



**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF
ENGLAND AND WALES**

Competition List (ChD)

**DEPUTY MASTER DOVAR
3 APRIL 2023**

CP-2022-000061

BETWEEN:

THE COMMISSIONERS FOR HIS MAJESTY’S REVENUE AND CUSTOMS

Claimant

- and -

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

Defendants

CONSENT ORDER

UPON the Claimant having served the Claim Form on the Defendants on 30 March 2023

AND HAVING REGARD TO section 16 of the Enterprise Act 2022 (as amended) (the “2002 Act”) and to the Section 16 Enterprise Act 2002 Regulations 2015 (“the 2015 Regulations”)

AND HAVING REGARD TO paragraphs 8.3-8.6 and 8.10-8.13 of Practice Direction 30, supplementing CPR Part 30 (“Practice Direction 30”)

AND HAVING REGARDING TO the overriding objective in CPR Rule 1.1

AND UPON the parties having agreed to this Order in draft form

AND UPON the Court concluding, in the light of all the circumstances of the case, including the wishes of the parties, that it is appropriate to make an order pursuant to section 16(1) of the 2002 Act together with Regulation 2 of the 2015 Regulations in respect of these proceedings, and noting that this Court may give such directions or make such order as it thinks fit to give effect to the determination of any issue by the Competition Appeal Tribunal ("CAT") pursuant to Regulation 2(b) of the 2015 Regulations

BY CONSENT IT IS ORDERED THAT:

- (1) These proceedings are hereby transferred to the CAT pursuant to section 16(1) of the 2002 Act and Regulation 2 of the 2015 Regulations.
- (2) Pursuant to paragraph 3 of Practice Direction 30, this Order shall take effect forthwith.
- (3) The sending of this Order to the parties and the CAT shall constitute notice to them for the purposes of paragraphs 8.5 and 8.12 of Practice Direction 30 and CPR Rule 30.4(1).
- (4) Costs in the Case.
- (5) This Order shall be served by the Claimant on the Defendants.

For the avoidance of doubt, neither this Order, nor the transfer effected by this Order, is intended to alter, limit or exclude in any respect any element of the Claimant's Claim as constituted in this Court prior to the transfer taking effect. If and to the extent that any element of the Claimant's claim as constituted in this Court prior to the transfer taking effect is not capable of falling within the jurisdiction of the CAT on a transfer, or would be altered, limited or excluded by this Order or the transfer, it is not subject to this Order and remains within the jurisdiction of this Court. This Court may give such further directions or make such further order as it thinks fit in connection with the transfer and/or with any element as referred to above

For the further avoidance of doubt, any order determining any issue in these proceedings shall be made by this Court and any appeal therefrom may be made pursuant to CPR Part 52.

Service of the Order

The Court has provided a sealed copy of this Order to the serving party:

Simmons & Simmons LLP, CityPoint, 1 Ropemaker St, London EC2Y 9SS