

2023 UK Competition Collective Actions Report

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NOTICE

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Executive Summary

Our collective action report for 2023 documents another year of growth for the UK's competition collective actions regime. This report considers in turn (i) the characteristics of the set of collective action cases; (ii) the progress of cases and their outcomes in terms of settlements or damages awards; and (iii) market participants, with a focus on law-firm and funder activity levels.

In terms of describing the evolving landscape of cases involving competition collective actions in the UK, the data indicates that:

The number of applications for Collective Proceedings Orders (CPOs) increased markedly during 2022, with a particularly significant rise in stand-alone abuse of dominance claims made against “big tech” companies.

In 2022, the number of applications for CPOs grew significantly, with nine different claims registered under Section 47(B) of the Competition Act 1998 (CA98) at the Competition Appeal Tribunal (Tribunal). This compares to seven claims in 2021, and an average of just 1.6 per annum over the previous five-year period, 2016–2020. Of the 16 applications in 2021 and 2022, 11 were stand-alone abuse of dominance claims.

Information and Communication remained the most common sector for CPO applications.

Claims from 2022 saw a continued emphasis on applications involving the Information and Communication sector, with four claims being made. Financial and Insurance Activities also saw continued claims being made, although not as many as in the Information and Communication sector.

US technology firms featured prominently in abuse of dominance claims during 2022.

Anticompetitive agreement claims involved more defendants on average and drew from a wider range of jurisdictions. In contrast, abuse of dominance claims naturally had fewer defendants (often they involved one defendant, but notably dominant firms may be joint ventures, so the claims were sometimes launched against multiple defendants). Out of the five abuse of dominance claims filed in 2022, four involved claims against companies headquartered in the US, indicating a focus on large technology firms operating in digital markets.

The average alleged claim value for anticompetitive agreement claims filed in 2016–2022 was just under three times that of abuse of dominance claims in the same period.

The average potential class size for CPO applications filed during 2016–2022 was nearly two times larger for abuse of dominance claims (under Article 102 Treaty on the Functioning of the European Union (TFEU) or Chapter 2 CA98) than anticompetitive agreement claims (under Article 101 TFEU or Chapter 1 CA98) cases. With smaller class sizes and much larger estimated damages, the average anticompetitive agreement claim involved a significantly higher claim per member than the average abuse of dominance claim.

In terms of the progress of cases and their outcomes during 2022:

The time taken to hear and adjudicate a CPO application fell significantly over time, but stabilised after 2020.

Procedurally, it is noteworthy that the time period between first registering the claim with the Tribunal and its first hearing fell significantly from its peak of 2.8 years in 2018 to slightly over one year in 2022 (albeit marginally up on the response time achieved in 2021 of just under one year). The time from first hearing to final CPO judgment was also down over time, but has stabilised since 2020.

And in terms of market participant activity levels:

Law firms generally specialised in either claimant or defence side work, although there were a small number of exceptions.

On the claimant side, Hausfeld stood out as particularly active, having registered no less than eight applications for CPOs with the Tribunal between 2016 and 2022.

Scott & Scott and Charles Lyndon each registered three over the same period, with all other claimant firms having so far registered at most one CPO application. More law firms were active on the defence side, with Freshfields, Herbert Smith Freehills, Slaughter and May, and Macfarlanes the most active over the period 2016–2022. Only a relatively small number of firms, Quinn Emanuel Urquhart & Sullivan (Quinn Emanuel) and Addleshaw Goddard, accepted instructions on behalf of both claimants and defendants. Additionally, a significant number of law firms on both the claimant and defence sides registered their first case in 2022.

New funders entered the arena.

On the funding front, 2022 saw a number of new funders in competition collective actions. Specifically, Balance Legal Capital, Softwhale Holdings, and NorthWall Capital each funded their first claim. Over the 2016–2022 period, nine funders each funded more than one registered collective proceeding. In particular, Woodsford Litigation Funding funded four separate claims, while the other eight funders each funded two claims.

Introduction

Competition collective proceedings can follow-on from a public enforcement decision or, alternatively, proceed as a stand-alone private action.¹ With the introduction of the Consumer Rights Act (2015), the ability to take stand-alone private actions has the potential to introduce markedly new dynamics in competition enforcement because: (i) agency resources and preferences do not constrain the set of private actions directly;² and (ii) stand-alone private actions for consumer-focused markets become feasible where they would not have been if the damages per user were too small to justify the costs and risks of individuals taking legal action, even if the aggregate harm was large.

This is the second of our annual reports that cover UK competition collective actions. To compile the report,

the team at Brattle gathered 2022 data including (but not limited to) the number of claims, types of claims, defendants, law firms engaged on the claimant and defence sides, relevant sectors, the size and value of claims, the time taken to process CPO applications, and the funding made available to claimants.

Case Characteristics

In this section of the report, I consider in turn:

- number of claims by case type;
- cases by sector;
- CMA interventions in cases;
- defendants' home jurisdictions; and
- estimated class size and the alleged value of claims.

Number of Claims by Case Type

A continued rise in CPO applications characterised 2022. Over half of the new cases were abuse of dominance cases (see Figure 1). All five of the abuse of dominance cases in 2022 were stand-alone cases, and all were against "big tech" firms, namely: Apple, Google, Meta, Amazon, and Sony.

Damages cases following on from public enforcement decisions involving infringements of Chapter 1 CA98

also played a role, but accounted for only 3 of the 16 cases launched in 2021 and 2022. Among these was the first "hybrid" claim (brought on both a stand-alone and follow-on basis), which was registered in 2022. Since 2021, most of the collective actions were pure private enforcement, unlike in earlier years when almost all followed on from public enforcement.

Cases by Sector

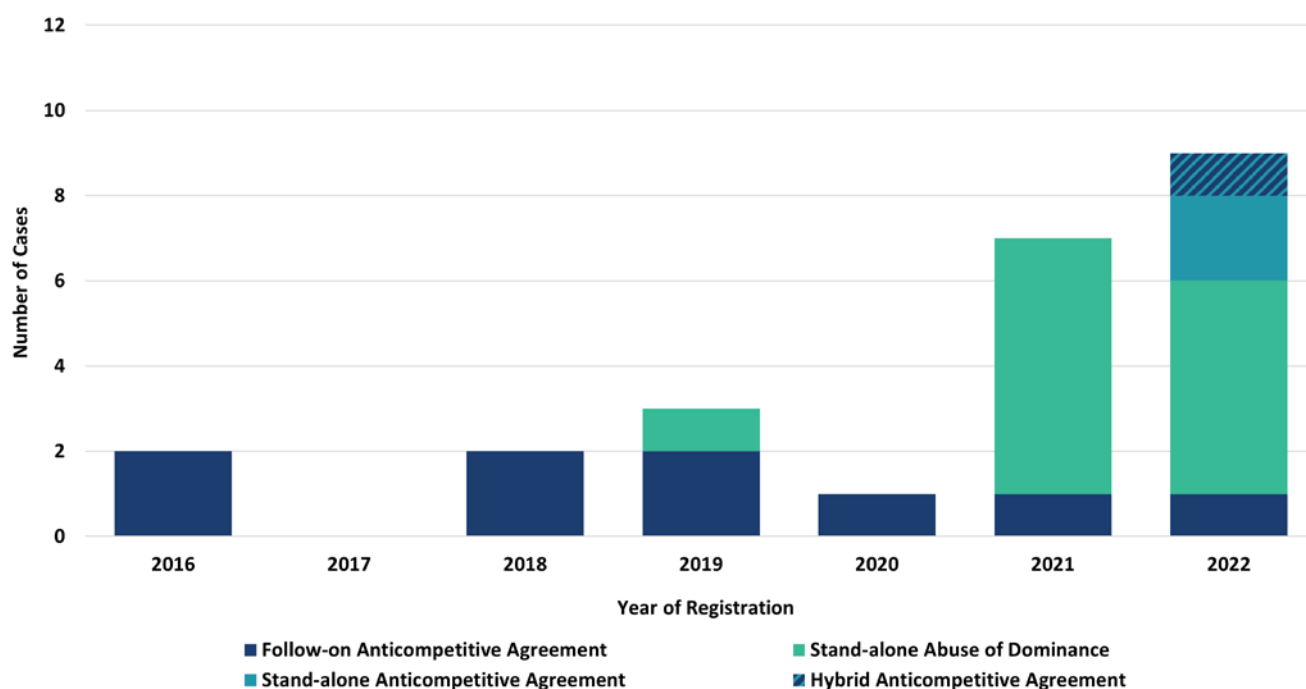
In 2022, UK collective actions saw a continued emphasis in cases in the Information and Communication sector, with four cases filed against Apple, Meta, Google, and Sony. Financial and Insurance Activities – a sector in which several firms had been subject to claims before 2022 – had two new cases launched in 2022. In addition, there were two new CPO applications in the Wholesale and Retail Trade sector against Fender and other musical

equipment manufacturers relating to online resale price maintenance (RPM), as well as the *Amazon Marketplace – Consumers (Hunter)* claim. Lastly, there was one claim in the Manufacturing sector launched in 2022, which was a follow-on damages case against the *Power Cables* cartel brought by the class representative, Clare Mary Joan Spottiswoode CBE.

