



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 (which included 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 hearing before the Tribunal on 24 to 26 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 Case No 1517/11/7/22 (UM) Merchant Interchange Fee Umbrella Proceedings (the "Volvo Limitation Hearing")

AND UPON the Order of the Tribunal dated 13 June 2023, extending the deadline for the filing and service of any application pursuant to CPR 17.2(2) and the Defence 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")

AND UPON the Tribunal handing down its judgment following the Volvo Limitation Hearing on 26 July 2023 (the "Volvo Judgment")

AND UPON reading the letter from Jones Day to the Tribunal dated 11 August 2023

IT IS ORDERED BY CONSENT THAT:

1. The time for any application pursuant to CPR 17.2(2) shall be extended until 28 days after the later of: (i) the deadline for any applications for permission to appeal against the Judgment of the Tribunal following the Volvo Limitation Hearing; (ii) determination by the Tribunal of any application for permission to appeal filed by the parties; or (iii) 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) ("Final Volvo Determination")
2. The time for the Defendants to file and serve their Defence be extended until 28 days after the later of: (i) the deadline for any applications for permission to appeal against the Judgment of the Tribunal following the Volvo Limitation Hearing; (ii) determination by the Tribunal of any application for permission to appeal filed by the parties; or (iii) 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) ("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. There shall be liberty to apply.

5. Costs in the case.

Sir Marcus Smith

President of the Competition Appeal Tribunal

Made: 22 August 2023

Drawn: 22 August 2023