



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

ORDER

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 by consent made on 18 August 2020 extending the time for the Claimants to serve the Claim on the Eighth Defendant to 20 January 2021

AND UPON the Tribunal’s Order made on 26 October 2020 further extending the time for the Claimants to serve the Claim on the Eighth Defendant to 26 March 2021

AND UPON reading the letters from the Claimants’ solicitors dated 19 March 2021 and the letter from the Eighth Defendant’s solicitors dated 19 March 2021

IT IS ORDERED THAT:

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

REASONS:

1. On 23 October 2020, the Foreign Process Section at the Royal Courts of Justice (“FPS”) received the papers from the Claimants for service in Japan on the Eighth Defendant.
2. There were delays in the FPS due to the impact of Covid-19 but on 27 January 2021 the FPS informed the Claimants’ solicitors that the documents had been sent to Japan.
3. The FPS has not received any response from the relevant authority in Japan regarding service despite sending them a ‘chaser’ letter on 3 March 2021.
4. The Eighth Defendant’s solicitors’ letter of 19 March 2021 states that the service pack was rejected for failure to satisfy the requirements for service under Japanese civil procedure rules but no details are given. However, the Claimants have not been notified either directly or through the FPS that service of the documents has been rejected in Japan.
5. In these circumstances, it is fair and reasonable for the Claimants to be given time to make inquiries to clarify the position and ascertain in what respect, if any, the documents fail to satisfy the Japanese requirements for service and to rectify any deficiency.

The Hon Mr Justice Roth

President of the Competition Appeal Tribunal

Made: 22 March 2021

Drawn: 22 March 2021