

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 proposed collective settlement.

THIS NOTICE

This is a legal notice concerning an in-principle settlement (the “**Proposed Settlement**”), the details of which are summarised below. This notice is 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 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.

This notice relates to the Proposed Settlement agreed between the Class Representative and the First to Third and Fifth Defendants (the “**MN Defendants**”) (together, the “**Settling Parties**”). In accordance with Rule 94 of the Tribunal Rules 2015 (which can be viewed online at <https://www.catribunal.org.uk/rules-and-guidance>), the Settling Parties are seeking the Tribunal’s approval of the Proposed Settlement. The Tribunal will only approve the Proposed Settlement if it is satisfied that the terms of the Proposed Settlement are “*just and reasonable*”. Therefore, the Settling Parties filed an application on 25 November 2025 (the “**Settlement Application**”), the primary purpose of which is to explain why the Proposed Settlement is “*just and reasonable*”. The Settlement Application will be considered by the Tribunal at a hearing on 15 January 2026, which is expected to last for one day (with a second day held in reserve for use if required) (the “**Settlement Hearing**”).

The Proposed Settlement relates to 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 are the only two remaining defendant groups, if the Tribunal approves the Proposed Settlement, it will bring 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 damages from this Proposed Settlement and the Previous Settlements, as explained further below. Your claim against the Defendants in these proceedings will be finally resolved by this Proposed 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).

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

This notice is for your information so that you can consider whether you wish to apply to the Tribunal for permission to make submissions regarding the Settlement Application.

A full copy of the Settlement Application is available to view online at www.cardeliverycharges.com, along with other information about the claim. This notice gives important information about the Proposed Settlement.

THE PROPOSED SETTLEMENT

The key terms of the Proposed Settlement 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 Proposed Settlement is entered into without any admission of liability by the MN Defendants. If the Proposed Settlement is approved, along with the sums recovered from the Previous 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 Tribunal making an order approving the Proposed Settlement. The Guaranteed Damages Sum, and (to the extent applicable) the Additional Damages Sum, will be distributed to Class Members and/or charity in due course (on which see paragraphs (c), (d) and (f) below).
- (c) **Guaranteed distribution:** As a condition of the Proposed Settlement, the Class Representative shall distribute a minimum of £20 million of the proposed £54 million from this Proposed 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**”). If the Proposed Settlement is approved, then, when this amount is 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 Proposed 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). If the Proposed Settlement is approved, together with the guaranteed damages from this Proposed 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 and the insurers would not have received any return on their investment and the legal team would have received only their discounted rates). As part of the Settlement Sum, subject to the Tribunal's approval, the MN Defendants have agreed to 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.

- (f) **Distribution:** Following payment by the MN Defendants to the Class Representative, it is proposed that the Class Representative will hold the Damages Sum in escrow, alongside the settlement sums paid by the other Defendants. As the Proceedings will be 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 Proposed 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.

RIGHT TO BE HEARD AT THE SETTLEMENT HEARING

As set out above, the Tribunal has listed the Settlement Hearing for 15 January 2026, with a time estimate of one day with half a day in reserve if necessary. This hearing will take place at the Competition Appeal Tribunal, Salisbury Square House, 8 Salisbury Square, London EC4Y 8AP (tel.: 020 7979 7979).

In accordance with Tribunal Rule 94(7), any Class Member may "*make written submissions to the Tribunal in relation to the Proposed Settlement. Any Class Member may also seek permission to make oral submissions at the hearing of the application for a collective settlement approval order by making an application for such permission, with reasons, as part of their written submissions*". The Tribunal has directed that such submissions should be filed with the Tribunal by email to registry@catribunal.org.uk, and provided to the Class Representative and the MN Defendants, by email to mclaren_ssuk@scott-scott.com, ap_oro@arnoldporter.com and sjroromclaren@steptoe.com, by 4pm on 22 December 2025.

Should any Class Member have questions about its right to be heard, it can contact the Class Representative, by email or by post sent to either of the following addresses info@cardeliverycharges.com or Car Delivery Charges, PO Box 13260, BRAINTREE, CM7 0PL.