2025 UK Competition Collective Actions Report

PREPARED BY BRATTLE'S EUROPEAN COMPETITION TEAM

Peter Davis, PhD
Pinar Bagci, PhD
Can Celiktemur, PhD
Senthuran Rudran
Lorenzo Vasselli

Brattle

AUTHORS

All the Brattle authors, both experts and support staff, have deep experience of both stand-alone and follow-on competition matters – including in collective actions.

Peter Davis is a Brattle Principal and Co-Leader of the firm's European Antitrust & Competition practice. He has extensive experience in being instructed as an expert competition economist, including in a variety of collective actions.

Peter.Davis@brattle.com

Pinar Bagci is a Brattle Principal and Co-Leader of the firm's European Antitrust & Competition practice. She is instructed as an expert economist in both stand-alone and follow-on competition damages actions, including a number of collective actions.

Pinar.Bagci@brattle.com

Can Celiktemur is a Principal in Brattle's London office.

Can.Celiktemur@brattle.com

Senthuran Rudran is a Senior Associate in Brattle's London office.

Senthuran.Rudran@brattle.com

Lorenzo Vasselli is a Senior Associate in Brattle's London office.

Lorenzo.Vasselli@brattle.com

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Executive Summary

Our 2025 collective action report documents another year of growth in the UK's maturing competition collective action regime. In particular, the report analyses developments relating to Collective Proceedings Orders (CPOs) and cases before the Competition Appeal Tribunal (Tribunal) in 2024.

This report considers, in turn:

- the characteristics of the set of collective action cases;
- the timescales as cases progressed through the various stages (CPO hearing, CPO judgment, trial(s), and final judgment), as well as outcomes in terms of settlements or damages awards; and
- market participants, with a focus on law firm and funder activity.

A record number of applications for CPOs were filed during 2024 at the Tribunal. The year also saw the first trial – and subsequently the first judgment – in a UK competition collective proceeding, as well as the Tribunal's approval of the second, third, and fourth settlement agreements. These developments mark significant milestones in the evolution of competition collective proceedings before the Tribunal, coming slightly less than a decade after Schedule 8 of the Consumer Rights Act 2015 extended the scope for private actions under the Competition Act 1998 (CA98).

One of the key questions emerging from 2024 is whether the *BT (Le Patourel)* decision – in which the class representative's claim for damages was rejected – serves to dampen funders' willingness to invest in future cases. The Tribunal's decision undoubtedly made clear to potential funders that the facts of the case will matter, so that capital invested in competition cases is at risk, even where there has already been a regulatory investigation and decision.

In terms of describing the evolving landscape of cases involving competition collective actions in the UK, the data from cases registered in 2024 indicates that:

The collective actions regime continued to grow.

Counting CPO applications registered in the same year with the same class representative and targeting the same infringement as one single case, a total of 11 distinct cases were filed with the Tribunal during 2024. That was two more than the nine distinct cases registered in each of 2022 and 2023.

The majority of claims were for abuse of dominance.

Of the 11 distinct cases registered in 2024, 10 involved allegations of abuse of dominance. Among these claims, seven involved tech firms, reflecting a significant focus on digital markets.

The sector with the most CPO applications was Information and Communication (I&C).

Five of the 11 distinct cases registered in 2024 involved claims made in the I&C sector. However, there were also allegations of competition infringements in other sectors, including water, postal services, music licensing, and aquaculture.

The Competition and Markets Authority (CMA) continued to intervene in collective actions, particularly in tech cases.

Notably, the CMA intervened in two claims, *Sony (Neill)* and *Google Ad Tech (Ad Tech Collective Action)*, in 2024, meaning that, by the end of the year, the CMA had intervened in a total of six claims made against tech firms since 2021. These interventions reflect the CMA's interest in shaping aspects of the economic regulation of digital markets that may be impacted by private enforcement actions.

In terms of the progress of cases and their outcomes during 2024:

Most CPO applications were successful.

In 2024, the Tribunal handed down a total of five CPO judgments, in which it certified four claims in full and partly certified another. Looking more broadly over the 2016–2024 period, allowing for partial certification and treating carriage disputes as successful if at least one of the applications was certified, the overall rate of success for CPO applications – the proportion of

successful CPO judgments, adjusting for carriage disputes – stood at around 95% as of the end of 2024.[1]

- A total of 23 out of the 44 distinct applications registered by the end of 2024 at the Tribunal had reached a CPO judgment: 19 were fully certified, one (*Cryptocurrency (BSV Claims)*) was partly certified,[2] two (*(Trucks (UKTC))* and (*Forex (O'Higgins)*) lost in carriage disputes which were jointly decided with the CPO judgment, and only one (*Pride Mobility (Gibson)*) was withdrawn after its initial application was not certified.

- Of the 21 claims that have not received a CPO judgment at the time of writing, 15 have not yet had a CPO hearing, three have had a CPO hearing and await the CPO judgment, and one registered claim has been withdrawn subsequently by the class representative since the Tribunal overturned the CMA decision on which the claim was based (*BGL (Home Insurance Consumer Action)*). Additionally, one claim lost in a carriage dispute (*Amazon Marketplace – Consumers (Hunter)*), which was decided before the CPO judgment, and another was consolidated with another claim that was subsequently certified (*Google Ad Tech (Arthur) and (Pollack)*).

The year saw the first-ever trial and judgment in a UK competition collective proceeding.

In *BT (Le Patourel)*, the Tribunal found that BT's prices were excessive but, applying the test from *United Brands*, not unfair – either in themselves or in comparison to other products' prices. Thus, the Tribunal dismissed the claim, providing some indication of its likely considerations in unfair pricing claims.

The second, third, and fourth Collective Settlement Approval Orders (CSAOs) were made.[3]

- In May 2024, the Tribunal handed down its second judgment in relation to an application for a CSAO. The application related to a proposed settlement between the class representative and Stagecoach South Western Trains in the *Boundary Fares – SW & SE (Gutmann)* case. While the proposed settlement was complex, its basic contours involved a sum of up to £25 million in damages, as well as (i) up to £14.6 million in respect of the class representative's costs, fees, and disbursements (paid in two tranches of £4.75 million initially and then up to a further £9.85 million only upon completion of the distribution of damages); and (ii) £0.75 million by way of contribution to the class representative's costs of notifying and distributing the damages.

- In December 2024, shortly before the trial was due in January 2025, the Tribunal heard applications for two more CSAOs in *Maritime Car Carriers (McLaren)* on behalf of a collection of defendants known as "WWL/EUKOR" and, separately, the defendant Kawasaki Kisen Kaisha (K Line).[4] These CSAOs were subsequently approved on 6 December 2024. Specifically, the Tribunal granted approval for a total settlement sum of up to £24.5 million against WWL/EUKOR and a total sum of £12.75 million against K Line.

The speed of the Tribunal's processes improved further despite heavier caseloads in 2024.

In particular, the average time taken between a potential class representative registering a claim and the hearing on whether to issue a CPO decreased compared with 2023, to just over 10 months. Additionally, the average time from the CPO hearing to the first CPO judgment also fell from 2023 to under three months.

1 Calculated as: Numerator (successful CPO judgments): 20 = 19 (fully certified) +1 (partially certified). Denominator (CPO judgments excluding lost carriage disputes): 21 = 23 (claims to reach judgment) - 2 (lost a carriage dispute).

2 It was only partly certified after the claim associated with one separately identified sub-class was struck out, reducing the alleged damages significantly.

3 As our report noted last year, 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 McLaren (Maritime Car Carriers) collective proceedings, for a total sum of £1.5 million.

4 The defendants' liability was determined by the European Commission (EC) 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.

And in terms of market participant activity levels:

Legal representation in collective actions continued to diversify.

On the claimant side, three firms – Lewis Silkin, Ashurst, and Simmons & Simmons – filed their first collective actions. The latter two firms also joined a small but growing list of firms that have represented both claimant representatives and respondents. Meanwhile, established players such as Hausfeld and Charles Lyndon, historically the most active, did not add new claims in 2024. On the defence side, Freshfields, Herbert Smith Freehills Kramer, and Slaughter and May remained most active, while 2024 also saw first-time instructions by Bryan Cave Leighton Paisner and Skadden.

Established funders supported the majority of new claims.

Litigation Capital Management and Bench Walk Advisors were the two largest funders by case volume, funding 7 of the 11 claims in 2024. However, two new funders supported their first claims in 2024, one of which was the Home Office. Notably, this marked the first time a UK government department funded a collective proceedings claim – the *Motorola (Spottiswoode)* claim.

Introduction

The Consumer Rights Act (2015) amended the CA98 to provide a statutory basis for opt-out collective proceedings in UK competition matters. Competition law remains the only area of law in the UK with such a statutory opt-out mechanism.

It is therefore useful to understand and track this emerging area of law, in which economics plays a central and often determinative role. UK competition collective actions may serve as a useful case study for assessing whether the experience in competition law supports expanding opt-out collective proceedings to other areas – for example, consumer protection actions such as product liability or data protection cases arising from data breaches or misuse.

Competition collective proceedings may follow on from a public enforcement decision or, alternatively, proceed as a stand-alone private action.[5] The availability of stand-alone private actions has the potential to introduce markedly new dynamics in competition enforcement because (i) agency resources and preferences no longer serve as a hard constraint on activity and (ii) stand-alone private actions for end-user markets become feasible (since the damages per user may be too small in end-user markets to justify the costs and risks of individuals taking legal action even if the aggregate harm were substantial).

This is the fourth of our annual reports reviewing UK competition collective actions. To compile it, the Brattle team updated our dataset to capture information on each claim, including its type, sector, respondents, alleged size and value, and other key characteristics. The report also examines procedural aspects of how claims are evaluated by the Tribunal, such as the time taken to decide on certification, and provides an overview of market participants, including the funders, and the law firms active on both the claimant and defence sides.

Significant milestones in 2024 included the first trial of a collective action before the Tribunal and the issuance of the first CSAOs that covered material settlements in claims that had progressed beyond disclosure (the second, third, and fourth CSAOs overall).

