

Persons who purchased one or more new cars, SUVs, 4x4s or light or medium commercial vehicles between 18 October 2006 and 6 September 2015 could benefit from a collective settlement.

THIS NOTICE

This is a legal notice published at the direction of the UK Competition Appeal Tribunal (the “**Tribunal**”) which granted a Collective Proceedings Order on 20 May 2022 (“**CPO**”) in favour of Mark McLaren Class Representative Limited (the “**Class Representative**”) to bring proceedings against the following companies, all of whom have been found by the European Commission to have infringed EU competition law in relation to deep sea carriage services for new motor vehicles (“**Car Carriers**”) on routes to/from countries in the European Economic Area (EEA) (the “**Claim**”). The relevant Car Carriers are:

- (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 Wilhelmsen Ocean AS
- (7) EUKOR Car Carriers Inc
- (8) Wallenius Logistics AB
- (9) Wilhelmsen Ships Holding Malta Limited
- (10) Wallenius Lines AB
- (11) Wallenius Wilhelmsen ASA
- (12) Compañía Sud Americana de Vapores S.A.

(together, the “**Defendants**”).

This notice may be relevant to you if you are someone who falls within the class defined in the CPO, i.e.:

“All Persons (other than Excluded Persons) who during the period 18 October 2006 to 6 September 2015 either Purchased or Financed, in the United Kingdom, a New Vehicle or a New Lease Vehicle, other than a New Vehicle or New Lease Vehicle

produced by an Excluded Brand or, in the event such a Person has died on or after 20 February 2020, their Personal Representative.”

A copy of the CPO, with an explanation of all the capitalised terms in the class definition, can be viewed online at www.cardeliverycharges.com.

This notice relates to a settlement (the “**Settlement**”) agreed between the Class Representative and the Fourth Defendant, (“**K” Line**”) (together, the “**Settling Parties**”). The Settling Parties were required under Rule 94 of the Tribunal Rules 2015 (which can be viewed online at <https://www.catribunal.org.uk/rules-and-guidance>), to seek the Tribunal’s approval of the Settlement. A hearing regarding the Settlement took place on **5 December 2024** with the Tribunal ruling on the same day that the terms of the Settlement are “*just and reasonable*” to Class Members (the “**Tribunal’s Ruling**”).

This notice is for your information so that you can consider whether you wish to opt-out of the Settlement.

A full copy of the application made to the Tribunal regarding the Settlement can be viewed online at www.cardeliverycharges.com, along with other information about the claim. The Tribunal’s Ruling on the Settlement can be found online at: <https://www.catribunal.org.uk/cases/13397720-mark-mclaren-class-representative-limited>. This notice gives important information about the Settlement.

At the same hearing, the Tribunal also approved a further settlement between the Class Representative and the Sixth to Eleventh Defendants. Details of that further settlement are set out in a separate notice, also published today, which can be viewed here: <https://www.cardeliverycharges.com/documents>.

THE SETTLEMENT

Importantly, the Settlement relates to “K” Line only and does not settle the claim against the remaining Defendants. The case against the First to Third and Fifth Defendants, which have not settled with the Class Representative is set to proceed in line with the directions of the Tribunal, which provide for a trial commencing on 13 January 2025. The Settlement is entered into without any admission of liability by “K” Line.

“K” Line had a market share of 17.3% (when considering the capacity of its vessels). On the basis of this market share, “K” Line share of the total Claim value would be £37.25 million. “K” Line denies that the conduct found by the European Commission had any impact on “K” Line’s shipping prices.

In that context, the terms of the Settlement, which has been approved, are as follows:

- (a) **Settlement value:** “K” Line has agreed to pay £12.75 million in full and final settlement of the Claim. This will comprise a payment upfront of £12.25 million. In addition, “K” Line will contribute up to £500,000 to the cost of distributing the settlement to class members.

- (b) **Timing of payment:** “K” Line is to pay the upfront portion of the settlement sum to the Class Representative within 28 days of the Tribunal making an order approving the Settlement.
- (c) **Distribution:** Following payment by “K” Line to the Class Representative, it is proposed that the Class Representative will hold the damages sum in escrow alongside the settlement sum paid by CSAV in January 2024 and any sums received from WWL/EUKOR until the Class Representative has greater certainty as to the total sum available for distribution to the Class (either as a result of further settlements or a judgment after trial). As the matter is so close to trial and given the size of the Settlement relative to the total claim value, it will be more efficient and cost-effective to distribute these monies to Class Members following judgment after trial. Accordingly, the Class Representative has proposed – and the Tribunal has accepted – that the Class Representative should distribute the total funds recovered (through settlement or judgment) in a manner proportionate to the sums being distributed, most likely in a single process, and according to the distribution plan that will be approved in due course by the Tribunal. As explained above, this settlement includes a contribution of £500,000 towards the costs of distribution.
- (d) **Guaranteed distribution:** As a condition of the Settlement, the Class Representative shall distribute a minimum of £5.25 million, directly or indirectly (for example to a charity), to compensate the class (the “**Guaranteed Damages Sum**”).
- (e) **Further available distribution:** In addition to the Guaranteed Distribution, a further £1.75 million (the “**Additional Damages Sum**”) shall be available for distribution if the number of Class Members who claim in the distribution means the sum required to pay them all exceeds the level of the Guaranteed Distribution plus any sums available for distribution following any other settlement(s) or an award of damages following judgment after trial.
- (f) **Payment of costs, fees and disbursements:** The Claim is funded by a third-party funder, Woodsford Group Limited (“**WGL**”), which has paid the upfront action costs on an ongoing basis. In addition, there is an ‘after-the-event’ insurance policy to ensure the Class Representative can pay the Defendants’ costs if ordered to do so, and the legal team is acting on discounted rates, deferring a proportion of their fees. On success, WGL, the insurers, and the legal team are entitled to their deferred fees and any success fees to reflect the risk that the Claim would be unsuccessful. As part of the settlement sum, “K” Line has agreed to pay £5.25 million towards costs, fees and disbursements, which includes a contribution towards the costs of the litigation incurred to date, insurance premiums and success fees. However, payment of those costs, fees and disbursements is subject to the approval of the Tribunal, which will be considered in due course following a further application by the Class Representative. The Class Representative will publish notice of that further application at the appropriate time.

RIGHT TO OPT-OUT OF THE SETTLEMENT

Class Members will have the right to opt-out of any distribution of sums recovered by the Class Representative, including this Settlement and either (i) any further settlements with the remaining Defendants or (ii) damages awarded by the Tribunal at the conclusion of the Claim. In light of the terms of the Settlement, including the Tribunal's confirmation that distribution will not take place at present, the Class Representative has requested that the window in which Class Members who want to opt-out, are required to do so, does not begin to run at present. We believe, and as confirmed in the Tribunal's Ruling, that Class Members should not be required to make a decision until a fuller picture of the level of recovery achieved by the Claim is understood.

Should any Class Member have questions about this, it can contact the Class Representative by email or by post to either of the following addresses: info@cardeliverycharges.com or Car Delivery Charges, PO Box 13260, BRAINTREE, CM70PL.