



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

Case No: 1347/5/7/20

BETWEEN:

- (1) JAGUAR LAND ROVER LTD
- (2) JAGUAR E LAND ROVER BRASIL INDÚSTRIA E COMÉRCIO DE VEÍCULOS LTDA
- (3) JAGUAR LAND ROVER (CHINA) INVESTMENT CO., LTD.
- (4) JAGUAR LAND ROVER (SOUTH AFRICA) (PTY) LIMITED
- (5) JAGUAR LAND ROVER AUSTRALIA PTY LTD
- (6) JAGUAR LAND ROVER AUSTRIA GMBH
- (7) JAGUAR LAND ROVER BELUX NV
- (8) JAGUAR LAND ROVER CANADA, ULC
- (9) JAGUAR LAND ROVER CLASSIC DEUTSCHLAND GMBH
- (10) JAGUAR LAND ROVER ESPANA SL
- (11) JAGUAR LAND ROVER FRANCE S.A.S.
- (12) JAGUAR LAND ROVER ITALIA SPA
- (13) JAGUAR LAND ROVER JAPAN LIMITED
- (14) JAGUAR LAND ROVER KOREA CO., LTD
- (15) JAGUAR LAND ROVER NEDERLAND BV
- (16) JAGUAR LAND ROVER NORTH AMERICA, LLC
- (17) JAGUAR LAND ROVER PORTUGAL-VEICULOS E PECAS, LDA
- (18) LIMITED LIABILITY COMPANY "JAGUAR LAND ROVER"  
(RUSSIA)

Claimants

- v -

- (1) MOL (EUROPE AFRICA) LTD
- (2) WALLENIUS WILHELMSSEN ASA
- (3) WALLENIUSREDERIERNA AB
- (4) WALLENIUS WILHELMSSEN OCEAN AS
- (5) WALLENIUS LOGISTICS AB
- (6) WILHELMSSEN SHIPS HOLDING MALTA LTD
- (7) EUKOR CAR CARRIERS INC.
- (8) KAWASAKI KISEN KAISHA, LTD.
- (9) COMPANIA SUDAMERICANA DE VAPORES S.A.

Defendants

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ORDER

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**UPON** the Claimants having issued Case no: 1347/5/7/20 on 30 April 2020 (the “Claim”)

**AND UPON** the Tribunal’s Order made on 20 May 2020 permitting the Claimants to serve the Claim on the Eighth Defendant outside the jurisdiction

**AND UPON** the Tribunal’s Order made by consent on 18 August 2020 extending the time for the Claimants to serve the Claim on the Eighth Defendant to 20 January 2021 (“the Extension Order”)

**AND UPON** the Claimants’ application made on 19 October 2020 for a further extension of time for service to 20 April 2021

**AND UPON** reading the letters dated 19 October 2020 from the solicitors for the Claimants and from the solicitors for the Eighth Defendant

**IT IS ORDERED THAT:**

1. The time for the Claimants to serve the Claim on the Eighth Defendant out of the jurisdiction is extended to 26 March 2021.
2. There shall be no order as to costs.
3. There be liberty to apply.

**REASONS:**

1. Following an order on 20 May 2020 granting permission to the Claimants to serve their Claim on the Eighth Defendant, amongst others, outside the jurisdiction, by letter of 21 May 2020 and in accordance with Rule 33(1) of the Tribunal Rules, the Registrar directed the Claimants to serve their Claim on the Eighth Defendant, amongst others, within six months.
2. On 18 August 2020, the Tribunal made an order by consent, extending the time for the Claimants to serve their Claim on the Eighth Defendant to 20 January 2021.
3. According to the Claimants, the extension sought in August 2020 was agreed between the Claimants and the Eighth Defendant in order to facilitate settlement discussions and avoid the costs of carrying out service during the period of settlement talks. In support of their application for a further extension the Claimants refer to the delay and disruption caused by Covid-19.

4. Service on the Eighth Defendant, which is domiciled in Japan, is to be made under the Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters 1965. The Foreign Process Section of the Royal Courts of Justice (“the FPS”) which handles such requests in the UK has been fully operational since 6 July 2020. The relevant authority in Japan which processes such requests apparently re-opened on 1 June 2020. The Claimants have been informed by the FPS that the length of time for service is four months based on previous cases of serving documents in Japan before Covid-19 and, therefore, to expect there to be some additional delay in service of documents.
5. I recognise that the Claimants nonetheless left it until October 2020 to ask the FPS to effect service, less than four months before the expiry of the extended time for service. However, the Eighth Defendant does not dispute the assertion by the Claimants that the agreed extension in August 2020 was to facilitate settlement discussions. In these circumstances, while I consider that the Claimants should have commenced the process for service out earlier, I consider that a more limited extension to 26 March 2021 is appropriate.
6. There will be liberty to apply in the event that it becomes clear that service will not be effected in Japan by that date. In that event, the Claimants will have to provide a full explanation of the delay and the progress in effecting service.

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

Made: 26 October 2020  
Drawn: 26 October 2020