Case Characteristics

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

- case numbers by case type;
- cases by sector;
- CMA interventions;
- respondents' home jurisdictions; and
- the alleged value of claims and estimated class sizes

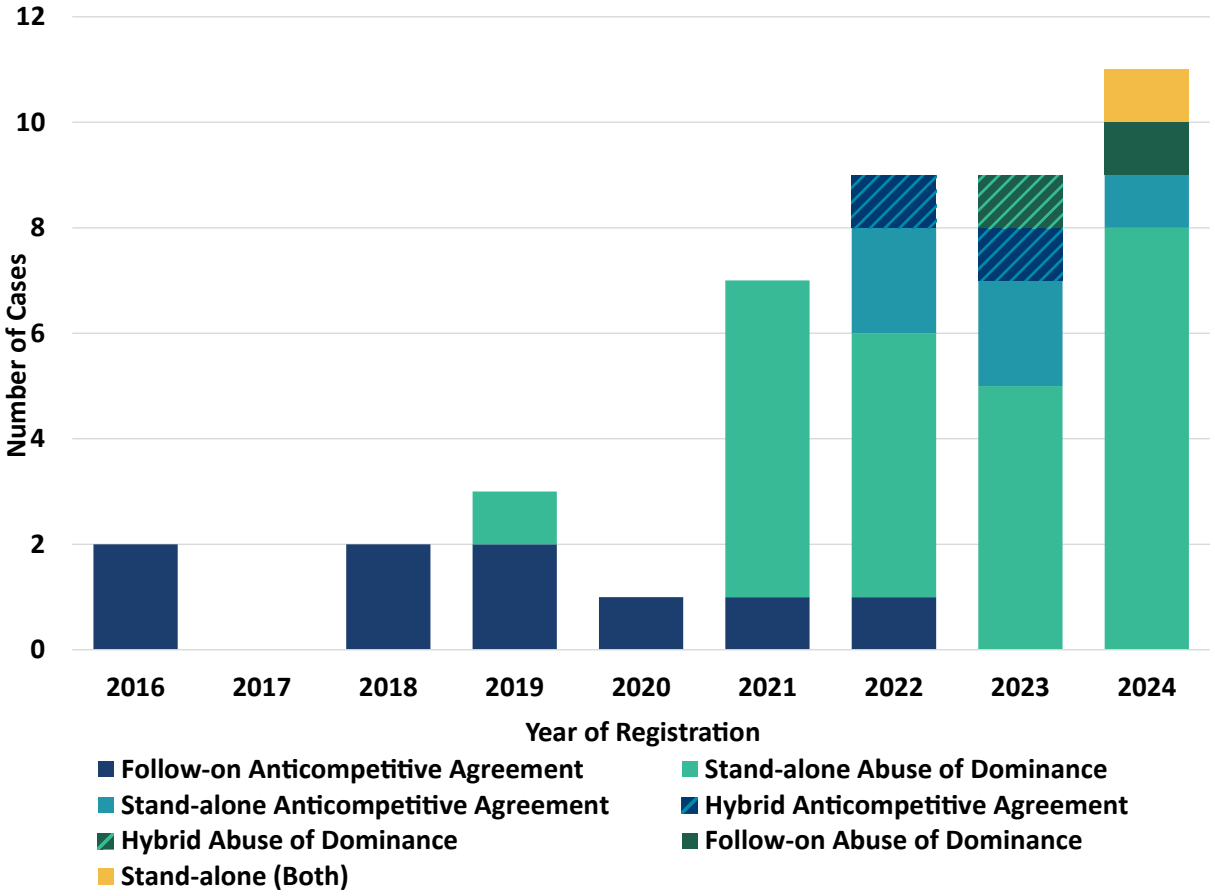
5 Follow-on actions can follow infringement decisions made by the CMA, the CMA, European Commission (EC), or a UK regulatory agency with competition powers, such as Ofwat or Ofcom.

Number of Claims by Case Type

Figure 1 reports that 11 new claims were registered in 2024, continuing the markedly increased flow of cases being registered after the UK Supreme Court handed down its judgment in the *Mastercard (Merricks)* case in December 2020.

It also reveals that 10 of the 11 new claims in 2024 included an abuse of dominance claim, with 9 of those 10 on a stand-alone basis. Notably, one of these claims, *PRS (Rowntree)*, also included an anticompetitive agreement claim, and is listed under "Stand-alone (Both)" in Figure 1. The number of anticompetitive agreement cases declined further, and the absence of follow-on anticompetitive agreement cases may reflect an earlier slowdown in competition agency enforcement activity during and after the Covid-19 pandemic.[6]

FIGURE 1: NUMBER OF CPO APPLICATIONS BY CLAIM TYPE, 2016–2024



Notes: [1] 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, have lost in a carriage dispute, or have been consolidated with other claims.
[2] This chart represents all cases registered with the Tribunal on or before December 2024, as shown on the Tribunal's website, as of May 2025.
[3] The 11 claims registered in 2024 were: *PRS (Rowntree)*, *Thames Water (Roberts)* (which is counted separately to *Water and Sewage Companies (Roberts)* as these claims were filed in 2023), *Royal Mail (Bulk Mail Claim)*, *Valve (Shotbolt)*, *Amazon Marketplace – Sellers (BIRA Trading)*, *Salmon Farms (Waterside Class)*, *Amazon Marketplace – Sellers (Stephan)*, *Google App Store – Developers (Rodger)*, *Apple iCloud (Consumers' Association)*, *Microsoft (Stasi)*, and *Motorola (Spottiswoode)*.
[4] Claims are categorised under "Both" when an anticompetitive agreement and abuse of dominance claim are simultaneously brought against the respondents. Meanwhile, "Hybrid" refers to cases brought on both a stand-alone and follow-on basis.

6 Follow-on cases require that an agency with competition powers has completed its investigatory process and made an infringement decision – which will also usually determine a fine. To understand the relative sparsity of follow-on cases, it is potentially notable that, as an illustrative example, the total fines imposed by the EC (not adjusted for court judgments) over the period 2021–2025 fell from €1.746 Bn in 2021 to a low of €48.7 million in 2024 before rising again to €787.5 million in the first half of 2025.

Cases by Sector

Figure 2 shows the claims by their Standard Industrial Classification (SIC) code sectors. It shows that five of the 11 distinct claims registered during 2024 involved allegations of abuse of dominance by firms in the I&C sector. Specifically, the five claims included:

- *Microsoft (Stasi)*: A stand-alone claim that alleged that certain of Microsoft's licensing practices constitute an unlawful and coherent strategy to leverage Microsoft's dominant position in the market – a core part of its established and extensive software "ecosystem" – into the market for cloud computing, where it faces competition from rival providers.
- *Valve (Shotbolt)*: A stand-alone claim that alleged that Valve – which operates Steam, the leading PC game distribution platform – abused its dominant position by: (i) imposing platform parity obligations (PPOs) that prohibit publishers, which market PC games, from selling products through other distribution channels on better terms than the same products available on Steam; (ii) restricting the ability of users to purchase add-on content for games purchased on Steam through other distribution channels (a "tying" or "anti-steering" infringement); and/or (iii) charging publishers unfair and excessive commission rates for distributing the products.
- *Motorola (Spottiswoode)*: The class representative alleged that Motorola abused a dominant position in the provision of mobile radio network services (the services by which emergency services staff – including police forces, fire, and rescue services – are able to communicate effectively with each other) by charging excessive and unfair prices. The case was stand-alone, but related to a market investigation conducted by the CMA over the period 2021–2023 that resulted in the imposition (with effect from 1 August 2023) of a charge control on Motorola on a forward-looking basis, limiting the revenue that Motorola could earn to that which would apply in a competitive market.
- *Google App Store – Developers (Rodger)*: The allegations, in broad terms, in this case were that, by virtue of various exclusionary practices (i.e., technical and contractual restrictions), it was impossible or impracticable for app and in-app purchases to be made other than via the Google Play Store and Google's own billing system, thereby attracting a 30% commission charge, which was alleged to be unfair and excessive. The related *Google App Store – Consumers (Coll)* proceedings (registered in 2021) sought damages on the basis that the overcharge was ultimately to a significant extent borne by UK consumers. By contrast, the *Google App Store – Developers (Rodger)* proceedings sought damages on behalf of UK app developers on the basis that they absorbed a substantial part of the overcharge, rather than passing it on to consumers.[7]
- *Apple iCloud (Consumers' Association)*: This stand-alone case alleged that Apple leveraged its control of the operating system running on its mobile devices (iOS) to grant itself preferential treatment of its cloud storage solution (iCloud), to the exclusion of rivals or would-be-rivals and the exclusion of effective choice in respect of cloud storage of iOS users. The alleged harm included overcharges for iCloud subscription fees to iOS Users. The application also sought injunctive relief to prevent Apple from continuing that alleged abusive conduct to the detriment of consumers in the future.

Meanwhile, two claims against Amazon were registered in the Wholesale and Retail Trade sector in 2024:[8]

- *Amazon Marketplace – Sellers (BIRA Trading)* and *Amazon Marketplace – Sellers (Stephan)*: These proposed stand-alone collective actions are involved in a carriage dispute since Bira Trading Ltd and Professor Andreas Stephan each applied to the Tribunal to be certified as the class representatives in opt-out collective proceedings on behalf of independent retailers and against the same companies in the Amazon group.

Each proposed class representative alleged that Amazon abused a dominant position in the market for the supply of e-commerce marketplace services – i.e., services through which sellers can sell, and customers can search for and

7 There is also a related proceeding involving an individual large developer claimant, Epic – a well-known developer of apps and software for game consoles, personal computers, and mobile devices – and, in particular, the well-known app, "Fortnite".

