

2024 UK Competition Collective Actions Report

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NOTICE

The opinions expressed are those of the author and do not necessarily reflect the views of the firm or its clients. This article is for general information purposes and is not intended to be and should not be taken as legal advice. Work on this report began in 2024 but, due to the demands of casework, publication was delayed until October 2025.

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Executive Summary

Our collective action report for 2024 documents another year of growth for the UK's maturing 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 existing momentum in the flow of applications for Collective Proceedings Orders (CPOs) was sustained.

The flow of new applications for CPOs remained high in 2023, with nine new distinct claims registered at the Competition Appeal Tribunal (Tribunal). This sustained level of activity matched the volume from 2022 and underscored the continued expansion of the stock of cases entering the UK's competition collective actions regime. Six of the nine distinct claims registered in 2023 were abuse of dominance claims, and one of those was the first-ever hybrid claim for an abuse of dominance infringement (partly following on from the European Commission's Case AT.40099 Google Android). The other three claims registered in 2023 involved allegations of anticompetitive agreements (two of which were stand-alone, and one was hybrid). The year also saw the first consolidation of two competing claims following a "carriage dispute". In particular, *Google Ad Tech (Arthur)* launched a competing claim in 2023 to the *Google Ad Tech (Pollack)* claim filed in November 2022, and the CAT consolidated those claims in October 2023.

Defendants in anticompetitive agreements cases were drawn from a variety of jurisdictions, while firms in the UK and the US remained the primary focus of claims involving abuse of dominance.

Claims involving allegations or damages from anticompetitive agreements averaged 3.1 defendants

per claim over the period from 2016 to 2023. While defendants headquartered in the UK were common, so were defendants with their corporate headquarters in the US and Japan. Overall, anticompetitive agreements cases drew in defendant firms with headquarters in 14 different countries. Claims involving allegations or damages from abuse of dominance averaged a smaller 1.8 defendants per claim over the 2016–2023 period. While one might expect a single defendant in an abuse of dominance claim, multiple firms may be named as defendant owners of a joint venture.¹ The defendants in abuse of dominance claims were primarily firms headquartered in either the UK or the US.

The Information and Communication sector remained the most common sector for CPO applications, with other sectors gaining presence.

Applications for CPOs in 2023 continued to be concentrated in the Information and Communication sector, with claims against Google, Apple, and the mobile telecommunications providers. However, notable CPO applications were also launched in the Wholesale and Retail Trade sector against Amazon and Apple, as well as the first-ever claim in the Water Services sector.

Alleged claim values at the CPO stage continue to vary widely across cases.

In terms of the alleged claim values, the damages estimated by the class representative or their expert at the CPO stage, the most striking picture in 2023 remains the extent of the variation across cases. Alleged damages in abuse of dominance claims ranged from £7.3 billion in *Google Search (Stopford)* to £0.7 billion in *Apple App Store – Developers (Ennis)*. The alleged damages in anticompetitive agreement collective claims exhibited less variation across the small number of cases in 2023 itself, but over the full 2016–2023 period have similarly ranged widely (from £14.1 billion in *Merricks* down to £3 million in *Pride Mobility (Gibson)*). Estimated class sizes also differed significantly, in particular depending upon whether claims were brought on behalf of a "consumer"

¹ In addition, a single case is defined to include all case registrations reported on the Tribunal website with the same year and class representative if it targets the same alleged infringement, meaning a single case can, for example, include the claims arising from multiple local monopolies.

class or a “non-consumer” class: the *Google Search* claim involved tens of millions of end users (classified as consumers), whereas non-consumer claims such as *Apple App Store – Developers* involved classes of only a few thousand.

In terms of the progress of cases and their outcomes during 2023:

Procedurally, the Tribunal largely maintained its post-*Merricks* timetable speed improvements.

The average time from claim registration to first CPO hearing decreased slightly to 15.0 months in 2023, compared to 15.5 months in 2022. The average duration from the first CPO hearing to the CPO judgment lengthened again marginally to 3.7 months. As of 31 December 2023, the first trial has not yet taken place, so no data is available on the time between the issuance of a CPO and either trial or judgment. The Order made by the Tribunal on 27 July 2023 has made clear that the trial in the *BT (Le Patourel)* case will be listed during the first quarter of 2024 and thereby become the first trial in a UK collective proceeding.

2023 saw the first Collective Settlement Approval Order (CSAO).

The first application for a CSAO was made in December 2023 on behalf of the class representative and a defendant, *Compañía Sud Americana de Vapores S.A.*, in the *Maritime Car Carriers (McLaren)* collective proceedings, for a total sum of £1.5 million.²

And in terms of market participant activity levels:

A significant number of law firms extended or gained experience with the regime.

A total of 20 law firms supported potential or recognised class representatives in the period to the end of 2023. Among those, Hausfeld remained the most active claimant firm in 2023, launching three additional claims, while Hagens Berman EMEA and Reynolds Porter Chamberlain both supported their first claimant-side funded claims. On the defence side, a substantial 30 law firms held mandates to act for defendants in UK collective actions. The three most active defence firms historically continued to attract a significant share of new instructions. Freshfields and Herbert Smith Freehills maintained their lead in defence work in terms of being involved in the largest number of cases, while two firms – Ashurst and Eversheds Sutherland – received their first mandates in 2023.

The funding landscape continued to evolve with new entrants.

Three funders – Asertis, FourWorld Capital Management, and Hereford Litigation – financed their first competition collective actions, while previously active funders – Woodsford, Fortress (previously, Vannin Capital), Litigation Capital Management, Harbour Litigation Funding, Bench Walk Advisors, and NorthWall Capital – added to their portfolio of cases. A total of 16 funders supported 33 claims between 2016 and 2023. Such developments indicate that funders are actively investing in access to collective redress for competition matters in the UK.

² The defendants’ liability was determined by the European Commission in an infringement decision adopted on 21 February 2018 in Case AT.40009 – Maritime Car Carriers. The cartel was found to have operated between 18 October 2006 and 6 September 2012.

Introduction

Competition collective proceedings can follow-on from a public enforcement decision or may alternatively proceed as a stand-alone private action.³ The introduction of stand-alone private actions following the Consumer Rights Act (2015) has the potential to introduce important new dynamics in competition enforcement because: (i) agency resources and preferences do not determine the set of private actions;⁴ and (ii) stand-alone private collective actions on behalf of consumers would not be feasible if the damages for an individual class member were too small to justify the costs and risks of an individual taking legal action, even if the aggregate harm were large.

This is the third of our annual reports reviewing UK competition collective actions. To compile the report, the team at Brattle updated our dataset, collecting information on the characteristics and participants of each claim, including claim type, defendants, law firms engaged on the claimant and defence sides, the sector of the economy to

which the claim relates, the size and value of the claim, and its source of funding. The report also includes information related to the process by which the claim is evaluated by the judicial system (for example, the time taken by the Tribunal to decide on whether to certify the collective action by issuing a CPO).

Case Characteristics

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

- case numbers 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

The greater number of claims seen in 2021 and 2022, above those seen in earlier years, was sustained into 2023, with another nine CPO applications being registered.

Following the pattern seen during the previous two years, many of these claims (six out of nine) were claims that alleged abuse of dominance. Notably, 2023 provided the first example of a “hybrid” (brought on a stand-alone and follow-on basis) abuse of dominance claim. Indeed, with that exception, all the other claims during the entire 2016–2023 period were stand-alone claims. The only exception – and hence the first hybrid claim for an abuse of dominance infringement – arose out of the European Commission’s Google Android decision, which was registered on behalf of Ms. Nikki Stopford against Google, in 2023 (and

is referred to in this report using the shorthand *Google Search (Stopford)*).⁵ This follow-on aspect was combined with a stand-alone aspect, which related to arrangements made with Apple to be the search engine on Apple’s default browser app, Safari.

