



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1339/7/7/20

BETWEEN:

MARK McLAREN CLASS REPRESENTATIVE LIMITED

Applicant/
Proposed 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) WALLENIUS WILHELMSSEN OCEAN AS
- (7) EUKOR CAR CARRIERS INC
- (8) WALLENIUS LOGISTICS AB
- (9) WILHELMSSEN SHIPS HOLDING MALTA LIMITED
- (10) WALLENIUS LINES AB
- (11) WALLENIUS WILHELMSSEN ASA
- (12) COMPANIA SUDAMERICANA DE VAPORES S.A.

Respondents/
Proposed Defendants

ORDER

UPON reading the application filed on 20 February 2020 by the Proposed Class Representative (the “PCR”) for a collective proceedings order pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules 2015 (the “CPO Application”)

AND UPON reading the written submissions of the parties in advance of the case management conference (“CMC”)

AND UPON hearing counsel for the parties at the CMC held remotely on 19 March 2021

IT IS ORDERED THAT:

Forum

1. Pursuant to Rules 18, 52 and 74 of the Tribunal Rules, the CPO Application be treated as proceedings in England and Wales.

Publicity

2. By 4pm on 29 March 2021, the PCR shall submit a draft publicity notice (the “**Publicity Notice**”) to the Tribunal for approval.
3. Within one week of approval by the Tribunal of the Publicity Notice, the PCR shall publicise the CPO Application using the approved Publicity Notice.

Pleadings

4. The Proposed Defendants shall file and serve their response(s) to the CPO Application, including any evidence in support, by 4pm on 30 June 2021.
5. By 4pm on 1 October 2021, the PCR shall file and serve any reply, including any evidence in support, to the Proposed Defendants’ response(s) to the CPO Application.

Objections and interventions

6. By 4pm on 22 September 2021:
 - (a) Any person with an interest including any member of the proposed class (an “**Interested Person**”) may object to the CPO Application or the authorisation of the PCR by writing to the Tribunal stating their reasons for objecting.

- (b) Any Interested Person who seeks permission to make written and/or oral submissions at the hearing of the CPO Application is to make such an application to the Tribunal supported by reasons. For the avoidance of doubt, any written submissions and/or evidence sought to be adduced must be filed with the application for permission.
7. The participation of such Interested Persons shall be in accordance with the procedure which the Tribunal thinks fit to secure that the proceedings are dealt with justly and at proportionate cost.

CPO hearing and CPO preparation

8. The hearing of the CPO Application shall be listed to commence on 29 November 2021, with a time estimate of three days.
9. The PCR shall file six hard copies and an electronic version of an agreed hearing bundle (liaising in advance with the Tribunal Registry) by 4pm on 6 October 2021.
10. A pre-hearing review (“**PHR**”) shall be listed on 8 October 2021, with a time estimate of one day, to be vacated if not needed. The parties shall endeavour to agree an agenda for any PHR in advance. They shall file an agreed proposed agenda or, in default of agreement, proposed agendas and brief written submissions in support by 4pm on 5 October 2021.
11. The parties shall file and exchange skeleton arguments by 4pm on 15 November 2021.
12. The PCR shall file six hard copies and an electronic version of an agreed joint authorities bundle (liaising in advance with the Tribunal Registry) by 4pm on 23 November 2021.
13. So far as practicable, the Proposed Defendants shall avoid duplication in their submissions (both written and oral) for the CPO hearing.

General

14. Costs be in the CPO Application.

15. There be liberty to apply.

The Hon Mrs Justice Falk
Chairman of the Competition Appeal Tribunal

Made: 19 March 2021
Drawn: 31 March 2021