



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1339/7/7/20

BETWEEN:

MARK MCLAREN CLASS REPRESENTATIVE LIMITED

Class Representative

- v -

- (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) WALLENUS WILHELMSSEN OCEAN AS
- (7) EUKOR CAR CARRIERS INC
- (8) WALLENUS LOGISTICS AB
- (9) WILHELMSSEN SHIPS HOLDING MALTA LIMITED
- (10) WALLENUS LINES AB
- (11) WALLENUS WILHELMSSEN ASA
- (12) COMPANIA SUD AMERICANA DE VAPORES S.A.

Defendants

DIRECTIONS 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 Competition Appeal Tribunal Rules 2015 (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 separate 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 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

AND UPON the Tribunal making directions for the Class Representative and the First to Eleventh Defendants to make submissions on the Class Representative’s funding arrangements in the light of the judgments of the Supreme Court in *R (oao PACCAR Inc) v Competition Appeal Tribunal* [2023] UKSC 28; [2023] 1 WLR 2594 and of the Tribunal in *Alex Neill Class Representative Ltd v Sony Interactive Entertainment Europe Ltd* [2023] CAT 73 (the “**Funding Matters**”)

AND UPON the Tribunal making the collective settlement approval order on 6 December 2023 at the conclusion of the hearing of the CSAO Application

AND UPON the Tribunal considering the proposed directions for the hearing of the Related Costs Application and the proposed notice to represented persons both annexed to that application

IT IS ORDERED THAT:

1. The Related Costs Application shall be listed on a date to be fixed following the Tribunal’s determination of the Funding Matters with a time estimate of 1 day (the “**Related Costs Application Hearing**”).
2. Within two business days of the date of this Order being published on the Tribunal website, the Class Representative is to give notice of the Related Costs Application in the form of notice to be approved by the Tribunal prior to this Order being published.

3. Any represented or interested person that wishes to make submissions must by 2pm on Friday, 19 January 2024:
 - (a) file with the Tribunal an application to make submissions, together with the written submissions it is applying to make or a skeleton argument in advance of the oral submissions it is applying to make; and
 - (b) provide a copy of that application and those other documents to the Class Representative.

4. By 4pm no later than 7 days before the date fixed for the Related Costs Application Hearing, the Class Representative shall file with the Tribunal four hard copies of:
 - (a) the Related Costs Application bundle;
 - (b) any Authorities Bundle; and
 - (c) a skeleton argument referenced to the Related Costs Application bundle and any Authorities Bundle.

5. A soft copy of the Related Costs Application bundle and any Authorities Bundle shall be provided to any other party with permission to be heard at the Related Costs Application Hearing at the same time as provided for in paragraph 4 above.

Hodge Malek

Hodge Malek KC

Chair of the Competition Appeal Tribunal

Made: 6 December 2023

Drawn: 8 December 2023