Competition Appeal Tribunal Case No.: 1339/7/7/20

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 is a legal notice concerning the approval by the UK Competition Appeal Tribunal (the "**Tribunal**") of a collective settlement (the "**Settlement**"), the details of which are summarised below. This notice is published at the direction of 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 were found by the European Commission to have infringed EU competition law in relation to deep sea carriage services for new motor vehicles on routes to/from countries in the European Economic Area (EEA) (the "**Claim**"):

(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 (the "**Class**"):

> "*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."

Members of the Class (or "**Class Members**") who purchased or financed at least one new car, or light or medium commercial vehicle, between 18 October 2006 and 6 September 2015 may be entitled to claim both in respect of the vehicle(s) purchased or financed during that period, and for any additional vehicles purchased or financed between 7 September 2015 and 31 December 2019.

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**.

The present Settlement relates to the First to Third and Fifth Defendants (the "**MN Defendants**") only. The Tribunal has previously approved settlements between the Class Representative and: (1) the Twelfth Defendant ("**CSAV**") by order dated 6 December 2023; (2) the Sixth to Eleventh Defendants ("**WWL/EUKOR**") by order dated 6 December 2024; and (3) the Fourth Defendant ("**"K" Line**") by order dated 6 December 2024 (together, the "**Previous Settlements**").[1] As the MN Defendants were the only two remaining defendant groups, the Settlement brings these proceedings to an end, other than in relation to distribution of the total sums recovered, and payment of costs, fees and disbursements. This means that there will be no judgment following the trial which took place from January to March 2025. It also means that, if you fall within the class definition set out above and have not 'opted out' (see https://cardeliverycharges.com/media/z0ulcu4q/cpo-notice-new.pdf), you will be entitled to seek a share of the Settlement damages, as explained further below. Your claim against the Defendants in these proceedings will be finally resolved by this Settlement, and you will not be able to bring another claim against the Defendants in relation to the subject matter of the collective proceedings or the conduct as set out in the European Commission's Decision referred to above (a non-confidential version of which can be found at https://ec.europa.eu/competition/antitrust/cases/dec_docs/40009/40009_2427_7.pdf).

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.

The key terms of the Settlement, which has been approved, are as follows:

(a) **Settlement value**: The MN Defendants have agreed to pay £54 million in full and final settlement of the Claim (the "**Settlement Sum**"). The Settlement is entered into without any admission of liability by the MN Defendants. Along with the sums recovered from

[1] The collective settlement approval orders are available on the Tribunal website: https://www.catribunal.org.uk/cases/13397720-mark-mclaren-class-representative-limited

the settlements with CSAV, “K” Line and WWL/EUKOR, the Class Representative will have recovered up to £92.75 million in total (the “**Total Sum**”).

(b) **Timing of payment**: The MN Defendants will pay the Settlement Sum to the Class Representative within 28 days of the order which the Tribunal has now made approving the Settlement, i.e., by 11 March 2026. The Guaranteed Damages Sum, and (to the extent applicable) the Additional Damages Sum, will be distributed to Class Members in due course (on which see paragraphs (c), (d) and (f) below).

(c) **Guaranteed distribution**: As a condition of the Settlement, the Class Representative shall distribute a minimum of £20 million of the £54 million from this Settlement with the MN Defendants, to Class Members and/or by way of cy-près to charity, to compensate the class (the “**Guaranteed Damages Sum**”). When added to the guaranteed sums from the Previous Settlements, it will result in a guaranteed minimum of £34 million in total to be paid either to Class Members and/or to charity.

(d) **Further available distribution**: In addition to the Guaranteed Damages Sum, a further £12.5 million (the “**Additional Damages Sum**”) shall be available from this Settlement for distribution if uptake by Class Members exceeds the guaranteed minimum (along with up to a further £9.37 million of additional damages available from the Previous Settlements). Now that the Settlement has been approved, together with the guaranteed damages from this Settlement and the Previous Settlements, this means that a minimum of £55.87 million will be available for distribution to the Class (the “**Total Damages Sum**”).

(e) **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, ‘after-the-event’ insurance had to be taken out to ensure that the Class Representative would have been able to pay any costs incurred by the Defendants that the Tribunal may have ordered the Class Representative to pay; and the legal team has been acting on discounted conditional rates, deferring a proportion of their fees, which would also be subject to an uplift on success. On success, WGL, the insurers, and the legal team are entitled to their deferred fees, and to any success fees to reflect the risk that the Claim may not have succeeded (in which case, WGL would not have received any return on their investment, the insurers would have received only their upfront insurance premiums, and the legal team would have received only their discounted rates). The Tribunal has approved that, as part of the Settlement Sum, the MN Defendants will pay £20 million towards costs, fees and disbursements, which includes a contribution towards the costs of the litigation incurred to date, insurance premiums and success fees. The remaining costs, fees and disbursements will be paid from the other Previous Settlements, subject to a further approval by the Tribunal upon an application by the Class Representative. In the event that the sums from the Settlement and the Previous Settlements do not cover the costs, fees and disbursements in full, then there is still the possibility that the costs, fees and disbursements still remaining unpaid at that point could be satisfied (at least in part) by any remaining part of the Additional Damages Sum in the Settlement.

(f) **Distribution**: Following payment by the MN Defendants to the Class Representative, the Class Representative will hold the Damages Sum in escrow, alongside the settlement sums paid by the other Defendants. As the Proceedings are at an end, the Class Representative will prepare a detailed distribution plan setting out how the Damages Sum will be distributed. This will include how Class Members' individual entitlements will be calculated, and what information Class Members will be required to provide to claim in the distribution. The Settlement includes a contribution of up to £1.5 million towards the costs of distribution in addition to a further £0.5 million to be paid by each of "K" Line and WWL/EUKOR, meaning up to £2.5 million will be available to pay the costs of distribution.

Class Members will have the right to opt-out of any distribution of sums recovered by the Class Representative, including this Settlement and the Previous Settlements. 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 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, CM7 0PL.