There were also several anticompetitive agreement claims in 2023, with two stand-alone and one hybrid claim being made.

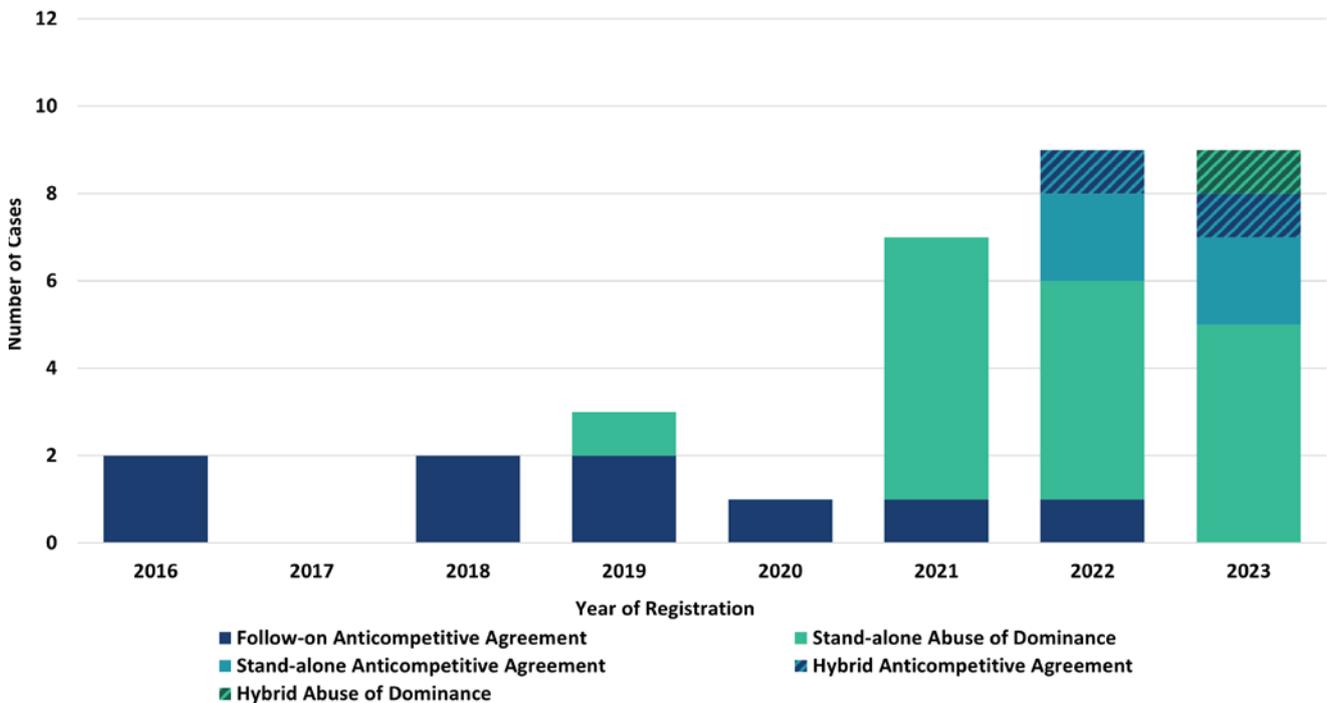
The year also saw the first consolidation of two competing claims following a “carriage dispute”. In particular, *Google Ad Tech (Arthur)* launched a competing claim in 2023 to the *Google Ad Tech (Pollack)* claim filed in November 2022, and the CAT consolidated those claims in October 2023.

³ Follow-on actions can follow infringement decisions made by the CMA, the European Commission, or a UK regulatory agency with competition powers, such as the Financial Conduct Authority or Ofcom.

⁴ Public enforcement has an important interaction with private enforcement. As a matter of right, the CMA can participate in private actions in the Tribunal, the 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.

⁵ This case involves the allegation that Google abused its dominant position in the online search market and certain adjacent markets concerning mobile device functionality. It, in part, follows on from the European Commission’s Case AT.40099 Google Android.

FIGURE 1: REGISTRATIONS OF UK COLLECTIVE PROCEEDINGS BY YEAR, 2016–2023



Notes: [1] This chart represents all cases registered with the Tribunal on or before 31 December 2023, 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 therefore 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] The nine CPOs registered in 2023 were: *Google Ad Tech (Arthur)*, *Apple App Store – Developers (Ennis)*, *Casio Musical Products (Sciallis)*, *Car Dealer Commissions (Taylor)*, *Google Search (Stopford)*, *Amazon Marketplace – Consumers (Hammond)*, *Amazon and Apple (Riefa)*, *Water and Sewage Companies (Roberts)*, and *Mobile Network Operators – Handsets (Gutmann)*.

Cases by Sector

UK competition collective action registrations continued to occur most commonly in the Information and Communication sector, with four new CPO applications made in that sector during 2023. Three of these cases involved claims against “big tech” firms – Google (in two separate cases) and Apple⁶ – while the fourth involved a claim against mobile network operators (EE and BT, Telefonica UK (O2), Hutchison 3G (Three), and Vodafone).⁷

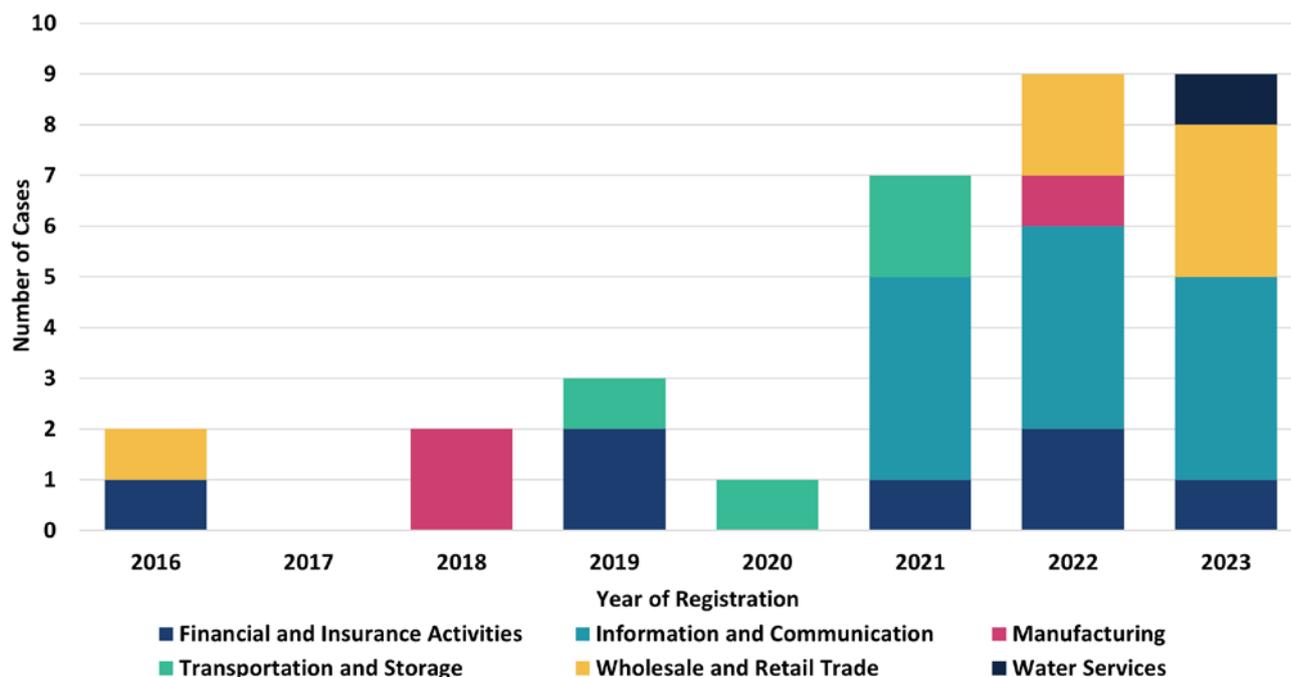
There were three new cases in the Wholesale and Retail Trade sector, which included another two cases against the technology firms Amazon and Apple, as well as the *Casio Musical Products (Sciallis)* claim:

- The *Amazon and Apple (Riefa)* case was a claim for aggregate damages for loss suffered by proposed class members who purchased Apple (including “Beats” branded) electronic products in relation to alleged anticompetitive agreements between Apple and Amazon.
- The *Amazon Marketplace – Consumers (Hammond)* case was a claim for damages alleging that Amazon abused its dominant position in the market for intermediation services on online marketplaces (and in particular Amazon Marketplace, the largest e-commerce retail platform in the UK).

⁶ These three claims include *Google Ad Tech (Arthur)*, *Google Search (Stopford)*, and *Apple App Store – Developers (Ennis)*.

⁷ The allegation in the mobile phone case is that end-customers suffered harm as a result of the Respondents’/Proposed Defendants’ alleged abusive conduct in relation to the practice of overcharging customers for mobile telephony services after the expiry of the customer’s contractual minimum term by continuing to require them to pay amounts in respect of mobile telephone handsets or devices for which the customers had already paid in full by the end of the minimum term.

FIGURE 2: NUMBER OF CPO APPLICATIONS BY SECTOR, 2016–2023



Notes: [1] This chart represents all cases registered with the Tribunal on or before 31 December 2023, 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, or have been withdrawn, have lost in a carriage dispute, or have been consolidated with other claims.

Also notable was the first case in the Water Services sector:

- The *Water and Sewage Companies (Roberts)* case alleged abuse of dominance by the provision of misleading information to the Environment Agency and Ofwat, which in turn caused Ofwat to allow the proposed

defendant water companies to charge higher prices for sewage services than they would have been permitted to charge. The proposed defendant water companies are Severn Trent Water, United Utilities, Yorkshire Water, Northumbrian Water, and Anglian Water.

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.⁸ 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 2023, the CMA has intervened in a total of four collective actions registered before the Tribunal.⁹ While the CMA did not notify the Tribunal of its intent to make submissions in any new UK competition collective actions during 2023, it did make its first application to the Tribunal to make oral submissions in the *BT (Le Patourel)* case at the main trial. The CMA was granted permission on 10 November 2023 to make those oral submissions at the main *BT (Le Patourel)* trial (held in early 2024).

⁸ 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.

⁹ These include *BT (Le Patourel)*, *Apple App Store – Consumers (Kent)*, *Google App Store – Consumers (Coll)*, and *Meta (Gormsen)*. The CMA maintains a register of cases in which the CMA has intervened: <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>.

Defendants' Home Jurisdictions

Enforcement actions sometimes involve firms whose home jurisdictions are outside the UK. As the size of fines, damage awards, or settlements has grown larger, a concern that is sometimes expressed is that competition investigations 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 case load; it must evaluate any registered case on its merits by applying the appropriate legal tests.¹⁰

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 typically fewer named parties in abuse of dominance cases. I discuss each type of case 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.¹¹

Anticompetitive Agreement Claims

Over the period 2016–2023, anticompetitive agreement claims featured an average of 3.1 defendants per claim. The three such claims filed in 2023 involved defendants headquartered in a range of jurisdictions. Specifically, in 2023:

- *Car Dealer Commissions (Taylor)* named three defendants (as identified by our methodology), each headquartered in a different jurisdiction (the United Kingdom, South Africa, and Spain); notably, this case is the first example of an anticompetitive agreement action being brought against defendants headquartered in Spain (Santander) and South Africa (FirstRand).
- *Casio Musical Products (Sciallis)* involved one defendant, Casio, with its headquarters in Japan.
- *Amazon and Apple (Riefa)* featured two defendants, each with headquarters in the United States.

More generally, defendants in anticompetitive agreement cases over the period 2016–2023 had headquarters in a diverse set of jurisdictions since defendants from 14 different countries were named in claims. The most frequently represented headquarters locations were the US (13 claims), Japan (9 claims), and the UK (9 claims).

Abuse of Dominance Claims

In comparison, abuse of dominance claims in 2023 involved fewer defendants and a narrower geographic distribution. Since these claims require a finding of dominance, one might reasonably expect them to typically target a single defendant. Consistent with this, most abuse of dominance claims featured a single defendant, while the average number of defendants named in abuse of dominance claims over the 2016–2023 period is calculated at 1.8, based on how single cases are recorded in this report.

The 2023 calendar year did, however, see two notable quasi-exceptions to the general rule (given the way a single case is counted in this report):

¹⁰ 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.

¹¹ 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 as a defendant 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 the claim *Car Dealer Commissions (Taylor)*, the claim form against MotoNovo Finance featured three UK entities: MotoNovo Finance Limited, FirstRand Bank Limited, and Aldermore Group PLC. However, since FirstRand is the ultimate parent company of all three of these entities, they are grouped under FirstRand in Table 1 and its home jurisdiction was identified as South Africa.

TABLE 1: ANTICOMPETITIVE AGREEMENT CLAIMS BY DEFENDANT AND HEAD OFFICE, 2016–2023

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, ^[d] United States ^[c]
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)	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]
2023	Casio Musical Products (Sciallis)	1	Casio	Japan
	Car Dealer Commissions (Taylor)	3	Santander, ^[a] Lloyds, ^[b] FirstRand ^[c]	Spain, ^[a] United Kingdom, ^[b] South Africa ^[c]
	Amazon and Apple (Riefa)	2	Amazon, Apple	United States

Notes: [1] This figure represents all cases registered with the Tribunal on or before 31 December 2023, 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, or have been withdrawn, have lost in a carriage dispute, or have been consolidated with other claims.

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

- The *Water and Sewage Companies (Roberts)* claim counts five defendants. This was because all five CPO applications were registered in the same year, with the same class representative, and targeted the same (type of) infringement. In short, each firm held a government-granted monopoly in its respective UK region.
- The *Mobile Network Operators – Handsets (Gutmann)* claim involved four firms (five defendants as per our methodology)¹² alleged to have exercised either individual dominance in an aftermarket or, in the alternative, collective dominance. Separate applications for the four CPOs were registered, one for each defendant but the four registered applications are counted as one single

¹² There are five defendants listed in the table below as one firm, Telefonica UK, is the joint venture of Telefonica and Liberty Global. See <https://www.libertyglobal.com/liberty-global-and-telefonica-to-merge-their-uk-operations/>.

TABLE 2: ABUSE OF DOMINANCE CLAIMS BY DEFENDANT AND HEAD OFFICE, 2016–2023

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
2023	Google Ad Tech (Arthur)	1	Alphabet	United States
	Amazon Marketplace - Consumers (Hammond)	1	Amazon	United States
	Apple App Store - Developers (Ennis)	1	Apple	United States
	Water and Sewage Companies (Roberts)	5	Severn Trent Water, United Utilities, Kelda, Anglian Water Group, ^[a] CK Hutchison ^[b]	United Kingdom, ^[a] Hong Kong ^[b]
	Google Search (Stopford)	1	Alphabet	United States
	Mobile Network Operators - Handsets (Gutmann)	5	Vodafone, BT, Liberty Global, ^[a] CK Hutchison, ^[b] Telefonica ^[c]	United Kingdom, ^[a] Hong Kong, ^[b] Spain ^[c]

Notes: [1] This figure represents all cases registered with the Tribunal on or before 31 December 2023, 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, or 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.

case in this report (since they were registered in the same year, with the same class representative and targeted the same type of infringement).