1 Follow-on actions can follow infringement decisions made by the Competition and Markets Authority (CMA), the European Commission, or a UK regulatory agency with competition powers, such as the Financial Conduct Authority or Ofcom.

2 Public enforcement does have an important interaction with private enforcement. As a matter of right, the CMA is able to participate in private actions in the Tribunal, High Court, and Court of Appeal. One example of this was when the CMA notified its intention to intervene in Dr. Gormsen's collective proceedings against Meta in August 2022.

FIGURE 1: REGISTRATIONS OF UK COLLECTIVE PROCEEDINGS BY YEAR, 2016–2022

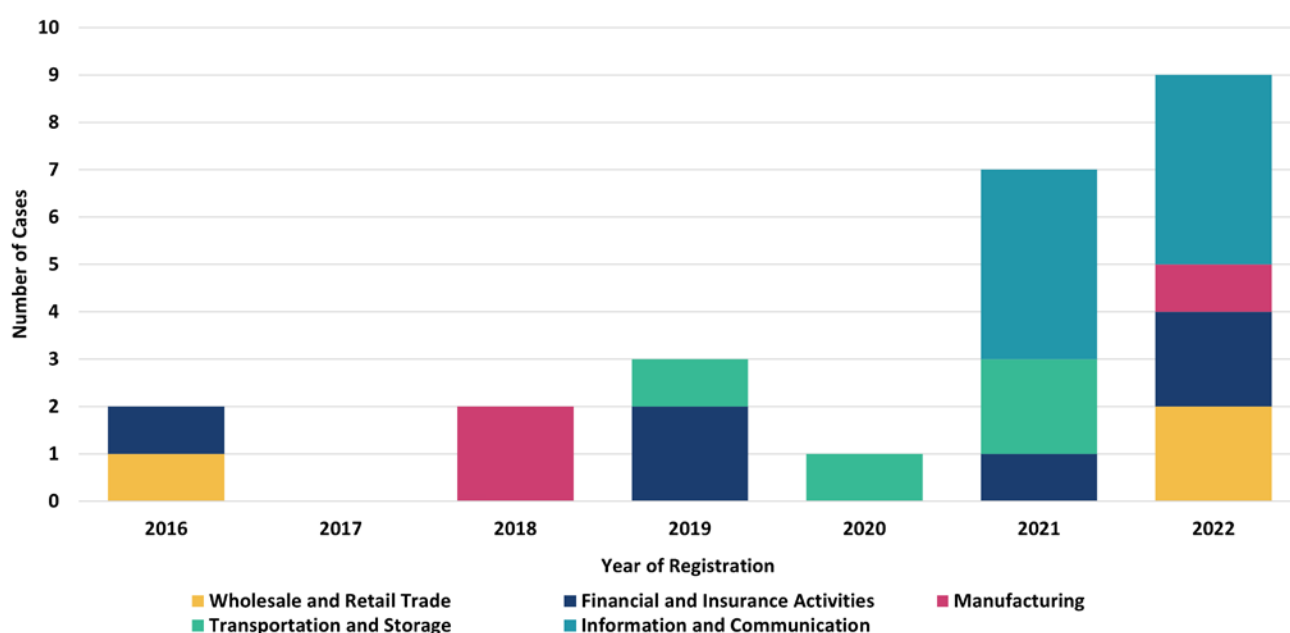


Notes: [1] This chart represents all cases registered with the Tribunal on or before 31 December 2022, based on information from the Tribunal's website as of May 2025.

[2] Cases registered in the same year, with the same class representative, and targeting the same infringement are counted only once. Note that some claims registered, and therefore included in this chart, have subsequently not been granted a CPO by the Tribunal, have been withdrawn, lost in a carriage dispute, or have been consolidated with other claims.

[3] The nine CPO applications registered in 2022 were: *Meta (Gormsen)*; *Apple iPhones (Gutmann)*; *Sony (Neill)*; *Google Ad Tech (Pollack)*; *Musical Equipment (Sciallis)*; *Power Cables (Spottiswoode)*; *Visa and Mastercard (CICC Cards)*; *Amazon Marketplace - Consumers (Hunter)*; and *Cryptocurrency (BSV Claims)*.

FIGURE 2: NUMBER OF CPO APPLICATIONS BY SECTOR, 2016–2022



Notes: [1] This chart represents all cases registered with the Tribunal on or before 31 December 2022, based on information from the Tribunal's website as of May 2025.

[2] Cases registered in the same year, with the same class representative, and targeting the same infringement are counted only once. Some of the claims registered (and included in the above chart) have since not been granted a CPO by the Tribunal, have been withdrawn, lost in a carriage dispute, or have been consolidated with other claims.

CMA Interventions

As the UK's collective actions regime has developed, the CMA has become active in shaping the development of competition law through its ability to make submissions in private litigation in front of the Tribunal.³ The CMA describes that "[p]rivate actions raise legal and policy issues that shape the development of competition law". As a result, they use their intervention powers "to influence, in the public interest, the development of the law".

Between 2016 and 2022, the CMA notified the Tribunal of its intention to provide written submissions in a total of four collective actions registered before the Tribunal. Three of those cases were new interventions made during 2022.⁴

Defendants' Home Jurisdictions

Enforcement actions sometimes involve firms whose home jurisdictions are outside the UK. As the size of fines or alleged damages in competition matters increases, a concern that is sometimes expressed is that competition law may risk being perceived as a tool of trade policy – or, put differently, a mechanism by which the profits of overseas-headquartered companies are effectively taxed via fines and damages awards.

Such attempted criticism has historically been firmly rejected by agencies and courts, noting that, as a matter of fact, the obligations imposed by UK competition law do not depend on a respondent's home jurisdiction. Moreover, in relation to collective actions in particular, the Tribunal is not, in fact, able to choose its own caseload; it must evaluate any registered case on its merits by applying the appropriate legal tests.⁵

If anticompetitive conduct did cause harm to the UK economy, competition law allows for both punishment (in the interest of deterrence) and redress for those harmed. The

objective is that firms – wherever headquartered – found to have infringed competition law are held responsible for the harm caused to UK consumers and markets.

By their nature, cases that allege damages due to anticompetitive agreements (e.g., cartel cases) often involve several defendants. In contrast, abuse of dominance cases typically involve a single defendant firm alleged to have substantial market power. As a result, there are often fewer named parties in abuse of dominance cases. Each type of case is discussed in turn.

Throughout this section, the list of defendants differs in some cases from the entities formally named on the claim form, as we record the ultimate parent company at (or around) the date of registration, hence grouping together some entities where appropriate. In doing so, defendants are classified by the headquarters of their parent company, even where the claim was procedurally served on a UK entity or branch of that group.⁶

3 Rule 50(2) of The Competition Appeal Tribunal Rules 2015 is that: "The CMA may submit written observations to the Tribunal on issues relating to the application of Article 101 or 102 of the TFEU or Chapter I or II of Part 1 of the 1998 Act and, with the permission of the Tribunal, submit oral observations to the Tribunal." That is to say, the CMA is permitted to make written observations even without the permission of the Tribunal but must acquire the permission of the Tribunal to make oral observations.

