

+ FOR IMMEDIATE RELEASE +

Millions of UK motorists overcharged £150 million for delivery of new cars

Legal action filed in the UK against five of the world's leading shipping companies to recoup "over payment" on behalf of all affected UK consumers and businesses

- **Class representative Mark McLaren has filed a claim against five shipping companies for overcharging UK consumers and businesses, instructing law firm Scott+Scott UK LLP.**
- **Defendant shipping companies are MOL, "K" Line, NYK, WWL/EUKOR and CSAV.**
- **This UK legal action follows the EU finding that the defendants were involved in a cartel. The EU fined these companies €395m in 2018.**
- **Bringing a claim through the CAT ensures that all affected motorists and businesses in the UK are automatically included in the claim.**
- **UK motorists and companies who bought or leased new cars affected by the cartel between October 2006 and September 2015 are automatically included in the class and would be eligible for compensation.**
- **Claim value up to £60/ per new car bought or leased.**
- **Affected cars include passenger cars and light commercial vehicles such as vans, which represent over 80% of all new car and van purchases.**
- **Examples of affected cars include Ford, Vauxhall, Volkswagen, Peugeot, BMW, Mercedes, Nissan, Toyota, Citroen and Renault.**
- **There is no cost to being part of the claimant group. The claim is funded by litigation funder Woodsford Litigation Funding.**

London – [29 February], 2020 – A group legal action – under the Consumer Rights Act 2015 has been filed in the UK's Competition Appeal Tribunal (CAT) on behalf of consumers and businesses who purchased or leased new cars and vans. The United Kingdom's Competition Appeal Tribunal is a court which hears and decides cases involving competition or economic regulatory issues.

The claim is against five maritime car carriers who participated in a cartel in the market for shipping new cars and other vehicles into Europe.

The representative of the claimant group, Mark McLaren, has filed against MOL, "K" Line, NYK, WWL/EUKOR and CSAV.

This legal action follows the European Commission's (EC) ruling on 21 February 2018 that the above shipping companies had violated EU competition law, imposing fines of over €395m. The EC held that the shippers had coordinated rates, allocated tenders, coordinated reductions of capacity in the market and exchanged commercially sensitive information to maintain or increase the price of intercontinental shipping of new vehicles.

There have been investigations and regulatory decisions by regulators all around the world, including Australia, China, Japan, Korea, Mexico, the United States, Peru, Brazil, South Africa and Chile. Outside the EU, regulatory fines have exceeded \$755 million.

When buying or leasing new cars, consumers and businesses pay for delivery costs and this class action will help to ensure that those who were overcharged get their money back.

The claim is being brought in the CAT as a collective action on an opt-out basis, so that all eligible consumers and businesses will benefit from any damages awarded without incurring any legal fees or risk of adverse costs. The value of the claim is believed to be in excess of £150 million.

Mark McLaren is representing the UK motorists and businesses who bought or leased affected vehicles. He worked for nine years at Which? The Consumers' Association, and currently sits on the Consumer Panel of the Legal Services Board. He is a consumer rights champion who has dedicated his career to fighting for consumers across a range of sectors. To complement his skills and experience, Mark has put together an advisory committee led by former Court of Appeal Judge Sir Richard Aikens, which includes Nick Stace (former CEO of The Prince's Trust and Non-Executive Director of the Financial Conduct Authority), Kate Wellington (CEO of the Costs Lawyer Standards Board) and Steve Fowler (Editor-in-chief of Auto Express).

Mark McLaren said: "When UK consumers and businesses purchased or leased a new car, they paid more for the delivery of that car than they should have done, as a result of a long-running cartel by five of the world's leading maritime shipping companies. I have spent much of my career working in consumer protection and I strongly believe that compensation should be paid when consumers are harmed by such deliberate, unlawful conduct," said McLaren.

McLaren has instructed Scott+Scott UK LLP, a specialist dispute resolution firm whose solicitors have extensive expertise in competition litigation. The Class Representative has also instructed a highly experienced barrister team led by Sarah Ford QC of Brick Court Chambers. The collective action is being funded by Woodsford Litigation Funding, a leading litigation funder.

David Scott of Scott+Scott UK LLP said: "We are pleased to have this opportunity to act on behalf of UK consumers – both individuals and businesses – to help them recoup the losses they have suffered as a result of this long-running cartel. Claims of this kind, where very large numbers of class members each suffered losses that are too small to litigate individually, are precisely the types of claim that the UK collective actions regime was designed to facilitate".

Who is Eligible?

If you or your business purchased one or more new cars, or light commercial vehicles between October 2006 and September 2015, from an extensive list of mainstream manufacturers, you or your business is automatically included within the class. More information about the claim, including included and excluded manufacturers, is available on the collective action website.

Will there be any costs for class members?

Class members will not pay costs or fees to participate in this legal action. The legal action is being funded by Woodsford Litigation Funding, a highly experienced third-party litigation funder, with experience in funding collective actions in the CAT. There are no legal or other fees, or any risk of adverse costs, for class members.

For additional information or to register interest please visit <https://www.cardeliverycharges.com>

###

Press Contact:

Desiree Maghoo
Questor Consulting
+447775522740

Notes to Editors

- 1) Mark McLaren is a former Parliamentary and Legal Affairs Manager at the consumers' association Which?, and was involved in advising Parliament in relation to the Consumer Rights Act 2015 (which introduced the current collective action regime into the Competition Act 1998). He is a serving member of the Legal Services Consumer Panel, Non-Executive Director of the Property Ombudsman and a member of the General Optical Council's Hearings Panel.
- 2) Mark McLaren Class Representative Limited is the legal entity that has filed a collective action with the UK Competition Appeal Tribunal (CAT) under the Consumer Rights Act 2015. Mark McLaren is the sole director and sole member of the company which is incorporated in England & Wales.
- 3) The UK Consumer Rights Act was passed in March 2015 and introduced the possibility of mounting 'opt-out' collective actions in breaches of competition law. The Act enables groups that have been wronged in a similar way to recover losses without any risk or expense. All affected UK person are included in the claim under the 'opt-out' system and are therefore able to claim from the aggregate pool of damages.
- 4) Scott+Scott has significant experience prosecuting antitrust, arbitration and securities cases throughout the United States and Europe. The firm represents corporations, pension funds, foundations, and other entities worldwide with offices in New York, London, Amsterdam, Connecticut, California, and Ohio. Scott+Scott UK Limited is also acts for Michael O'Higgins FX Class Representative Ltd, which is bringing a collective action against five of the world's leading banking groups for their cartel conduct in relation to the foreign exchange market. For more information, visit www.scott-scott.com.
- 5) Woodsford Litigation Funding is a leading global provider of litigation, arbitration and specialty legal finance active in England and Wales and internationally. Woodsford is a founder member of the Association of Litigation Funders of England and Wales. <https://woodsfordlitigationfunding.com>