



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1511/5/7/22 (T)

BETWEEN:

EURO GARAGES LIMITED

Claimant

- v -

(1) MASTERCARD INCORPORATED
(2) MASTERCARD INTERNATIONAL INCORPORATED
(3) MASTERCARD EUROPE SA
(4) MASTERCARD/EUROPAY UK LIMITED

Defendants

ORDER

UPON the claim form in these proceedings being issued in the High Court on 16 January 2017 (HC-2017-000101) (the "Claim Form")

AND UPON the Order of the Chancellor of the High Court dated 7 April 2022, as amended, transferring the various cases listed in the schedule to that order, including these proceedings, to the Competition Appeal Tribunal

AND UPON the Claimant filing an Amended Claim Form in relation to these proceedings on 24 May 2023

AND UPON the Order of the President of the Competition Appeal Tribunal dated 25 May 2023 granting permission for the Claimant to amend the Claim Form in the form provided to the Tribunal, in particular paragraph 3 of such Order which states that it is made without prejudice to the Defendants' right to apply to disallow the amendments pursuant to the Tribunal exercising under its own rules an approach equivalent to CPR 17.2

AND UPON the service of the Amended Claim Form by the Claimant upon the Defendants on 25 May 2023

AND UPON the Order of the Tribunal in Case No 1517/11/7/22 (UM) Merchant Interchange Fee Umbrella Proceedings (the "Merchant Umbrella Proceedings") made on 23 December and drawn on 13 January 2023 (the "Future Conduct Order")

AND UPON the Order of the Tribunal in the Merchant 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 hearing before the Tribunal on 24-16 April 2023 to determine the implications of the judgment of the CJEU in Case C-267/20 *Volvo AB (publ.) and DAF Trucks NV v RM* in the Merchant Umbrella Proceedings (the "Volvo Limitation Hearing")

AND UPON reading the letter from Jones Day to the Tribunal dated 9 June 2023

IT IS ORDERED THAT:

1. The time for any application pursuant to CPR 17.2(2) shall be extended until 28 days after the final determination of the issues considered at the Volvo Limitation Hearing (including, for the avoidance of doubt, the determination of any appeals against the judgment of the Tribunal following the Volvo Limitation Hearing) (the "Final Volvo Determination").
2. The time for the Defendants to file and serve their Defence be extended until 28 days after the Final Volvo Determination.
3. The time for the Claimant to file and serve its Reply be extended until 28 days after the Defence has been filed and served in accordance with paragraph 2 above.
4. The Rule 35(3) Order and the schedule thereto be varied to include the Proceedings as if the Defendants were filing and serving their Defence in accordance with paragraphs 15 to 17 of the Future Conduct Order.
5. There shall be liberty to apply.
6. Costs in the case.

Sir Marcus Smith
Chair of the Competition Appeal Tribunal

Made: 13 June 2023
Drawn: 13 June 2023