8 While classified under the Wholesale and Retail Trade sector, it should be noted that both these claims concern the provision of digital platform services.

buy products – to UK-domiciled professional sellers (third-party sellers with an Amazon Professional seller account) that used Amazon's e-commerce marketplace services to reach UK customers.[9]

The alleged abuses include: (i) Amazon Retail's use of third party sellers' data that was not made available to non-Amazon sellers; (ii) self-preferencing of Amazon Retail when (a) selecting which offers are displayed as the "Featured Offer" in the "Buy Box" – i.e., the box prominently displayed on Amazon's product pages where customers are given one-click options to "Buy Now" and "Add to Basket" and (b) providing access to the important "Prime" label – which is contingent on the use of Amazon's fulfilment/logistics service; and (iii) using anti-discounting practices to reduce sales on other e-commerce platforms and increase Amazon's own traffic.[10]

In total, there were therefore seven distinct applications for collective actions registered against tech firms in 2024.

In addition, four applications for CPOs were registered in other sectors during 2024. These were:

- *Thames Water (Roberts)* in the Water Services sector: A stand-alone claim against Thames Water for £159 million (with interest) on behalf of household customers. The claim is closely related to claims registered during 2023, which we denoted *Water and Sewage Companies (Roberts)* in our 2024 report.

  The *Thames Water* claim alleged a form of excessive pricing. Specifically, while prices and service levels (performance commitments) were regulated, such price and quality controls and incentives only operate effectively if the Environment Agency and Ofwat are provided with accurate and complete information relating to Pollution Incidents (PIs) on their networks. The claim alleged that the proposed defendants significantly under-reported the number of relevant PIs and thereby were able to charge higher prices than they would have been permitted to charge if they had made accurate reports.

  In March 2025, the Tribunal rejected this application, finding that the claim was excluded by the wording of section 18(8) of the Water Industry Act 1991.

- *Royal Mail (Bulk Mail Claim)* in the Transportation and Storage sector: This claim alleges, following on from the 14 August 2018 decision by the Office of Communications (Ofcom), that the proposed defendant, Royal Mail, abused its dominant position in the market for "bulk mail" delivery services in the UK. Bulk mail services are typically used by companies such as utilities, banks, government departments, and advertisers to send items such as bank statements and invoices, utility bills, and advertising mail.

  The claim centred on Royal Mail's attempt to introduce discriminatory prices for Whistl, a firm that collected bulk mail and undertook initial sorting before passing that mail on to Royal Mail for physical delivery to final recipients – meaning Whistl was a competitor for bulk mail services since it required access to Royal Mail's network for delivery to final recipients. The discriminatory prices allegedly led to a foreclosure effect – namely, the withdrawal of the investment and finance required to support Whistl's expansion plans. The class representative claimed damages of £879 million (excluding interest).

- *Salmon Farms (Waterside Class)* in the Agriculture, Forestry, and Fishing sector: This application for a CPO alleged that a number of major producers of primary processed farmed Atlantic salmon colluded to increase prices, in particular by means of the manipulation of the reference prices for Norwegian Atlantic Salmon on the NASDAQ Salmon Index (the "NASDAQ spot price") and through the unlawful exchange of commercially sensitive information regarding the prices and volumes of sales of Atlantic salmon.

  This harmed a class of consumers who bought certain salmon products in retail settings in the UK between 1 October 2015 and 31 May 2019. Notably, while the

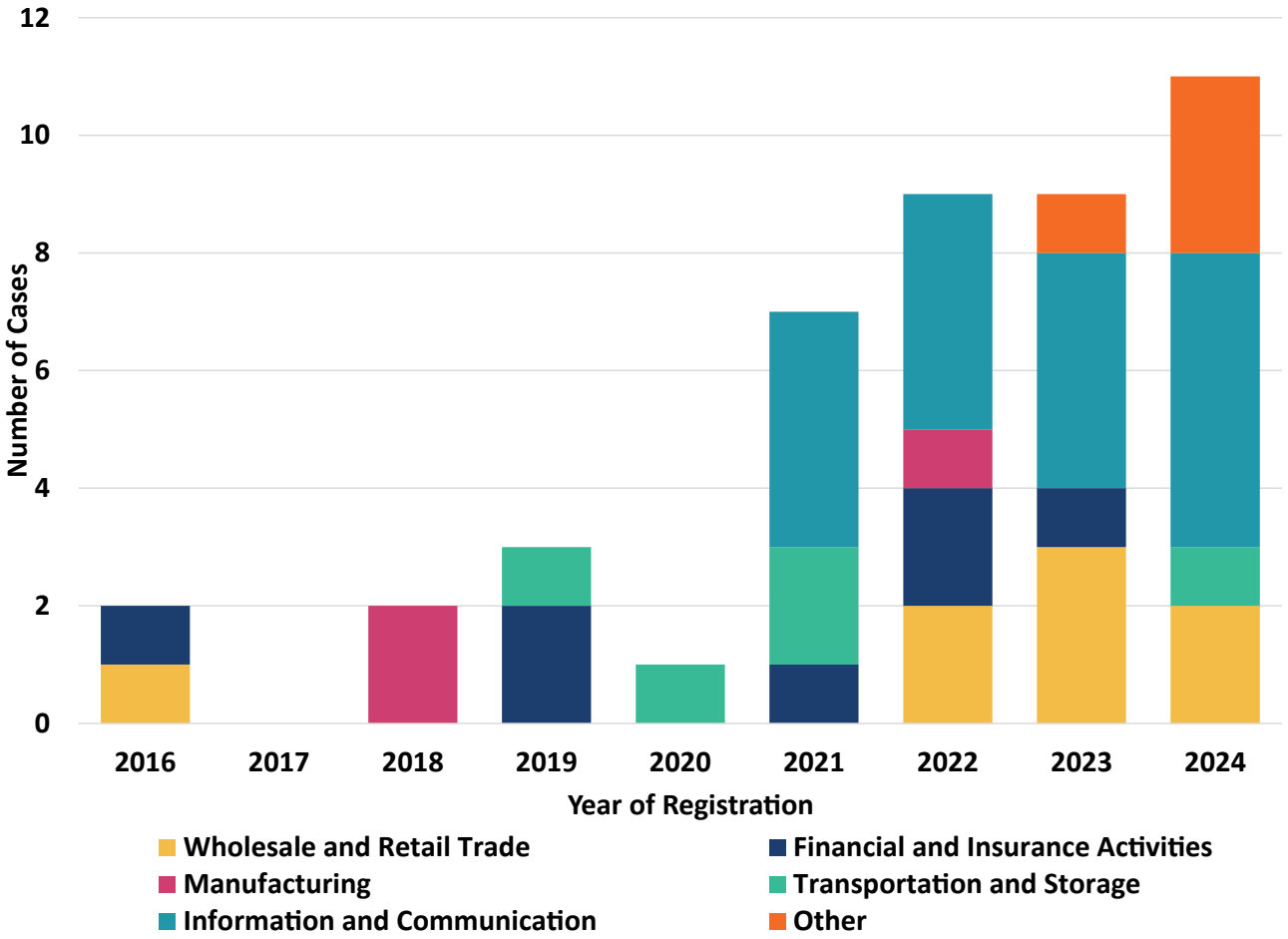
9 Amazon has its own retail operation, Amazon Retail, which sells products directly via Amazon.co.uk and Amazon's app. By contrast, third-party sellers' goods are made available on Amazon.co.uk and their app via a service called "Amazon Marketplace," for which Amazon charges fees. Amazon also offers fulfillment/logistics services, through which third-party sellers can delegate order management to Amazon. Amazon handles product storage (in its fulfillment centers), packaging, shipping to the final customer, after-sales assistance, and the management of returns and refunds.

10 There was both (i) a 2023 CMA decision to accept binding commitments following a CMA investigation into Amazon's conduct in the UK and (ii) a pair of older 2022 decisions from DG Competition (AT.40462 Amazon Marketplace and AT.40703 Amazon Buy Box) related to the French, German, and Spanish markets.

EC issued a statement of objections in January 2024,[11] the UK collective proceedings were registered before the EC had concluded its investigation or formally made a decision that the salmon farmers' conduct was unlawful, making it a stand-alone claim. The proposed class representative's experts estimated the damage to be approximately £87–382 million (8% interest) or £71–312 million (interest at base rate +2%).

- *PRS (Rowntree)*, a stand-alone claim in the Arts, Entertainment, and Recreation sector: In this case, the potential class representative alleged that the Performing Rights Society (PRS), which collects and distributes royalties relating to the public performance of musical works in respect of which it has been assigned the "performing rights," operated a policy for distributing "black box" royalties – i.e., royalties that cannot be attributed to the correct songwriter or publisher – that amounted to an abuse of dominance and/or an anticompetitive agreement. The potential class representative considered that the black box royalties were more likely to be owed to songwriters rather than other PRS members.

FIGURE 2: NUMBER OF CPO APPLICATIONS BY SECTOR, 2016–2024



Notes: [1] 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, have lost in a carriage dispute, or have been consolidated with other claims.
[2] The chart reflects all publicly available information as of May 2025.
[3] "Other" includes: Water Services (water supply, sewerage, waste management, and remediation activities); Arts, Entertainment, and Recreation; and Agriculture, Forestry, and Fishing. All these sectors have only featured one or two claims across the entire period.
[4] *Amazon Marketplace – Sellers (BIRA Trading)* and *Amazon Marketplace – Sellers (Stephan)* are categorised in the Wholesale and Retail Trade sector rather than in the I&C sector.

11 See AT.40606 Farmed Atlantic Salmon.

CMA Interventions

As the UK's collective action 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.[12] 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".[13]

During 2024, the CMA submitted written observations in two additional claims: *Sony (Neill)* and Claudio Pollack and Charles Arthur's consolidated claim, *Google Ad Tech (Ad Tech Collective Action)*. This brought the number of registered collective actions in which the CMA made submissions between 2021 and 2024 to six. The CMA's interventions in 2024 continued to focus on competition claims against firms in the I&C sector, particularly those involving big tech.

An emerging CMA practice of engaging in collective actions primarily after cases are certified is evident in the fact that a clear majority (four of six) of the CMA's interventions to date have occurred after the Tribunal issued a CPO.

Respondents' 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 damage 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.[14]

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 respondents. In contrast, abuse of dominance cases typically involve a single firm alleged to have substantial market power. As a result, there are typically fewer named parties in abuse of dominance cases. Each type of case is discussed in turn.