4 The CMA notified its intention to intervene in *Apple App Store – Consumers (Kent)*, *Google App Store – Consumers (Coll)*, and *Meta (Gormsen)*, all in August 2022. The CMA notified its intention to intervene in *BT (Le Patourel)* in November 2021. The CMA maintains a register of cases in which it has intervened in at <https://www.gov.uk/government/publications/competition-law-court-proceedings-serving-documents-on-the-cma/service-of-documents-on-the-cma-in-court-proceedings-relating-to-competition-law>.

5 For both UK and non-UK firms it is critically important that competition decisions are taken in a manner that properly protects respondents' rights of defence and appeal.

6 Specifically, the term "defendant's home jurisdiction" is used to refer to the ultimate parent company of the relevant legal entity listed in the proceedings, not the specific subsidiary or corporate vehicle listed in the claim. The former was identified using company websites (or in some instances news articles on mergers and acquisitions) and finding the "home" or "head" office listed there. For example, in *Amazon Marketplace – Consumers (Hunter)*, the claim form lists four different Amazon owned entities (which are registered in different jurisdictions) in the claim form. Since Amazon is the ultimate parent company of all of these entities and its head office is the US, we list its "home jurisdiction" as the US.

TABLE 1: ANTICOMPETITIVE AGREEMENT CLAIMS BY DEFENDANT AND HEAD OFFICE, 2016–2022

Year [A]	Case Name [B]	# of Defendants [C]	Defendants [D]	Head Office [E]
2016	Pride Mobility (Gibson)	1	Pride Mobility	United States
	Mastercard (Merricks)	1	Mastercard	United States
2018	Trucks (UKTC)	3	Fiat Chrysler, ^[a] CNH, ^[b] Daimler ^[c]	Netherlands, ^[a] United Kingdom, ^[b] Germany ^[c]
	Trucks (RHA)	4	Volkswagen, ^[a] Fiat Chrysler, ^[b] CNH, ^[c] PACCAR ^[d]	Germany, ^[a] Netherlands, ^[b] United Kingdom, ^[c] United States ^[d]
2019	Forex (O'Higgins)	5	Barclays, RBS, ^[a] Citigroup, JP Morgan Chase, ^[b] UBS ^[c]	United Kingdom, ^[a] United States, ^[b] Switzerland ^[c]
	Forex (Evans)	6	Barclays, RBS, ^[a] Citigroup, JP Morgan Chase, ^[b] Mitsubishi UFJ Financial, ^[c] UBS ^[d]	United Kingdom, ^[a] United States, ^[b] Japan, ^[c] Switzerland ^[d]
2020	Maritime Car Carriers (McLaren)	6	Mitsui O.S.K Lines, Nissan Motor, K Line, NYK Line, ^[a] Wallenius Wilhelmsen, ^[b] CSAV ^[c]	Japan, ^[a] Norway, ^[b] Chile ^[c]
2021	BGL (Home Insurance Consumer Action)	1	BGL	United Kingdom
2022	Power Cables (Spottiswoode)	3	Nexans, ^[a] NKT, ^[b] Prysmian ^[c]	France, ^[a] Denmark, ^[b] Italy ^[c]
	Visa and Mastercard (CICC Cards)	2	Visa, Mastercard	United States
	Cryptocurrency (BSV Claims)	4	Bittylicious, ^[a] Payward, ^[b] ShapeShift, ^[c] Binance ^[d]	United Kingdom, ^[a] United States, ^[b] Switzerland, ^[c] Malta ^[d]
	Musical Equipment (Sciallis)	4	Fender, ^[a] Korg, Roland, Yamaha ^[b]	United States, ^[a] Japan ^[b]

Notes: [1] This figure represents all cases registered with the Tribunal on or before 31 December 2022, based on information from the Tribunal's website as of May 2025. The list of defendants is gathered from the claim forms submitted to the Tribunal. Defendants shown are understood to be the ultimate parent companies of each defendant to the date of CPO registration.

[2] Cases registered in the same year, with the same class representative, and targeting the same infringement are counted only once. Some of the claims registered (and included in the above table) have since not been granted a CPO by the Tribunal, have been withdrawn, have lost in a carriage dispute, or have been consolidated with other claims.

[3] Superscript letters in columns [D] and [E] indicate the matching between defendants and their respective head office locations.

Anticompetitive Agreement Claims

Over the period 2016–2022, anticompetitive agreement claims featured an average of 3.33 defendants per claim. The four such claims filed in 2022 involved defendants with headquarters in a range of different jurisdictions. Specifically, in 2022:

- The *Power Cables (Spottiswoode)* claim, a follow-on cartel case, included defendants headquartered in France, Denmark, and Italy;
- *Visa and Mastercard (CICC Cards)*, an interchange fee case, featured defendants (Visa and Mastercard) with headquarters in the US;
- *Cryptocurrency (BSV Claims)*, a cryptocurrency claim in which several cryptocurrency exchanges were alleged to have coordinated to delist the BSV coin (a cryptocurrency) from their platforms. The claim had defendants headquartered in the UK, US, Switzerland, and Malta; and,
- *Musical Equipment (Sciallis)*, the alleged anticompetitive use of RPM agreements, listed three of the defendants as headquartered in Japan and one in the US.

Overall, although there has been variation over time, between 2016 and 2022, it is clear that a significant number of defendants were headquartered outside the UK. This was notable in the US and Japan where defendants were listed 11 and eight times respectively.⁷ However, a significant number of UK-headquartered firms were also listed (eight times).

Abuse of Dominance Claims

In comparison, abuse of dominance claims involved fewer defendants and a narrower geographic distribution. Given that these claims require a finding of dominance, they more commonly target a single party. This was consistent across all five claims filed throughout the year 2022, each involving only one defendant. On average, abuse of dominance claims involved 1.5 defendants per claim over the 2016–2022 period.

The only abuse of dominance claims over the period with multiple named defendants were those relating to rail operators, namely:

- Mr. Boyle’s claim against Govia Thameslink Railway (part of the joint venture between The Go-Ahead Group and Keolis)⁸ for anticompetitive price discrimination.
- Mr. Gutmann’s *Boundary Fares* claims, which involved the owners of certain geographically distinct rail

franchises:⁹ (i) the South Western rail (SW) franchise; (ii) the South Eastern rail (SE) franchise; and (iii) the Thameslink, Southern, and Great Northern (TSGN) franchise (the owners of which are also the defendants in Mr. Boyle’s claim).¹⁰

The multiple defendants phenomenon in abuse of dominance claims therefore often arises substantively when the target of the claim is a joint venture. In addition, in the dataset, multiple defendants may be recorded as a result of grouping together certain cases (i.e., cases that, though registered on the Tribunal website separately, were registered in the same year, with the same class representative, and targeting the same infringement are grouped together and counted as “one” case).

With respect to geographic origin, most defendants in abuse of dominance claims were headquartered in either the US or the UK. Over the 2016–2022 period, defendants headquartered in the US have been listed seven times and six times in the UK. Prior to 2022, most claims were brought against firms headquartered in the UK, whereas four of the five claims filed in 2022 involved defendants headquartered in the US. This reflects a shift in focus towards claims against the large technology firms, which are predominantly headquartered in the US.

⁷ This includes instances in which the same defendants have been listed in multiple different proceedings.

⁸ See <https://www.keolis.co.uk/our-brands/govia/> which reports that “Govia is a joint-venture between Keolis (35 per cent) and The Go-Ahead Group (65 per cent).”

⁹ These claims allege that rail passengers who held Transport for London zonal tickets (“Travelcards”) suffered loss as they were effectively compelled to pay twice for parts of rail journeys which overlapped with the zone of validity of their Travelcards (rather than being offered a boundary fare, i.e., a ticket that would charge them for the part of their journey beyond the Travelcard zone of validity).

¹⁰ Specifically, the defendants as per the claim form were (i) First MTR South Western Trains Limited; (ii) Stagecoach South Western Trains Limited; (iii) London and South Eastern Railway Limited; (iv) Govia Limited; (v) The Go-Ahead Group Limited; and (vi) Keolis (UK) Limited.