In terms of geographic origin, the defendants in the abuse of dominance claims were predominantly headquartered in either the UK or the US. Specifically:

- For the claims registered in 2023, seven defendants were headquartered in the UK, while four were headquartered in the US; and,
- For the period 2016–2023, of the 32 defendants in abuse of dominance claims, 13 of the defendants were headquartered in the UK, while 11 were headquartered in the US. Only four other countries were represented: France, China (Hong Kong), Japan, and Spain.

The Alleged Value of Claims and Estimated Class Size

Table 3 below summarises the information available from CPO applications on the potential class representative's estimates of damages and class size. From that information, the estimated value of the claim per class member can be calculated, which can be relevant for assessing whether the distribution of any damages award can be achieved at proportionate cost. Estimated class size and the value of claims are correlated but provide different measures of the "size" of a case.

In terms of the claims with the largest estimated value of damages in 2023:

- *Google Search (Stopford)*, an abuse of dominance case, had the largest estimated damages of £7.3 billion (i.e., it was a high-value claim, albeit lower than Pollack's £9.0 billion abuse of dominance claim filed in 2022, which Google also faces, alleging anticompetitive conduct in the ad tech market).
- *Mobile Network Operators – Handsets (Gutmann)* was the second largest claim registered in 2023, and the third largest abuse of dominance claim during 2016–2023, for c.£3.3 billion.
- *Google Ad Tech (Arthur)* was the third largest claim of 2023, for £1.8 billion.

In terms of the smaller claims by estimated damages in 2023:

- *Amazon and Apple (Riefa)* was a class of individuals who purchased Apple electronic products (including "Beats" branded) at the retail level in the UK.¹³ The alleged value of damages was estimated at £494 million at the CPO stage.
- The largest of the two anticompetitive agreement claims made in 2023 was *Car Dealer Commissions (Taylor)*, where the value of damages was estimated on behalf of the proposed class representative as £931 million.

Estimated class sizes can vary significantly across cases, with the class size sensitive to whether the claim is on behalf of a class of consumers or not (the latter are labelled "non-consumer" in Table 3 below). The average estimated class size for a non-consumer claim (across the entire period) is 0.2 million, while the analogous average size figure for consumer claims is 24.5 million.

In terms of 2023's largest cases measured by estimated class size:

- *Google Search (Stopford)* was the largest both for 2023 and for the entire 2016–2023 period. In that case, the class included all eligible consumers who purchased from UK businesses using Google's search advertising services from 2011 to 2023. It is estimated to have 65.0 million class members.
- *Amazon Marketplace – Consumers (Hammond)* was the second largest claim by estimated class size, with an estimated 49.4 million class members.
- *Amazon and Apple (Riefa)* was the third largest claim by estimated class size. It is an anticompetitive agreement case for 36.0 million consumers.

In terms of 2023's smallest cases measured by estimated class size:

- *Apple App Store – Developers (Ennis)* was the claim filed in 2023 with the smallest estimated class size, at only 1,550 members. The claim was for a class of UK app developers.
- *Google Ad Tech (Arthur)* had the second smallest estimated class size, with 200,000 members. The claim was for a class of UK-domiciled persons who sold open display ad impressions using intermediation services provided by any intermediary.¹⁴

¹³ The CPO application alleged that, since 2012, certain agreements between Apple and Amazon (the "Apple Authorised Reseller Agreement" and the "Global Tenets Agreement" in 2018) established an anticompetitive selective distribution system for Apple products sold via Amazon's website and mobile shopping app. In particular, the selective distribution system is alleged to amount, in effect, to a "boycott with exclusionary intent" according to the Tribunal's summary of the application for a CPO. The Tribunal's summary also describes that the proposed class representative considers that the case is prompted and assisted by a 2021 decision by the Italian competition authority (Autorità Garante della Concorrenza e del Mercato, AGCM). While not strictly a follow-on damages action, there is a competition authority decision related to the same or similar conduct, albeit in Italy and not the UK.

¹⁴ The claim alleged that Google's conduct in the "Open Display Advertising Marketplace" was exclusionary.

TABLE 3: ESTIMATED CLAIM, CLASS SIZE, AND AVERAGE CLAIM PER CLASS MEMBER, 2016–2023

Case Title	Class Type	Year of Registration	Estimated Damages GBP, 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
Car Dealer Commissions (Taylor)	Consumer	2023	931	1.07	874
Power Cables (Spottiswoode)	Consumer	2022	538	30.00	18
Amazon and Apple (Riefa)	Consumer	2023	494	36.00	14
Maritime Car Carriers (McLaren)	Consumer	2020	107	-	-
Pride Mobility (Gibson)	Consumer	2016	3	0.03	99
Average			3,804	11.44	366
Abuse of Dominance					
Google Ad Tech (Pollack)	Non-consumer	2022	9,000	0.12	78,261
Google Search (Stopford)	Consumer	2023	7,300	65.00	112
Mobile Network Operators - Handsets (Gutmann)	Consumer	2023	3,285	28.20	116
Sony (Neill)	Consumer	2022	2,800	8.90	315
Meta (Gormsen)	Consumer	2022	2,300	45.00	51
Google Ad Tech (Arthur)	Non-consumer	2023	1,800	0.20	9,000
Amazon Marketplace - Consumers (Hammond)	Consumer	2023	1,291	49.40	26
Apple App Store - Consumers (Kent)	Consumer	2021	1,156	19.60	59
Water and Sewage Companies (Roberts)	Consumer	2023	1,052	24.41	43
Apple iPhones (Gutmann)	Consumer	2022	853	26.10	33
Apple App Store - Developers (Ennis)	Non-consumer	2023	708	0.002	456,452
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			1,996	22.13	90

Notes: [1] This table represents all cases registered with the Tribunal on or before 31 December 2023, 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 information from *Global Competition Review* (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 data are *Govia Thameslink Railway* (Boyle), *BGL* (Home Insurance Consumer Action), *Musical Equipment* (Sciallis), *Casio Musical Products* (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 often publish a range for estimated damages, and some include an interest payable component (in some cases without showing the interest separately), 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 where available. Claims which did not have an interest payable component 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), *Google Ad Tech* (Arthur), *Amazon Marketplace - Consumers* (Hammond), and *Amazon and Apple* (Riefa). 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 certain claims where values are reported separately for each defendant are combined (e.g., *Boundary Fares SW* (Gutmann) and *Boundary Fares SE* (Gutmann) are combined under *Boundary Fares - SW & SE* (Gutmann)). Some of the claims registered (and included in the above chart) have since not been granted a CPO by the Tribunal, or have been withdrawn, have 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.

The average abuse of dominance claim over the period 2016–2023 involved a somewhat larger class size but lower estimated damage than an average anticompetitive agreement claim. However, the variation within a given type of case in both class size and the estimated claim value is much larger than the difference between the averages. For example, within the set of anticompetitive agreements cases, *Mastercard (Merricks)* had a claim value of £14.1 billion while *Pride Mobility (Gibson)* had a claim value of £3 million.

Finally, damages per class member also vary quite significantly even across cases of a given type. *Apple App Store – Developers (Ennis)* has the largest claimed damages-per-class member of c.£456,000 for both 2023 and for the entire period (2016–2023) due to its particularly small class size. On average, estimated damages per class member in anticompetitive agreement claims are over three times those for abuse of dominance claims (£366 per proposed class member compared to £90), although there remains much more significant variation across cases within each type of claim.

