

If you made purchases in the UK between 1992 and 2008, you could get a future payment from a collective consumer claim against Mastercard

Even if you did not use a Mastercard, you could be eligible for a payment.

Living in the UK on 6 September 2016? Do nothing, you are already included in the claim.

Living outside the UK on 6 September 2016? You must act now to participate.

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

- The Competition Appeal Tribunal has decided that a collective consumer claim against Mastercard may go ahead on behalf of UK consumers.
- The claim relies on a legal finding of the European Commission that Mastercard imposed unlawful fees on transactions processed through its network. These fees were paid by businesses for accepting payments made with a Mastercard credit or debit card. More than half a million businesses accepted Mastercard in the UK between 1992 and 2008 and paid these fees (*see* Question 7).
- It is alleged that, if you, or someone whose estate you represent (where that person was alive on 6 September 2016 but subsequently passed away), **lived in the UK (for at least a continuous period of three months) between 1992 and 2008, were aged 16 or over during this time, and (for non-business purposes) bought goods and services from businesses selling in the UK**, then you (or the deceased person) paid higher prices and lost out as a result of Mastercard's unlawful conduct. This claim is brought on behalf of all such individuals who used any form of payment, including Mastercard, Visa, American Express, cash or cheque for buying goods and services from businesses selling in the UK, and seeks compensation for the losses suffered.
- No money is available now and there is no guarantee that money will be available in the future. Mastercard disputes these claims, so they will have to be proved in the Tribunal at a hearing or a settlement agreed with Mastercard.
- You have important legal rights related to this claim. Exercising these rights could affect your ability to get a payment in the future (if the case is won and money becomes available). This notice explains the claim, who is covered by the claim, your rights in relation to the claim, how to exercise these rights and any related deadlines. Please read this notice carefully as your decisions about this claim will have legal consequences. To read the Competition Appeal Tribunal's full Collective Proceedings Order which allows the claim to proceed visit www.MastercardConsumerClaim.co.uk.

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YOUR LEGAL RIGHTS AND OPTIONS

STAY IN THE CLAIM	If you, or any person whose estate you represent, were living in the UK on 6 September 2016, you do not need to do anything at this time to be eligible to claim a share of any money that may become available in the future. By doing nothing, you agree to be bound by judgments the Tribunal may issue on in this case (although such judgments cannot adversely affect you).
OPT-OUT	If you, or any person whose estate you represent, were living in the UK on 6 September 2016, you have the right to “opt-out” or request to be excluded from the claim by 2 March 2023 . If you opt-out you will not be able to get any money from this claim (if money becomes available), and you will not be able to commence an individual claim against Mastercard as the time limit for doing so has expired. If you wish to opt out, you may do so by completing an opt-out form and posting it to the address below or doing so online by visiting www.MastercardConsumerClaim.co.uk .
OPT-IN	If you, or any person whose estate you represent, were living outside the UK on 6 September 2016, but lived in the UK for at least three months between 1992 and 2008, bought goods and services from businesses selling in the UK during this period, and were at least 16 years old during that period, you (or the estate of any deceased persons) are NOT automatically included in the claim and steps must be taken if you want to be included. This process is called “opting-in.” Complete an Opt-In Form by visiting www.MastercardConsumerClaim.co.uk . The deadline for opting-in is 2 March 2023 .

GENERAL INFORMATION

1. Why has this notice been issued?

The Competition Appeal Tribunal has directed that this notice be issued following a Collective Proceedings Order made on 18 May 2022. The Order allows this claim to proceed as a collective claim on behalf of eligible UK consumers. To read the full Order, visit www.MastercardConsumerClaim.co.uk.

This notice has been issued to inform you of important legal rights you have related to this claim. Exercising these rights could affect your ability to get a payment in the future (if money becomes available). This notice explains the claim, who is covered by the claim, your rights in relation to the claim, how to exercise these rights and any related deadlines. Please read this notice carefully as your decisions about this claim will have legal consequences.

2. Who is the claim against?

This claim is against Mastercard Incorporated, Mastercard International Incorporated and Mastercard Europe S.P.R.L. Together, these entities are called Mastercard.

