



Claim No. CL-2019-000299

**IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS  
OF ENGLAND AND WALES  
QUEEN'S BENCH DIVISION  
COMMERCIAL COURT**

CL-2019-000299

**Before: The Honourable Mrs Justice Cockerill DBE  
Date: 13 June 2021**

**BETWEEN:**

- (1) EURONET 360 FINANCE LIMITED**
- (2) EURONET POLSKA SPÓŁKA Z O.O.**
- (3) EURONET SERVICES SPOL. S.R.O.**
- (4) EURONET CARD SERVICES S.A.**

**Claimants**

**- and -**

- (1) MASTERCARD INCORPORATED**
- (2) MASTERCARD INTERNATIONAL**
- (3) MASTERCARD EUROPE S.A.**
- (together, "Mastercard" or the "Mastercard Defendants")**
- (4) VISA EUROPE LIMITED**
- (5) VISA EUROPE SERVICES LLC**
- (6) VISA INC**
- (together, "Visa" or the "Visa Defendants")**

**Defendants**

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**ORDER**

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**UPON** the Claimants issuing a claim against the Defendants for breach of competition laws including Article 101 of the Treaty on the Functioning of the European Union and/or the laws of Poland, Greece and the Czech Republic including insofar as these give effect to Article 101 TFEU.

**AND UPON** the Claimant's claim including a separate claim for compensation for breach of contract against the Mastercard Defendants (the "**QMR Claim**")

**AND UPON** the Fourth Defendant issuing a counterclaim for a declaration and final injunction for breach of contract in regard to the First Claimant charging access fees on certain transactions in Greece ("**Visa's Counterclaim**")

**AND UPON** the Court noting that the current court timetable for these proceedings lays down a hearing window which it is desirable for the

Competition Appeal Tribunal (the “**Tribunal**”) to adhere to, insofar as practicable, subject to further developments in the proceedings

**AND UPON** the Court noting the desirability of the transferred proceedings being heard by a Tribunal panel chaired by a Judge of the High Court

**HAVING REGARD TO** section 16 of the Enterprise Act 2002 (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 REGARD TO** the overriding objective in CPR Rule 1.1

**AND UPON** the Court considering the application dated 3 February 2021/20 May 2021 on the documents

**IT IS HEREBY ORDERED THAT:**

1. Such part of these proceedings as relates to:
  - (a) a claim to which section 47A of the Competition Act 1998 applies; and/or
  - (b) an infringement issue (as defined in section 16(6) of the Enterprise Act 2002) (hereafter, the “**Competition Claim**”);are hereby transferred to the Tribunal for its determination of those issues pursuant to section 16(1)(a) of the Enterprise Act 2002 and/or section 16(4) of that Act together with Regulation 2(a) of the Section 16 Enterprise Act 2002 Regulations 2015.
2. The QMR Claim and Visa’s Counterclaim shall be stayed pending determination of the Competition Claim by the Tribunal and any appellate court.
3. The Tribunal panel hearing the Competition Claim be chaired by a Judge of the High Court who is a chair of the Tribunal.
4. Pursuant to paragraph 3 of Practice Direction 30, this Order shall take effect from the date of the making of this order.

5. The sending of this Order to the parties and to the Tribunal shall constitute notice to them for the purposes of paragraphs 8.5 and/or 8.12 of Practice Direction 30 and CPR Rule 30.4(1).
6. For the avoidance of doubt:
  - (a) neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the Parties' claims or counterclaims as constituted in this court prior to the transfer taking effect. If and to the extent that any element of the claims as constituted in this court prior to the transfer taking effect is not capable of falling within the jurisdiction of the Tribunal 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;
  - (b) the proceedings were and shall continue to be regarded as having been commenced in this court. Any further statements of case or amendments to a statement of case shall be made in accordance with the Civil Procedure Rules and not with the Competition Appeal Tribunal Rules 2015 ("the CAT Rules");
  - (c) any appeal to the Court of Appeal against the determination by the Tribunal of the issues transferred or an order of the court giving effect to that determination shall be governed by the rules in CPR Part 52; and
  - (d) 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 such element referred to above.
7. Costs in the case.
8. There shall be liberty to apply.