Case Progress and Outcomes

The focus of our reporting in previous iterations of this report has been on the Tribunal’s procedural timetables from case registration to CPO hearing and then judgment. This section of this year’s report provides updates to that information. In addition, I highlight two significant new developments during 2023 that illustrate that the regime now has cases starting to reach later procedural stages. Specifically, the Tribunal:

- Decided the trial date for *BT (Le Patourel)* for what will become the first trial of a UK competition collective proceeding (it will be concluded on or before 15 March 2024); and
- Issued the first CSAO in the *Maritime Car Carriers (McLaren)* case.

Procedural Timescales at CPO Stage

The average time between a claim’s registration date and the date of its (first) CPO hearing fell marginally in 2023 to an average of 15.0 months, which was very slightly above the low recorded in 2021 of 11.9 months, but well below the peak in 2018 of 33.1 months. The longer timescales required in earlier years reflected the CAT Tribunal’s decision to await the Supreme Court’s decision about the relevant legal standard for issuing a CPO in *Merricks*. Once the Supreme Court issued its judgment in late 2020, subsequent certification proceedings moved forward more quickly under the clarified standard.

Regarding individual claims from 2023, the shortest period between claim registration and CPO hearing was 11.4 months in *Amazon and Apple (Riefa)*, while at the other

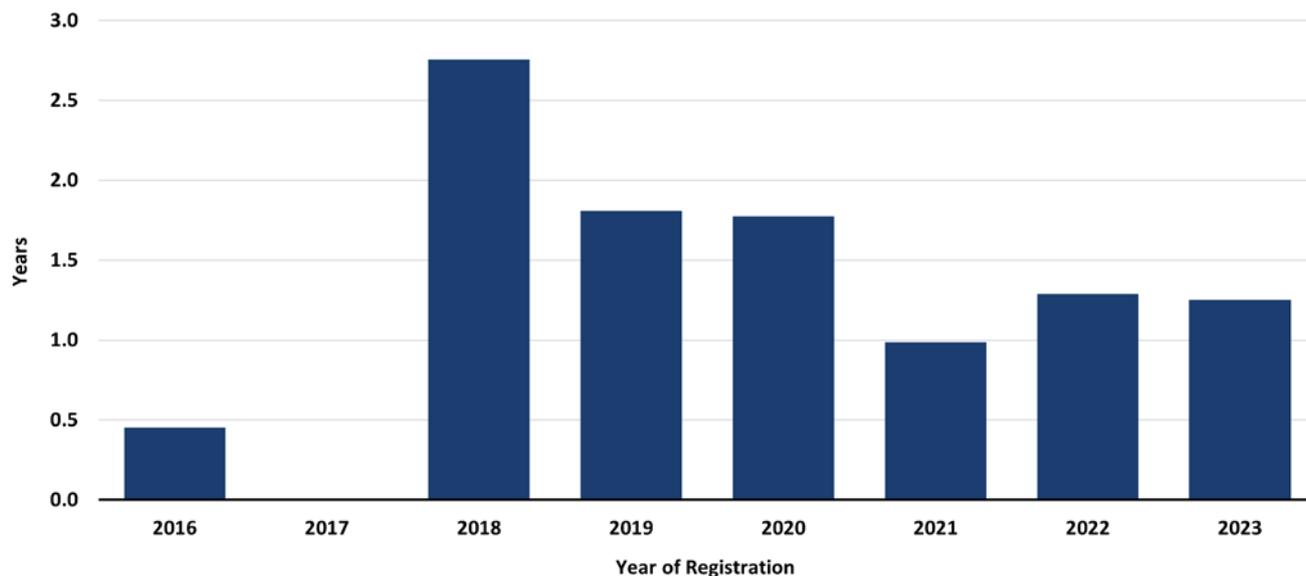
end of the spectrum, *Amazon Marketplace – Consumers (Hammond)* took 23.0 months.

After the CPO hearing, the Tribunal must issue its judgment as to whether it is appropriate to issue the CPO. The Tribunal wrote its CPO judgments in an average of just 3.7 months following the first CPO hearing in 2023 – i.e., slightly slower than the three previous years, but not significantly so in comparison to processing times in the earlier days of the regime (see cases registered in 2018 in particular). During 2023, the time taken to issue the CPO judgment ranged from one to six months.¹⁵ Notably, the two claims whose CPO judgments took the longest to issue (five to six months) were ultimately not certified by the CAT Tribunal.¹⁶

¹⁵ *Apple App Store – Developers (Ennis)* took one month, while *Amazon and Apple (Riefa)* took six months.

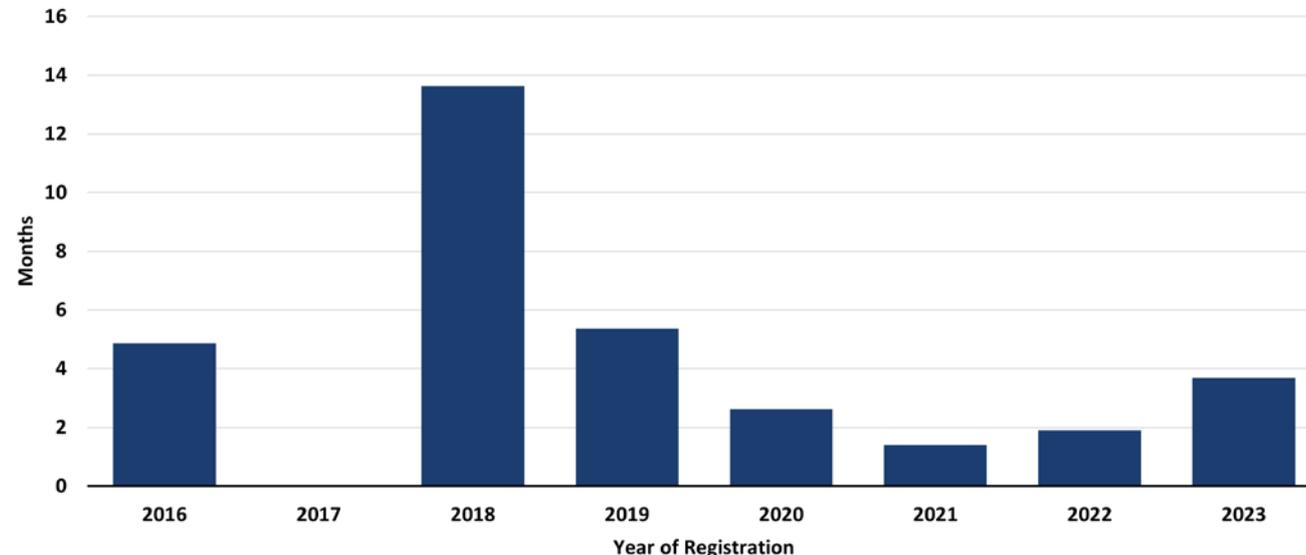
¹⁶ These include *Water and Sewage Companies (Roberts)* and *Amazon and Apple (Riefa)*.

FIGURE 3: AVERAGE DURATION FROM CLAIM REGISTRATION TO FIRST CPO HEARING BY DATE OF REGISTRATION, 2016–2023



Notes: [1] This chart represents all cases registered with the Tribunal on or before 31 December 2023, 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 carriage dispute or 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 considered 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, 2016–2023



Notes: [1] This chart represents all cases registered with the Tribunal on or before 31 December 2023, 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 carriage dispute or been consolidated are not included. Meanwhile, cases that were rejected at certification or withdrawn are included.

