



Claim No.: CL-2020-000780

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
OF ENGLAND AND WALES
COMMERCIAL COURT (QBD)

CL-2020-000780

BEFORE THE HONOURABLE MR JUSTICE CALVER

DATED 20 JUNE 2022

BETWEEN:

VOLKSWAGEN AG & OTHERS

Claimants

and

- (1) MOL (EUROPE AFRICA) LTD
- (2) WALLENISREDERIERNA AKTIEBOLAG
- (3) WALLENIS WILHELMSSEN ASA
- (4) WALLENIS LOGISTICS AB
- (5) WILHELMSSEN SHIPS HOLDING MALTA LTD
- (6) WALLENIS WILHELMSSEN OCEAN AS
- (7) "K"-LINE HOLDING (EUROPE) LIMITED
- (8) "K"-LINE (EUROPE) LIMITED
- (9) KAWASAKI KISEN KAISHA LTD

Defendants

and

NIPPON YUSEN KABUSHIKI KAISHA

Part 20 Defendant

CONSENT ORDER

UPON the Claimants' claims against the Defendants and the Defendants' claims against the Part 20 Defendant (together, the "**Claims**")

AND UPON the Claimants, the Defendants and the Part 20 Defendant having agreed that the Claim, insofar as brought in reliance on section 2 of the Competition Act 1998 and article 101 of

the Treaty on the Functioning of the European Union, should be transferred to the Competition Appeal Tribunal (the “**CAT**”)

AND UPON the Claimants, the Defendants, and the Part 20 Defendant having agreed to the terms of this Order

AND UPON the first CMC in these proceedings having been listed for 14 July 2022 (the “**First CMC**”)

IT IS ORDERED BY CONSENT THAT:

1. The Claims, insofar as brought in reliance on section 2 of the Competition Act 1998 and Article 101 of the Treaty on the Functioning of the European Union (the “**Transferred Proceedings**”) will be transferred to the CAT pursuant to sections 16(1) of the Enterprise Act 2002 and regulation 2(a) of the Section 16 Enterprise Act 2002 Regulations 2015 SI 2015/1643 and/or section 16(4) of the Enterprise Act 2002.
2. This Order shall take effect, and for the purpose of CPR PD 30 shall be treated as being made, on the date that the order made at the First CMC is sealed by the Court.
3. The Claim excepting the Transferred Proceedings is stayed pending the final determination of the Transferred Proceedings by the CAT, including any appeal or further appeal from the CAT.
4. Neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the Claimants’ claims, or the claims of the First, Seventh, Eighth and Ninth Defendants pursuant to CPR Part 20, as constituted in this Court prior to the transfer taking effect. If and to the extent that any element of such claims (as constituted in this Court prior to the transfer taking effect) is not capable of falling within the jurisdiction of the CAT on the transfer, or would be altered, limited or excluded by this Order or the transfer, it is not subject to this Order and remains within the jurisdiction of this Court.
5. Neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the Defendants’ accrued rights in respect of defence to the Claimants’ claims as constituted in this Court prior to the transfer taking effect, including, but not limited to, applicable law, process for service, jurisdiction, liability (including as to any defence or argument based on limitation, time bar, laches, delay, or related issues), or the existence of a duty of care, or otherwise howsoever in relation to the claims.
6. The proceedings were and shall continue to be regarded as having been commenced in this Court. Any further statements of case or amendments to a statement of case in the proceedings shall be made in accordance with the Civil Procedure Rules and the

Commercial Court Guide and not with the CAT Rules 2015 (or any other rules applicable in the CAT).

7. Any appeal to the Court of Appeal against the determination by the CAT of the issues transferred or an order of the Court giving effect to that determination shall be governed by the rules in CPR Part 52.
8. This Court may give such further directions or make such further orders as it thinks fit in connection with the transfer and/or with any such element as referred to above.
9. The Parties have liberty to apply.
10. Costs in the case.
11. This Order shall be served by the Claimants on the Defendants and the Part 20 Defendant.

SERVICE OF THIS ORDER

The Court has provided a sealed copy of this Order to the serving party: the solicitors for the Claimants, Slaughter and May of One Bunhill Row, London EC1Y 8YY (reference: RAS/CLZS).