Throughout this section, the list of respondents, and hence their home jurisdictions, differ 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, we classify respondents by the headquarters of their parent company, even where the claim was procedurally served on a UK entity or branch of that group.[15]

12 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.

13 Further details on the CMA's role in private litigation can be found 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.

14 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.

15 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.

Anticompetitive Agreement Claims

Anticompetitive agreement claims, particularly those arising from cartel conduct, tend to involve a greater number of respondents per claim than is the case in abuse of dominance claims. On average, over the period 2016–2024, anticompetitive agreement claims named an average of 3.1 respondents/proposed defendant firms. The only anticompetitive agreement claim filed in 2024 – *Salmon Farms (Waterside Class)* – included four Norwegian respondents. By number of respondents, this claim ranks just behind *Forex (O'Higgins)*, which involved five respondents, and the *Forex (Evans)* and *Maritime Car Carriers (McLaren)*, which both involved six.

Notably, there is no clear geographic pattern to the origin of respondent firms in anticompetitive agreement claims. Between 2016 and 2024, claims have been brought against firms headquartered in 13 countries outside the UK, most notably in the US (13 respondents) and Japan (9 respondents). There were also a significant number (9) of firms headquartered in the UK.

Abuse of Dominance Claims

The data for abuse of dominance claims highlights that UK and US headquartered firms account for a significant proportion of all named respondents/potential respondents. Specifically, UK-headquartered firms have been named in 16 claims, while US-headquartered firms have been named in 18. Only four other jurisdictions – France, Hong Kong (China), Japan, and Spain – have been named as respondents' home jurisdictions, each in no more than three cases.[16]

Outside the UK, the focus on US-headquartered firms reflects both the growing regulatory focus on digital markets and the fact that many leading tech platforms are headquartered in the US. Notably, two-thirds of the claims involving US-headquartered firms target three major US technology companies – Apple, Amazon, and Google.

Data construction concerns do not change the basic position, but it is worth pausing to note that abuse of dominance claims do not necessarily involve a single respondent. While these cases typically focus on unilateral conduct by an individual firm that is alleged to have abused its market power, such claims name, on average, 1.5 respondent/proposed respondent firms per distinct case in our dataset. There are three reasons for this:

- A dominant firm can be a joint venture between several undertakings, each of which may be listed as a respondent. For example, the *Boundary Fares – SW & SE (Gutmann)*, *Boundary Fares TSGN (Gutmann)*, and *Govia Thameslink Railway (Boyle)* claims named multiple firms due to the joint venture structure of UK railway operators.
- Although so far unusual, an abuse of dominance claim can be brought in relation to a situation where there is collective dominance. This is an aspect of the *Mobile Network Operators – Handsets (Gutmann)* case, in which one theory of harm alleges that the four major telecoms operators hold a collectively dominant position.[17]
- The way a distinct case is defined in this report – wherein CPO applications that are registered in the same year, with the same class representative, and targeting the same basic infringement are counted only once – can mean that different geographies introduce different dominant firms. For example, within *Water and Sewage Companies (Roberts)*, there are five named respondents, reflecting the regional monopoly structure of the UK water industry, where each water and sewage company operates within a designated geographic area of the UK.

16 Firms with headquarters in France and Hong Kong have been named in three separate claims, while firms from Japan and Spain have been named in one claim.

17 Five defendants are listed for this claim in Table 2 since one firm, Telefonica UK (O2), has two parent companies as a result of the joint venture between Telefonica and Liberty Global.

TABLE 1: ANTICOMPETITIVE AGREEMENT CLAIMS BY RESPONDENT AND HEAD OFFICE, 2016–2024

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)	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[d]
	Amazon and Apple (Riefa)	2	Amazon, Apple	United States
2024	Salmon Farms (Waterside Class)	4	Mowi, Grieg, Salmar, Austevoll Seafood	Norway

Notes: [1] This figure represents all cases registered with the Tribunal on or before 31 December 2024, as shown on the Tribunal's website, as of May 2025. The full list of respondents is gathered from the claim forms submitted to the Tribunal. Respondents shown are understood to be the ultimate parent companies of each respondent.
[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, 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 respondents and their respective head office locations.

TABLE 2: ABUSE OF DOMINANCE CLAIMS BY RESPONDENT AND HEAD OFFICE, 2016–2024

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]
2024	PRS (Rowntree)	1	PRS	United Kingdom
	Thames Water (Roberts)	1	Kemble Water	United Kingdom
	Royal Mail (Bulk Mail Claim)	1	International Distributions Services	United Kingdom
	Valve (Shotbolt)	1	Valve	United States
	Amazon Marketplace - Sellers (BIRA Trading)	1	Amazon	United States
	Amazon Marketplace - Sellers (Stephan)	1	Amazon	United States
	Google App Store - Developers (Rodger)	1	Alphabet	United States
	Apple iCloud (Consumers' Association)	1	Apple	United States
	Microsoft (Stasi)	1	Microsoft	United States
	Motorola (Spottiswoode)	1	Motorola Solutions	United States

Notes: [1] This figure represents all cases registered with the Tribunal on or before 31 December 2024, as shown on the Tribunal's website, as of May 2025. The full list of respondents is gathered from the claim forms submitted to the Tribunal. Respondents shown are understood to be the ultimate parent companies of each respondent.
[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, 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 respondents and their respective head office locations.

The Alleged Value of Claims and Estimated Class Size

This section examines how the alleged value of claims and the estimated sizes of affected classes have evolved since the regime began, highlighting differences between infringement types and notable shifts over time.

The figures presented in this section reflect only the damages alleged by the class representative, not the amounts that have been paid out. The amounts actually awarded to date have been (i) far smaller and (ii) all occurred as a result of settlement agreement orders. The Tribunal has not yet awarded any damages following a trial.

In recent years, the estimated and alleged value of anticompetitive agreement claims has declined. For example, the only such claim filed in 2024 – *Salmon Farms (Waterside Class)* – had an alleged claim value of £253 million, while between 2016 and 2018, the average alleged value of anticompetitive agreement claims was £7.5 billion.

Indeed, since 2018, Figure 3 shows that the cumulative average of alleged anticompetitive agreement claims fell year-on-year (except in 2021, when no publicly available data were available on the single anticompetitive agreement claim filed that year). Looking across the full period, the average value of these claims was £3.5 billion. This figure is skewed upwards by a very small number of the early, high-value claims, in particular *Mastercard (Merricks)* and *Trucks (UKTC)*. The average value of claims from 2019 to 2024 is lower, at £1.5 billion.

By contrast, the average value of abuse of dominance claims increased over time. Claims brought between 2019 and 2021 were, on average, estimated at only £482 million. Including claims brought between 2022 and 2024 raises this figure to £2.1 billion.

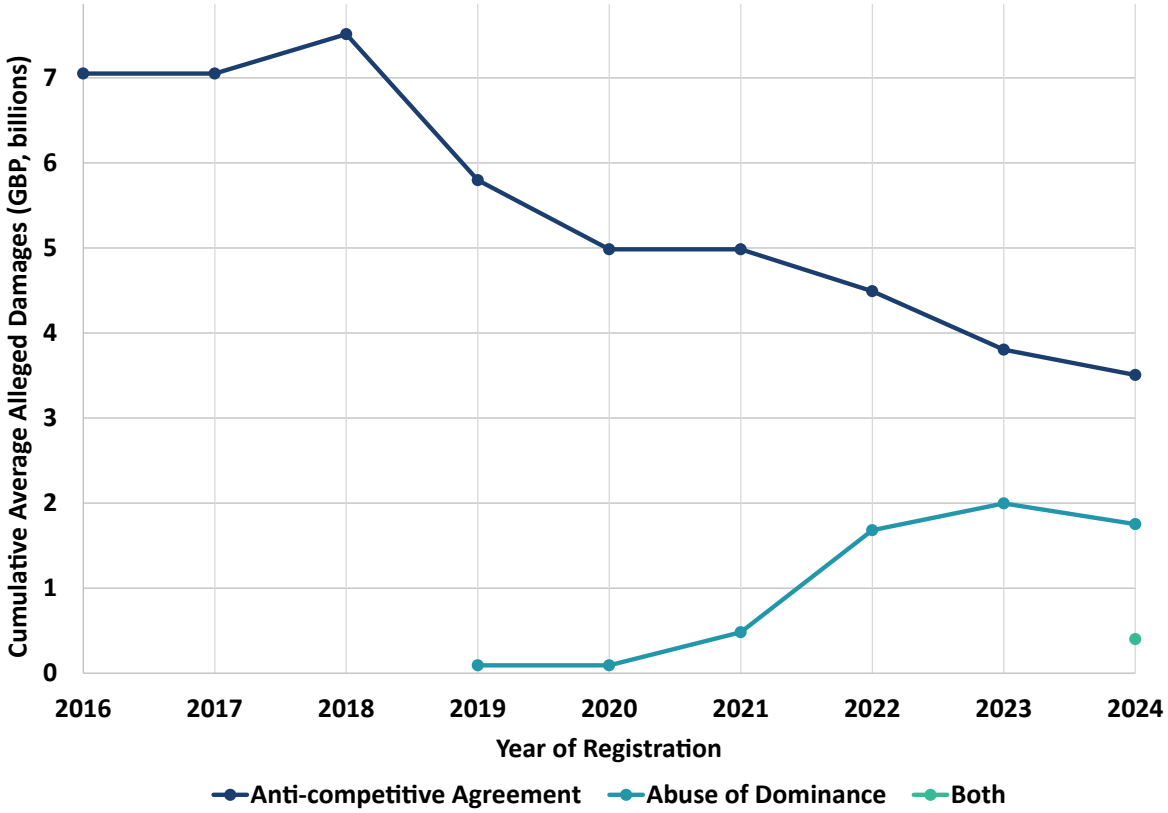
While the cumulative average of abuse of dominance claims fell slightly in 2024, several high-value claims were filed that year, including Professor Stephan's £2.8 billion claim against Amazon and the Consumers' Association's £2.5 billion claim against Apple. These represent the fifth- and sixth-largest alleged claim values for abuse of dominance in cases brought since the regime began.

