



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1758/5/7/25 (T)

BETWEEN:

ROCCO FORTE & FAMILY (LONDON) LIMITED AND OTHERS

Claimants

- v -

(1) MASTERCARD INCORPORATED
(2) MASTERCARD INTERNATIONAL INCORPORATED
(3) MASTERCARD EUROPE S.A.
(4) MASTERCARD/EUROPAY U.K. LIMITED

Defendants

(the “Proceedings”)

REASONED ORDER (APPLICATION TO LIFT STAY)

UPON the Tribunal’s Order made and drawn on 10 December 2025 (the “**10 December Order**”) staying the Proceedings by consent between the Claimants and the Defendants

AND UPON considering the letter of 31 July 2026 from the Claimants’ solicitors applying for a lifting of the Stay (as defined in paragraph 2 of the 10 December Order) in the Proceedings (the “Application”)

AND UPON considering the letter of 10 August 2026 from the Defendants’ solicitors responding to the Application

IT IS ORDERED THAT:

1. The Application is adjourned.
2. There be liberty to apply.
3. Costs in the case.

REASONS:

1. There is an ongoing stay of these Proceedings, which form part of the Umbrella Interchange Fee Proceedings with Tribunal case number 1517/11/7/22 (UM). Even though these Proceedings are stayed, the Claimants will be bound by the outcome of any determinations in the Umbrella Proceedings in respect of all designated Ubiquitous Matters except those matters dealt with by the Umbrella Interchange Fee Trial 1 Judgment [2025] CAT 37.
2. The Umbrella Proceedings are currently moving towards Trial 3, which will consider issues including exemption under Article 101(3) of the Treaty on the Functioning of the European Union. The Claimants have applied to lift the Stay so that they can actively participate in Trial 3.
3. The parties' experts have selected sample claimants from the pool of claimant Host Cases (including stayed claimants) for the purposes of a disclosure exercise for Trial 3. Two other claimants from the hotel sector have been selected as sample claimants for the purpose of disclosure exercise. The Claimants have not been selected as sample claimants. The Claimants suggest that the selected sample claimants may not in practice hold data and documents, or drop out of the disclosure process, or otherwise not be in a position to provide evidence on issues for Trial 3. The Claimants suggest that this possibility justifies lifting the stay at this stage.
4. The Defendants point out that lifting the stay will require substantive steps to be taken in the proceedings, which will involve all parties to the proceedings incurring additional costs.
5. The Claimants are not currently proposing to provide either disclosure or factual evidence for Trial 3. In these circumstances, I consider that the Application to lift the stay is premature and creates the risk of incurring costs that may be wasted. Accordingly, I decline to grant the Application at this stage.
6. The Application shall be adjourned with liberty for the Claimants to apply for it to be reconsidered at such time as they do decide to provide either disclosure or factual

evidence. The Application should be renewed at the same time as the Claimants notify the Defendants of such a decision. If the Application is not renewed, it shall be adjourned until any pre-trial review for Trial 3 in the Umbrella Proceedings for final disposal, if not earlier withdrawn.

Mr Ben Tidswell

Chair of the Competition Appeal Tribunal

Made: 13 August 2026

Drawn: 13 August 2026