



**IN THE COMPETITION APPEAL TRIBUNAL**

Case Nos: 1517/11/7/22 (UM)  
1266/7/7/16

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.**

Mastercard Defendants

(the “Merricks Collective Proceedings”)

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**ORDER**

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**UPON** the Tribunal handing down its Ruling (Evidence on Pass-on) [2023] CAT 60 on 5 October 2023

**AND UPON** the Order of the Tribunal made and drawn on 5 December 2023 in the Merchant Interchange Fee Umbrella Proceedings and the Merricks Collective Proceedings (the “Evidential Pass-On Order”)

**AND UPON** the Active Parties and the Class Representative having agreed to vary the terms of the Evidential Pass-On Order

**AND UPON** this Order being binding upon the Class Representative and all parties in the Merchant Interchange Fee Umbrella Proceedings (together, the “Parties”), including for the avoidance of doubt (i) those Claimants in the Merchant Interchange Fee Umbrella Proceedings whose claims are stayed pursuant to an Order of the Tribunal and (ii) those Claimants in the Merchant Interchange Fee Umbrella Proceedings who are not Active Claimants but whose claims are not stayed by Order of the Tribunal

**IT IS ORDERED BY CONSENT THAT:**

1. Paragraph 8 of the Evidential Pass-On Order be amended to read as follows:

“By **4pm on 22 December 2023**, the Experts shall produce a joint expert report setting out with precision those matters in paragraphs [1-7] above that are agreed, and those matters in paragraphs [1-7] above that are not agreed and a short summary of each Expert’s position in respect of each area of disagreement.”

2. Paragraph 9 of the Evidential Pass-On Order be amended to read as follows:

*“[Intentionally left blank]”*

3. Paragraph 11 of the Evidential Pass-On Order to be amended to read as follows:

“By **22 December 2023**, the Parties shall submit the Draft Questionnaire (showing the Parties’ alternative proposals if necessary) to the Tribunal for approval.”

4. Paragraph 16 of the Evidential Pass-On Order be amended to read as follows:

“The Parties shall liaise to agree a proposed agenda for the Further Evidential Hearing which shall be prepared by the Umbrella Interchange Fee Claimants and filed by **4pm on 5 January 2024.**”

5. Paragraph 17 of the Evidential Pass-On Order be amended to read as follows:

“(a) The Parties shall liaise to agree hearing bundles which shall be prepared by the Umbrella Interchange Fee Claimants and filed and served by **4pm on 3 January 2024.**

(b) The parties shall liaise to agree a separate authorities bundle, if appropriate, which shall be prepared by the Umbrella Interchange Fee Claimants and filed and served by **4pm on 5 January 2024.** (c) The electronic bundles should be in single pdf form and should be indexed, bookmarked, paginated and fully searchable.”

6. Paragraph 18 of the Evidential Pass-On Order be amended to read as follows:

“Skeleton arguments, in compliance with the page limits in paragraph 3 of the Competition Appeal Tribunal’s Practice Direction 1/2021, shall be filed and served by **4pm on 5 January 2024.**”

7. Paragraph 19 of the Evidential Pass-On Order be amended to read as follows:

“(a) By **5pm on 5 January 2024,** the Umbrella Interchange Fee Claimants shall file four hard copies of the hearing bundles. (b) By **2pm on 8 January 2024** the Umbrella Interchange Fee Claimants shall file four hard copies of the authorities bundle (if applicable).”

8. Paragraph 20 of the Evidential Pass-On Order be amended to read as follows:

“By **5pm on 5 January 2024,** the Parties shall file four hard copies of their respective skeleton arguments.”

9. Costs in the Merchant Interchange Fee Proceedings and the Merricks Collective Proceedings.
10. Liberty to apply.

**Sir Marcus Smith**  
President of the Competition Appeal Tribunal

Made: 8 December 2023  
Drawn: 8 December 2023