TABLE 2: ABUSE OF DOMINANCE CLAIMS BY DEFENDANT AND HEAD OFFICE, 2016–2022

Year [A]	Case Name [B]	# of Defendants [C]	Defendants [D]	Head Office [E]
2019	Boundary Fares - SW & SE (Gutmann)	5	The Go-Ahead Group, FirstGroup, Stagecoach, ^[a] Keolis, ^[b] MTR Corporation ^[c]	United Kingdom, ^[a] France, ^[b] Hong Kong ^[c]
2021	BT (Le Patourel)	1	BT	United Kingdom
	Qualcomm (Consumers' Association)	1	Qualcomm	United States
	Apple App Store - Consumers (Kent)	1	Apple	United States
	Govia Thameslink Railway (Boyle)	2	The Go-Ahead Group, ^[a] Keolis ^[b]	United Kingdom, ^[a] France ^[b]
	Google App Store - Consumers (Coll)	1	Alphabet	United States
	Boundary Fares TSGN (Gutmann)	2	The Go-Ahead Group, ^[a] Keolis ^[b]	United Kingdom, ^[a] France ^[b]
2022	Meta (Gormsen)	1	Meta	United States
	Apple iPhones (Gutmann)	1	Apple	United States
	Sony (Neill)	1	Sony	Japan
	Amazon Marketplace - Consumers (Hunter)	1	Amazon	United States
	Google Ad Tech (Pollack)	1	Alphabet	United States

Notes: [1] This figure represents all cases registered with the Tribunal on or before 31 December 2022, based on information from the Tribunal's website as of May 2025. The list of defendants is gathered from the claim forms submitted to the Tribunal. Defendants shown are understood to be the ultimate parent companies of each defendant to the date of CPO registration.

[2] Cases registered in the same year, with the same class representative, and targeting the same infringement are counted only once. Some of the claims registered (and included in the above table) have since not been granted a CPO by the Tribunal, have been withdrawn, have lost in a carriage dispute, or have been consolidated with other claims.

[3] Superscript letters in columns [D] and [E] indicate the matching between defendants and their respective head office locations.

The Alleged Value of Claims and Estimated Class Size

The *Google Ad Tech (Pollack)* claim, registered in 2022 on behalf of advertisers, with an estimated claim value of £9.0 billion, is the largest abuse of dominance collective action filed so far at the Tribunal by estimated claim value by some margin, third only in claim value to the *Merricks* case against Mastercard and *Trucks (UKTC)*.

Two other large abuse of dominance claims filed in 2022 were Mr. Neill's claim against Sony for £2.8 billion and Dr. Gormsen's claim for £2.3 billion against Meta. On the anticompetitive agreement cases, while BSV Claims' cryptocurrency claim was large, with estimated damages

of £5.0 billion, Ms. Spottiswoode's claim following-on from the EC Power Cables cartel decision was significantly lower at just over £500 million.

For the period 2016–2021, the average value of the claims for anticompetitive agreements was more than 10 times the average of the abuse of dominance claims.¹¹ Once the 2022 claims were included, the average value of claims for anticompetitive agreements was £4.5 billion. Due to the large value of claims filed in 2022, the average value of damages claimed for CA98 Chapter 2 infringements increased to just under £1.7 billion. While the gap in

¹¹ In our previous report (*Brattle 2022 UK Competition Collective Actions Report*, Figure 5), the average claim values for anticompetitive agreements were shown at a slightly greater multiple to abuse of dominance claims. This was a result of additional information, particularly for the *Forex* claims, where previously no data was available at the time, as well as the inclusion of damages with interest.

the average value of claims narrowed, anticompetitive agreement claims were still nearly *three times* greater than those for abuse of dominance cases.

While class size had significant variation between claims, some of this could be explained by claims on behalf of classes that were not final consumers (labelled “Non-consumer” in Table 3) being particularly small across the period 2016–2022 (0.2 million), while consumer claims were much larger on average (20.2 million). The claims filed in 2022 showed a similar variation in class size. For example:

- Anticompetitive agreement claims included (i) Ms. Spottiswoode’s Power Cables claim, where the class involved an estimated 30 million members (domestic electricity consumers); and (ii) BSV Claims’ cryptocurrency case, which was estimated to involve a class of about a quarter of a million class members.
- The abuse of dominance claims included (i) Ms. Hunter’s claim against Amazon on behalf of an estimated 52.4 million consumers (the largest by class size across all claims from 2016–2022); (ii) Dr. Gormsen’s claim against Meta, with an estimated 45 million class members; (iii) Mr. Gutmann’s claim against Apple which had an estimated class membership of 26.1 million; (iv) Mr.

Neill’s claim against Sony which had an estimated class membership of 8.9 million; and, finally, the smallest class size involving (v) Mr. Pollack’s claim representing a little more than 115,000 class members (UK-domiciled persons who sold open display ad impressions using intermediation services).

Unlike the value of claimed damages, the average class size for anticompetitive agreement claims has historically been lower than for abuse of dominance claims.¹² This trend continued when the new claims in 2022 were taken into account, with the average class size for abuse of dominance cases rising to 19.0 million for the period 2016–2022, while that for anticompetitive agreement cases increased to 9.7 million.

In terms of claimed damages per class member, the *Google Ad Tech (Pollack)* case was at the top of the list with over £78,000 per member. The second largest was the anticompetitive agreement claim *Forex (Evans)*, claiming damages of nearly £62,700 per class member. Unsurprisingly, the average claim per class member was higher for anticompetitive agreements, given the smaller class sizes but larger estimated damages. These claims registered on average £522 per member, while abuse of dominance claims were £88 per member on average.

¹² *Brattle 2022 UK Competition Collective Actions Report*, Figure 5. The average class size for anticompetitive agreement claims filed during 2016–2021 was 8.3 million, while for abuse of dominance was 10.9 million. Alike damages, as a result of updates to the data, class sizes for individual claims may be slightly different.

TABLE 3: ESTIMATED CLAIM, CLASS SIZE, AND AVERAGE CLAIM PER CLASS MEMBER 2016–2022

Case Title	Class Type	Year of Registration	Estimated Damages millions	Estimated Class Size #, millions	Claim per Class Member GBP
	[A]	[B]	[C]	[D]	[E]=[C]/[D]
Anticompetitive Agreement					
Mastercard (Merricks)	Consumer	2016	14,098	46.20	305
Trucks (UKTC)	Non-consumer	2018	12,960	0.65	19,938
Cryptocurrency (BSV Claims)	Consumer	2022	5,000	0.24	20,661
Trucks (RHA)	Non-consumer	2018	3,000	0.18	17,143
Forex (Evans)	Non-consumer	2019	2,687	0.04	62,668
Forex (O'Higgins)	Non-consumer	2019	2,029	0.04	50,719
Power Cables (Spottiswoode)	Consumer	2022	538	30.00	18
Maritime Car Carriers (McLaren)	Consumer	2020	107	-	-
Pride Mobility (Gibson)	Consumer	2016	3	0.03	99
Average			4,491	9.67	522
Abuse of Dominance					
Google Ad Tech (Pollack)	Non-consumer	2022	9,000	0.12	78,261
Sony (Neill)	Consumer	2022	2,800	8.90	315
Meta (Gormsen)	Consumer	2022	2,300	45.00	51
Apple App Store - Consumers (Kent)	Consumer	2021	1,156	19.60	59
Apple iPhones (Gutmann)	Consumer	2022	853	26.10	33
Amazon Marketplace - Consumers (Hunter)	Consumer	2022	646	52.35	12
Google App Store - Consumers (Coll)	Consumer	2021	621	19.50	32
Qualcomm (Consumers' Association)	Consumer	2021	483	29.00	17
BT (Le Patourel)	Consumer	2021	469	2.31	203
Boundary Fares - SW & SE (Gutmann)	Consumer	2019	93	2.96	31
Boundary Fares TSGN (Gutmann)	Consumer	2021	73	3.20	23
Average			1,681	19.00	88

Notes: [1] This table represents all cases registered with the Tribunal on or before 31 December 2022, based on information from the Tribunal's website as of May 2025. Specifically, damages and class size data are most commonly available from the Tribunal website. If not available, class claim websites, representing law firm websites, or GCR are used.

