



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1517/11/7/22 (UM)
1441/7/7/22
1442/7/7/22
1443/7/7/22
1444/7/7/22

BETWEEN:

UMBRELLA INTERCHANGE FEE CLAIMANTS

- v -

UMBRELLA INTERCHANGE FEE DEFENDANTS

(the “Merchant Interchange Fee Umbrella Proceedings”)

AND BETWEEN:

COMMERCIAL AND INTERREGIONAL CARD CLAIMS I LIMITED

Class Representative

- v -

- (1) MASTERCARD INCORPORATED**
(2) MASTERCARD INTERNATIONAL INCORPORATED
(3) MASTERCARD EUROPE SA (formerly known as MASTERCARD EUROPE SPRL)
(4) MASTERCARD/EUROPAY UK LIMITED
(5) MASTERCARD UK MANAGEMENT SERVICES LIMITED
(6) MASTERCARD EUROPE SERVICES LIMITED

Defendants

AND BETWEEN:

COMMERCIAL AND INTERREGIONAL CARD CLAIMS II LIMITED

Class Representative

- v -

- (1) MASTERCARD INCORPORATED**
- (2) MASTERCARD INTERNATIONAL INCORPORATED**
- (3) MASTERCARD EUROPE SA (formerly known as MASTERCARD EUROPE SPRL)**
- (4) MASTERCARD/EUROPAY UK LIMITED**
- (5) MASTERCARD UK MANAGEMENT SERVICES LIMITED**
- (6) MASTERCARD EUROPE SERVICES LIMITED**

Defendants

AND BETWEEN:

COMMERCIAL AND INTERREGIONAL CARD CLAIMS I LIMITED

Class Representative

- v -

- (1) VISA INC.**
- (2) VISA INTERNATIONAL SERVICE ASSOCIATION**
- (3) VISA EUROPE SERVICES LLC**
- (4) VISA EUROPE LIMITED**
- (5) VISA UK LTD**

Defendants

AND BETWEEN:

COMMERCIAL AND INTERREGIONAL CARD CLAIMS II LIMITED

Class Representative

- v -

- (1) VISA INC.**
- (2) VISA INTERNATIONAL SERVICE ASSOCIATION**
- (3) VISA EUROPE SERVICES LLC**
- (4) VISA EUROPE LIMITED**
- (5) VISA UK LTD**

Defendants

(collectively, the “CICC Collective Proceedings”)

ORDER
(UMBRELLA PROCEEDINGS ORDER) (ADDITIONAL HOST CASE)

UPON the Umbrella Proceedings Order of the President dated 4 July 2022 in the Merchant Interchange Fee Umbrella Proceedings, as varied subsequently, having designated various individual merchant interchange fee proceedings as “Host Cases” and designated all issues, matters or features arising out of the Merchant Interchange Fee Umbrella Proceedings as Ubiquitous Matters (the “Umbrella Proceedings Order”)

AND UPON the further Order of the President dated 4 July 2022 in the Merchant Interchange Fee Umbrella Proceedings, having ordered that the issue of pass-on is designated a Ubiquitous Matter in accordance with the Tribunal’s Practice Direction 2/2022 on Umbrella Proceedings

AND UPON the Tribunal having given judgment ([2024] CAT 39) on 7 June 2024 on the Class Representatives’ revised applications for Collective Proceedings Orders in the CICC Collective Proceedings

AND UPON the Tribunal making the Collective Proceedings Orders in the CICC Collective Proceedings on 9 August 2024

AND UPON the Class Representatives’ application to participate in Trial 2B in relation to the question of acquirer pass-on dated 4 October 2024

AND UPON reading the written responses and submissions filed in relation to the Class Representatives’ application and hearing from counsel for the Class Representatives and the Umbrella Proceedings parties at the case management conference on 22 October 2024

AND UPON the Class Representatives confirming that they intend to jointly instruct expert economist Stefano Trento with the Umbrella Interchange Fee Claimants represented by Stephenson Harwood LLP and Scott+Scott UK LLP for Trial 2B, and Visa adopting a position of neutrality conditional upon that instruction being confirmed

IT IS ORDERED THAT:

1. The Umbrella Proceedings Order and the schedule thereto are varied to include the CICC Collective Proceedings with case numbers 1441-1444/7/7/22 as Host Cases in case name and number “1517/11/7/22 (UM) Merchant Interchange Fee Umbrella Proceedings” as regards the Ubiquitous Matter of Acquirer Pass-On.
2. Costs in the case.
3. There shall be liberty to apply.

Sir Peter Roth

Acting President of the Competition Appeal Tribunal

Made: 14 November 2024

Drawn: 14 November 2024