For the sole claim (filed during 2024) that involved both types of infringement, there is little to infer from the average, but the *PRS (Rowntree)* claim amounted to £400 million.

When considering the evolution of average damage claims over time and across infringement types, it is important to note that there is wide variation in claim sizes within each infringement type:

- Among anticompetitive agreement claims, the smallest was *Pride Mobility (Gibson)* at £3 million, right at the start of the regime, while the largest alleged claim values include *Mastercard (Merricks)* at £14.1 billion and *Trucks (UKTC)* at £13.0 billion.
- For abuse of dominance claims, the range of alleged claim values has varied from *Boundary Fares TSGN (Gutmann)* at £73 million to *Google Ad Tech (Pollack)*, estimated at £9.0 billion.

FIGURE 3: CUMULATIVE AVERAGE OF ALLEGED DAMAGES BY INFRINGEMENT TYPE, 2016–2024



Notes: [1] This figure represents all cases registered with the Tribunal on or before 31 December 2024, as shown on the Tribunal's website, as of May 2025. Specifically, damages and class size data are most commonly available from the Tribunal website. If not, 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. The cases without data on alleged damages are *Govia Thameslink Railway (Boyle), BGL (Home Insurance Consumer Action), Musical Equipment (Sciallis), Casio Musical Products (Sciallis),* and *Visa and Mastercard (CICC).*
[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 estimated damages are provided as a range, the figure shows the average of the two points. The figure also includes the interest component where available. Claims which did not have an interest payable component were: *Pride Mobility (Gibson),* all of 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), Amazon and Apple (Riefa), Amazon Marketplace – Sellers (Stephan), Microsoft (Stasi), Google App Store – Developers (Rodger), Royal Mail (Bulk Mail Claim), and PRS (Rowntree).*
[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 respondent 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] Each point represents the average from the first available year of data up to the relevant year, e.g., the cumulative average of 2023 is the average from 2016 to 2023.

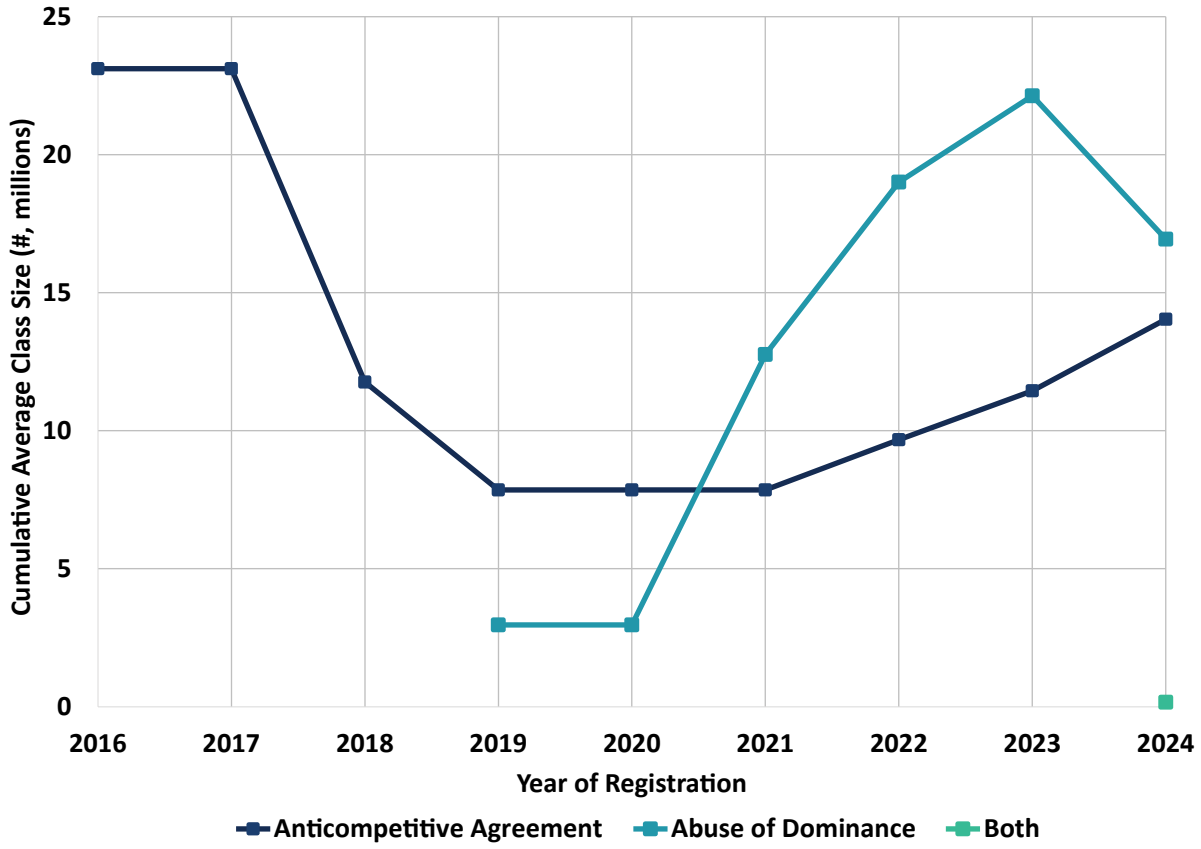
In terms of class sizes, abuse of dominance claims have typically involved somewhat larger classes than anticompetitive agreement claims. Between 2016 and 2024, abuse of dominance claims were brought on behalf of an average of 16.9 million class members, compared with an average of 14.0 million for anticompetitive agreement claims.

Most significantly, class sizes depend on whether the claim is brought on behalf of a "consumer" or "non-consumer" group. Across all claims filed in the period 2016 to 2024, consumer claims are, on average, on behalf of an estimated 24.7 million class members. Meanwhile, the average for non-consumer claims is only 142,000 estimated class members.

Reviewing the claims and trends from 2024, we find that:

- The average class size of abuse of dominance claims in 2024 was lower than in previous years. This is likely because six of the nine abuse of dominance-only claims filed in 2024 were brought on behalf of non-consumer groups, which tend to have much smaller class sizes than those associated with large consumer-focused class claims. For example: (i) the *Motorola (Spottiswoode)*

FIGURE 4: CUMULATIVE AVERAGE OF ESTIMATED CLASS SIZE BY INFRINGEMENT TYPE, 2016–2024



Notes: [1] This figure represents all cases registered with the Tribunal on or before 31 December 2024, as shown on the Tribunal's website, as of May 2025. Specifically, damages and class size data are most commonly available from the Tribunal website. If not, class claim websites, representing law firm websites, or information from Global Competition Review (GCR) are used.
[2] Information on the class size is not always available in the public domain and therefore has not been included in this figure. The cases without data are: *Maritime Car Carriers (McLaren)*, *Govia Thameslink Railway (Boyle)*, *BGL (Home Insurance Consumer Action)*, *Musical Equipment (Sciallis)*, *Casio Musical Products (Sciallis)*, and *Visa and Mastercard (CICC)*.
[3] 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 respondent 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.
[4] Each point represents the average from the first available year of data up to the relevant year, e.g., the cumulative average of 2023 is the average from 2016 to 2023.

claim, filed in 2024, represents just 1,200 purchasers of radio communication network services, primarily used by emergency services and public agencies; and similarly, (ii) the *Google App Store – Developers (Rodger)* claim was brought on behalf of 2,200 app developers in relation to allegations of excessive and unfair app distribution commissions.

- While abuse of dominance claims were generally lower by class size than in previous years, there were some larger claims, including *Apple iCloud (Consumers' Association)*, which was brought on behalf of 40.4 million consumers alleging overcharges on iCloud subscription fees.
- The only anticompetitive agreement claim filed in 2024 – *Salmon Farms (Waterside Class)* – is the second largest such claim by class size across the entire period, involving 40 million consumers in relation to alleged price collusion in the market for farmed salmon. This sits just behind *Mastercard (Merricks)*, which represented 46.2 million consumers.

Case Progress and Outcomes

Collective actions typically progress through five key stages: registration, CPO hearing, CPO judgment, main trial, and Tribunal judgment. Figure 5 shows how the claims filed to date are distributed across these milestones and indicates whether each case is ongoing, has been withdrawn, or has reached some form of resolution.

CPO Judgments

A total of 44 distinct claims were filed at the Tribunal during the period 2016–2024.[18] As of the end of 2024, a total of 21 cases had not yet reached the point at which the Tribunal had issued its CPO judgment. These include:

- 11 cases that were registered during 2024, of which 10 await CPO hearings.
- Eight cases that were registered before 2024. These include:
  - *Water and Sewage Companies (Roberts)* and *Amazon and Apple (Riefa),* which had CPO hearings but were still awaiting judgment as of the end of 2024.
  - *Car Dealer Commissions (Taylor), Musical Equipment (Sciallis), and the related Casio Musical Products (Sciallis), Mobile Network Operators – Handsets (Gutmann),* and *Amazon Marketplace – Consumers (Hammond),* which awaited CPO hearings as of the end of 2024.
    - Sciallis' 2022 claim has been waiting for 28 months, and the delay appears to be a result of procedural matters related to the Tribunal's jurisdiction.[19]
    - Mr. Hammond's claim against Amazon has been waiting for 19 months. This longer timeline can, in part, be explained by the time taken to resolve the carriage dispute, which, in February 2024, determined Mr. Hammond's claim to be more suitable.
  - *BGL (Home Insurance Consumer Action)* was withdrawn in December 2022 by its class representative before the CPO hearing.[20]
- Additionally, two cases have fallen away as a result of a carriage dispute: *Amazon Marketplace – Consumers (Hunter)* lost in a carriage dispute to Mr. Hammond's previously mentioned claim,[21] and two other claims against Google's ad tech stack – brought by Mr. Pollack and Mr. Arthur – were consolidated into one by the Order of the Tribunal in October 2023 after the parties proposed a mechanism for doing so. Both the carriage judgment and consolidation order were made prior to a CPO judgment.

18 There are only 40 cases shown in Figure 5, as claims which have been consolidated or lost in a carriage dispute have been grouped under the successful claim (as depicted by the starred claims).

