



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1266/7/7/16

BETWEEN:

WALTER HUGH MERRICKS CBE

Class Representative

- v -

(1) MASTERCARD INCORPORATED
(2) MASTERCARD INTERNATIONAL INCORPORATED
(3) MASTERCARD EUROPE S.P.R.L.

Defendants

- and -

AMERICAN EXPRESS SERVICES EUROPE LIMITED

Rule 102 Applicant

CONSENT ORDER

UPON the Tribunal's order dated 14 October 2022 requiring the Defendants *inter alia* to disclose, to the extent relevant to the issues in these proceedings, documents: (i) from the OFT's case file for the entire duration of the OFT investigation into Mastercard's multilateral interchange fees in the UK (the "**OFT File**") (paragraph 1(h)); and (ii) from the EC's case file in Case COMP/34.579 relating to the EC's investigation into Mastercard (the "**EC File**") (paragraph 1(i))

AND UPON the application made by the Rule 102 Applicant (“**American Express**”) on 21 December 2022 (“the **Application**”) seeking an order restricting the disclosure of, or alternatively use of, the Specified American Express Documents

AND UPON the Tribunal’s order dated 23 December 2022 (the “**Order**”)

AND UPON the Tribunal’s order dated 10 January 2023 made on the application of the Class Representative to vary the Order

AND UPON the Class Representative, Defendants and American Express and their respective legal representatives having agreed to the terms of this order

BY CONSENT IT IS ORDERED that:

1. The Application is dismissed.
2. The Order (as defined in the recitals above) is set aside.
3. American Express shall pay the Class Representative’s costs of the Application in the agreed amount of £30,000 (including VAT) within 28 days of the date of this order.
4. There be no order as to costs as between American Express and the Defendants.

The Honourable Mr Justice Roth
Chair of the Competition Appeal Tribunal

Made: 7 February 2023
Drawn: 7 February 2023