3. What did Mastercard do wrong? What are the claims?

On 19 December 2007, the European Commission decided that Mastercard imposed unlawful fees on transactions processed through its network. These unlawful fees were paid by businesses that accepted Mastercard cards as payment for goods and services. The Commission also stated that consumers are likely to have paid higher prices for goods and services because businesses raised retail prices as a result of Mastercard's unlawful fees. Mastercard lost its final appeal against this decision in 2014.

Irrespective of what form of payment was used to buy goods and services from businesses selling in the UK (i.e. you do not need to have paid with a Mastercard, or any other form of credit or debit card), the claim says that individuals paid higher prices and lost out as a result of Mastercard's unlawful conduct. The claim includes purchases (for non-business purposes) made by individuals from businesses selling in the UK between 22 May 1992 and 21 June 2008. It also includes purchases made by class members (*see* Question 6 below) up to 21 June 2010 where it is alleged the prices remained elevated despite the unlawful conduct coming to an end. Purchases made by individuals while they were outside the UK are not included in the claim.

The claim involves important issues that are common to all class members, including:

1. The extent to which businesses were charged higher fees for accepting Mastercard credit and debit cards than they should have been had Mastercard not acted unlawfully.
2. The extent to which businesses increased retail prices by passing-on to consumers (i.e. you) Mastercard's excessive and unlawful fees.

4. Who has brought the claim? What is the role of the class representative?

The Tribunal has authorised Walter Merricks CBE to serve as the class representative for this claim.

As the class representative, Mr Merricks will conduct the claim against Mastercard on behalf of all class members (except for those who opt-out of the class). Mr Merricks will instruct the lawyers and experts, make decisions on the conduct of the claim and, in particular, will decide

whether to present any offer of settlement that Mastercard may make to the Tribunal for its approval.

During the case, Mr Merricks is responsible for communicating with the class and for issuing formal notices such as this notice. Mr Merricks will put updates about the claim on the website www.MastercardConsumerClaim.co.uk.

5. Who is Walter Merricks CBE?

Mr Merricks has had a long and distinguished career defending consumer interests and holding large financial firms to account for their conduct. Mr Merricks is a qualified lawyer and the former Chief Ombudsman of the Financial Ombudsman Service, a position he held for 10 years.

As the Chief Ombudsman, Mr Merricks ensured that consumers received billions of pounds in compensation from banks, building societies, mortgage lenders, consumer credit card providers, investment firms, insurance companies, and other financial institutions.

6. What is the class?

The Consumer Rights Act 2015 allows for a collective claim to be brought on behalf of a group of individuals who are alleged to have suffered a common loss. All individuals within the group are called class members and, collectively, they make up the represented class. As a result of the 2015 Act, groups of consumers who have lost out do not need to bring an individual claim to obtain compensation for their loss. Instead, these consumers may all receive compensation through a single collective claim brought on their behalf.

In this case, the Competition Appeal Tribunal has decided that the “class” that can claim against Mastercard is all individuals who were living in the UK at the domicile date, including the estates of those who then subsequently died, and at any point between 22 May 1992 and 21 June 2008 (for non-business purposes): (1) made purchases from businesses selling in the UK that accepted Mastercard cards; (2) were residents of the UK for a continuous period of at least three months; and, (3) were aged at least 16 years or over. For those individuals who have died since 6 September 2016, the representative of the estate is within the class. For those individuals who died before 6 September 2016, unfortunately the representatives of their estates are not included in the class and so cannot participate in the collective proceedings.

See “Am I part of the class?” below, for additional information.

7. Which businesses accepted Mastercard?

A very large number of businesses across the UK, including most supermarkets, high street stores, petrol stations and other large stores, accepted Mastercard credit and debit cards.

8. What is an opt-out proceeding? What is the “domicile date”?

This claim is proceeding as an opt-out case. In simple terms, if you don’t opt-out, you’re in. This process means that, if you – or the person whose estate you represent – were living in the UK on 6 September 2016, which is known as the domicile date, and you satisfy the class definition, you are included in the class (and do not need to do anything) unless you ask to be excluded from the class. Asking to be excluded is also called opting-out of the class.

If you – or the person whose estate you represent – were not living in the UK on 6 September 2016, but meet the criteria to be in the class, and want to participate in this claim, you must take steps to say that you – or the estate of the person you represent – want to be included. Asking to be included in the class is called opting-in to the class. You need to consider opting-in if you – or

the person whose estate you represent – were living abroad on 6 September 2016.

