



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

Case No.: 1240/5/7/15

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

**DEUTSCHE BAHN AG AND OTHERS**

Claimants

**-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 Claimants' application made on 20 November 2015 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 ("the Application"):

**IT IS ORDERED THAT:**

1. The Claimants be permitted to serve the First and Second Defendants outside the jurisdiction (if such permission is required);
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 Claimants have served 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, essentially for the reasons set out in paragraph 11 of the Application: (a) the claim is a follow-on claim following the EU Commission's decision of 19 December 2007 addressed to all three Defendants; (b) the three Defendants have filed a joint defence to the parallel High Court claim in which they accept that they are jointly and severally liable for any loss (which is denied) that the Claimants have suffered; and (c) the three Defendants are parties to exclusive jurisdiction agreements conferring jurisdiction on the courts and tribunals of England and Wales in respect of such claims.

- (2) It would appear that by reason of (c) above, pursuant to article 25 of Regulation (EU) No 1215/2012 of the European Parliament and the Council, such permission is not in any event required.

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

Made: 1 December 2015  
Drawn: 2 December 2015