[2] Information on the value of estimated damages is not always available in the public domain and therefore has not been included in this table. The cases without publicly available data on estimated damages are *Govia Thameslink Railway (Boyle)*, *BGL (Home Insurance Consumer Action)*, *Musical Equipment (Sciallis)*, and *Visa and Mastercard (CICC Cards)*. Additionally, *Maritime Car Carriers (McLaren)* does not have any precise information on estimated class members, although they have estimated the affected volume of commerce at 17 million vehicles.

[3] Claims may publish a range for estimated damages, and some estimates include a claim for interest, while others do not. Where the estimated damages have been provided in a range, the table includes the average of these two points. The table also includes the interest component of damages where available. Claims where estimates did not have damages due to interest included were *Pride Mobility (Gibson)*, all Mr. Gutmann's *Boundary Fares* claims, *Sony (Neill)*, *Meta (Gormsen)*, *Apple iPhones (Gutmann)*, *BT (Le Patourel)*, *Google Ad Tech (Pollack)*, and *Amazon Marketplace – Consumers (Hunter)*. Estimated damages and claim per class member are rounded to zero decimal places, while estimated class size is rounded to two decimal places, with additional decimal places shown where necessary.

[4] Cases registered in the same year, with the same class representative, and targeting the same infringement are counted only once. Given this, the estimated value of claims and class sizes for *Boundary Fares SW (Gutmann)* and *Boundary Fares SE (Gutmann)* are combined. Some of the claims registered (and included in the above chart) have since not been granted a CPO by the Tribunal, have been withdrawn, lost in a carriage dispute, or have been consolidated with other claims.

[5] The average claim per class member (across the two infringement types) is calculated as the sum of estimated damages divided by the sum of estimated class members.

Case Progress and Outcomes

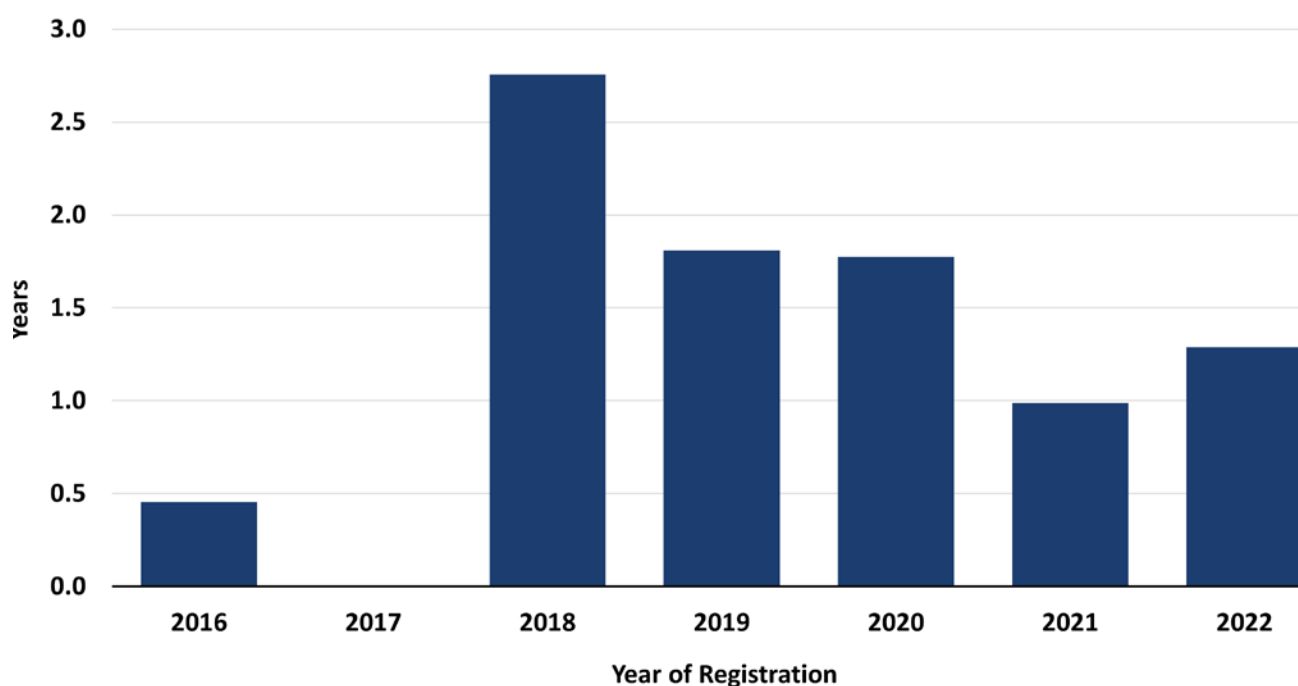
This section of the report focuses on the Tribunal’s process, particularly the time that it took from case registration to CPO hearing and then CPO judgment for the period of 2016–2022. Since there were no cases that had progressed to trial by the end of 2022, this section focuses on the earlier stages of the Tribunal’s overall process.

The average time between registering a claim and the CPO hearing increased slightly from 2021 to 1.3 years (15.5 months) in 2022. This increase was at least in part a result of the extensions to serve the claims out of the UK jurisdiction that were granted on two cases – the *Power Cables (Spottiswoode)* and *Cryptocurrency (BSV Claims)* claims. The result was that it took nearly two years for these two claims to proceed from registration to the CPO hearing. Most other claims in 2022 took around one year.

Given the slight increase in processing time in 2022, the trend we have seen since 2018 towards less time between case registration and the CPO hearing may now have run its course.

After the CPO hearing, the Tribunal must issue its CPO judgment. The judgments handed down in 2022 took on average just 1.9 months after the CPO hearing. This compares with an even speedier 1.4 months in 2021. However, one case – *Sony (Neill)* – appeared to have taken a little longer to issue, with the judgment being handed down around five months after the CPO hearing. While there is year-to-year variation, the clear trend over the period 2016–2022 is that we saw the Tribunal hand down the CPO judgments more speedily, even as their collective actions case load increased.

