

Claim Nos: As specified in the Schedule to this Order

IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

COMPETITION LIST

The Chancellor of the High Court

7 April 2022

BETWEEN

THE VARIOUS CLAIMANTS IDENTIFIED IN THE SCHEDULE TO THIS ORDER

The “Interchange Fee Claimants”

-and-

**THE VARIOUS DEFENDANTS IDENTIFIED IN THE SCHEDULE TO THIS
ORDER**

The “Interchange Fee Defendants”

ORDER

UPON the Court’s own motion

AND UPON considering the **various** claims and or proceedings listed in the Schedule to this Order (respectively, the “Proceedings” and the “Schedule”)

AND UPON the Proceedings all involving claims against an entity in either the Visa and/or the MasterCard group of companies in respect of interchange fee overcharges

AND HAVING REGARD TO section 16 of the Enterprise Act 2002 (as amended) (the “2002 Act”) and to the Section 16 Enterprise Act 2022 Regulations 2015 (the “2015 Regulations”)

AND HAVING REGARD TO paragraphs 8.3-8.6 and 8.10-8.13 of Practice Direction 30, supplementing CPR Part 30 (“Practice Direction 30”)

AND HAVING REGARD TO the overriding objective in CPR Rule 1.1

AND UPON the court concluding that it is appropriate to make an order pursuant to section 16(1) of the 2002 Act in conjunction with Regulation 2 of the 2015 Regulations in respect of the proceedings

AND UPON noting that the court may give such directions or make such order as it thinks fit to give effect to the determination of any issue by the Tribunal pursuant to Regulation 2(b) of the 2015 Regulations

AND UPON the court considering that it is appropriate to make this order on the papers and without a hearing

IT IS ORDERED that:

1. The Proceedings (as listed in the Schedule) are hereby transferred to the Competition Appeal Tribunal pursuant to section 16(1) of the 2002 Act and Regulation 2 of the 2015 Regulations. If and to the extent that:
 - (1) Any of the Proceedings have been determined, struck out or otherwise concluded, then this Order shall nevertheless take effect insofar as there remain any matters requiring an order of the court.
 - (2) Any of the Proceedings have already been transferred to the Competition Appeal Tribunal, then the earlier transfer shall be the effective transfer and this Order shall be ineffective as regards such Proceedings.
2. Pursuant to paragraph 3 of Practice Direction 30, this Order shall take effect forthwith.
3. This Order is not intended to alter, limit or exclude any element of the Claimants' claims as constituted in this court prior to the transfer taking effect. If and to the extent that any element of the Claimants' claims as constituted in this court prior to the transfer taking effect is not capable of falling within the jurisdiction of the Competition Appeal Tribunal on a transfer, or would be altered, limited or excluded by this Order or the transfer, it is not subject to this Order and remains within the jurisdiction of this court. This court may give such further directions or make such further order as it thinks fit in connection with the transfer and/or with any element as referred to above.
4. All matters arising out of paragraph 3 of this Order are reserved to Marcus Smith J.
5. The terms of this Order shall be notified to the parties by publication on the website of the Competition Appeal Tribunal and this shall constitute notice to the parties for the purposes of paragraphs 8.5 and 8.12 of Practice Direction 30 and CPR Rule 30.4(1).
6. No order as to costs.
7. This order has been made on the papers and without a hearing. If any party wishes to apply to vary or set aside this order, it shall do so on 3 days' notice to the other party or parties to the Proceedings and in any event with 28 days of the Order being notified pursuant to paragraph 5 of this Order. Any such application is reserved to Marcus Smith J.

REASONS

1. In *Sainsbury's Supermarkets Limited v. Mastercard Incorporated*, [2018] EWCA 1536 (Civ), the Court of Appeal considered the jurisdiction of the Tribunal to hear claims for damages under section 47A of the Competition Act 1998 (which is what the Proceedings are) and indicated that it was appropriate that such claims be transferred to the Competition Appeal Tribunal.
2. The Proceedings all involve claims against an entity in either the Visa and/or the MasterCard group of companies in respect of interchange fee overcharges. A number of interchange fee proceedings have already been transferred from the High Court to the Competition Appeal Tribunal. In its case management ruling dated 16 March 2022, [2022] CAT 14 (the "Ruling"), the Competition Appeal Tribunal described the benefits of managing all such claims together. It is therefore appropriate to transfer the Proceedings to the Competition Appeal Tribunal.

