commerce  
La Confédération des caisses populaires et  
d'économie Desjardins du Québec  
Credit Union Central of Canada  
National Bank of Canada  
Royal Bank of Canada  
The Toronto-Dominion Bank  
Interac Inc.**

Applicants

- and -

**The Commissioner of Competition**

Respondent



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**CONSENT ORDER**

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**FURTHER TO** the Consent Order of the Competition Tribunal (the “Tribunal”) dated June 20, 1996 under sections 79 and 105 of the *Competition Act* (the “Act”), as varied on consent under sections 105 and 106(b) of the Act on March 25, 1998 and September 8, 2000 (the “Consent Order”);

**AND FURTHER** to the application of the Bank of Montreal *et al* for an order under sections 105 and 106(1)(b) of the Act for an order further varying the Consent Order, and restating the Consent Order, as further varied, as an Amended Consent Agreement as required by the Act;

**AND ON CONSIDERING** the Notice of Application for an Order to Vary Consent Order, and the Consent of the parties filed herewith;

**AND ON CONSIDERING THAT** the Applicants and the Commissioner have reached an agreement which is reflected in the Amended Consent Agreement, attached as Appendix 1;

**THE TRIBUNAL ORDERS THAT:**

1. The Consent Order dated June 20, 1996 and varied on March 25, 1998 and again varied on September 8, 2000 (the “Consent Order”) shall be further varied to reflect the following substantive amendments:

(a) The words “incorporated in Canada” are deleted from the definition of “financial institution” in section 1 of the Consent Order;

(b) Paragraph (a)(i) is deleted from the definition of “financial institution” in section 1; and

(c) The word “demand” is deleted from the definition of “issuer” in section 1.

2. The Consent Order, as varied by paragraph 1 of this order, shall be restated as an Amended Consent Agreement, as required by the Act and in the form attached hereto as Appendix 1.

**DATED** at \_\_\_\_\_, Ontario this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

## **ORDONNANCE PAR CONSENTEMENT**

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**VU** l'Ordonnance par consentement du Tribunal de la concurrence (le « Tribunal ») daté du 20 juin 1996 en vertu des articles 79 et 105 de la *Loi sur la concurrence* (la « Loi »), modifiée par consentement en vertu des articles 105 et 106b) de la Loi le 25 mars 1998 et le 8 septembre 2000 (l'« Ordonnance par consentement ») ;

**ET VU** la requête faite par la Banque de Montréal et autres pour obtenir une ordonnance en vertu des articles 105 et 106(1)b) de la Loi pour un consentement modifiant l'Ordonnance par consentement et reformulant l'Ordonnance par consentement, encore modifiée, comme une Entente de consentement modifiée tel qu'exigé par la Loi;

**ET COMPTE TENU** de l'avis de requête d'une ordonnance modifiant l'Ordonnance par consentement et du Consentement des parties produits aux présentes ;

**ET COMPTE TENU QUE** les demandresses et le commissaire en sont venus à une entente qui est reflétée dans l'Entente par consentement modifiée jointe en Annexe 1 ;

### **LE TRIBUNAL ORDONNE QUE :**

1. L'Ordonnance par consentement datée du 20 juin 1996, modifiée le 25 mars 1998 et modifiée encore le 8 septembre 2000 (l'« Ordonnance par consentement ») soit modifiée une fois de plus pour tenir compte des modifications de fond suivantes :

- a) Les mots « constituée au Canada » sont biffés de la définition d'« institution financière » de l'article 1 de l'Ordonnance par consentement ;
- b) l'alinéa (a)(i) est biffé de la définition d'« institution financière » de l'article 1 ; et
- c) les mots « de demande » sont biffés de la définition de l'« émetteur » dans l'article 1.

2. L'Ordonnance par consentement modifiée selon l'alinéa 1 du présent consentement est reformulée comme une Entente modifiée de consentement tel qu'exigé par la Loi et dans la forme jointe à l'Annexe 1 ci-après.

**THE COMPETITION TRIBUNAL**

CT-95/02

IN THE MATTER OF an application by the Commissioner of Competition under sections 79 and 105 of the Competition Act, R.S.C. 1985, c.C-34, as amended;

AND IN THE MATTER OF an abuse of dominant position in the supply of shared electronic network services for consumer-initiated shared electronic financial services;

AND IN THE MATTER OF a Consent Order granted by the Competition Tribunal dated June 20, 1996 and varied on March 25, 1998, and further varied on September 8, 2000;

AND IN THE MATTER OF an application by Bank of Montreal, et al., under sections 105 and 106(1)(b) of the Competition Act, R.S.C. 1985, c.C-34, as amended, to vary on consent the Consent Order granted by the Competition Tribunal on June 20, 1996 and varied on March 25, 1998, and further varied on September 8, 2000.

BETWEEN:

Bank of Montreal, The Bank of Nova Scotia  
Canada Trustco Mortgage Company  
Canadian Imperial Bank of Commerce,  
La Confédération des caisses populaires et  
d'économie Desjardins du Québec,  
Credit Union Central of Canada,  
National Bank of Canada, Royal Bank of Canada,  
The Toronto-Dominion Bank, Interac Inc.  
Applicants

- and -

The Commissioner of Competition  
Respondent

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**CONSENT ORDER**

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Mark J. Nicholson  
Ben Little  
Blake, Cassels & Graydon LLP  
Box 25, Commerce Court West  
Toronto, Ontario M5L 1A9  
Phone: (416) 863-2967  
Fax: (416) 863-2653  
Counsel to the Applicants