FIGURE 3: AVERAGE DURATION FROM CLAIM REGISTRATION TO FIRST CPO HEARING BY DATE OF REGISTRATION, 2016–2022

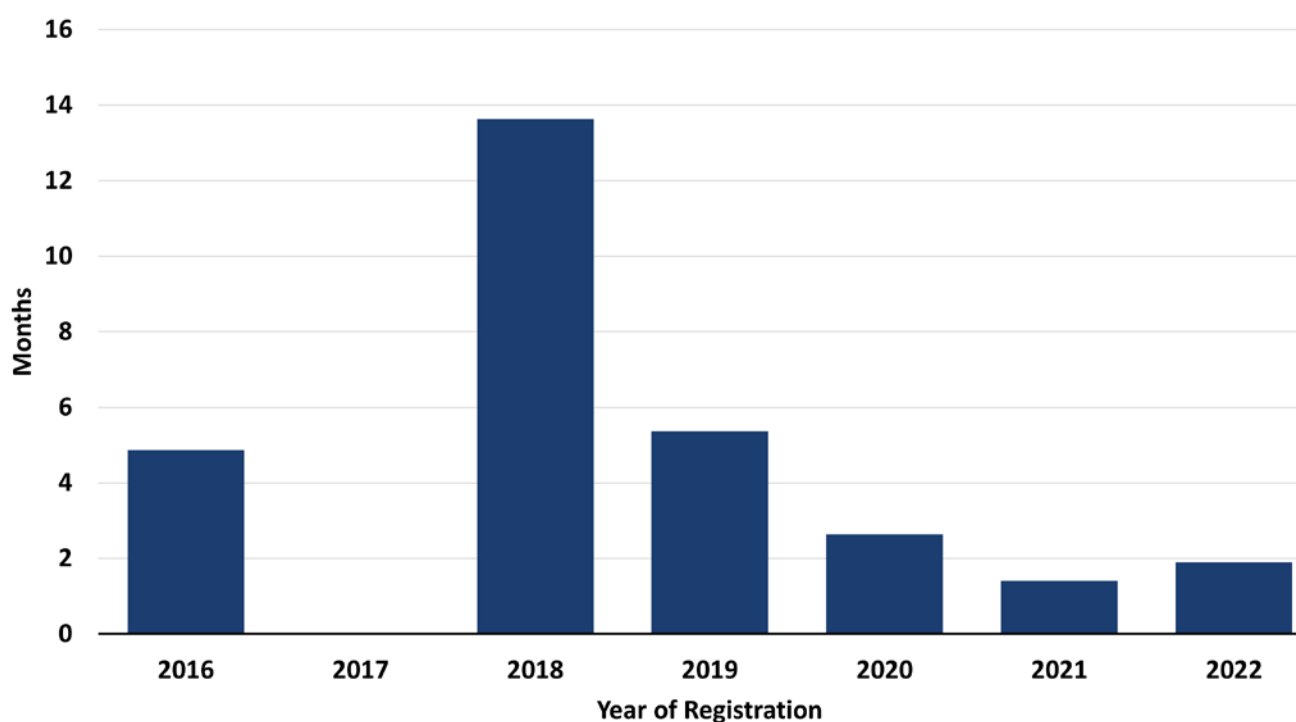


Notes: [1] This chart represents all cases registered with the Tribunal on or before 31 December 2022, based on information from the Tribunal’s website as of May 2025.

[2] Cases registered in the same year, with the same class representative, and targeting the same infringement are counted only once. Claims that have lost at the carriage dispute or have been consolidated are not included. Meanwhile, cases that were rejected at certification or withdrawn are included.

[3] The time to the first CPO hearing is measured from the date of registration to the main CPO hearing. On occasion, and in particular in the *Trucks* case, the Tribunal did consider a preliminary issue related to funding. The judgment on that aspect of the case was issued in October 2019. The main CPO hearing took place in April 2021.

FIGURE 4: AVERAGE DURATION FROM FIRST CPO HEARING TO FIRST CPO JUDGMENT BY DATE OF REGISTRATION, 2016–2022



Notes: [1] This chart represents all cases registered with the Tribunal on or before 31 December 2022, based on information from the Tribunal’s website as of May 2025.

[2] Cases registered in the same year, with the same class representative, and targeting the same infringement are counted only once. Claims that have lost at the carriage dispute or have been consolidated are not included. Meanwhile, cases that were rejected at certification or withdrawn are included.

[3] The time to the first CPO hearing is measured from the date of registration to the main CPO hearing. On occasion, and in particular in the *Trucks* case, the Tribunal did consider a preliminary issue related to funding. The judgment on that aspect of the case was issued in October 2019. The main CPO hearing took place in April 2021.

Market Participants

This section reports the activity levels of (i) law firms and (ii) funders in competition collective actions in the UK.

Law Firm Activity

On the claimant side, Hausfeld, Scott & Scott, and Charles Lyndon were the only law firms to have launched more than one CPO application over the period 2016–2022. Hausfeld, with the highest number of registered claims (eight),¹³ added the *Amazon Marketplace – Consumers*

(*Hunter*) claim in 2022. Meanwhile, Scott & Scott launched three CPO applications over this period, including *Power Cables (Spottiswoode)* in 2022.¹⁴ Lastly, Charles Lyndon launched three claims in this period with *Apple iPhones (Gutmann)* in 2022.¹⁵ Additionally, during the 2022

¹³ Hausfeld was leading seven claims from previous years (pre-2022). These are treated as separate cases in the data, including: *Forex (Evans)*, *Qualcomm (Consumers’ Association)*, *Apple App Store – Consumers (Kent)*, *Google App Store – Consumers (Coll)*, *BGL (Home Insurance Consumer Action)*, alongside *Boundary Fares – SW & SE (Gutmann)* and *Boundary Fares TSGN (Gutmann)*, which were launched as co-counsel with Charles Lyndon. Cases registered in the same year, with the same class representative, and targeting the same infringement are counted as one CPO application.

¹⁴ The other claims include *Maritime Car Carriers (McLaren)* and *Forex (O’Higgins)*.

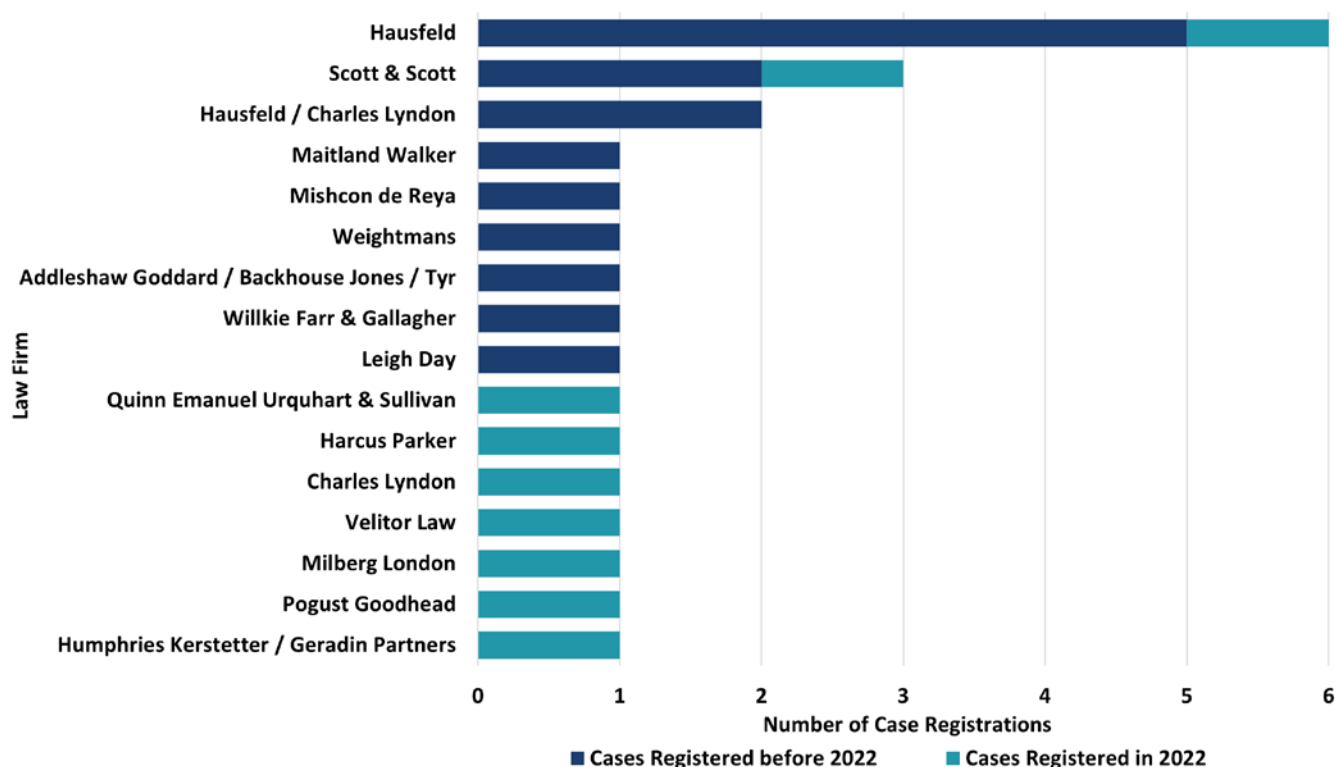
¹⁵ The others include the co-counsel claims with Hausfeld – *Boundary Fares – SW & SE (Gutmann)* and *Boundary Fares TSGN (Gutmann)*.

calendar year, seven law firms registered their first claim.¹⁶ A total of 18 law firms have supported the registration of potential claims, including those that serve as co-counsel.

A total of 28 law firms were engaged to defend collective actions, with 12 law firms defending multiple cases over the period 2016–2022. Of these, Freshfields and Herbert Smith Freehills were the most active defendant law firms with instructions in seven active cases each. Next, Slaughter and May, and Macfarlanes, had five each. Quinn Emanuel and Addleshaw Goddard were the only law firms that engaged on both defence and claimant sides of CPO applications so far.