19 Some of the defendants, namely Roland and Yamaha, are based outside of the Tribunal's jurisdiction and as such, the class representative has had to effect service out of jurisdiction. This appears to have taken some time to achieve. *See* Competition Appeal Tribunal, "Sciallis v Roland Europe Group Limited and Roland Corporation: Extension of time to serve out," April 19, 2023.

20 This was a follow-on case based upon the CMA's decision that Compare the Market's use of wide 'most favoured nation' clauses in its contracts with 32 home insurers violated competition law. The Tribunal overturned the CMA's decision in August 2022 and the follow-on collective action was subsequently withdrawn.

21 The Tribunal's Carriage hearings can take place either alongside the CPO judgment or, more recently after the Court of Appeal judgment in the foreign exchange case *Forex (Evans)/ (O'Higgins),* before it.

FIGURE 5: CPO APPLICATIONS BY MILESTONE, OUTCOME, AND MONTHS AT EACH STAGE, 2016–2024

Notes: [1] 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, have lost in a carriage dispute, or have been consolidated with other claims.
[2] This chart represents all cases registered with the Tribunal on or before December 2024. While the dataset was updated in May 2025, the chart only depicts events that had occurred as of 31 December 2024.
[3] The CPO judgment milestone is set at the first CPO judgment. In the case of *Mastercard (Merricks)*, it failed to be certified in its first CPO judgment back in July 2017. After numerous appeals, it was remitted to the Tribunal and certified in August 2021. As such, some of these 89 months, as shown above, are not necessarily associated with typical CPO judgment to main trial proceedings.
[4] Class representative names with an asterisk indicate those who have been successful in a carriage dispute. The class representative listed after is that which was unsuccessful at carriage (or was consolidated) (e.g., *Trucks (RHA)* / (UKTC)*).

Among the 23 cases that have reached a CPO judgment:

- 20 of the claims were successful (albeit one, *Cryptocurrency (BSV Claims)*, was only partly certified after one sub-class was struck out).[22]
- As of the end of 2024, carriage disputes aside, only the *Pride Mobility (Gibson)* claim failed to be certified and was subsequently withdrawn.[23]
- Lastly, two claims were lost in carriage disputes, which were decided simultaneously with the CPO judgment. These include *Trucks (UKTC)* and *Forex (O'Higgins)*.

Certification serves an important gatekeeping function, although – carriage disputes aside – the vast majority of applications are certified. Even so, the certification process serves an important purpose: improving the quality of applications that proceed to trial and, sometimes, limiting the scope of the claim. With a growing number of cases now moving beyond certification, 2024 marked a further stage in the maturation of the regime, with the first completed trial and a series of settlements.

Trials and Tribunal Judgments

As reported last year, *BT (Le Patourel)* would be the first UK competition collective action to proceed to a trial. The trial itself concluded in March 2024, and the Tribunal has since issued its judgment in December 2024.

Mr. Le Patourel alleged that BT had abused its dominant position in a market for the supply of stand-alone fixed voice (SFV) services.[24] The Tribunal found in favour of the class representative on (i) market definition, holding that SFV services constituted a distinct market rather than being part of a wider voice and broadband market; (ii) dominance, concluding that BT was dominant in the market to supply SFV services; and (iii) excessive pricing, determining that BT's prices were persistently excessive, with an overall average excess of 38%. However, following a detailed factual inquiry, the Tribunal ultimately dismissed the claim, finding that the legal threshold for unfair pricing had not been met.[25]

Several aspects of the judgment are likely to warrant careful consideration in future actions. In particular, the Tribunal addressed:

- whether a proportion of common costs should be allowed when calculating the proper competitive benchmark (the Tribunal permitted recovery of around 40% of the total common costs for SFV services);
- whether BT's prices were significantly and persistently above the competitive benchmark (the Tribunal indicated that BT's excess would have been significant if it were 20% or more above the competitive benchmark); and
- whether BT's prices were unfair (a) in and of themselves – in comparison to a "workable competition" standard rather than a perfectly competitive one – or (b) by comparison to other products (such as those offered by rival firms including TalkTalk, Sky, and Virgin Media) or with BT's own prices at a different point in time, particularly those offered under commitments to Ofcom.

Three other claims progressed to initial trials in 2024. These include the two related *Boundary Fares* claims brought by Mr. Gutmann. Additionally, while the *Visa and Mastercard (CICC)* matter did not technically have its own trial, the

22 This sub-class represented the majority of estimated damages in the claim. Around £9 billion of the near £10 billion lawsuit has been struck out by the Tribunal. This sub-class claimed on behalf of investors who had held on to a cryptocurrency which had been delisted following alleged collusion by various cryptocurrency platforms.

23 Other claims such as *Merricks (Mastercard)* and *Gormsen (Meta)* have initially failed to be certified but because of appeals and amendments, the claims were ultimately certified. These claims appear as ongoing within this chart.

24 SFV customers are those who either (i) were voice only customers, i.e., contracted for voice only services with BT and did not have broadband contract with any provider; or (ii) split their purchases for voice and broadband services, obtaining a voice service with BT and broadband service under a separate contract, either with BT or with a different provider.

25 The Tribunal considered that aspects of BT's service offering (in particular the on-shoring of customer call centres, BT's Call Protect service to help prevent scam and nuisance calls and BT's Care Level 2/Fault Fix Guarantee) did provide customers with (some) distinctive value and that a substantial number of customers attached "a degree of positive value" to the BT brand. Partly in consequence, the Tribunal concluded that BT's prices could not be said to not be in reasonable relation to the economic value of the SFV Services i.e., the Tribunal could not conclude, in this regard, that BT's prices were unfair in themselves or in comparison to other products.

liability issues determined in a related claim (the Merchant Interchange Fee Umbrella Proceedings) were to be applied to the *CICC* claim.

Meanwhile, another three claims were expected to progress to at least an initial trial during the first half of 2025. These include *Maritime Car Carriers (McLaren)*, *Apple App Store – Consumers (Kent)*, and *Power Cables (Spottiswoode)*. In the latter, a trial was expected to be held on one issue relevant to both it and the related London Array case.

Settlements and Awards

Two cases were settled during 2024:

- *Maritime Car Carriers (McLaren)*: Overall, three out of five defendants settled in this case before trial. The first settlement was for £1.5 million and was agreed with the smallest defendant (by market share) in late 2023 (the first-ever settlement made under the regime). Subsequently, two further settlements were approved in December 2024, for a total of £37.25 million just before the start of the trial. The remaining two defendants proceeded to trial in January 2025 over a portion of the claim, valued at £107 million in total.
- *Gutmann (Boundary Fares – SW & SE)*: One of the three original parties, Stagecoach South Western, settled for up to £25 million in May 2024 for a portion of the total damages estimate of £93.1 million.[26] This settlement was agreed upon approximately one month before the first trial commenced. Absent further settlement agreements approved by the Tribunal, the trial was expected to continue against the remaining parties – London and South Eastern Railway and First MTR South Western Trains.

There have not yet been any damages awards made by the Tribunal after a trial.

Procedural Timescales

In this section of the report, based on observed claims registered between 2016 and 2024, we report the average time taken between each major milestone in the Tribunal's process as described in Figure 6. Naturally, the regime had very limited experience at later stages as of 2024, so the averages are sometimes based on a very small sample. Subject to that caveat, these figures are presented as the best available estimates of average durations for each phase of a collective action, to assist those involved in preparing or funding such actions.

The results suggest that:

- **Certification Phase**: Progression through the certification phase – i.e., case registration to order (CPO granted) – can involve a substantial period of time with several steps, including:

  Step 1: Specifically, the time from registration to the first CPO hearing has taken 13.9 months on average. The interquartile range – i.e., the spread of the middle 50% of the data (from the 25th to the 75th percentile) – is 6.2 months.

  Step 2: The time from the first CPO hearing to the first CPO judgment is on average 3.4 months with an interquartile range of 4.4 months.

  Step 3: The time from the first CPO judgment to order has taken an average of 8.8 months. Notably, this timescale is subject to significant variation with an interquartile range of 11.7 months. The variation in durations at this stage can be a result of appeals in relation to the CPO judgment by either the claimant, the defendant, or both. Such appeals may add considerable time before a CPO is granted:

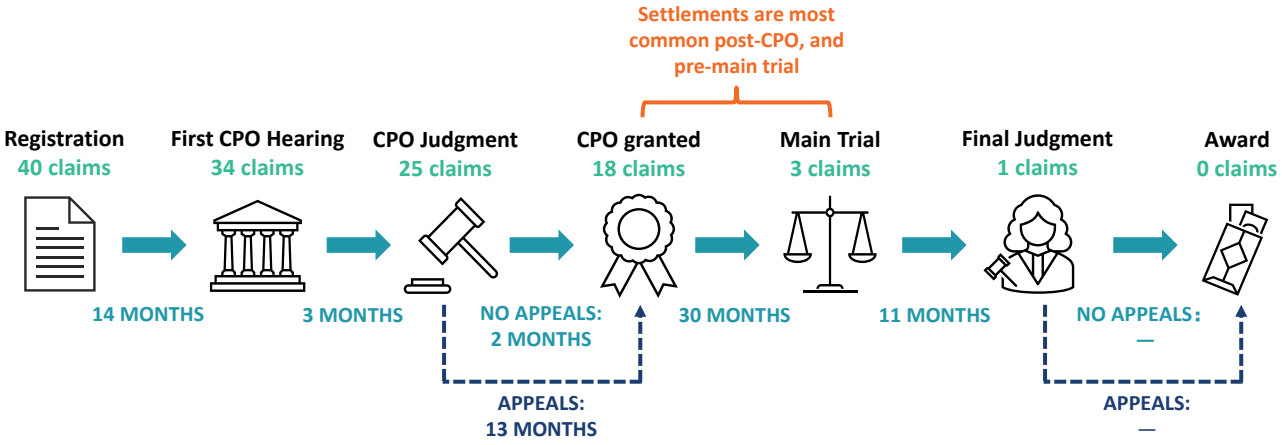
  - Of the 18 distinct claims that have been granted CPOs by May 2025, 11 have been subject to some form of appeal, while seven have not.
  - The average duration of this stage (CPO judgment to order) is two months for a non-appealed claim.

