



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

Case No: 1517/11/7/22 (UM)

BETWEEN:

**THE UMBRELLA INTERCHANGE FEE CLAIMANTS**

- v -

**THE UMBRELLA INTERCHANGE FEE DEFENDANTS**

(the “**Merchant Interchange Fee Umbrella Proceedings**”)

---

**ORDER**

---

**UPON** the Order of the Tribunal made on 23 December 2022 and drawn on 13 January 2023 in the Merchant Interchange Fee Umbrella Proceedings (as amended pursuant to the Order of the Tribunal dated 10 May 2023) (the “**Future Conduct Order**”)

**AND UPON** the hearing on 24 to 26 April 2023 to determine the implications of the Court of Justice of the European Union’s judgment in *Volvo and DAF Trucks*, Case C-267/20 (the “**Volvo Decision**”) on limitation in the Merchant Interchange Fee Umbrella Proceedings (the “**Volvo Limitation Hearing**”)

**AND UPON** the Tribunal’s judgment of 26 July 2023 ([2023] CAT 49) following the Volvo Limitation Hearing

**AND UPON** the letter from the Tribunal dated 29 August 2023 extending the deadline for the parties to seek permission to appeal the Tribunal’s judgment following the Volvo Limitation Hearing to 4 October 2023

**AND UPON** the Umbrella Interchange Fee Claimants represented by Humphries Kerstetter LLP, Scott+Scott UK LLP and Stephenson Harwood LLP having filed an application on 4 October 2023 for permission to appeal the Tribunal’s judgment following the Volvo Limitation Hearing

**AND UPON** the letter from Hausfeld & Co. LLP to the Tribunal dated 12 October 2023 confirming the parties' agreement to vary paragraph 15 of the Future Conduct Order

**BY CONSENT IT IS ORDERED THAT:**

1. Paragraph 15 of the Future Conduct Order be amended to read as follows:

“Upon the final determination of the issues considered at the Volvo Limitation Hearing (including the determination of any final appeal against the Tribunal’s judgment following the Volvo Limitation Hearing (the “**Final Volvo Determination**”)):

- (a) If the Tribunal or appellate court (as appropriate) finds in the Claimants’ favour in the Final Volvo Determination, (i) any Claimants that confirm an intention to amend in accordance with paragraph 14(b) above shall provide draft amended Particulars of Claim reflecting the Volvo Amendment and any other amendments that the relevant Claimants intend to make, and (ii) any Claimants that already plead any relevant limitation arguments arising out of the Volvo Judgment shall provide draft amended Particulars of Claim reflecting any amendments they intend to make;
- (b) If the Tribunal or appellate court (as appropriate) finds in the Defendants’ favour in the Final Volvo Determination, (i) any Claimants that already plead any relevant limitation arguments arising out of the Volvo Judgment shall provide draft amended Particulars of Claim reflecting any amendments that the relevant Claimants seek to make removing the Volvo Amendment and otherwise, and (ii) any Claimants that confirm an intention to amend in accordance with paragraph 14(b) above shall provide draft amended Particulars of Claim reflecting any amendments other than the Volvo Amendment that the relevant Claimants intend to make; and
- (c) Following agreement of those amendments, or permission to amend being given, directions for filing and service of Particulars of Claim, Defences and Replies (each as amended or otherwise) shall be set.”

2. Costs in the case.

3. There be liberty to apply.

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

Made: 20 October 2023  
Drawn: 20 October 2023