



Case Nos: 1517/11/7/22 (UM)
1266/7/716

IN THE COMPETITION APPEAL TRIBUNAL

BETWEEN:

UMBRELLA INTERCHANGE FEE CLAIMANTS

- v -

UMBRELLA INTERCHANGE FEE DEFENDANTS

(the “Merchant Interchange Fee Umbrella Proceedings”)

AND BETWEEN:

WALTER HUGH MERRICKS CBE

Class Representative

- v -

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

Defendants

(the “Merricks Collective Proceedings”)

(together, the “Proceedings”)

ORDER

UPON the Tribunal’s Order made by consent on 23 December 2022 (the “**Future Conduct Order**”)

AND UPON the Tribunal’s Order made by consent on 8 March 2023 which set out a timetable for the directions leading up to the hearing in relation to evidential issues in relation to pass-on (the “**Pass-on Evidential Hearing**”) in accordance with paragraph 5 of the Future Conduct Order (the “**Directions Order**”)

AND UPON the correspondence to the Tribunal dated 25 April and 9 May 2023 that the Visa Defendants, Mastercard Defendants, HK Claimants, SSU Claimants, SH Claimants, Ocado Holdings Limited and the Hausfeld Claimants to the Merchant Interchange Fee Umbrella Proceedings and the parties to the Merricks Collective Proceedings, have agreed to certain amendments to the Directions Order

BY CONSENT IT IS ORDERED THAT:

1. Paragraph 3 of the Directions Order shall be varied so that the parties shall liaise to attempt to narrow or resolve any outstanding areas of disagreement on the Pass-on Proposals and to update the Tribunal by 4pm on 9 May 2023 whether any, and if so which, areas of disagreement remain.
2. Paragraph 4 of the Directions Order shall be varied so that the parties are to produce, cross-serve and file with the Tribunal any final written submissions on any outstanding areas of disagreement on the Pass-on Proposals (and any other matters to be determined at the Pass-on Evidential Hearing) by 4pm on 16 May 2023.
3. Costs in the respective Proceedings.
4. There be liberty to apply.

Sir Marcus Smith

President of the Competition Appeal Tribunal

Made: 10 May 2023

Drawn: 10 May 2023