26 The other two defendants, London and South Eastern Railway Limited and First MTR South Western Trains Limited, have not settled.

However, for the 11 claims that have had CPO appeals, the average is approximately 13 months. Therefore, on average, an appeal can add nearly a year to the processing time of obtaining a CPO.[27]

- **Main Trial Phase**: On average, the period after the CPO has been issued to the main trial has taken approximately 30 months. This stage includes a disclosure process as well as preparation and exchange of expert evidence, witness statements, and the trial itself. We use the term "main trial" because there can be preliminary issues trials en route to the main substantive hearing.
- **Post-Main Trial Phase**: On average, the post trial phase – the period in which the Tribunal prepares its judgment – takes approximately 11 months. Note that this average is based on just one datapoint so far, related to the *BT (Le Patourel)* case, which may reflect significant uncertainty.

FIGURE 6: AVERAGE PROCESSING TIMES FOR EACH STAGE OF A COLLECTIVE ACTION CLAIM, 2016–2024



Notes: [1] Cases registered in the same year, with the same class representative, and targeting the same infringement are counted only once. Claims that have been lost at the carriage dispute or have been consolidated are not included. Meanwhile, cases that were rejected at certification or withdrawn are included.
[2] Claims with a scheduled first CPO hearing date are included in the averages above. Claims that have not yet reached (or have a scheduled) first CPO hearing do not impact the average durations, and so the average durations for more recent years may be subject to change in future reports. The chart reflects all publicly available information as of May 2025.
[3] The average processing times reported in this figure are based on the sometimes small number of claims that have made it to the next stage. Naturally, many claims are awaiting hearings, trials, and judgments, and as such, these are not included in the relevant averages.
[4] Settlements can, in principle, occur at any stage of a collective action claim. However, so far, settlements have most commonly occurred between the date the CPO is issued and the date the main trial begins.

27 There is also significant variation in duration across claims subject to an appeal. For example, the cases with the longest duration for step 3 of the certification phase (i.e., between CPO judgment and order) have so far been: *Mastercard (Merricks)*, which lasted nearly five years (57.9 months), and *Trucks (RHA)*, which lasted more than two years (25.9 months). On the other hand, the *Sony (Neill)* claim took less than 2 months to achieve this step.

Focusing particularly on some of the earlier stages of the case lifecycle where more information is available, the data suggest that the timescales have improved over time, in some instances stabilising after those improvements, so that the initial cases took longer than is typical today.

- Figure 7 shows that the average time between registering a claim at the Tribunal and the first CPO hearing decreased for cases registered in 2024, to just over ten months. The decrease in 2024 follows the general trend over time shown since the peak for cases registered in 2018 (which were most significantly impacted by the delays associated with the UK Supreme Court's consideration of various aspects of the Tribunal's consideration of the *Mastercard (Merricks)* application for a CPO, including in particular the test for whether an application has met the legal standard required to grant a CPO).
- Figure 8 shows that the average time between the first CPO hearing and the first CPO judgment was just 2.9 months for cases registered in 2024. However, only two of the 11 claims registered in 2024 reached CPO judgment as of the time of writing, and each had widely differing processing times. The *Royal Mail (Bulk Mail Claim)* CPO judgment was handed down in only nine days, while the *Thames Water (Roberts)* CPO judgment took over five months. As more cases registered in 2024 go through the certification process, we will be better able to assess whether the Tribunal has maintained its recent trend of shorter times to CPO judgments.
- Although no CPOs have yet been granted for claims registered in 2024, Figure 9 shows that, across the full period, the average time to complete the order following judgment has fallen significantly in cases that are appealed. The lengthy appeal times in earlier years (2016–2018) are based on the *Mastercard (Merricks)* case, which lasted nearly five years, and *Trucks (RHA)*, which lasted more than two years. Evidence from 2019 onwards indicates that appeals may no longer be as lengthy a process as indicated in Figure 6. For claims that are not appealed, little can be said about the change in time from judgment to order, as this is typically completed very quickly and is more of an administrative formality than a substantive process.

Overall, the data suggest that the Tribunal's timescales at the certification phase have improved over recent years, even with their much-increased caseload. In essence, the early stages of the procedural aspects of the regime appear to be settling down after the delays caused by appeals in the early years.

