



IN THE COMPETITION APPEAL TRIBUNAL

Case No: 1585/5/7/23 (T)

BETWEEN:

THE COMMISSIONERS FOR HIS MAJESTY'S REVENUE AND CUSTOMS

Claimant

- v -

**(1) MASTERCARD INCORPORATED
(2) MASTERCARD INTERNATIONAL INCORPORATED
(3) MASTERCARD EUROPE SA
(4) MASTERCARD/EUROPAY UK LIMITED**

Defendants

CONSENT ORDER

UPON the Claim Form in the proceedings being issued in the High Court on 23 December 2022 (CP-2022-000061) (the “Claim Form”)

AND UPON the Order of the High Court dated 3 April 2023 transferring the proceedings from the High Court to the Competition Appeal Tribunal (the “Transfer Order”)

AND 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 Umbrella Proceedings as Ubiquitous Matters (the “Umbrella Proceedings Order”)

AND UPON the Tribunal’s Order made and drawn on 16 March 2022 (the "March 2022 Order”) appended to the Tribunal's Ruling of 16 March 2022 ([2022] CAT 14) and Rule 53(2)(k) of the Competition Appeal Tribunal Rules 2015

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 the parties agreeing to be bound by the determination of any issues which are common to the claims in these proceedings and to the jointly case managed claims in the Merchant Umbrella Proceedings

AND UPON considering the letter from the solicitors for the Claimant dated 12 April 2023 on behalf of the parties proposing that these proceedings be designated as a Host Case in the Merchant Umbrella Proceedings and requesting a stay of these proceedings

AND UPON the Tribunal’s Order made and drawn on 25 April 2023 designating these proceedings as a Host Case in the Merchant Interchange Fee Umbrella Proceedings

IT IS ORDERED BY CONSENT THAT:

1. Upon service of the Claim Form, the proceedings shall be stayed immediately until further order (the “Stay”) in accordance with the terms of paragraph 4 of the March 2022 Order.
2. The Claimant 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.
3. Notwithstanding the Stay, the parties shall be bound by the outcome of any determinations in the Merchant Umbrella Proceedings (including any appeals) in respect of all designated Ubiquitous Matters.
4. Notwithstanding the Stay, the Claimant remains liable to provide information or disclosure if the Tribunal considers such information or disclosure necessary to resolve a wider issue in the Merchant Umbrella Proceedings.
5. There be liberty to apply.

6. Costs in the case.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 25 April 2023
Drawn: 25 April 2023