In 2022 specifically, there were two law firms that were instructed on more than one case: Herbert Smith Freehills responded to Dr. Gormsen’s claim against Meta as well as the *Amazon Marketplace – Consumers (Hunter)* and *Google Ad Tech (Pollack)* claims, while Linklaters defended Sony against Mr. Neill’s claim and Visa against Mr. Allen’s *CICC Cards* claims. The list of firms instructed to act on behalf of defendants in UK collective actions added seven new members in 2022.¹⁷

FIGURE 5: CPO APPLICATION INSTRUCTIONS ON CLAIMANT SIDE BY LAW FIRM, 2016–2022



Notes: [1] This chart represents all cases registered with the Tribunal on or before 31 December 2022, based on information from the Tribunal’s website as of May 2025.

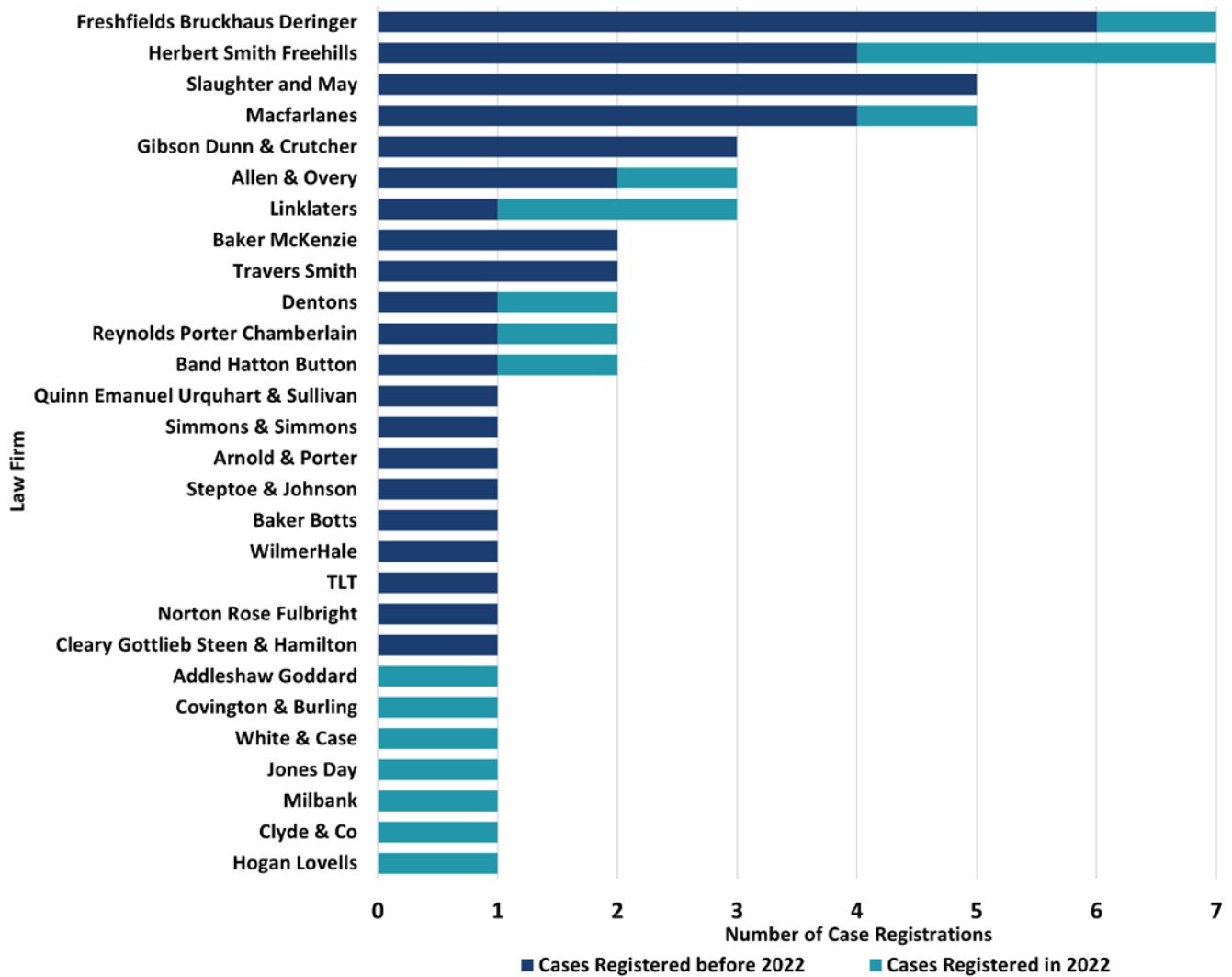
[2] Cases registered in the same year, with the same class representative, and targeting the same infringement are counted only once. Some of the claims registered (and so included in the above chart) have since not been granted a CPO by the Tribunal, have been withdrawn, lost a carriage dispute, or have been consolidated with other claims.

[3] The *Mastercard (Merricks)* claim was launched by Quinn Emanuel but is included above under Willkie Farr & Gallagher, which took the claim on from 2021 (after certain relevant partners moved between the firms).

¹⁶ These include Quinn Emanuel, Harcus Parker, Velitor Law, Milberg London, Pogust Goodhead, Humphries Kerstetter, and Geradin Partners.

¹⁷ These are Addleshaw Goddard, Covington & Burling, White & Case, Jones Day, Milbank, Clyde & Co, and Hogan Lovells.

FIGURE 6: CPO APPLICATION INSTRUCTIONS ON DEFENCE SIDE BY LAW FIRM, 2016–2022



Notes: [1] This chart includes only instructions in cases that were filed at the Tribunal over the period 2016–2022. Other CPO applications are in development, and if defendants have instructed counsel, such instructions are not counted in these figures. Note that this chart reflects all publicly available information as of May 2025.

[2] Each defendant’s instructed law firms are recorded for a given case. If the same firm is instructed by the same defendant for the same infringement (i.e., same year and with the same class representative), that instruction is only counted once. Some of the claims registered (and included in the above chart) have since not been granted a CPO by the Tribunal, have been withdrawn, lost in a carriage dispute, or have been consolidated with other claims.

[3] Quinn Emanuel represented Daimler in the *Trucks* cases until 2022 while Macfarlanes has represented them since (after certain partners changed law firms). The case is listed as Macfarlanes in the above chart since that reflects the new status quo.

Funders

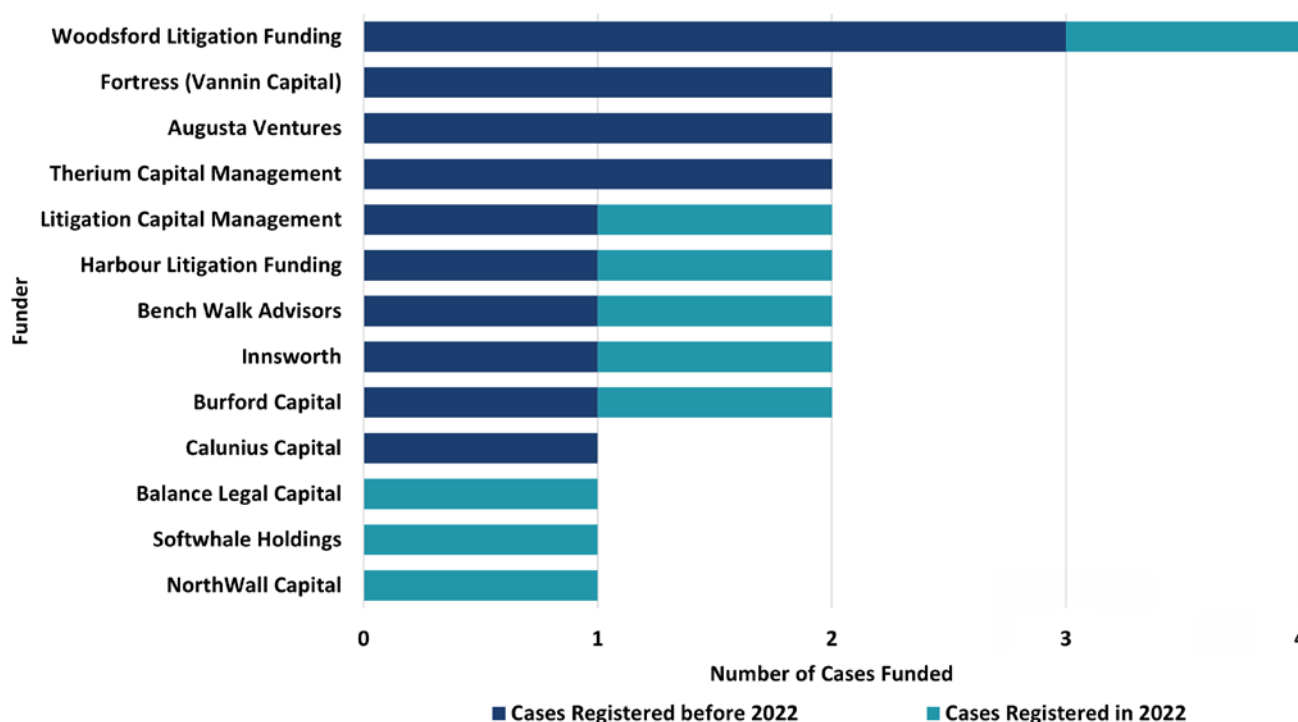
From 2016 to 2022, nine funders funded more than one collective action under section 47(B) of CA98, while four others funded exactly one collective action.

