



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1573/5/7/22 (T)
1575/5/7/22 (T)

BETWEEN:

MARKS AND SPENCER PLC & ANOTHER

Claimants

- v -

(1) MASTERCARD INCORPORATED
(2) MASTERCARD INTERNATIONAL INCORPORATED
(3) MASTERCARD EUROPE SPRL

Defendants

(the “Marks and Spencer/Mastercard Proceedings”)

AND BETWEEN:

PRIMARK STORES LIMITED & OTHERS

Claimants

- v -

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

Defendants

(the “Primark/Visa Proceedings”)

UMBRELLA PROCEEDINGS ORDER
(ADDITIONAL HOST CASES)

UPON the Umbrella Proceedings Order of the President dated 4 July 2022 in Case No 1517/11/7/22 (UM) Merchant Interchange Fee Umbrella Proceedings designating various individual merchant interchange fee proceedings listed in the schedule to that order as “**Host**

Cases” and designating all issues, matters or features arising out of the Merchant Interchange Fee Umbrella Proceedings as Ubiquitous Matters (the “**Umbrella Proceedings Order**”)

AND UPON the Orders of the President dated 19 August 2022 and 10 October 2022 adding additional Host Cases to the Merchant Interchange Fee Umbrella Proceedings

AND UPON the Order of the Chancellor of the High Court dated 7 April 2022 (as re-amended on 13 September 2022 pursuant to the Civil Procedure Rules r.40.12 by the direction of Master Clark) transferring the cases listed in the schedule to that order to the Tribunal including, amongst others, the Primark/Visa Proceedings (registered at the High Court under Claim No. BL-2013-000010 and at the Tribunal under Case No. 1575/5/7/22 (T))

AND UPON the Order of Mr Justice Foxton dated 3 October 2022 transferring the Marks and Spencer/Mastercard Proceedings to the Tribunal (registered at the High Court under Claim No. CL-2013-000197 and at the Tribunal under Case No. 1573/5/7/22 (T))

AND UPON the letter dated 25 October 2022 from the solicitors for the Claimants in the Marks and Spencer Proceedings proposing that those proceedings be designated as a Host Case and the letter dated 19 December 2022 from the solicitors for the Defendants in those proceedings confirming that the Mastercard Defendants agree to such a designation

AND UPON the Defendants and the Claimants in the Primark/Visa Proceedings confirming by correspondence from their respective solicitors their agreement to those proceedings being designated as a Host Case on 29 December 2022 and 6 January 2023, respectively

AND UPON the Order of the President made on 23 December 2022 and drawn on 13 January 2023 regarding the future conduct of the Merchant Interchange Fee Umbrella Proceedings (the “Future Conduct Order”)

AND UPON considering the letter dated 17 January 2023 from the solicitors for the Defendants in the Primark/Visa Proceedings seeking clarification whether the Future Conduct Order applies to those proceedings where designated as a Host Case after the Future Order had been made and confirming that the parties in those proceedings wish for the Future Conduct Order to apply

BY CONSENT IT IS ORDERED THAT:

1. The Umbrella Proceedings Order and the schedule thereto are varied to include the Marks and Spencer/Mastercard Proceedings and the Primark/Visa Proceedings which are, each and collectively, named as a Host Cases in case name and number: “1517/11/7/22 (UM) Merchant Interchange Fee Umbrella Proceedings”.
2. The Future Conduct Order shall apply to the Primark/Visa Proceedings.
3. There shall be liberty to apply.
4. Costs in the case.

IT IS ORDERED THAT:

5. The Future Conduct Order shall apply to the Marks and Spencer/Mastercard Proceedings.
6. There shall be liberty to apply.
7. Costs in the case.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 17 January 2023
Drawn: 17 January 2023