All class members who stay in the class or opt-in to the class will be bound by any judgment of the Competition Appeal Tribunal (although such judgments cannot adversely affect you). Class members will not be able to bring an individual claim against Mastercard raising the same issues included in this claim regardless of whether they remain within the class or opt-out, as the time limit for making an individual claim has now expired.

This notice explains how to opt-out or opt-in to the class.

9. How much money does the claim ask for?

The claim presently seeks compensation of approximately £16.7 billion. This amount is to compensate class members as a whole for paying more than they should have paid for goods and services because of Mastercard's unlawful conduct between 22 May 1992 and 21 June 2010.

10. How do I get a payment?

No money is available now and there is no guarantee that money will be available in the future. Mastercard disputes the claims. The case will have to be won in the Competition Appeal Tribunal unless a settlement can be agreed with Mastercard before it gets to a judgment. This process can take time, so please be patient. If, and when, money becomes available, class members will be notified about how to obtain a payment.

11. What is the Competition Appeal Tribunal?

The Competition Appeal Tribunal is a specialist court based in London that covers the whole of the UK and hears disputes such as these. The Tribunal publishes its Rules and Guidance, together with information about what it does, on its website www.catribunal.org.uk. A summary of the claim against Mastercard can be found on the Tribunal's website at www.catribunal.org.uk.

WHO IS IN THE CLASS

12. What does it mean to be a class member?

If money becomes available, class members will be eligible to receive a payment. Class members will also be legally bound by all Tribunal judgments with respect to this claim (although such judgments cannot adversely affect class members). Whether Mr Merricks wins money for the class or not, you will never be able to make a claim against Mastercard in respect of the claims included in this case, on your own behalf or in your capacity as a representative of the estate of a deceased person, as the time limit for bringing such a claim has now expired.

13. Am I part of the class?

The class includes individuals who were alive as of 6 September 2016 and, at any point between 22 May 1992 and 21 June 2008:

- (1) made a purchase from a business selling in the UK that accepted Mastercard cards (for non-business purposes);
- (2) were resident in the UK for a continuous period of at least three months; and
- (3) were aged at least 16 years old.

Where an individual met those requirements and was alive on 6 September 2016, but subsequently passed away, that person's personal representative (which includes someone who has been granted probate or letters of administration, or confirmation in the case of a Scottish estate) is the relevant

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class member. For English, Welsh and Northern Irish estates which have not had a personal representative appointed, the person who is authorised to represent such estates (for example the Public Trustee in England and Wales or a Judge of the High Court in Northern Ireland) is the relevant class member. Unfortunately, there is no such representative in Scotland, and so for Scottish estates, where individuals have passed away since 6 September 2016 without having an executor confirmed, an executor or executor dative must be confirmed by 2 March 2023 for their estate to remain within the class. For Scottish estates where individuals die after 2 March 2023, assuming the case is won or settles, an executor or executor dative must be confirmed before the end of the distribution period in order to claim a share of money, whenever that may be.

Where an individual met those requirements and passed away before 6 September 2016, the representatives of their estates are, unfortunately, not included in the class.

14. Am I domiciled in the UK?

For this case, someone is domiciled in the UK if they are resident in England, Wales, Scotland or Northern Ireland, and the nature and circumstances of their residence indicate that they have a substantial connection with the UK.

If an individual lived in the UK for at least three months and was aged 16 or older at any point between 22 May 1992 and 21 June 2008, that person is eligible to be a member of the class.

Individuals who were living in the UK on 6 September 2016 are automatically within the class unless they ask to come out of the class (*See* “How to Opt-Out or Opt-In,” below).

However, if individuals were not living in the UK on 6 September 2016, steps must be taken to opt-in to the class to be part of this claim and be eligible for a payment in the future.

15. What if I moved outside the UK after 6 September 2016?

If you – or any person whose estate you represent – moved outside the UK after 6 September 2016, documents should be kept showing proof of residency in the UK on 6 September 2016. If money becomes available in the future, it may be necessary to show that you were a UK resident on 6 September 2016 to receive your payment.

16. Are businesses included in the class?

Only individuals may be a part of this claim. The class does not include businesses or other entities that made purchases from businesses that accepted Mastercard. If you represent a business or other entity, you may have a claim against Mastercard that is separate from these collective proceedings and you may want to get legal advice regarding any potential claim you may have.

