IN THE COMPETITION APPEAL TRIBUNAL

Case No.: 1268/5/7/16

B E T W E E N:

(1) EUROPCAR UK LIMITED
(2) PREMIERFIRST VEHICLE RENTAL HOLDINGS LIMITED
(3) EUROCAR GROUP UK LIMITED
(4) PREMIERFIRST VEHICLE RENTAL FRANCHISING LIMITED

Claimants

-v-

(1) MASTERCARD INCORPORATED
(2) MASTERCARD INTERNATIONAL INCORPORATED
(3) MASTERCARD EUROPE SA

Defendants

ORDER

UPON reading the Claimants' application made on 9 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 Claimants 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 all three Defendants were addressees and the claim is for damage alleged to result from the infringement established by that decision.

2. The Claimants are 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 Claimants allege that all the Defendants are jointly and severally liable for any loss that the Claimants have suffered; (b) it would be burdensome and costly if the Claimants had to bring separate proceedings against the First and Second Defendants in the USA.

3. The Tribunal is clearly the appropriate forum for the trial of this claim against the First and Second Defendants given the matters set out in (2) above and given that the most significant elements of the events concerning causation and quantum giving rise to the Claim are alleged to have taken place in England and Wales.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 12 September 2016
Drawn: 12 September 2016