



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1511/5/7/22 (T)

BETWEEN:

EURO GARAGES LIMITED

Claimant

- v -

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

Defendants

ORDER

UPON the claim form in these proceedings being issued in the High Court on 16 January 2017 (HC-2017-000101) (the "Claim Form")

AND UPON the Order of the Chancellor of the High Court dated 7 April 2022 (as amended) transferring the various cases listed in the schedule to that order (which included these proceedings) to the Competition Appeal Tribunal

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 (the "Merchant 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

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 letter from Taylor Wessing LLP dated 6 December 2023 on behalf of the Claimant to Jones Day on behalf of the Defendants reserving the Claimant's right to apply to lift the stay following the outcome of the appeal of the judgment concerning the Volvo limitation issue ([2023] CAT 49) in order to amend its pleadings if necessary and seek for the Defendants to file their Defence

AND UPON the letter from the Tribunal dated 5 December 2023 (the "December 2023 Letter") in which it referred to it being necessary for all Non-Stayed Non-Active Claimants to make an election by 4pm on 22 December 2023 as to whether to participate (and, if so, to what extent) or whether to have claims stayed (and, if so, to what extent) as regards the future substantive proceedings

IT IS ORDERED THAT:

1. 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. Notwithstanding the Stay, the Claimant shall be bound by the outcome of any determinations in the Merchant Umbrella Proceedings (including any appeals) in respect of all designated Ubiquitous Matters.
3. 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.
4. There shall be liberty to apply.
5. Costs in the case.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 5 January 2024
Drawn: 5 January 2024