



**Case No. 1266/7/7/16**

**IN THE COMPETITION APPEAL TRIBUNAL**

**BETWEEN:**

**WALTER HUGH MERRICKS CBE**

**Class Representative**

**- and -**

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

**Defendants**

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**REASONED ORDER**

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**UPON** the Tribunal’s Order of 10 February 2023 setting out a timetable for the s32 and s6(4) Hearing (the “**February Order**”), as varied by the Tribunal’s Order of 3 July 2023, the Tribunal’s Order of 21 September 2023, the Tribunal’s Order of 6 November 2023, and the Tribunal’s Order of 24 November 2023

**AND UPON** the application by the Defendants dated 9 November 2023

**AND UPON** the Tribunal’s Order of 13 November 2023: (a) requesting international judicial assistance from the French Ministère de la Justice pursuant to Article 17 of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters; (b) providing directions for the giving of evidence by Mr Vincent Jean Bellis at the s.32 and s.6(4) Hearing, without prejudice to whether the Defendants would be given permission to adduce that evidence at the s.32 and s.6(4) Hearing; and (c) requiring the Defendants to apply for permission to adduce Mr Bellis’ evidence when it became available

**AND UPON** Mr Bellis' witness statement being sent to the Class Representative's solicitors on 20 November 2023

**AND UPON** the application by the Defendants dated 23 November 2023 for permission to adduce Mr Bellis' evidence at the s.32 and s.6(4) Hearing (the "**Application**")

**AND UPON** reading the fourth witness statement of Mr Mark Sansom dated 9 November 2023, the fifth witness statement of Mr Mark Sansom dated 23 November 2023 and the expert report of Mr Alexander Blumrosen dated 23 November 2023

**AND UPON** reading the correspondence from the solicitors to the Class Representative and the Defendants of 27 and 28 November 2023

**IT IS ORDERED THAT:**

1. The Defendants are granted permission to file the witness statement of Mr Bellis dated 20 November 2023 and to adduce his evidence at the s.32 and s.6(4) Hearing.
2. Paragraph 17 of the February Order shall be varied such that the Defendants shall file and serve their factual witness evidence in reply by **4pm on Wednesday, 29 November 2023** and the Class Representative shall file and serve his factual witness evidence in reply by **4 pm on Thursday, 7 December 2023**.
3. For the avoidance of doubt, the Class Representative's factual witness evidence to be served pursuant to paragraph 2 of this Order is to be by way of reply to the Defendants' factual witness evidence served on 10 and 20 November 2023 and not in reply to the Defendants' factual witness evidence in reply served pursuant to paragraph 2 of this Order.
4. The Defendants shall pay the Class Representative's costs of the Application, to be summarily assessed if not agreed.

**REASONS:**

1. The interval between the primary evidence and evidence in reply under the Order of 6 November 2023 is 17 days. The same interval should accordingly apply in respect of the evidence of Mr Bellis.
2. The Application for permission to adduce Mr Bellis' evidence was only necessary because the Defendants had not made timely arrangements that would have enabled them to serve

it by the date specified in the Tribunal's previous orders. It is therefore appropriate that the Defendants should bear the costs thereby incurred.

**The Honourable Mr Justice Roth**  
Chair of the Competition Appeal Tribunal

Made: 30 November 2023  
Drawn: 30 November 2023