Trials

To date there have been no trials in any UK competition collective action. However, that is now due to change early in 2024, with the Tribunal ordering in July 2023 that the trial in the *BT (Le Patourel)* case must conclude by 15 March

2024. If that timetable is achieved, the time between the issuance of the Tribunal's judgment on the CPO application on 27 September 2021 and the end of the trial will have been approximately 2 years and 5½ months.

Settlements and Awards

The first application for a CSAO was made in December 2023 on behalf of the class representative and a defendant, *Compañía Sud Americana de Vapores S.A.*, in the *Maritime Car Carriers (McLaren)* collective proceedings, for a total sum of £1.5 million.¹⁷ This settlement occurred 1 year and

10 months after the Tribunal issued its judgment on the CPO application – i.e., just over one year before the trial would be due to finish.

Market Participants

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

Law Firms

On the claimant side, Hausfeld remained the most active law firm in terms of the total number of CPO applications registered by some distance, and launched a further three claims during 2023, taking its total to nine (on its own) as well as acting as co-counsel with Charles Lyndon in two claims from prior years. The three new cases were against tech firms: Amazon and Apple in the *Riefa* case, and Google in both the *Stopford* and *Arthur* cases.

Four other claimant-side law firms – Scott & Scott,¹⁸ Charles Lyndon,¹⁹ Pogust Goodhead,²⁰ and Geradin Partners²¹ – also launched CPO applications in 2023, building on their experience from at least one other CPO application in previous

years. In addition, Hagens Berman EMEA registered its first CPO application in 2023, acting as co-counsel with Charles Lyndon on behalf of *Hammond* in the consumer claim against Amazon for the alleged abuse of dominance within the online marketplace services market. Reynolds Porter Chamberlain also supported its first claim in 2023 having taken on the *Water and Sewage Companies (Roberts)* case. On the defence side, since claims are often made against multiple defendants, a significantly larger number of law firms have received instructions from clients to respond to the claims.²² Three firms with previously the largest portfolio of cases continued to receive the most instructions in 2023.

¹⁷ The defendants' liability was determined by the European Commission in an infringement decision adopted on 21 February 2018 in Case AT.40009 – Maritime Car Carriers. The cartel was found to have operated between 18 October 2006 and 6 September 2012.

¹⁸ The new claim is for *Car Dealer Commissions (Taylor)*.

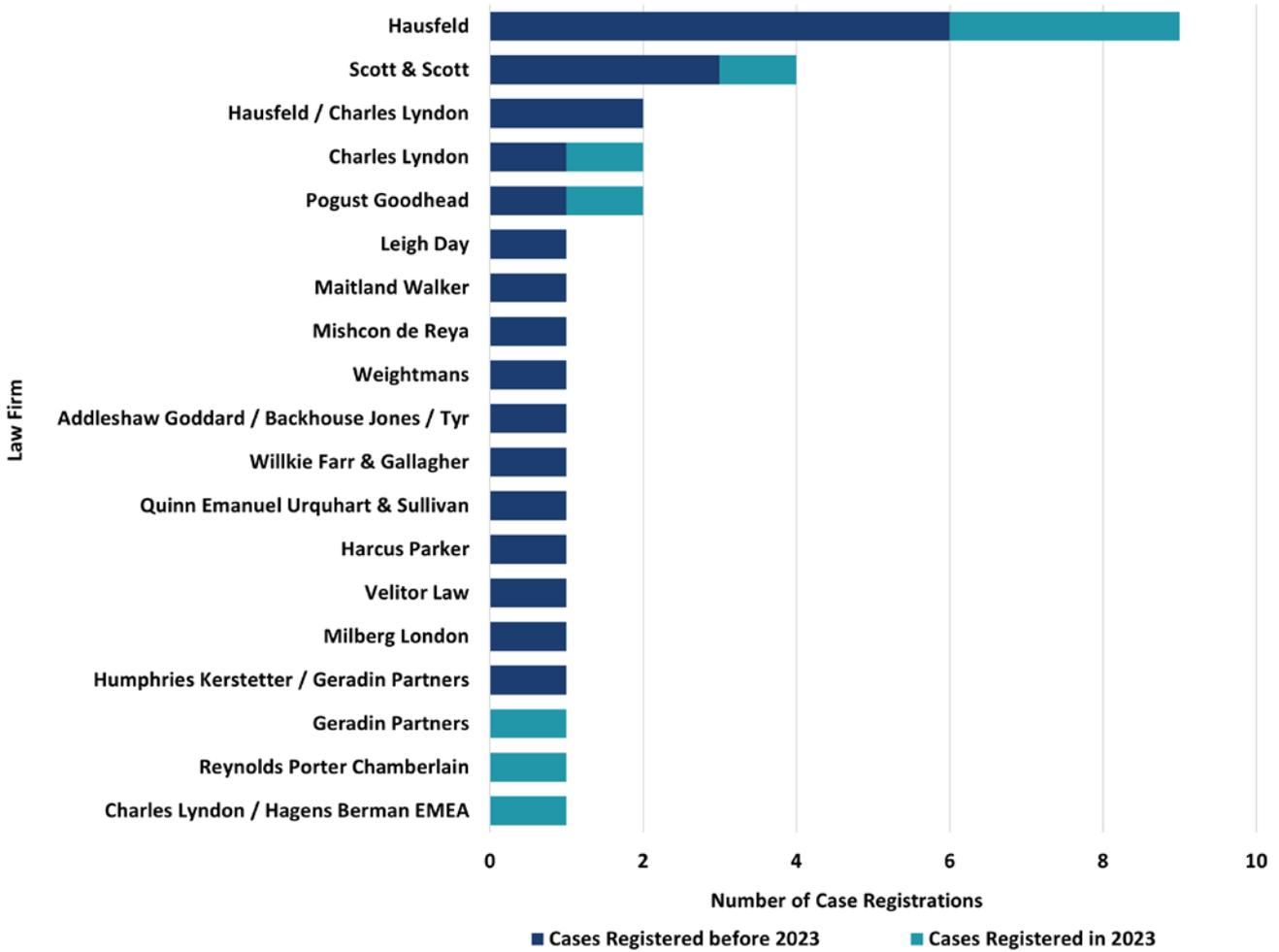
¹⁹ The 2023 claims are *Mobile Network Operators – Handsets (Gutmann)* and *Amazon Marketplace – Consumers (Hammond)*, in which Charles Lyndon is acting as co-counsel with Hagens Berman EMEA.

²⁰ The new claim is for *Casio Musical Product (Sciallis)*.

²¹ Geradin Partners built upon its co-counsel claim with Humphries Kerstetter, launching its own claim for *Apple App Store – Developers (Ennis)*.

²² There are 30 law firms with mandates from defendants, while only 20 law firms are engaged on the claimant side of UK competition collective actions.

FIGURE 5: CPO APPLICATION INSTRUCTIONS ON CLAIMANT SIDE BY LAW FIRM, 2016–2023



Notes: [1] This chart represents all cases registered with the Tribunal on or before 31 December 2023, 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, or have been withdrawn, have lost in 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 who took the claim on from 2021 (after certain relevant partners moved between the firms). Additionally, the *Water and Sewage Companies (Roberts)* claim was supported by Leigh Day until 2024 but is included under Reynolds Porter Chamberlain who have since taken on the claim (after certain relevant partners moved between the firms).

