



IN THE COMPETITION
APPEAL TRIBUNAL

Case no. 1339/7/7/20

B E T W E E N : -

MARK MCLAREN CLASS REPRESENTATIVE LIMITED

Applicant and Class Representative

-and-

- (1) MOL (EUROPE AFRICA) LTD**
- (2) MITSUI O.S.K. LINES LIMITED**
- (3) NISSAN MOTOR CAR CARRIER CO. LTD**
- (4) KAWASAKI KISEN KAISHA LTD**
- (5) NIPPON YUSEN KABUSHIKI KAISHA**
- (6) WALLENIOUS WILHELMSSEN OCEAN AS**
- (7) EUKOR CAR CARRIERS INC**
- (8) WALLENIOUS LOGISTICS AB**
- (9) WILHELMSSEN SHIPS HOLDING MALTA LIMITED**
- (10) WALLENIOUS LINES AB**
- (11) WALLENIOUS WILHELMSSEN ASA**
- (12) COMPANIA SUD AMERICANA DE VAPORES S.A.**

Defendants

draft ORDER

UPON the making of an order dated 20 May 2022, pursuant to section 47B of the Competition Act 1998 and Rules 77 and 80 of the Tribunal Rules, that Mark McLaren Class Representative Limited (the “**Class Representative**”) be authorised to act as class representative to continue collective proceedings on an opt-out basis

AND UPON the Class Representative and the Twelfth Defendant, Compañía Sud Americana de Vapores S.A. (“**CSAV**”), finalising the terms of their proposed settlement agreement on 27 September 2023 (the “**Proposed Collective Settlement**”)

AND UPON the Class Representative and CSAV making a joint application dated 6 October 2023, pursuant to Rule 94 of the Tribunal Rules, for a collective settlement approval order (the “**CSAO Application**”)

AND UPON the Class Representative making a related application dated 18 October 2023, pursuant to Rules 53(2)(n), 98(1) and/or 104(2) of the Tribunal Rules, read in conjunction with Rules 74, 93(4) and 94(4)(b) (the “**Related Costs Application**”), for an order that part of the damages to be paid to the Class Representative by CSAV pursuant to the terms of their Proposed Collective Settlement (the “**Damages Sum**”) be used to cover a relative proportion (i.e., 1.7%) of the Class Representative’s current relevant costs, fees and disbursements payable on success (including a settlement for value) to third parties who have taken a stake in these proceedings (the “**Proposed Stakeholder Entitlements**”)

AND UPON the Tribunal considering the joint CSAO Application, the terms of the Proposed Collective Settlement and the supporting evidence; being satisfied that the terms of the Proposed Collective Settlement are just and reasonable; and making a collective settlement approval order (“**CSAO**”) pursuant to Rule 94 of the Tribunal Rules accordingly

AND UPON the Tribunal further considering the Related Costs Application and the supporting evidence, written submissions for the Class Representative and oral submissions from Sarah Ford KC for the Class Representative at an in-person hearing on [6 December 2023]

IT IS ORDERED THAT:

1. Prior to the payment into escrow of the remainder of the Damages Sum pursuant to paragraph [3] of the CSAO, a proportion of the Damages Sum shall be paid to the Class Representative in respect of costs, fees and/or disbursements incurred by the Class Representative in connection with the Collective Proceedings in the amount of £[410,892].
2. Costs in the case.

<Name>

Made: <Date>

[President/Chair] of the Competition Appeal Tribunal

Drawn: <Date>