



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

Case No.: 1278/5/7/17

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

- (1) BRITISH TELECOMMUNICATIONS PLC**  
**(2) EE LIMITED**  
**(3) PLUSNET PLC**  
**(4) DABS.COM PLC**

Claimants

**-v-**

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

Defendants

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**ORDER**

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**UPON** reading the Claimants' application made on 18 September 2017 (the "Application") 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. The claim is for damages resulting from an alleged overcharge for credit card transactions over the period 11 September 2011 to 9 December 2015. There is a real prospect of success in the claim against the First and Second Defendants under section 47A of the Competition Act 1998 in that the claim is a stand-alone claim based on the European Commission's decision of 19 December 2007 of which all three Defendants were addressees and the damages are alleged to result from the infringement established by that decision. Although the Application notes at para 19 that it is arguable that insofar as the claim relates to the period before 1 October 2015, the Tribunal has no jurisdiction, that objection affects the amount of damages and only part of the claim. Accordingly, it is unnecessary to reach a view on that argument for the purpose of this Order.
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 First and Second Defendants appear to represent MasterCard as an international payment organisation jointly with the Third Defendant, at least as regards its activities in Europe; and (b) the Claimants allege that all the Defendants are jointly and severally liable for any loss that the Claimants have suffered.
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 the United Kingdom.

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

Made: 28 September 2017  
Drawn: 28 September 2017