



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

Case No.: 1265/5/7/16

**B E T W E E N:**

**DIXONS CARPHONE PLC (UK)**

Claimant

**-v-**

**(1) MASTERCARD INCORPORATED**  
**(2) MASTERCARD INTERNATIONAL INCORPORATED**  
**(3) MASTERCARD EUROPE SPRL**

Defendants

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**ORDER**

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**UPON** reading the Claimant's application made on 7 September 2016 under rule 31(2) of the Competition Appeal Tribunal Rules 2015 (the "Tribunal Rules") for permission to serve the claim outside the jurisdiction on the First and Second Defendants

**IT IS ORDERED THAT:**

1. The Claimant be permitted to serve the First and Second Defendants outside the jurisdiction.
2. This order is without prejudice to the rights of the First and Second Defendants to apply pursuant to rule 34 of the Tribunal Rules to dispute the jurisdiction.

**REASONS**

1. There is a real prospect of success in establishing liability on the part of the First and Second Defendants under section 47A of the Competition Act 1998 in that the claim

is a follow-on claim based on the European Commission's decision of 19 December 2007 of which those Defendants were addressees and the claim is for damage alleged to result from the infringement established by that decision.

2. The Claimant is serving the proceedings on the Third Defendant pursuant to rule 31(1) of the Tribunal Rules. I am satisfied that the First and Second Defendants are necessary and proper parties to the claim being pursued against the Third Defendant in that: (a) the Claimant alleges that all the Defendants are jointly and severally liable for any loss that the Claimant has suffered; (b) in conjunction with the Third Defendant, the First and Second Defendants jointly represent the worldwide payment organisation (MasterCard) and are proper subjects of a single investigation into the liability for damage allegedly caused to the Claimant by the infringement in the Decision.
3. The Tribunal is clearly the appropriate forum for the trial of this claim against the First and Second Defendants in that, in addition to the matters set out in (2) above, by order of 22 April 2015 the Tribunal gave permission for service on the First and Second Defendants of an analogous claim in Case 1236/5/7/15 brought against the same three Defendants by DSG Retail Ltd and Dixons Retail Ltd which are both part of the same corporate group as the Claimant, and the Claimant together with DSG Retail Ltd and Dixons Retail Ltd will seek to have the present action consolidated with that earlier action.

**The Hon Mr Justice Roth**  
President of the Competition Appeal Tribunal

Made: 9 September 2016  
Drawn: 12 September 2016