This included Freshfields – which remained the joint largest by case volume, having taken on instructions in three additional cases²³ – as well as Herbert Smith Freehills, who also has taken on 10 claims with an additional three in 2023.²⁴ Slaughter and May, who previously had been

instructed on five claims, won mandates on two more cases in 2023.²⁵ Two law firms, Eversheds Sutherland and Ashurst, each won their first mandates defending against UK collective action competition claims in 2023.²⁶

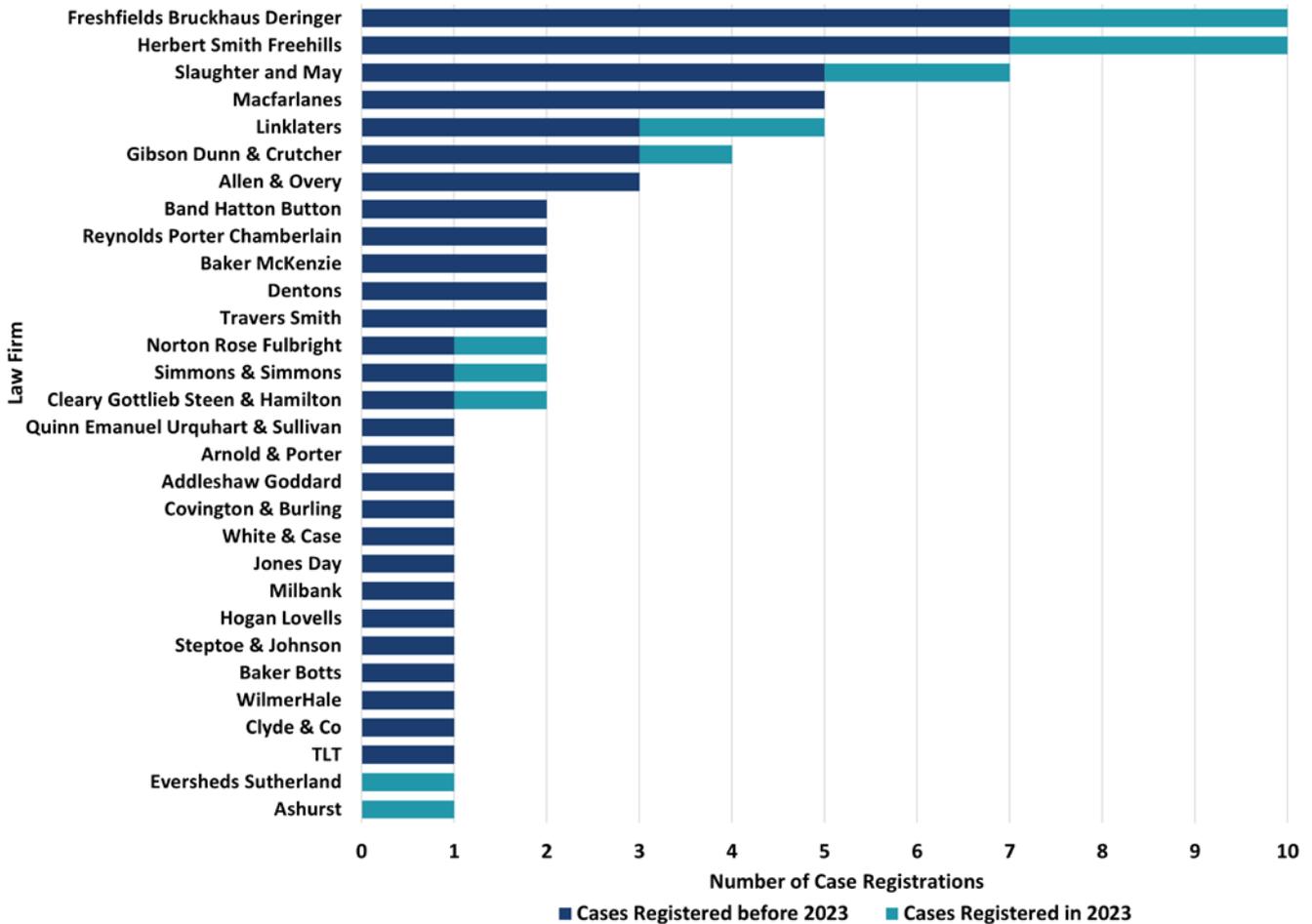
²³ Freshfields defended Apple in *Amazon and Apple (Riefa)*, EE and BT in *Mobile Network Operators – Handsets (Gutmann)*, and Yorkshire Water in *Water and Sewage Companies (Roberts)*.

²⁴ Herbert Smith Freehills defended in *Google Ad Tech (Arthur)*, *Amazon Marketplace – Consumers (Hammond)*, and was instructed by Severn Trent Water in *Water and Sewage Companies (Roberts)*.

²⁵ Slaughter and May defended Vodafone in *Mobile Network Operators – Handsets (Gutmann)* and United Utilities Water in *Water and Sewage Companies (Roberts)*.

²⁶ Ashurst was instructed by Telefonica UK in *Mobile Network Operators – Handsets (Gutmann)* while Eversheds Sutherland was instructed on the defence side in *Car Dealer Commissions (Taylor)*.

FIGURE 6: CPO APPLICATION INSTRUCTIONS ON DEFENCE SIDE BY LAW FIRM, 2016–2023



Notes: [1] This chart includes only instructions in cases that are filed at the Tribunal over the period 2016–2023. 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

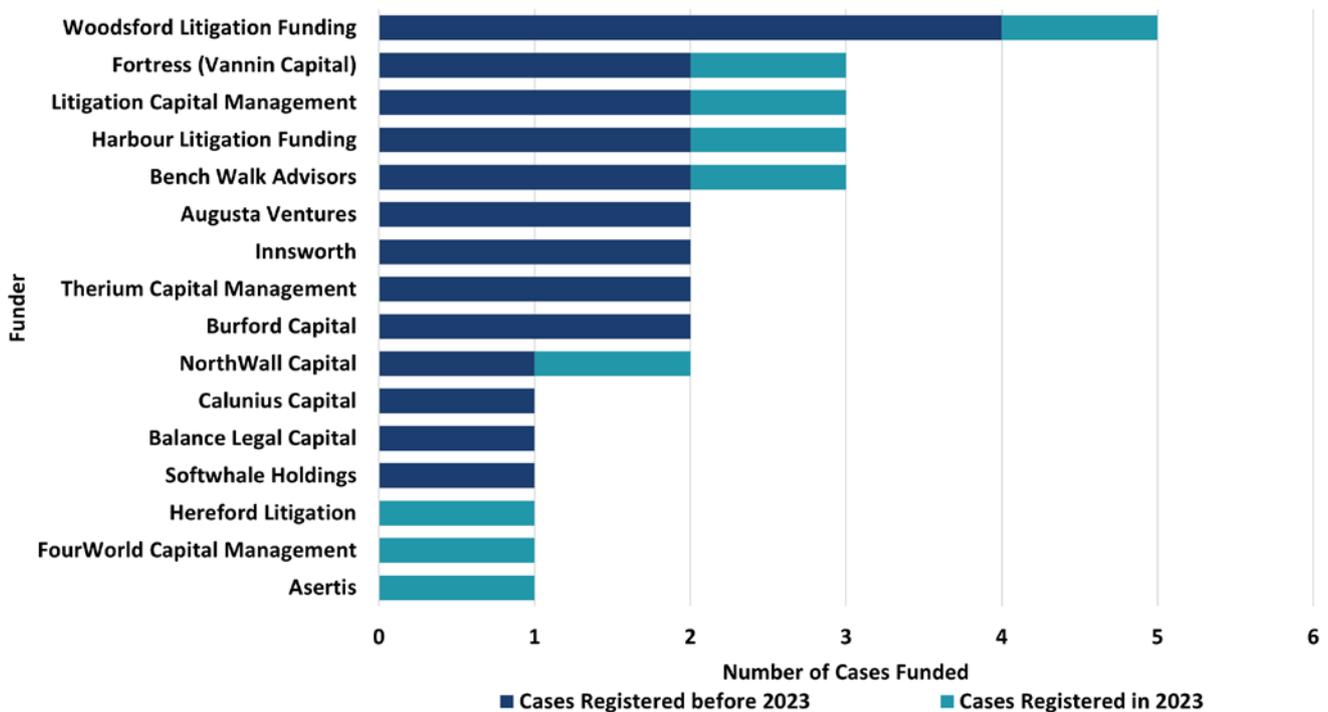
Sixteen different funders invested in a total of 33 cases between 2016 and 2023. Woodsford remained the most active funder by volume of distinct case registrations, having funded four cases prior to 2023, as well as *Car Dealer Commissions (Taylor)* in 2023. Other funders with multiple claims that were active in 2023 include Fortress (formerly Vannin Capital),²⁷ Litigation Capital Management,²⁸ Harbour Litigation Funding,²⁹ Bench Walk Advisors,³⁰ and NorthWall Capital.³¹

