



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1573/5/7/22 (T)

BETWEEN:

MARKS AND SPENCER PLC AND ANOTHER

Claimants

- v -

MASTERCARD INCORPORATED AND OTHERS

Defendants

(the “Proceedings”)

CONSENT ORDER

UPON the joint application of the Claimants and the Defendants

AND UPON a confidential settlement having been agreed between the Claimants and the Defendants, copies of which shall be retained by the parties’ legal representatives, and those parties having agreed to make an application to withdraw the Claimants’ claims in these Proceedings

AND UPON the transfer of the Proceedings (registered at the High Court under the Claim No. CL-2013-000197) from the High Court of Justice to the Competition Appeal Tribunal pursuant to Order of Mr Justice Foxton dates 3 October 2022

AND HAVING REGARD TO the letter from Stephenson Harwood LLP to the Competition Appeal Tribunal dated 4 September 2024 in respect of the Order

AND HAVING REGARD TO rule 44(1)(a) of the Competition Appeal Tribunal Rules 2015

AND UPON the parties to this Order recognising the guidance of the Tribunal in the Tribunal’s Ruling on Umbrella Proceedings Cost Sharing Orders, [2024] CAT 12:

(1) The effect of the settlement is that the Claimants cease to be a party to the proceedings. To the extent that the Tribunal has any costs jurisdiction over the settling Claimants (as to which this order says nothing), a costs order against the Claimants in favour of the Defendants may not be a just exercise of the Tribunal costs discretion.

(2) Whilst the Defendants would be entitled, as appropriate, to seek costs orders against those claimants who have not settled (“**Non-Settling Claimants**”), the Tribunal will be reluctant to order such Non-Settling Claimants to pay costs that are attributable to the settling Claimants.

(3) The Tribunal may, accordingly, reduce the costs recoverable by the Defendants against Non-Settling Claimants by an amount referable to the costs that would (but for the settlement) have been paid by the Claimants.

BY CONSENT IT IS ORDERED THAT:

1. The Claimants' claims in these Proceedings against the Defendants are hereby withdrawn.
2. There shall be no order as to costs.

Mr Ben Tidswell

Chair of the Competition Appeal Tribunal

Made: 3 September 2026

Drawn: 3 September 2026