IN THE COMPETITION APPEAL TRIBUNAL

Case No: 1639/7/7/24

BETWEEN:

BULK MAIL CLAIM LIMITED

Class Representative

- v -

INTERNATIONAL DISTRIBUTION SERVICES LIMITED (formerly ROYAL MAIL PLC)

Defendant

REASONED ORDER (AMENDMENT)

UPON the third case management conference in the Proceedings, held on 18 December 2025 (**CMC3**)

AND UPON paragraph 10 of the Order of the Chair following CMC3, made on 26 January 2026 and drawn on 27 January 2026 (the **CMC3 Order**) providing that the Defendant shall apply to amend its Defence to particularise the counterfactual scenario(s) relied upon by 7 September 2026 (the **Amendment Application Deadline**)

AND UPON the parties having agreed certain extensions to the Amendment Application Deadline in correspondence, which the Tribunal was notified of on 1 September 2026, 14 September 2026, and 28 September 2026

AND UPON the Tribunal having ordered by consent a further extension of the Amendment Application Deadline to 4.00pm on 19 October 2026

AND UPON the application of the Defendant dated 19 October 2026 (the **Amendment Application**) requesting the Tribunal's permission to amend its Defence in the form of the draft Amended Defence attached to the Amendment Application (the **Draft Amended Defence**)

IT IS ORDERED THAT:

Pleading amendments

1. The Defendant has permission to amend its Defence in the form of the Draft Amended Defence, subject to an addition to "Counterfactual 2" in paragraph 67A.5.3 to clarify that the ultimate outcome of the Ofcom investigation (and any appeal) would have been that the lawfulness of the CCNs was upheld.

2. The Defendant shall file and serve its Amended Defence within 3 business days of this Order.

3. The Class Representative shall file and serve any Re-Amended Reply, if so advised, within 14 days of the Defendant filing and serving its Amended Defence.

Disclosure and further particulars

4. Disclosure from the Defendant concerning its Amended Defence should be provided after the Class Representative has filed and served a Re-Amended Reply. The parties are to agree the timings for this to occur, to be decided by the Tribunal if agreement cannot be reached.

5. The Defendant shall provide further particulars regarding paragraphs 67B–67F of the Amended Defence at the latest six weeks prior to the Class Representative's deadline to file expert evidence. No later than 21 days before the deadline for the Defendant to file further particulars, the Class Representative has liberty to serve a Request for Information specifying the further particulars sought.

Costs

6. The Defendant shall pay the Class Representative's costs of and occasioned by the Defendant's amendments, such costs to be assessed on the standard basis if not agreed.

7. The costs of the Amendment Application shall be costs in the case.

Liberty to apply

8. The parties shall have liberty to apply.

REASONS:

1. By its Amendment Application, the Defendant seeks permission to amend its Defence in the form of the Draft Amended Defence. This followed paragraph 10 of the CMC3 Order requiring the Defendant to apply to amend its Defence to particularise the counterfactual scenarios relied upon. The deadline for that application was subsequently extended to 19 October 2026.

2. The Class Representative consents to the amendments at paragraphs 9A, 64, 67A.1–67A.4 and 73A of the Draft Amended Defence but objects to the remaining amendments. In relation to paragraph 62.7, it seeks confirmation that relevant disclosure has been given or will be provided. It raises a similar concern about disclosure arising from paragraphs 67B–67F.

3. The Class Representative contends that paragraphs 67A.5 and 67A.6 of the Draft Amended Defence are insufficiently clear because Counterfactual 2 does not identify the ultimate outcome of Ofcom's investigation. As to paragraphs 67B–67F, it submits that these pleadings are also too vague and that the Defendant should set out the timing of Ofcom's interventions in these counterfactuals. This is required, the Class Representative says, so that its expert can properly consider these counterfactuals in its expert report.

4. The Class Representative has requested that this matter be determined at an oral hearing. However, I consider this matter to be quite straightforward in light of the parties' helpful and clear written submissions. There is also an advantage in having the pleadings finalised sooner rather than later. I have therefore decided the Amendment Application on the papers.

5. I grant permission for the Defendant to amend its Defence, subject to clarification of Counterfactual 2. I agree with the Class Representative that Counterfactual 2 must make clear that the ultimate outcome of Ofcom's investigation and any appeal would have been that the CNNs were lawful.

6. The disclosure issues raised by the Class Representative do not prevent me from granting permission at this time. Any documents held by the Defendant relevant to the

amendments must be disclosed in the ordinary way. Such disclosure should take place once the pleadings have been finalised, following the filing and service of any Re-Amended Reply by the Class Representative, if so advised. The parties should seek to agree the timing of that disclosure. Any disagreements may be referred to the Tribunal.

7. As regards paragraphs 67B–67F, I agree that further particulars are required. Those particulars must be provided in good time before the Class Representative files its expert evidence. Paragraph 5 of the Order above requires that the further particulars be provided no later than six weeks before the Class Representative's deadline to file its expert evidence.

8. The Class Representative may, if it wishes, serve a Request for Information specifying the further particulars sought. Any such request must be served no later than 21 days before the Defendant's deadline for providing the further particulars as per the above. This sequencing will enable the Defendant to address the request when providing those particulars, in a single response and sufficiently in advance of the Class Representative's deadline for filing expert evidence.

9. Regarding costs, as is the usual course, I consider that the Class Representative should have its costs of and occasioned by the Defendant's amendments. Costs of the Amendment Application shall be costs in the case.

Hodge Malek KC
Chair of the Competition Appeal Tribunal

Made: 11 November 2026
Drawn: 11 November 2026