



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1441/7/7/22
1442/7/7/22
1443/7/7/22
1444/7/7/22

BETWEEN:

COMMERCIAL AND INTERREGIONAL CARD CLAIMS I LIMITED

Applicant /
Proposed Class Representative

- v -

- (1) **MASTERCARD INCORPORATED**
- (2) **MASTERCARD INTERNATIONAL INCORPORATED**
- (3) **MASTERCARD EUROPE SA**
- (4) **MASTERCARD/EUROPAY UK LIMITED**
- (5) **MASTERCARD UK MANAGEMENT SERVICES LIMITED**
- (6) **MASTERCARD EUROPE SERVICES LIMITED**

Respondents /
Proposed Defendants

AND BETWEEN:

COMMERCIAL AND INTERREGIONAL CARD CLAIMS II LIMITED

Applicant /
Proposed Class Representative

- v -

- (1) **MASTERCARD INCORPORATED**
- (2) **MASTERCARD INTERNATIONAL INCORPORATED**
- (3) **MASTERCARD EUROPE SA**
- (4) **MASTERCARD/EUROPAY UK LIMITED**
- (5) **MASTERCARD UK MANAGEMENT SERVICES LIMITED**
- (6) **MASTERCARD EUROPE SERVICES LIMITED**

Respondents /
Proposed Defendants

AND BETWEEN:

COMMERCIAL AND INTERREGIONAL CARD CLAIMS I LIMITED

Applicant /
Proposed Class Representative

- v -

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

Respondents /
Proposed Defendants

AND BETWEEN:

COMMERCIAL AND INTERREGIONAL CARD CLAIMS II LIMITED

Applicant /
Proposed Class Representative

- v -

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

Respondents /
Proposed Defendants

ORDER

UPON the Proposed Class Representatives' collective proceedings claim forms dated 1 June 2022 and applications for a collective proceedings order pursuant to section 47B of the

Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules 2015 (the “Tribunal Rules”)

UPON the Tribunal having handed down its Judgment in respect of the Proposed Class Representatives’ applications for four collective proceedings orders on 8 June 2023([2023] CAT 38) (“*the Judgment*”)

AND UPON the letter from the solicitors for the Proposed Class Representatives dated 3 August 2023 confirming their intention to file revised CPO applications (the “Revised CPO Applications”) and to amend their funding arrangements in light of *R (on the application of PACCAR Inc and others) (Appellants) v Competition Appeal Tribunal and others (Respondents) [2023] UKSC 28* (the “Revised Funding Arrangements”) in the above proceedings and the observations from the parties in relation to the timetable for the filing of Revised Funding Arrangements and Revised CPO Applications in these proceedings

IT IS ORDERED THAT:

Revised Funding Arrangements

1. The Proposed Class Representatives shall file and serve the Revised Funding Arrangements pertaining to the four CPO Applications for consideration by the Tribunal as to their enforceability (but not their adequacy for the purposes of the Revised CPO Applications) by **4pm on 15 September 2023**.
2. The Proposed Defendants shall file and serve any submissions relating to the enforceability of the Revised Funding Arrangements by **4pm on 6 October 2023**.
3. Any responsive submissions by the Proposed Class Representatives on the question of enforceability shall be filed and served by **4pm on 20 October 2023**.
4. A hearing on the enforceability of the Revised Funding Arrangements before the full panel will be listed for a half day on **10 November 2023**. This hearing will be vacated if the Tribunal decides that issues relating to the enforceability of the Revised Funding Arrangements are capable of being determined on the papers.

Revised CPO Applications pleadings

5. The Proposed Class Representatives shall file and serve the Revised CPO Applications, including any evidence upon which they rely, by **4pm on 15 December 2023**.
6. The Proposed Defendants shall file and serve their Responses to the Revised CPO Applications, including any evidence upon which they rely, by **4pm on 15 February 2024**.
7. The Proposed Class Representatives shall file and serve their Replies to the Responses, including any evidence upon which they rely, by **4pm on 7 March 2024**.
8. There shall be a CPO Certification hearing of the Revised CPO Applications to take place on **17 to 19 April 2024**, with a time estimate of two to three days.

Publicity

9. The Proposed Class Representatives shall provide the Proposed Defendants with draft Publicity Notices in respect of the CPO Applications by **4pm on 19 January 2024**.
10. The Proposed Defendants shall submit to the Proposed Class Representatives any comments to the relevant draft Publicity Notice by **4pm on 24 January 2024**.
11. The Proposed Class Representatives shall submit to the Proposed Defendants any responses to their comments on the Draft Publicity Notices by **4pm on 26 January 2024**.
12. The Proposed Class Representatives shall submit draft Publicity Notices to the Tribunal for its consideration by **4pm on 30 January 2024**. To the extent that any disagreements remain between the parties, each party shall submit short written submissions addressing the points of disagreement by the same deadline.

Interested Persons

13. Interested non-parties shall be permitted to make any objections to the Revised CPO Applications and or file any observations in respect of the Revised CPO Applications by **4pm on 24 March 2024**.

CPO Certification Hearing

14. Electronic Bundles shall be filed by **4pm on 10 April 2024**.
15. Skeleton Arguments, with completed references to the electronic bundles, shall be filed by **4pm on 10 April 2024**.
16. Electronic Authorities Bundles shall be filed by **4pm on 11 April 2024**.

General

17. Costs in the case.
18. There shall be liberty to apply.
19. By agreement the parties may vary without further order any deadline in this Order provided that they inform the Tribunal of such agreement in advance of the expiry of the relevant deadline and the extension does not affect the dates of any listed hearings.

Ben Tidswell
Chair of the Competition Appeal Tribunal

Made: 4 September 2023
Drawn: 4 September 2023