17. I am not sure if I am included in the class.

If you are not sure whether you are included in the class, visit www.MastercardConsumerClaim.co.uk to review the Order, the FAQs and other documents which can help you to determine whether you are a part of the class.

HOW TO OPT-OUT OR OPT-IN

18. I was a UK resident on 6 September 2016 and I want to come out of the class.

If you – or the person whose estate you represent – were a UK resident on 6 September 2016 and want to come out of the class, you may opt-out by filling in the Opt-Out form located on the claim website at www.MastercardConsumerClaim.co.uk or by sending a letter to:

Mastercard Consumer Claim Opt-Outs
PO Box 1435
SUNDERLAND
SR5 9UD

If opting-out by way of a letter, please include the following statement in your letter “**I want to opt-out of the collective claim against Mastercard, Case No. 0000/0/0/16,**” along with your full name, month and year of birth, period of residence (the years you resided in the UK between 1992-2010), postal address, email address and telephone number. Sign and date your opt-out letter. If you are opting-out on behalf of a deceased person’s estate, you should include both your name and the name of the person whose estate you represent, and state the capacity in which you act as the representative of that person’s estate. You do not have to give any reason for opting-out.

To assist you in submitting an opt-out, a sample opt-out letter is available at www.MastercardConsumerClaim.co.uk. If you would like to be sent a stamped addressed envelope (“SAE”) to submit your opt-out letter, please send an email with your postal address to SAE@MastercardConsumerClaim.co.uk.

To be considered, the opt-out request must be received or postmarked by **2 March 2023**. Once the opt-out is received and processed, we will send you an acknowledgement by email if you have provided an email address, or by post if not.

IMPORTANT CONSIDERATION: By opting-out, you will not be able to receive a payment from this claim if money becomes available. You will also be prohibited from bringing your own separate claim against Mastercard for the same issues, as the time limit has now expired.

19. I was NOT a UK resident on 6 September 2016 but want to be part of the class.

If you – or the person whose estate you represent – were not a UK resident on 6 September 2016 (even if you were before), steps must be taken to opt-in to the class to be part of the claim and be eligible to receive a payment in the future.

Visit www.MastercardConsumerClaim.co.uk and complete the Opt-In Form on the website. On the form, you will be asked to provide your full name, month and year of birth, postal address, email address and telephone number. You will also be asked to provide the dates between 22 May 1992 and 21 June 2010 during which you were a UK resident. If you are opting-in on behalf of a deceased person’s estate, you should include both your name and the name of the person whose estate you represent, and state the capacity in which you act as the representative of that person’s estate.

If you prefer, you may also opt-in by post. Send a letter with the information listed in the previous paragraph. To assist you in submitting an opt-in by post, a sample opt-in letter is available at www.MastercardConsumerClaim.co.uk. If you would like to be sent a stamped addressed envelope (“SAE”) to submit your opt-in letter, please send an email with your postal address to SAE@MastercardConsumerClaim.co.uk.

Send your opt-in letter to:

Mastercard Consumer Claim Opt-Ins
PO Box 1435
SUNDERLAND
SR5 9UD

To be considered, the opt-in request must be received or postmarked by **2 March 2023**. 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.

IMPORTANT CONSIDERATION: Please note, if you decide not to opt-in, you will not be able to bring your own claim against Mastercard as the time limit has now expired.

20. If I was NOT a UK resident on 6 September 2016 and do not opt-in by 2 March 2023, can I get a payment?

Under the rules of the Competition Appeal Tribunal, if you – or the person whose estate you represent – were not a UK resident on 6 September 2016, an opt-in request must be submitted by **2 March 2023** (see previous question) to be part of the class. If you do not opt-in by **2 March 2023** and money later becomes available, the only way for you to be eligible to receive a payment is for the Competition Appeal Tribunal to give you permission to opt-in at a later time. There is no guarantee that this permission will be given, so you must opt-in by **2 March 2023** if you want to be sure of being eligible to get a payment.

GETTING MORE INFORMATION

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

You can visit www.MastercardConsumerClaim.co.uk and register to receive updates and any future notices via email and/or text message as the claim progresses. If, and when, money becomes available, you will be contacted with information on how to claim.

22. How can I get more information?

This notice summarises the Order. To read the full Order and see other information about the claim, visit www.MastercardConsumerClaim.co.uk.