



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 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

(the “Merricks Class Representative”)

- v -

(1) MASTERCARD INCORPORATED

(2) MASTERCARD INTERNATIONAL INCORPORATED

(3) MASTERCARD EUROPE S.P.R.L.

Mastercard Defendants

(the “Merricks Collective Proceedings”)

ORDER
(DATA PRODUCTION)

UPON the applications filed by the Merricks Class Representative, the Mastercard Defendants and the Visa Defendants on 21 May 2024, seeking orders for, inter alia, the production of further data from two Interchange Fee Umbrella Claimants, World Remit and Pets at Home, for the purposes of Trial 2 (the “Applications”)

AND UPON reading the response filed by the SSH Claimants on 23 May 2024 and the replies filed by the Merricks Class Representative, the Mastercard Defendants and the Visa Defendants on 24 May 2024

AND UPON the Tribunal hearing the discussion at the informal case management conference heard on 21 June 2024 in relation to the data disclosed by the Vodafone SSH Claimant

AND FURTHER TO the Tribunal’s Ruling (Ambit of Quantitative Disclosure in Trial 2) (Merricks Trial 2 Participation), handed down on 31 May 2024 [2024] CAT 37

IT IS ORDERED THAT:

1. The Applications are dismissed.
2. Any data that has already been provided by World Remit and Pets at Home for the purposes of the Merchant Interchange Fee Umbrella Proceedings and the Merricks Collective Proceedings need not be deleted by any party (or their respective advisors) that has received that data, and the parties (and their respective advisors) are permitted, if so advised, to use the data that has been provided for the purposes of Trial 2.
3. For the purposes of Trial 2, the only data disclosed by the SSH Claimants that may be taken into account by the parties as part of their cases at Trial 2 is the data from: Hilton, Holland and Barrett, Wagamama, Travix, University of Manchester, Three, Sony, M&S, Pendragon, World Remit, Pets at Home and Pendragon.
4. With the exception of data disclosed by Vodafone as per paragraph 5, all other data disclosed by any other SSH Claimants (i.e. other than SSH Claimant data disclosed by the entities listed at paragraph 3 above) shall be deleted by the parties herein (and their respective advisors), forthwith and in accordance with paragraphs 20 and 21 of the Trial 2 Confidentiality Ring Order dated 28 February 2024. For the avoidance of doubt, this shall include any and all data disclosed and produced for the purposes of Trial 2 by Soho House, Levi’s, IHG, iHerb, LSE, and Footlocker.

5. The parties are to update the Tribunal as to deletion of Vodafone data by 4pm on 26 July 2024.
6. Costs in the respective proceedings.

Ben Tidswell

Chair of the Competition Appeal Tribunal

Made: 25 June 2024

Drawn: 25 June 2024