



**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 SUDAMERICANA DE VAPORES S.A.

Defendants

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**ORDER**

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**UPON** the Tribunal making a collective proceedings order in these proceedings on 20 May 2022 (the “CPO”) which (amongst other things) authorised Mark McLaren Class Representative Limited to act as the Class Representative in these proceedings and defined the class (the “Class”)

**AND UPON** the Defendants (other than the Fourth Defendant) (the “**Respondents**”) writing to a number of actual or potential Class members on 26 and 27 July 2022 (the “**Letters**”)

**AND UPON** the Class Representative having filed an application dated 3 August 2022 (the “**Application**”)

**AND UPON** considering written submissions filed by the Class Representative and the Respondents in respect of the Application

**AND UPON** hearing leading counsel for the Class Representative and counsel for the Respondents at a hearing on 16 November 2022

**AND UPON** the Tribunal giving judgment on 28 November 2022 ([2022] CAT 53) finding that the Application in substance succeeds, that the Respondents should not have written the Letters, and that doing so was not proper conduct on the part of the Respondents’ representatives

**AND UPON** the parties having reached a confidential agreement in respect of the amount of costs

**IT IS ORDERED THAT:**

1. The Defendants shall henceforth not communicate with members of the Class on matters concerning these collective proceedings, without the prior permission of the Tribunal.
2. The prohibition in paragraph 1 does not operate to prevent the Defendants communicating with members of the Class in the ordinary course of their business operations.
3. The Respondents shall pay the Class Representative’s costs of and occasioned by the Application, in an amount that has been agreed between the parties, by 12 January 2023.

**Sir Marcus Smith**

President of the Competition Appeal Tribunal

Made: 20 December 2022

Drawn: 20 December 2022