Schedule to the Order**Part A****Claims against Visa Defendants**

Claim Number	Case Name
CP-2018-000024	Euromaster France and others v Visa Europe Limited and others
CP-2020-000010	Hilton Worldwide Limited and others v Visa Europe Limited and others
CP-2021-000019	Levi Strauss & Co Europe SCA/Comm.VA and others v Visa Europe Limited and others
HC-2016-002984	Ocado Retail Ltd v Visa Europe Limited
HC-2016-003253	Lakeland Limited v Visa Europe Limited and Others
HC-2016-003650	Ryman Limited v Visa Europe Limited
HC-2017-000495	Multyork Furniture Limited and others v Visa Europe Limited and others
HC-2017-001113	BP OIL UK LIMITED and others v Visa Europe Limited and others
BL-2021-000268	Henderson & Jones Limited v Visa Europe Limited and others
CP-2019-000018	De Vere 2 Limited v Visa Europe Limited and others
CP-2021-000010	Elior UK Holdings Limited and others v Visa Europe limited and others
HC-2016-003345	Whitbread Group Plc and others v Visa Europe Limited and others
HC-2017-001289	Hillside (Shared Services) Limited and another v Visa Europe Limited and others
HC-2017-001309	Tombola (International) PLC v Visa Europe Limited and others
CP-2022-000016	Foot Locker Netherlands B.V. and others v Visa Europe Limited and others
HC-2016-003365	Belron UK Limited v Visa Europe Limited and others
HC-2017-000159	Poundland Limited v Visa Europe Limited and others
HC-2017-001410	Ideal Shopping Direct Limited v Visa Europe Limited and others
HC-2017-002127	J L & Company Limited and others v Visa Europe Limited and others
BL-2013-000007	Heal & Son Limited and another v VISA Europe Limited and others
CP-2018-000008	Maltavini Limited v Visa Europe Limited and others
CP-2018-000013	Kew Green Hotels Limited v Visa Europe Limited and others
CP-2019-000002	Vodafone Limited and others v Visa Europe Limited and others
CP-2019-000010	Welcome Break Group Limited v Visa Europe Limited and others
CP-2019-000021	WorldRemit Ltd v Visa Europe Limited and others
CP-2020-000019	Allianz Insurance Plc and others v Visa Europe Limited and others
CP-2021-000003	Topps Tiles (UK) Limited and others v Visa Europe Limited and others
CP-2021-000005	McMullen & Sons Limited v Visa Europe Limited and others
CP-2021-000006	A.S. Watson (Health & Beauty UK) Limited and others v Visa Europe Limited and others
CP-2021-000010	Elior UK Holdings Limited and others v Visa Europe limited and

	others
CP-2021-000014	FBE Realisations 2021 Limited (in Administration) v Visa Europe Limited and others
CP-2021-000023	The Chancellor, Masters and Scholars of the University of Cambridge v Visa Europe Limited and others
HC-2016-001675	Deutsche Bahn AG and another v Visa Europe Limited and others
HC-2016-001855	Hertz (UK) Limited and others v Visa Europe Limited and others
HC-2016-002274	Transport for London and others v Visa Europe Ltd and others
HC-2016-002570	Esso Petroleum Company Limited v Visa Europe Limited and others
HC-2016-002698	Europcar UK Limited & others-v- Visa Europe Limited & others
HC-2017-000092	Bourne Leisure Limited and others v Visa Europe Limited and others
HC-2017-000402	Camelot UK Lotteries Limited v Visa Europe Limited and others
HC-2017-000488	Saint Gobain Building Distribution Limited and another v Visa Europe Limited and others
HC-2017-000811	Shell U.K. Oil Products Ltd v Visa Europe Limited and others
HC-2017-001151	Dunelm (Soft Furnishings) Limited v Visa Europe Limited and others
HC-2017-001422	Monsoon Accessorize Limited and others v Visa Europe Limited and others
Part B	
Claims against MasterCard Defendants	
Case Number	Case Name
CP-2019-000019	De Vere 2 Limited v MasterCard Incorporated and others
CP-2021-000004	McMullen and Sons Limited v MasterCard Incorporated and others
CP-2021-000013	FBE Realisations 2021 Limited (in Administration) v MasterCard Incorporated and others
CP-2018-000027	Globalgrange Ltd and others v MasterCard Incorporated and others
CP-2019-000016	Baglioni (UK) Limited v Mastercard Incorporated and others
CP-2020-000014	Vodafone Limited and others v MasterCard Incorporated and others
CP-2020-000015	Grove F&B Limited and others v Mastercard Incorporated and others
HC-2016-003651	Ryman Limited and others v MasterCard Incorporated and others
BL-2013-000006	Primark Mode Ltd and others v MasterCard International Incorporated and others
BL-2013-000008	Fortnum & Mason plc and another v MasterCard Europe S.A. and others
BL-2021-000267	Henderson & Jones Limited v MasterCard Incorporated and others
CP-2017-000015	Soho House UK Limited and others v Mastercard Incorporated and others
CP-2018-000009	Maltavini Limited v MasterCard Incorporated and others
CP-2018-000014	Kew Green Hotels Limited v MasterCard Incorporated and others

