



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case Nos: 1339/7/7/20  
1528/5/7/22 (T)

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

Defendants

(the “*McLaren Proceedings*”)

AND 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

(the “*Volkswagen* Proceedings”)

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**ORDER**

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**UPON** the Tribunal’s order dated 6 April 2023 giving directions to trial for both the *McLaren* Proceedings and the *Volkswagen* Proceedings, as amended in respect of certain directions in relation to the *Volkswagen* Proceedings by the Tribunal’s Orders made by consent on 13 and 19 October 2023 (the “**Directions to Trial Order**”)

**AND UPON** the Tribunal’s Order made by consent on 8 December 2023 staying the Claimants’ claims against the First and Tenth Defendants in the *Volkswagen* Proceedings until 8 December 2023

**AND UPON** the Claimants, the Seventh to Ninth Defendants, and the Rule 39 Defendant in the *Volkswagen* Proceedings having agreed in correspondence to vary certain deadlines in the form set out in a draft consent Order provided to the Tribunal on 17 November 2023, and the parties to the *McLaren* Proceedings having consented to those deadlines being amended

**AND UPON** the application under Rule 106 of the Competition Appeal Tribunal Rules 2015 by the Claimants to the *Volkswagen* Proceedings to vary the orders in the form agreed by the parties to the *McLaren* Proceedings and the Claimants, Seventh to Ninth Defendants and Rule 39 Defendant in the *Volkswagen* Proceedings

**IT IS ORDERED BY CONSENT THAT:**

1. The deadline at paragraph 7 of the Directions to Trial Order is varied such that the

Seventh to Ninth Defendants to the *Volkswagen* Proceedings shall file and serve on the Claimants and the Rule 39 Defendant to the *Volkswagen* Proceedings and the other parties to the *McLaren* Proceedings their Third Amended Defence in the *Volkswagen* Proceedings by 4pm on 15 December 2023.

2. The deadline at paragraph 8 of the Directions to Trial Order is varied such that the Claimants to the *Volkswagen* Proceedings shall file and serve on the Defendants to the *Volkswagen* Proceedings and the other parties to the *McLaren* Proceedings their consolidated Re-Amended Reply in the *Volkswagen* Proceedings by 4pm on 26 January 2024.
3. The deadline at paragraph 13(a) of the Directions to Trial Order is varied such that the Requesting Party in the *Volkswagen* Proceedings shall notify the Receiving Party in the *Volkswagen* Proceedings of the Disclosure Request in respect of the *Volkswagen* Positive Position Statements by 4pm on 12 January 2024.
4. The deadline at paragraph 13(b) of the Directions to Trial Order is varied such that the Receiving Party in the *Volkswagen* Proceedings shall comply with the Disclosure Request relating to the *Volkswagen* Positive Position Statements on a reasonable rolling basis and by 4pm on 22 March 2024.
5. The costs of this application are costs in the *Volkswagen* Proceedings.

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

Made: 4 December 2023  
Drawn: 4 December 2023