



Case No: 1339/7/7/20

**IN THE COMPETITION APPEAL TRIBUNAL**

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) 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.

Defendants

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**ORDER**

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**UPON** the Collective Proceedings Order made by the Tribunal on 20 May 2022 in these proceedings (the “*McLaren* proceedings”)

**AND UPON** hearing counsel for the Class Representative and for the Defendants at a case management conference (“CMC”) held on 23 February 2023

**AND UPON** hearing counsel for the parties to the *McLaren* proceedings, and counsel for the Claimants and for the Defendants (some of which are also parties to the *McLaren*

proceedings) at a CMC in Case No. 1528/5/7/22 (T) *Volkswagen AG and Others v MOL (Europe Africa) Ltd and Others* (the “**Volkswagen proceedings**”) held on 15 March 2023

**AND UPON** the Order of the Tribunal of 6 April 2023 giving directions to trial in the *McLaren* and *Volkswagen* proceedings, which include directions that disclosure in relation to potential overlapping issues provided by any party to either the *McLaren* or *Volkswagen* proceedings should be provided to all other parties to both sets of proceedings

**IT IS ORDERED BY CONSENT THAT:**

**Disclosure**

1. The First and Second Defendant in the *McLaren* proceedings (which are the First and Tenth Defendants respectively in the *Volkswagen* proceedings) (collectively the “**MOL Defendants**”) shall make available to the Class Representative disclosure produced in the *Volkswagen* proceedings by the First Defendant (the “**MOLEA Standard Disclosure**”) pursuant to paragraph 14 of the Order of Mr Justice Picken of 14 July 2022 and by the Tenth Defendant (the “**MOL Foreign Regulatory Materials Disclosure**”) pursuant to paragraph 1 of the Tribunal’s Reasoned Order of 6 January 2023 (the “**Tribunal’s January Order**”).
2. The MOL Defendants shall make available the MOLEA Standard Disclosure and MOL Foreign Regulatory Materials to the Class Representative within 10 business days after this Order has been made.
3. The MOL Defendants shall be permitted to redact or withhold disclosure to be given pursuant to paragraph 1 of this Order on the same grounds as permitted in the *Volkswagen* proceedings.
4. The MOL Defendants shall be permitted to rely on the relevant disclosure statements accompanying the MOLEA Standard Disclosure and MOL Foreign Regulatory Materials Disclosure, and shall not be required to produce a new disclosure statement in connection with any disclosure given pursuant to paragraph 1 of this Order.
5. Confidential Information (as defined in the Tribunal’s January Order) disclosed in connection with any disclosure pursuant to paragraph 1 of this Order shall be afforded

the same treatment by the parties to the *McLaren* proceedings as that in the *Volkswagen* proceedings.

**Costs**

6. There shall be costs in the case.

**Bridget Lucas KC**  
Chair of the Competition Appeal Tribunal

Made: 2 June 2023  
Drawn: 2 June 2023