CP-2018-000017	GrandVision N.V. and others v MasterCard Incorporated and others
CP-2018-000023	Euromaster France and others v MasterCard Incorporated and others
CP-2018-000025	Firmdale Hotels plc and others v MasterCard Incorporated and others
CP-2018-000029	Shiva Hotels Heathrow Limited and others v Mastercard Europe S.A and others
CP-2018-000033	New World Hospitality UK Limited and another v MasterCard Incorporated and others
CP-2019-000001	Vodafone Limited and others v MasterCard Incorporated and others
CP-2019-000011	Welcome Break Group Limited v MasterCard Incorporated and others
CP-2019-000012	Grove F&B Limited and others v Mastercard Incorporated and others
CP-2019-000020	WorldRemit Ltd v MasterCard Incorporated and others
CP-2019-000024	Edwardian Ltd and others v MasterCard Incorporated and others
CP-2020-000001	Melton House Investments Limited and others v MasterCard Europe S.A. and others
CP-2020-000018	Allianz Insurance Plc and others v MasterCard Incorporated and others
CP-2021-000002	Topps Tiles (UK) Limited and others v MasterCard Incorporated and others
CP-2021-000007	A.S. Watson (Health & Beauty UK) Limited and others v MasterCard Incorporated and others
CP-2021-000018	Levi Strauss & Co Europe SCA/Comm.VA and others v MasterCard Incorporated and others
CP-2022-000002	The Chancellor, Masters & Scholars of the University of Cambridge v Mastercard Incorporated and others
CP-2022-000017	Foot Locker Netherlands B.V. and others v MasterCard Incorporated and others
HC-2012-000196	Deutsche Bahn AG and others v MasterCard Incorporated and others
HC-2013-000506	Deutsche Bahn AG and another v MasterCard Incorporated and others
HC-2014-000499	Dobbies Garden Centres Limited v Mastercard UK Members Forus Limited and others
HC-2014-000636	Enterprise Rent-A-Car UK Ltd and others v MasterCard Incorporated and others
HC-2014-000729	DRG Retail Limited and another v Mastercard Incorporated and others
HC-2014-001730	Tesco Stores Ltd and others v Mastercard Incorporated and others
HC-2014-001844	Ocado Retail Limited and another v MasterCard Incorporated and others
HC-2016-002275	Transport for London and others v Mastercard Incorporated and others
HC-2016-002697	Europcar UK Limited & others-v- Mastercard Incorporated & others
HC-2016-003254	Lakeland Limited v MasterCard Incorporated and others
HC-2016-003344	Whitbread Group Plc and others v MasterCard Incorporated and others
HC-2017-000101	Euro Garages Limited v MasterCard Incorporated and others

HC-2017-000474	Fattal Leonardo Royal Berlin Operation GmbH v Mastercard Incorporated
HC-2017-000489	Saint Gobain Building Distribution Limited and another v MasterCard Incorporated and others
HC-2017-001018	Monsson v Mastercard
HC-2017-001074	Center Parcs (operating company) Limited and another v Mastercard Incorporated and others
HC-2017-001389	Hillside (Shared Services) Limited and others v MasterCard International Incorporated and another
HC-2017-001403	Bathstore.com Limited and others v MasterCard Incorporated and others
HC-2017-001411	Ideal Shopping Direct Limited v MasterCard Incorporated and others
HC-2017-001728	Bourne Leisure Limited and others v MasterCard Incorporated and others
HC-2017-001729	Poundland Limited v Mastercard Incorporated and others
HC-2017-002077	Robinson Webster (Holdings) Limited and another v MasterCard Incorporated and others
HC-2017-002446	AO LIMITED and others v MASTERCARD EUROPE SA and others
IP-2017-000171	Mastercard International Incorporated v Master Pay (UK) Ltd and another