



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1528/5/7/22 (T)

BETWEEN:

VOLKSWAGEN AG & OTHERS

Claimants

- v -

- (1) **MOL (EUROPE AFRICA) LTD**
- (7) **“K”-LINE HOLDING (EUROPE) LTD**
- (8) **“K”-LINE (EUROPE) LTD**
- (9) **KAWASAKI KISEN KAISHA, LTD**

Defendants / Rule 39 Claimants

(10) **mitsui o.s.k. lines, limited**

Defendant

- and -

NIPPON YUSEN KABUSHIKI KAISHA

Rule 39 Defendant

ORDER

UPON the Order of the Tribunal made on 6 April 2023 (the “**Directions to Trial Order**”)

AND UPON considering the application made by letter dated 24 July 2023 from the solicitors for the Claimants to include amendments in their Fourth Amended Particulars of Claim in addition to the amendments permitted by the Tribunal pursuant to paragraph 6 of the Directions to Trial Order (“**Additional Amendments**”)

AND UPON the Defendants having consented to the Additional Amendments

AND UPON the parties having agreed to the terms of this Order

IT IS ORDERED BY CONSENT THAT:

1. Paragraph 6 of the Directions to Trial Order be varied such that, at the end of paragraph 6, shall be inserted the words: “The Claimants are permitted to make any other amendments to their consolidated Fourth Amended Particulars of Claim as agreed between the parties”, save that this variation is granted on the basis that the effect of any amendments is not, for limitation purposes, to give rise to a relation back of the amendments to the date of the issue of the proceedings, unless the Claimants can show at trial that, for the purposes of section 35 of the Limitation Act 1980:
 - (a) the amendments do not add or substitute a new claim or claims; or
 - (b) in respect of any amendments which do add or substitute a new claim or claims, each new claim arises out of the same facts or substantially the same facts as the claim which is pleaded in the Re-Re-Amended Particulars of Claim.
2. There shall be costs in the case.

The Hon Mrs Justice Cockerill DBE
Chair of the Competition Appeal Tribunal

Made: 13 October 2023
Drawn: 20 October 2023