



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1513/5/7/22 (T)

BETWEEN:

**BSCL REALISATIONS LIMITED (IN ADMINISTRATION) AND OTHERS**

Claimants

- v -

**(1) MASTERCARD INCORPORATED**  
**(2) MASTERCARD INTERNATIONAL INCORPORATED**  
**(3) MASTERCARD EUROPE SA**

Mastercard Defendants

and

**(1) VISA EUROPE SERVICES LLC**  
**(2) VISA EUROPE LIMITED**  
**(3) VISA UK LIMITED**

Visa Defendants

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**ORDER**

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**UPON** the Claimants (represented by Wallace LLP) having commenced High Court proceedings by way of a Part 7 Claim Form on 15 May 2017 (the "Proceedings")

**AND UPON** the Order of the Chancellor of the High Court dated 7 April 2022 (as amended pursuant to the slip rule) transferring the cases listed in the schedule to that order to the Competition Appeal Tribunal (the "Tribunal"), including the Proceedings

**AND UPON** the Order of the Tribunal dated 4 July 2022 establishing the Merchant Interchange Fee Umbrella Proceedings with claim number 1517/11/7/22 (UM) (the "Umbrella Proceedings") and designating these Proceedings as a Host Case within the Umbrella Proceedings

**AND UPON** the various Orders of the Tribunal dated 2 December 2022, 30 March 2023, 18 April 2023 and 31 May 2023 extending the time for service of the Claim Form in these Proceedings, in particular the Order of 31 May 2023 extending the deadline for service until 2 June 2023

**AND UPON** the service of the Proceedings, including Particulars of Claim, by the Claimants upon the Visa Defendants and the Mastercard Defendants on 2 June 2023

**AND UPON** reading the letter from the Claimants dated 9 May 2023 indicating the Claimants' intention, if so advised, to amend their Particulars of Claim following hand down of the judgment arising from the hearing to determine the implications of the Court of Justice of the European Union's judgment in *Volvo and DAF Trucks*, Case C-267/20 on limitation in the Umbrella Proceedings (the "Volvo Limitation Hearing") which took place before the Tribunal on 24 to 26 April 2023, in which hearing the Claimants did not participate

**AND UPON** the Order of the Tribunal of 7 June 2023 extending the deadline for the Visa Defendants and the Mastercard Defendants to file and serve their respective Defences until 28 days after the later of: (i) the amended Particulars of Claim have been filed and served following the Tribunal's judgment following the Volvo Limitation Hearing; or (ii) the Claimants confirm to the Visa Defendants and the Mastercard Defendants that no such amendments are required

**AND UPON** reading the letter from Jones Day to the Tribunal dated 16 June 2023

**IT IS ORDERED BY CONSENT THAT:**

1. Within 28 days after the final determination of the issues considered at the Volvo Limitation Hearing, from the date of the hand down of the judgment of the Tribunal following the Volvo Limitation Hearing and not from the determination of any appeals from that judgment, the Claimants are to: (i) serve draft amended Particulars of Claim on the Defendants; or (ii) confirm that no such amendments are required.
2. In the event that the Claimants serve draft amended Particulars of Claim on the Defendants in accordance with paragraph 1(i) above:
  - a. The time for any application to be made by the Visa Defendants and the Mastercard Defendants pursuant to CPR 17.2(2) shall be extended until 28 days after either: (i) amended Particulars of Claim have been filed and served following agreement or permission; or (ii) permission to amend has been refused; and
  - b. The time for the Visa Defendants and the Mastercard Defendants to file and serve their respective Defences be extended until 28 days after the deadline for making any CPR 17.2(2) application.

3. In the event that the Claimants confirm that no amendments to their Particulars of Claim are required in accordance with paragraph 1(ii) above:
  - a. The time for any application to be made by the Visa Defendants and the Mastercard Defendants pursuant to CPR 17.2(2) shall be extended until 28 days after such confirmation; and
  - b. The time for the Visa Defendants and the Mastercard Defendants to file and serve their respective Defences be extended until 28 days after the deadline for making any CPR 17.2(2) application.
4. The time for the Claimants to file and serve their Reply be extended until 28 days after the Defences have been filed and served in accordance with paragraphs 2 and 3 above.
5. Costs in the case.

**Sir Marcus Smith**  
President of the Competition Appeal Tribunal

Made: 19 June 2023  
Drawn: 19 June 2023