Also of note are the three funders that financed their first registered claims in 2023 (i.e., Hereford Litigation, FourWorld Capital Management, and Asertis), adding to the funders who financed their first registered claims in 2022 (Balance Legal Capital, Softwhale Holdings, and NorthWall Capital).

NorthWall Capital invested in a second case in 2023. Overall, 2022 and 2023 saw a total of six funders that are new to collective actions putting capital into cases, albeit on a limited (one or two case) basis.

The funding made available for claims often varies significantly across the cases, with the largest amount of funding available to the claimants in the *Meta*, *Mastercard*, *Forex*, and *Trucks* claims when measured at or around the date of the CPO hearing. For the four cases in 2023 in which funding data is available, they have been somewhat similar ranging from £30.0 million in *Apple App Store – Developers (Ennis)* to £42.5 million in *Water and Sewage Companies (Roberts)* when including adverse cost cover.

FIGURE 7: CUMULATIVE NUMBER OF CASES FUNDED BY LITIGATION FUNDER, 2016–2023



Notes: [1] This chart represents all cases registered with the Tribunal on or before 31 December 2023, 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, or have been withdrawn, have lost in a carriage dispute, or have been consolidated with other claims.

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

²⁷ In 2023, they funded *Google Ad Tech (Arthur)*.

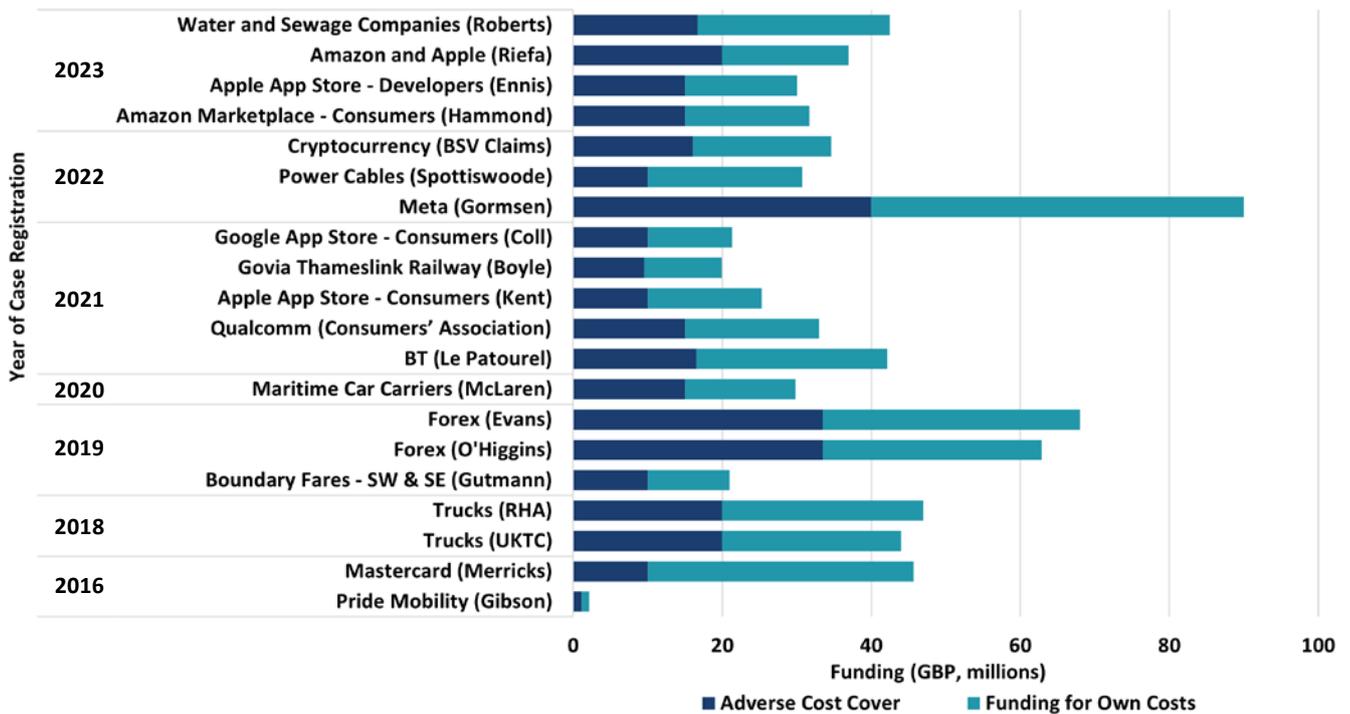
²⁸ They funded *Mobile Network Operators – Handsets (Gutmann)* in 2023.

²⁹ They provided funding for *Apple App Store – Developers (Ennis)* in 2023.

³⁰ Funding was provided for the 2023 claim, *Water and Sewage Companies (Roberts)*.

³¹ In 2023, they provided funding for *Casio Musical Products (Sciallis)*.

FIGURE 8: FUNDING FOR CLAIMANT’S OWN AND POTENTIAL ADVERSE COSTS AT DATE OF CPO HEARING, 2016–2023



Notes: [1] This chart represents all cases registered with the Tribunal on or before 31 December 2023, 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)* under *Boundary Fares – SW & 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, or have been withdrawn, have lost in a carriage dispute, or have been consolidated with other claims.

Conclusion

The Tribunal continues to increase its experience with the process of managing and adjudicating competition collective actions in the UK. Significant developments during 2023 include:

- The number of CPO applications in 2023 was at least on a par with the number in 2021 and 2022, so that the flow of cases remained at higher levels than was observed in earlier years.
- Stand-alone abuse of dominance claims, especially against large tech platforms, continued to account for a large proportion of registered cases.
- Procedurally, the pace of the early stages of collective actions significantly increased compared to the early years of the regime. This presumably reflected the Tribunal’s increased experience with applications for CPOs as well as the increased legal certainty that comes from the significant number of issues being decided by the Court of Appeal and, in some instances, the Supreme Court.

- Significantly, the Tribunal issued its first CSAO in December 2023 in relation to a small defendant, *Compañía Sud Americana de Vapores S.A.*, in the *McLaren (Maritime Car Carriers)* collective action.
- The number of litigation funders financing UK competition collective actions has grown in recent years, and firms with past investments are putting additional capital into new cases. That said, funders do appear to be investing on a rather limited scale, testing the waters; the modal number of cases funded by an individual funder is just one or two.

Collectively, these trends point toward a collective action regime with a growing number of claims and participants (law firms, funders). That said, no case has yet made it to trial, and so it may not be surprising that funders – while active and growing in number – do nonetheless appear to have limits on their appetite to invest.

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