

This is a legal notice that has been issued at the direction of the Competition Appeal Tribunal

IF YOU ARE A MERCHANT WHO PAID A MERCHANT SERVICE CHARGE IN RESPECT OF ONE OR MORE COMMERCIAL CARD TRANSACTIONS BETWEEN JUNE 2016 AND JUNE 2022, YOU COULD BE ENTITLED TO COMPENSATION FROM THE COMMERCIAL CARD COLLECTIVE ACTION AGAINST VISA

Merchants who were charged fees for commercial card transactions set by Visa could benefit from this collective action

- A collective claim against various entities in the Visa payment organisation (“**Visa**”) brought by Commercial and Interregional Card Claims I Limited (“**CICC I Limited**”) on behalf of UK merchants has been certified by the Competition Appeal Tribunal (the “**Tribunal**”). The Tribunal granted the Collective Proceedings Order (“**CPO**”) for the claim to proceed on a collective basis on 9 August 2024. A copy of the CPO can be found here <https://www.catribunal.org.uk/sites/cat/files/2024-08/CICC%20%281441-1444%29%20-%20Order%20of%20the%20Chair%20%28Collective%20Proceedings%20Order%29%28Visa%20Opt-In%29%20%209%20Aug%202024.pdf>.
- The claim relates to the Commercial Card Multilateral Interchange Fees (“**Commercial Card MIF**”) set by Visa applicable and applied to transactions involving commercial cards in the United Kingdom, regardless of where the commercial card has been issued.
- CICC I Limited alleges that this restricted, and continues to restrict, competition by effectively fixing a minimum price floor for the “Merchant Service Charge” (the “**MSC**”). The MSC is the charge that merchants must pay to their bank for the processing of card transactions.
- The claim alleges that, as a consequence of the Commercial Card MIF, which CICC I Limited argues is unlawful, the MSCs paid by merchants who accepted such commercial card transactions were higher than they would otherwise have been. CICC I Limited claims that this alleged overcharge caused those particular merchants loss and damage for which Visa is liable.
- Following the grant of the CPO, the class of persons who will be able to join the claim are merchants with an average annual turnover of more than £100 million (during the period June 2016 to June 2019) who fall into the below class definition:

Merchants who paid a Merchant Service Charge in respect of one or more Commercial Card Transactions during the Claim Period in the UK.
- Any merchant that falls within the class definition is able to opt-in to the claim.

- To learn more about the collective claim, please visit [commercialcardclaim.co.uk](https://www.commercialcardclaim.co.uk) or <https://www.catribunal.org.uk/cases/14437722-commercial-and-interregional-card-claims-i-limited-cicc-i>.
- Visa disputes the allegations and intends to defend the claim.

YOUR LEGAL RIGHTS AND CHOICES AT THIS STAGE OF THE PROCEEDINGS

<i>You may</i>	<i>Your legal rights and choices explained</i>	<i>Deadline</i>
Opt-in	<p>If you fall within the definition of the class and meet the criteria of an average annual turnover of £100 million or more, you may 'opt-in' to participate in the claim and be bound by any settlement or judgment on common issues. Only businesses who meet the criteria for the opt-in claim and formally registered by the Class Representative may participate in the opt-in claim and take part in the distribution of any damages that may be awarded. Please see section 9 below on how to opt-in to the claim.</p> <p>For merchants which would fall within the class definition but their average annual turnover during the period 2016-2019 was less than £100 million, such merchants are included in the parallel "opt-out" proceedings against Visa. Please see here for more information on the opt-out claim https://commercialcardclaim.co.uk.</p>	Deadline to opt-in: six months from the date of the CPO, being 10 February 2025.

GENERAL INFORMATION

1. Why has this notice been issued?

The Tribunal has directed that this notice be issued following a CPO made on 9 August 2024 approving the claim to proceed as a collective action commenced by CICC I Limited on behalf of eligible UK merchants.

To read a summary of the collective proceedings claim form please visit <https://www.catribunal.org.uk/cases/14437722-commercial-and-interregional-card-claims-i-limited-cicc-i>. To request a copy of the collective proceedings claim form please visit <https://commercialcardclaim.co.uk/contact>.

This notice has been issued to inform you of the details of the CPO and the important legal rights you have in relation to these collective proceedings. Exercising these rights could affect your ability to receive a payment from damages recovered in the claim in future if and when compensation becomes available. This notice explains the claim, who is affected, your rights in relation to it, how to exercise those rights, and any related deadlines.

Please read this notice carefully.

2. What is the Competition Appeal Tribunal?

The United Kingdom Competition Appeal Tribunal is a specialist judicial forum created by Section 12 and Schedule 2 to the Enterprise Act 2002 which came into force on 1 April 2003, with cross-disciplinary expertise in law, economics, business and accountancy which hears and decides cases involving competition or economic regulatory issues. It specialises in resolving competition law disputes and has a purpose-built framework for collective actions. The Tribunal publishes its Rules and Guidance, together with information about what it does, on its website catribunal.org.uk/rules-and-guidance. A summary of this claim can be found on the Tribunal's website.

3. Who is the claim against?

The claim is against the following entities in the Visa payment organisation:

- (a) Visa Inc;
- (b) Visa International Service Association;
- (c) Visa Europe Services LLC;
- (d) Visa Europe Limited;
- (e) Visa UK Ltd

Collectively, these companies are referred to as Visa and /or the **Defendants**.

