



# CAT Claim Against Car Shipping Cartel

Woodsford Case Study



# The Cartel

On 21 February 2018, the European Commission (“EC”) fined five international shipping companies (“Shipping Cartelist”) a total of EUR 395 million for their participation in a cartel between 18 October 2006 and 6 September 2012. A cartel is a group of independent companies which join together to fix prices, limit production or share markets or customers between them. The effects of cartels are insidious; the result being that companies unlawfully profit at consumers’ expense.

The EC found that the Shipping Cartelist fixed prices, rigged bids and allocated the market for roll-on, roll-off (“RoRo”) transport of vehicles into Europe. According to the EC, the Shipping Cartelist had agreed to maintain the status quo in the market and to respect each other’s ongoing business on certain routes, or with certain customers, by quoting artificially high prices or not quoting at all in tenders for vehicle manufacturers.

## Consumer Claim

In February 2020, the Shipping Cartelist had a £150 million opt-out claim filed against them in the UK Competition Appeals Tribunal (“CAT”). The claim is being funded by Woodsford.

This follow-on class action is brought on behalf of millions of UK motorists and businesses who bought or leased a new car between October 2006 and September 2015. Claimants should be entitled to compensation because of the additional cost passed on in the price of their vehicles by the higher transport charges which resulted from the operation of the cartel.

Affected cars include passenger cars and light commercial vehicles such as vans, which represent over 80% of all new car and van purchases in the UK. Examples of affected cars include Ford, Vauxhall, Volkswagen, Peugeot, BMW, Mercedes, Nissan, Toyota, Citroën and Renault.

A key hurdle in the claim was overcome on 20 May 2022 when the CAT granted a Collective Proceedings Order (“CPO”), authorising the class representative to represent the class and determining that the claims were eligible for a collective proceeding. This decision by the CAT was upheld by the Court of Appeal in November 2022 and in May 2023 the UK Supreme Court (the highest court in the UK) refused to grant the defendants permission to appeal the Court of Appeal’s decision to hear a challenge to this decision. The claim is progressing.

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## Further information

Further information on the claim and updates on its progress can be found at [www.cardeliverycharges.com](http://www.cardeliverycharges.com).

## The Claimant Team

Woodsford worked closely with Scott + Scott and Brick-Court Chambers to develop the legal strategy and financial structures for this claim. The class representative is Mark McLaren through a company set up specifically to bring this claim. Mark McLaren is a consumer champion who has dedicated a large part of his career to fighting for consumers, across a wide range of sectors.

Woodsford is committed to holding big businesses to account. We are confident that the claim will succeed, delivering recompense to those directly affected and putting big business on notice that they cannot act with impunity.





## About Woodsford

Founded in 2010 and with a presence in London, New York, Brisbane, Philadelphia and Minneapolis, Woodsford is a leading ESG, access to justice and litigation finance business.

Whether it is helping consumers achieve collective redress, ensuring that investors and universities are properly compensated when Big Tech infringes intellectual property rights, or helping shareholders in collaborative, escalated engagement up to and including litigation with listed companies, Woodsford is committed to ensuring the highest ESG standards while providing access to justice.

Working globally with many of the world's leading law firms, our legal experience, investment, business and technical expertise, in tandem with our significant financial muscle, makes us a powerful partner and a formidable adversary.

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