



**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

**(4) VISA EUROPE SERVICES LLC**  
**(5) VISA EUROPE LIMITED**  
**(6) VISA UK LIMITED**

Visa Defendants

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**ORDER**

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**UPON** the Claimants 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 these 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 Order of the Tribunal in the Umbrella Proceedings made on 23 December 2022 and drawn on 13 January 2023 (the “Future Conduct Order”)

**AND UPON** the Order of the Tribunal in the Umbrella Proceedings dated 15 February 2023 disapplying Rule 35(3) of the Competition Appeal Tribunal Rules 2015 in relation to the Defendants filing and serving Defences in accordance with paragraphs 15 to 17 of the Future Conduct Order (the “Rule 35(3) Order”)

**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 – 26 April 2023, in which hearing the Claimants did not participate

**AND UPON** reading the letter from the Visa Defendants and Mastercard Defendants dated 5 June 2023

**IT IS ORDERED BY CONSENT THAT:**

1. There be an extension of the deadline for the Visa Defendants and 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 Mastercard Defendants that no such amendments are required.
2. The Rule 35(3) Order and the schedule thereto be varied to include these Proceedings as if the Defendants were filing and serving their Defences in accordance with paragraphs 15 to 17 of the Future Conduct Order.

3. Costs in the case.

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

Made: 7 June 2023  
Drawn: 7 June 2023