4. What is the claim about?

The claim is for damages for alleged anticompetitive conduct arising out of an alleged breach of section 2 of the Competition Act 1998 and/or for an alleged breach of Article 101 of the Treaty on the Functioning of the European Union.

The claim relates to one category of Multilateral Interchange Fee (**MIF**), namely the MIF applicable to commercial card transactions (**Commercial Card MIF**).

The Class Representative alleges that the relevant rules, under which the Commercial Card MIF was and is set, and the implementation of that MIF, constituted, and continue to constitute, an agreement between the Defendants and other participants in the Visa scheme which restricted competition by establishing an effective minimum price for the MSC that merchants (including the class members) must pay to accept payments by means of Visa-branded commercial credit, debit and prepaid cards issued under the Visa scheme.

As a consequence of the Commercial Card MIF, which the Class Representative alleges is unlawful, the MSCs paid by merchants who accepted such transactions, including some of the class members, were, the Class Representative alleges, higher than they would otherwise have been, allegedly causing them loss and damage for which it is alleged that Visa is liable.

On behalf of the class members, the Class Representative seeks an award of aggregate damages for such alleged loss (including interest).

5. Who is the Class Representative? What is the role of the Class Representative?

The Class Representative is a limited company registered in England and Wales with the company number 13548489. It was created specifically to bring these proceedings against the Defendants on behalf of the class members.

Mr Stephen Allen is the sole director and sole member of CICC I Limited, the Class Representative. He has business and management experience in the travel and hospitality sectors.

The Class Representative will be responsible for, amongst other things: (i) communicating with the Class and issuing notices to its members; (ii) instructing the lawyers and experts; (iii) making decisions on the conduct of the claim; and (iv) evaluating any offer of settlement that the Defendants may make and deciding whether to present it for the Tribunal's approval.

The Class Representative will update the Class about the claim on the website (commercialcardclaim.co.uk) and through the media.

6. Who is in the Class?

The Class consists of those merchants, who opt into the claim, with a turnover of **more than £100 million** during the period **2016-2019** who paid an MSC in respect of one or more Commercial Card Transactions between **6 June 2016 and 6 June 2022**.

The Class does not include **Excluded Merchants** (defined below).

Term	Explanation
Commercial Card Transactions	A transaction involving a Visa payment card to which a Commercial Card MIF applies under the Visa Scheme Rules, from time to time in force.
Claim Period	This means: The period commencing on 6 June 2016 through to 6 June 2022, which is the date of the filing of the original Collective Proceedings Claim Form in these proceedings. The Class Representative seeks damages continuing to date of judgment in the present claim (subject to claims under Article 101 TFEU being limited to the period prior to 1 January 2021).
Excluded Merchants	Means any undertaking the turnover of which is, on average, less than £100 million per annum in the period 2016 – 2019.
Merchants	A person who accepts payments by means of payment cards.
Merchant Service Charge	The fee payable by Merchants per transaction to their bank in consideration, <i>inter alia</i> , for acceptance by their bank of a Visa payment card at the Merchant's point of sale.

7. How much money does the claim ask for?

The collective claim seeks damages to compensate some of the class members for alleged overcharges suffered as a result of the allegedly unlawful imposition of Commercial Card MIFs. It is too early to quantify the potential value of the claim as this will be subject to expert evidence at a later stage of the case.

The recovery of any money through the claim is not guaranteed. The Class Representative will need to prove its case against Visa at trial in due course.

8. Who is funding the claim?

The Class Representative's legal advisors have entered into a litigation funding agreement with Bench Walk Advisors, a third-party litigation funder. Under the litigation funding agreement, the funder has agreed to provide funding of up to £12,871,525 for the Class Representative to bring the claim against Visa. This funding is intended to cover both the Visa "opt-in" collective claim and a separate (but substantially identical) "opt-in" collective claim against Mastercard. Merchants who opt into the claim will not have to pay any money up front to join the claim. Those Merchants who opt-in to the claim will enter into Damages-Based Agreements with the Class Representative's lawyers, Harcus Parker, which will set out the fees that may be payable.

As well as the funding arrangements in place, the Class Representative has obtained "After The Event" insurance, pursuant to which the insurer has agreed to indemnify the Class Representative (up to the policy limit) for liability they may incur to pay money towards the Defendants' legal costs.

9. How to Opt-in

If you fall into the class definition and wish to opt into the claim you may do so by visiting commercialcardclaim.co.uk and completing the online opt-in form. You will need to provide your name, postal address, email address and the name of the individual authorised to opt your business into the class.

Alternatively, you may also opt-in by post. Please send a letter with the information listed in the above paragraph to:

Commercial and Interregional Card Claims I Limited

PO Box number, 5551

Radstock, BA3 9DL

To assist you in submitting an opt-in by post, a sample opt-in letter is available at commercialcardclaim.co.uk. Once the opt-in request is received and processed, we will send you an acknowledgement by email if you have provided an email address, or by post if not

DEADLINE FOR OPTING IN: six months from the date of the CPO, being 10 February 2025 at 4 pm BST.

Please note, if you decide to opt-in, your claim will be litigated in the opt-in class action and you will be unable to commence your own independent claim against Visa.

GETTING MORE INFORMATION

10. How can I stay updated on the progress of the claim?

You can visit commercialcardclaim.co.uk for updates on the claim.