



Ius Omnibus v Mastercard 3 de Dezembro de 2020

Mastercard hit with Portuguese consumer antitrust action for EUR400 million

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In Brief

Mastercard is facing a consumer lawsuit in Portugal seeking 400 million euros in damages on the back of two EU antitrust probes into its card fees and rules. The "opt-out" collective claim has been filed at the Competition, Regulation and Supervision Court on behalf of Portuguese consumers by Ius Omnibus, a consumer organization.

Mastercard faces a consumer lawsuit in Portugal seeking 400 million euros (\$490 million) in damages following on from two EU antitrust probes into its card fees and rules.

The litigation has been filed at the Competition, Regulation and Supervision Court on behalf of Portuguese consumers by Ius Omnibus, a consumer organization, it said today. The group is claiming damages stretching back to 2000.

"Opt-out" collective claims are rare in Europe, and Portugal is one of few countries that allow them. As a result, litigation can be brought on behalf of all alleged victims unless they proactively opt out.

Mastercard is battling one such action in the UK (see [here](#)) brought by consumer-rights advocate Walter Merricks, representing 46.2 million British consumers and seeking 14 billion pounds (\$19 billion). That claim is based on a 2007 European Commission decision finding the card giant's fees breached EU law.

The Portuguese action is based on a more recent 2019 commission decision that saw Mastercard fined 570 million euros for restricting shops from sourcing their card services from banks in other EU countries with lower prices between 2014-15.

The commission's finding that Mastercard breached EU law will be binding on the Portuguese court, as it is on all judges in the EU.

A second strand of the claim relies on another probe that settled in 2019, which accused Mastercard of imposing abusive fees on merchants when accepting cards from the US, China and non-EU countries. The lawsuit is based on the EU antitrust enforcer's preliminary finding that the conduct hurt competition, which the card giant will need to disprove.

The claim alleges that shops passed on the extra costs to Portuguese consumers. It's funded by Nivalion.

Mastercard declined to comment.

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