- Woodsford was the most active funder (measured in terms of the number of cases), funding a total of four separate claims. This includes one in 2022: Mr. Neill's claim against Sony.
- Of the eight other funders with multiple claims, Litigation Capital Management, Harbour Litigation Funding, Bench Walk Advisors, Innsworth, and Burford Capital each funded their second case in 2022.

A number of additional funders registered their first claims during 2022. Specifically, Balance Legal Capital, Softwhale Holdings, and NorthWall Capital each funded one claim.

As one might expect, the funding available for claims varied significantly across the cases, with the largest amount of funding available to the claimants in the *Meta (Gormsen)*, *Mastercard (Merricks)*, *Forex*, and *Trucks* claims.

FIGURE 7: CUMULATIVE NUMBER OF CASES FUNDED BY LITIGATION FUNDER, 2016–2022

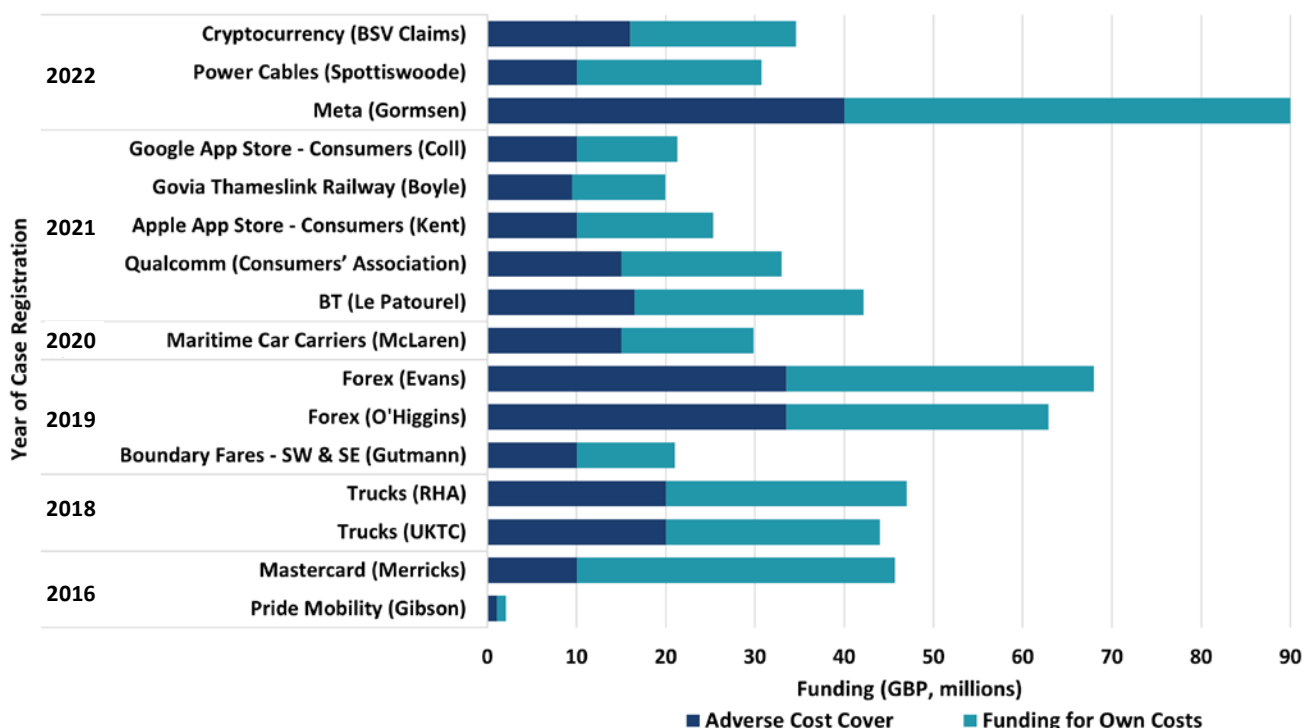


Notes: [1] This chart represents all cases registered with the Tribunal on or before 31 December 2022, based on information from the Tribunal's website as of May 2025.

[2] Cases registered in the same year, with the same class representative, and targeting the same infringement are counted only once. Some of the claims registered (and included in the above chart) have since not been granted a CPO by the Tribunal, have been withdrawn, lost in a carriage dispute, or have been consolidated with other claims.

[3] Mr. Merricks' case against Mastercard was originally funded by Burford but is included under the current funder Innsworth.

FIGURE 8: FUNDING FOR CLAIMANT’S OWN AND POTENTIAL ADVERSE COSTS AT DATE OF CPO HEARING 2016–2022



Notes: [1] This chart represents all cases registered with the Tribunal on or before 31 December 2022, as shown on the Tribunal’s website, based on information from the Tribunal’s website as of May 2025.

[2] Data on the amount of funding is often not available, particularly in recent years. This is often the case for applications that have not yet reached the CPO hearing stage.

[3] Cases registered in the same year, with the same class representative, and targeting the same infringement are counted only once. For example, this groups together *Boundary Fares SW (Gutmann)* and *Boundary Fares SE (Gutmann)*, and their funding data, which is reported separately for each defendant, must also be grouped together. Some of the claims registered (and included in the above chart) have since not been granted a CPO by the Tribunal, have been withdrawn, lost in a carriage dispute, or have been consolidated with other claims.

Conclusion

The 2022 calendar year saw significant new competition collective actions being launched in the UK’s specialist Competition Appeal Tribunal. This report highlights the following:

- All abuse of dominance cases filed in 2022 were stand-alone claims against major tech firms, including Apple, Google, Meta, Amazon, and Sony.
- The three largest abuse of dominance claims in the history of the collective action regime were all filed in 2022, including *Google Ad Tech (Pollack)* at £9.0 billion, *Sony (Neill)* at £2.8 billion, and *Meta (Gormsen)* at £2.3 billion. It is important to note that these large figures are all claims – i.e., alleged damages – and such large amounts will not necessarily ultimately be awarded, or approved as a settlement agreement, by the Tribunal.
- A number of new funders entered the market in 2022, reflecting a potential growing commercial interest in UK collective actions. This supported the activities

of claimant law firms, including some without prior experience of such claims. The new claims were made against defendants who chose to work with law firms that did not all have previous experience in defending UK competition collective actions.

- The Tribunal largely maintained its improved processing timescales at the initial stages of collective actions, with the time to the first CPO hearing taking an average of 1.3 years, and CPO judgments typically issued within a few months of the CPO hearing. Such timescales were achieved even as the volume of cases increased compared to previous years.

Together, these developments highlight the position that the Tribunal’s, funders’, and law firms’ experience with the UK competition collective action regime is growing. It also illustrates that the regime has been maturing in significant ways. However, since there have been no trials and no settlements in UK competition collective action cases, the regime remains firmly in its development phase.

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