

**Persons who purchased one or more new cars, SUVs, 4x4s  
or light or medium commercial vehicles between 18  
October 2006 and 6 September 2015 could benefit from a  
proposed collective claim**

**THIS NOTICE**

*This is a legal notice published on the direction of the UK Competition Appeal Tribunal (the "Tribunal").*

Mark McLaren Class Representative Limited (the "**Applicant**") has filed an application for permission to bring collective proceedings against certain shipping companies, all of which have admitted infringements of EU competition law in relation to their shipping of new motor vehicles on routes to/from the EEA as explained further below (the "**Application**"). The entities form part of the following company groups:

(1) MOL; (2) "K" Line; (3) NYK; (4) WWL-EUKOR; and (5) CSAV (the "**Shippers**")

The Consumer Rights Act 2015 allows collective proceedings to be brought on behalf of a group or groups of persons (known as a "class" or "classes") who are alleged to have suffered loss as a result of unlawful anticompetitive conduct. For collective proceedings to be brought, the Tribunal must first make a collective proceedings order (a "**CPO**") authorising a person to act as a representative of the class and certifying the eligibility of the claims for inclusion in collective proceedings.

The Applicant seeks the Tribunal's permission to bring collective proceedings against the Shippers for damages on behalf of the purchasers of new vehicles who it is alleged have suffered losses due to the Shippers' unlawful conduct.

This notice is for your information as you may have a right to take part in the Tribunal's consideration of the Application by submitting written observations or applying to be heard at the CPO hearing, scheduled to commence on **29 November 2021**.

**THE PROPOSED CLAIM**

The proposed claim relies on a decision of the European Commission (the "**Commission**") dated 21 February 2018 (the "**Decision**"). The Commission found that, between 18 October 2006 and 6 September 2012, the Shippers coordinated prices, allocated business, coordinated capacity reductions and exchanged commercially sensitive information, contrary to EU competition law.

Shipping services were purchased by vehicle manufacturers. The proposed claim alleges that vehicle manufacturers recover their delivery costs, including Car Carrier shipping costs, by adding a delivery charge to the purchase price of new vehicles (typically as a separate line

item or within the 'on-the-road' price). The proposed claim also alleges that this delivery charge is paid by the purchasers of new vehicles.

Further, the proposed claim alleges that the Shippers' conduct led to purchasers of new vehicles (including consumers and businesses) paying higher delivery charges than they would otherwise have paid in the absence of the unlawful conduct. The proposed claim is to recover compensation for those higher prices on behalf of, and for the benefit of, those purchasers (see further below on the class definition).

Information about the proposed claim is available from the claim website: [www.cardeliverycharges.com](http://www.cardeliverycharges.com). Information concerning the Application, including a summary of the proposed claim, is available on the Tribunal's website at: <https://www.catribunal.org.uk/cases/13397720-mark-mclaren-class-representative-limited>.

## THE PROPOSED CLASS DEFINITION

In summary, the proposed claim is brought on behalf of all persons who, during the period from 18 October 2006 to 6 September 2015 either purchased or financed, in the United Kingdom, a new car (including people carriers, 4x4s and SUVs) or light/medium commercial vehicle, other than a vehicle produced by an excluded brand.

The following brands are excluded: Abarth; Aixam; Alfa Romeo; Aston Martin; Audi; Bentley; Daimler; DS; Ferrari; Fiat; Fuso; Iveco; Jaguar; KTM; Lamborghini; Land Rover; LDV; Lotus; Maserati; Maybach; Mia; Microcar; Mini; Morgan; Opel; Piaggio; Porsche; Renault Trucks; Rolls-Royce; Rover MG; Saab; Santana; Seat; Skoda; Smart; and Volvo.

The full class definition, and a 'car checker' function, is available at <https://www.cardeliverycharges.com/media/1086/class-definition.pdf>.

## HEARING OF THE APPLICATION

A hearing will take place on **29 November 2021** to decide whether the proposed claim can proceed. It is expected to last for three days. Subject to any arrangements arising from the Covid-19 pandemic, the location of the hearing will be: Competition Appeal Tribunal, Salisbury Square House, 8 Salisbury Square, London, EC4Y 8AP.

## YOUR LEGAL RIGHTS AND OPTIONS NOW

<b>Object to the Application or the Applicant</b>	Any person with an interest (including any member of the proposed class) may object to the Application or the authorisation of the Applicant by stating their reasons for objecting in writing to be received by the Tribunal by <b>4pm on 22 September 2021</b> .
<b>Apply to make oral/written submissions to the Tribunal</b>	Any member of the proposed class, or any third party with an interest (who is not a member of the proposed class), may also apply to the Tribunal for permission to make written and/or oral submissions at the hearing on 29 November 2021. Any such application must be made in writing, supported by reasons, to be received by the Tribunal by <b>4pm on 22 September 2021</b> .

<b>Tribunal's contact details</b>	The Registrar, Competition Appeal Tribunal, Salisbury Square House, 8 Salisbury Square, London EC4Y 8AP; its website is <a href="http://www.catribunal.org.uk">www.catribunal.org.uk</a> . When writing to the Tribunal you need to include the reference <i>Case 1339/7/7/20 Mark McLaren Class Representative Limited v MOL (Europe Africa) Ltd &amp; Others</i> .
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