



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1526/5/7/22 (T)

BETWEEN:

INCHCAPE RETAIL LIMITED AND OTHERS

Claimants

- v -

(1) VISA UK LIMITED

(2) VISA EUROPE LIMITED

(3) VISA EUROPE SERVICES LLC

(4) VISA INC.

Defendants

CONSENT ORDER

UPON these proceedings being commenced in the High Court on 14 December 2021 (CP-2021-000021) (the “**Claim**”)

AND UPON the Order of Master Pester dated 27 July 2022 transferring the Claim from the High Court to the Competition Appeal Tribunal (the “**Transfer Order**”)

AND HAVING REGARD TO (i) the views expressed by the President of the Tribunal at the Case Management Conference on 1-2 March 2022 in Cases 1306-1325/5/7/19 (T), 1349-1350/5/7/20 (T), 1369/5/7/20 (T), 1373-1374/5/7/20 (T), 1376/5/7/20 (T), 1383-1384/5/7/21 (T), 1385-1400/5/7/21 (T) and 1406/5/7/21 (T) (the “**Merchant Interchange Proceedings**”);

(ii) the Tribunal's Order of 16 March 2022 following such CMC (the "**March 2022 Order**"); and (iii) the Tribunal's Ruling of 16 March 2022 ([2022] CAT 14) (the "**Ruling**")

AND UPON the Umbrella Proceedings Order of the President dated 4 July 2022 designating certain cases as "Host Cases" pursuant to the Tribunal's Practice Direction 2/2022 (Umbrella Proceedings), such that the Ubiquitous Matters (as defined in the Practice Direction) arising in those case will be disposed of in Umbrella Proceedings (under Case No 1517/11/7/22 (UM) Merchant Interchange Fee Umbrella Proceedings) in accordance with the process set out in the Tribunal's Order and Ruling in the Merchant Interchange Proceedings

AND UPON the Umbrella Proceedings Order of the President dated 19 August 2022 designating the Claim as an additional Host Case in Case No 1517/11/7/22 (UM) Merchant Interchange Fee Umbrella Proceedings

AND UPON the Parties agreeing to the terms set out in paragraph 4 of the March 2022 Order

AND UPON reading the letter of Freeths LLP dated 20 October 2022 seeking a stay of the Claim and the accompanying draft consent order signed by the parties

BY CONSENT IT IS ORDERED THAT:

1. Pursuant to Rule 53(2)(k) of the Competition Appeal Tribunal Rules 2015, the Claimants' claim in these proceedings shall be stayed on the terms set out in paragraph 4 of the March 2022 Order.
2. Notwithstanding that stay, (i) the Claimants agree to be bound by the outcome of the Merchant Interchange Proceedings (including any appeals) in respect of all designated Ubiquitous Matters and (ii) a party in the Merchant Interchange Proceedings may make an application for one or more of the Claimants to provide information or disclosure on the condition that the Tribunal considers such information or disclosure necessary to resolve a wider issue in the Merchant Interchange Proceedings.
3. The Claimants shall not be required to serve any Particulars of Claim during the stay and time for serving Particulars of Claim shall be extended until 12 weeks after the date of the order lifting the stay, unless the Tribunal shall order otherwise.
4. There be liberty to apply.
5. Costs in the case.

Sir Marcus Smith

President of the Competition Appeal Tribunal

Made: 25 October 2022

Drawn: 25 October 2022