

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 have an interest in an application for payment of costs, fees and disbursements following a partial collective settlement

THIS NOTICE

This is a legal notice published at the direction of the UK Competition Appeal Tribunal (the “**Tribunal**”) which granted a Collective Proceedings Order on 20 May 2022 (“**CPO**”) in favour of Mark McLaren Class Representative Limited (the “**Class Representative**”) to bring proceedings against the following companies, all of whom have been found by the European Commission to have infringed EU competition law in relation to deep sea carriage services for new motor vehicles (“**Car Carriers**”) on routes to/from countries in the European Economic Area (EEA) (the “**Claim**”). The relevant Car Carriers are:

- (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) Wallenius Wilhelmsen Ocean AS
- (7) EUKOR Car Carriers Inc
- (8) Wallenius Logistics AB
- (9) Wilhelmsen Ships Holding Malta Limited
- (10) Wallenius Lines AB
- (11) Wallenius Wilhelmsen ASA
- (12) Compañía Sud Americana de Vapores S.A.

(together, the “**Defendants**”).

This notice may be relevant to you if you are someone who falls within the class defined in the CPO, i.e.:

“All Persons (other than Excluded Persons) who during the period 18 October 2006 to 6 September 2015 either Purchased or Financed, in the United Kingdom, a New Vehicle or a New Lease Vehicle, other than a New Vehicle or New Lease Vehicle produced by an Excluded Brand or, in the event such a Person has died on or after 20 February 2020, their Personal Representative.”

A copy of the CPO, with an explanation of all the capitalised terms in the class definition, can be viewed online at www.cardeliverycharges.com.

On 27 September 2023, the Class Representative entered into a settlement agreement with the Twelfth Defendant, Compañía Sud Americana de Vapores S.A. or “CSAV” (the “**Proposed Settlement**”). The Proposed Settlement required the approval of the Tribunal. Therefore, on 6 October 2023, the Class Representative issued an application seeking that approval from the Tribunal (the “**Approval Application**”). The Approval Application was heard on 6 December 2023 and the Tribunal granted approval at the conclusion of that hearing. Further information about the settlement is available on the claim website: www.cardeliverycharges.com.

THE COSTS APPLICATION

As with any collective action (where class members do not pay any legal costs or bear any financial risk), the Class Representative requires external funding to pay the costs of its legal and expert teams and to cover the adverse costs risk in the event that it is unsuccessful in any aspect of the Claim and is ordered to pay the other side’s costs. The external funding is via a combination of investment from Woodsford Group (an ESG (environmental, social and governance) and litigation finance business), ‘after-the-event’ insurance, and the legal team working on discounted conditional fee arrangements, whereby they work at discounted rates and receive the balance of their rates plus an uplift if the Claim is successful. Woodsford, the insurers and the legal team are collectively referred to as the “**Stakeholders**”.

Under the funding arrangements which the Class Representative has entered into, the Stakeholders are entitled to a return on their investment, if the Claim is successful, including where it results in the recovery of damages or settlement monies from the Defendants.

As the basis for the Proposed Settlement is that the value of the claim against CSAV should be treated as constituting 1.7% of the total Claim value against all of the Defendants, the Stakeholders are seeking 1.7% of their current entitlements under the funding arrangements. This equates to £410,892. Unlike the upfront costs, the return to Stakeholders is payable from the sums recovered, and not by the Defendants. Any return to Stakeholders must be approved by the Tribunal.

On 18 October 2023, the Class Representative filed an application seeking the Tribunal’s approval for the return to Stakeholders (the “**Costs Application**”). The Costs Application explains the proposed Stakeholder returns in more detail.

The Costs Application can be viewed online at www.cardeliverycharges.com, along with other information about the claim (including, in due course, the Class Representative’s skeleton argument for the hearing of the Costs Application).

HEARING OF THE COSTS APPLICATION

A hearing will take place on a date to be fixed in 2024 to decide whether the Costs Application should be granted and the Stakeholders receive their entitlement, in the amount sought. The hearing will be at the Competition Appeal Tribunal, Salisbury Square House, 8 Salisbury Square, London, EC4Y 8AP.

This notice is for your information so that you can consider whether you wish to apply to the Tribunal for permission to make submissions regarding the Costs Application either in writing in advance of, or in person at, the hearing.

YOUR RIGHTS AND OPTIONS NOW

Apply to make oral/written submissions to the Tribunal	<p>Any member of the proposed class, or any third party with an interest (who is not a member of the proposed class), may apply to the Tribunal for permission to make written and/or oral submissions, including to object to the Costs Application, at the hearing on a date to be fixed in 2024.</p> <p>Any such application must be made in writing (supported by reasons), 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, to be received by the Tribunal and the Class Representative by 2pm on Friday, 19 January 2024.</p>
Contact details	<p>The Registrar, Competition Appeal Tribunal, Salisbury Square House, 8 Salisbury Square, London EC4Y 8AP; its website is www.catribunal.org.uk. 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 & Others</i>.</p> <p>Any questions about the Costs Application, and/or any application to make submissions, can be sent by email or by post to either of the following addresses info@cardeliverycharges.com or Car Delivery Charges, PO Box 13260, BRAINTREE, CM7 0PL.</p>