FIGURE 7: AVERAGE TIME FROM CLAIM REGISTRATION TO FIRST CPO HEARING, 2016–2024

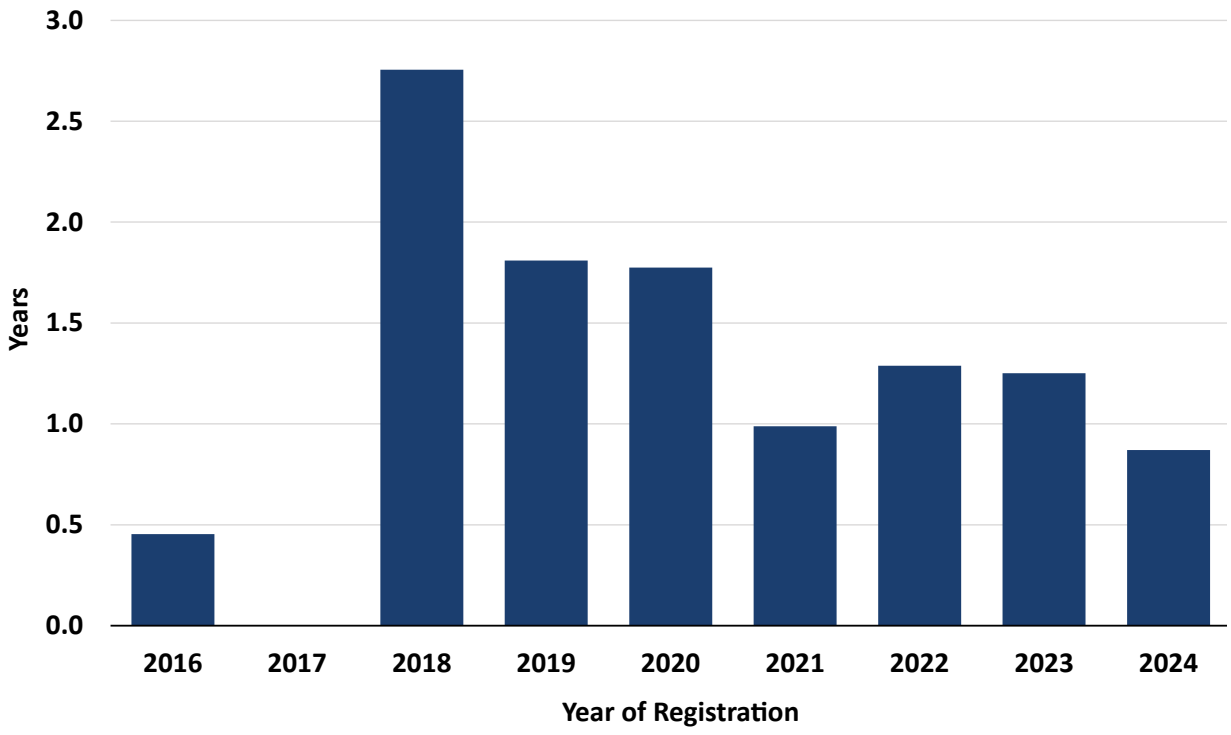


FIGURE 8: AVERAGE TIME FROM FIRST CPO HEARING TO FIRST CPO JUDGMENT, 2016–2024

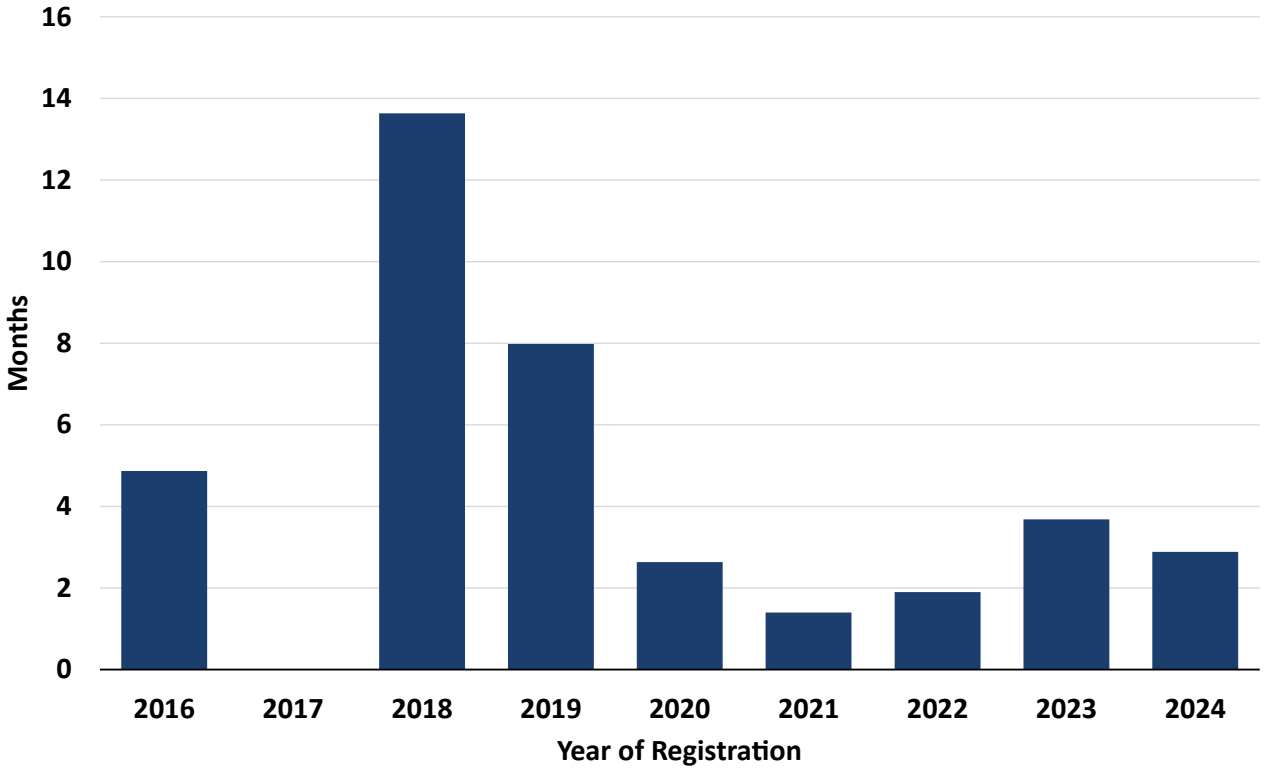
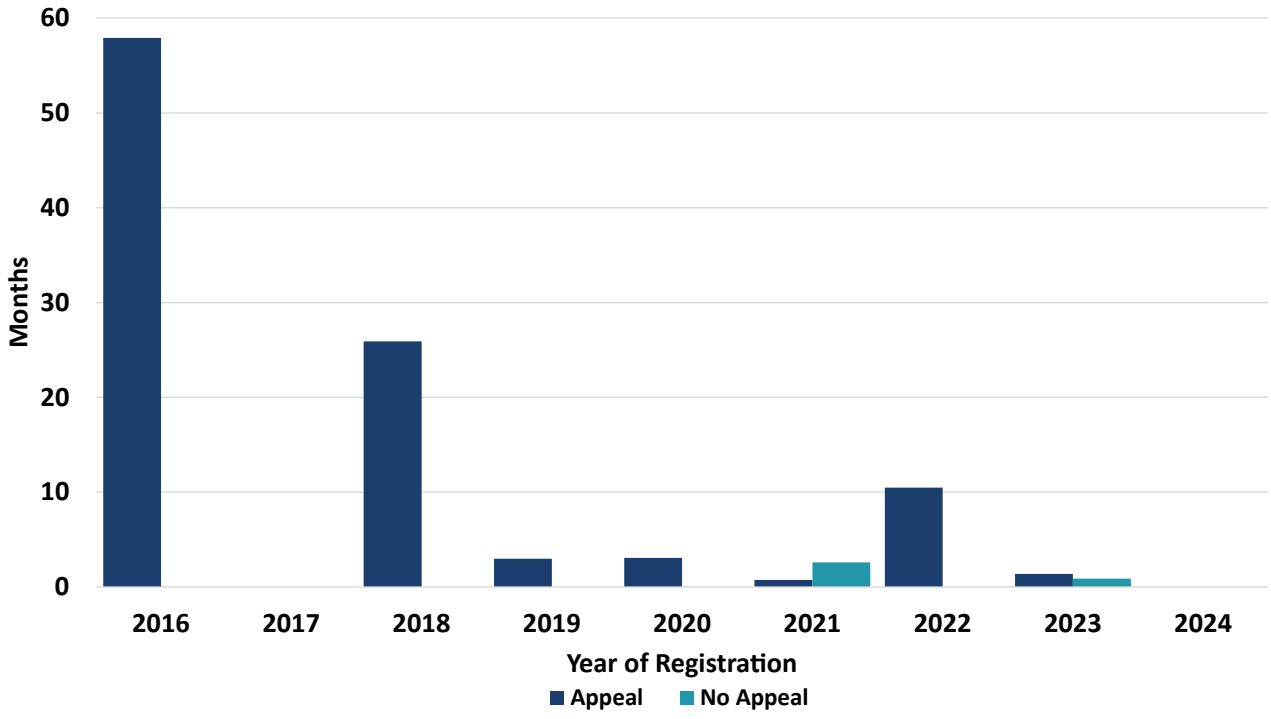


FIGURE 9: AVERAGE TIME FROM FIRST CPO JUDGMENT TO ORDER, 2016–2024



Notes: [1] Cases registered in the same year, with the same class representative, and targeting the same infringement are counted only once. Claims that have been lost at the carriage dispute or have been consolidated are not included. Meanwhile, cases that were rejected at certification or withdrawn are included.
[2] Claims with scheduled first CPO hearing dates are included in the averages above. Claims which have not yet reached (or have a scheduled) first CPO hearing, judgment, or order do not impact the average durations and as such, figures for more recent years may be subject to change. The chart reflects all publicly available information as of May 2025.
[3] The time to the first CPO hearing is measured from the date of registration to the main CPO hearing. On occasion, and 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 May 2021
[4] Claims that have not yet been issued a CPO do not impact the average durations and, as such, figures for more recent years may be subject to change. The chart reflects all publicly available information as of May 2025.

Market Participants

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

Law Firms

The number of claimant firms grew in 2024, with three new firms filing their first collective actions: Lewis Silkin, Ashurst, and Simmons & Simmons.[28] Hausfeld remained the most active with nine claims overall, although it did not register any claims in 2024. The same is true for Charles Lyndon, which – tied with Scott & Scott at five claims – likewise did not add any new ones in 2024. Scott & Scott, however, did expand its portfolio in 2024 by taking on the *Microsoft (Stasi)* claim, bringing its total to five claims. There are now five other firms that have registered multiple cases on the claimant side across the period 2016–2024.[29]

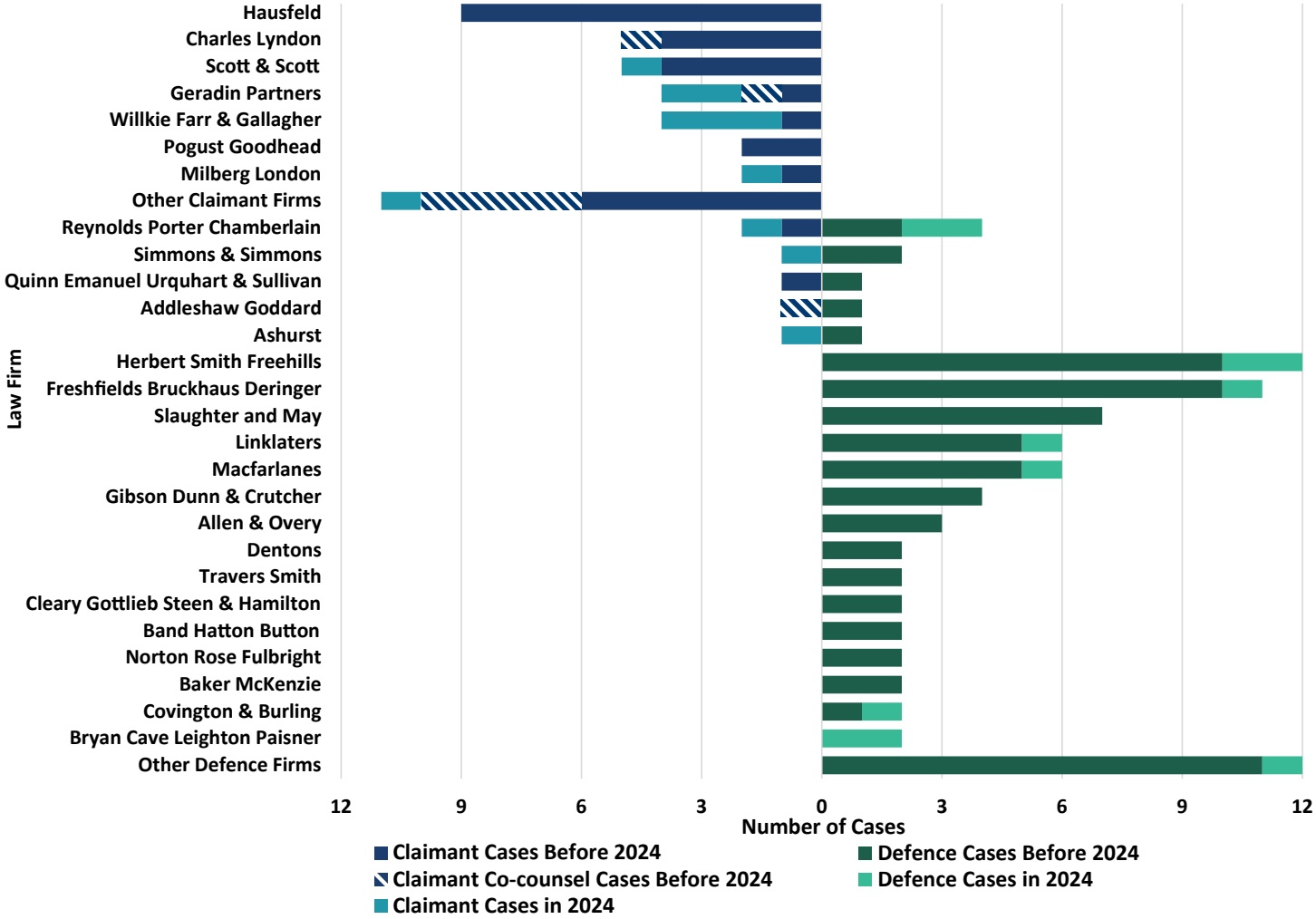
On the defence side, a total of 32 different law firms have represented firms in UK collective actions since 2016. Herbert Smith Freehills Kramer, Freshfields, and Slaughter and May remain the most active, with 12, 11, and seven cases respectively. Two law firms won their first mandates defending UK collective action competition claims in 2024. Specifically, Bryan Cave Leighton Paisner defended two distinct claims, and Skadden defended one.

Lastly, Ashurst and Simmons & Simmons added to the small but growing list of firms that have accepted instructions from both at least one class representative and respondent (the other firms with experience on both sides are Quinn Emanuel Urquhart & Sullivan, Reynolds Porter Chamberlain, and Addleshaw Goddard).

28 Their respective claims include *Royal Mail (Bulk Mail Claim)*, *Motorola (Spottiswoode)*, and *Salmon Farms (Waterside Class)*.

29 These are Geradin Partners, Willkie Farr & Gallagher, Pogust Goodhead, Milberg London, and Reynolds Porter Chamberlain.

FIGURE 10: NUMBER OF DISTINCT CPO APPLICATION INSTRUCTIONS BY LAW FIRM, 2016–2024



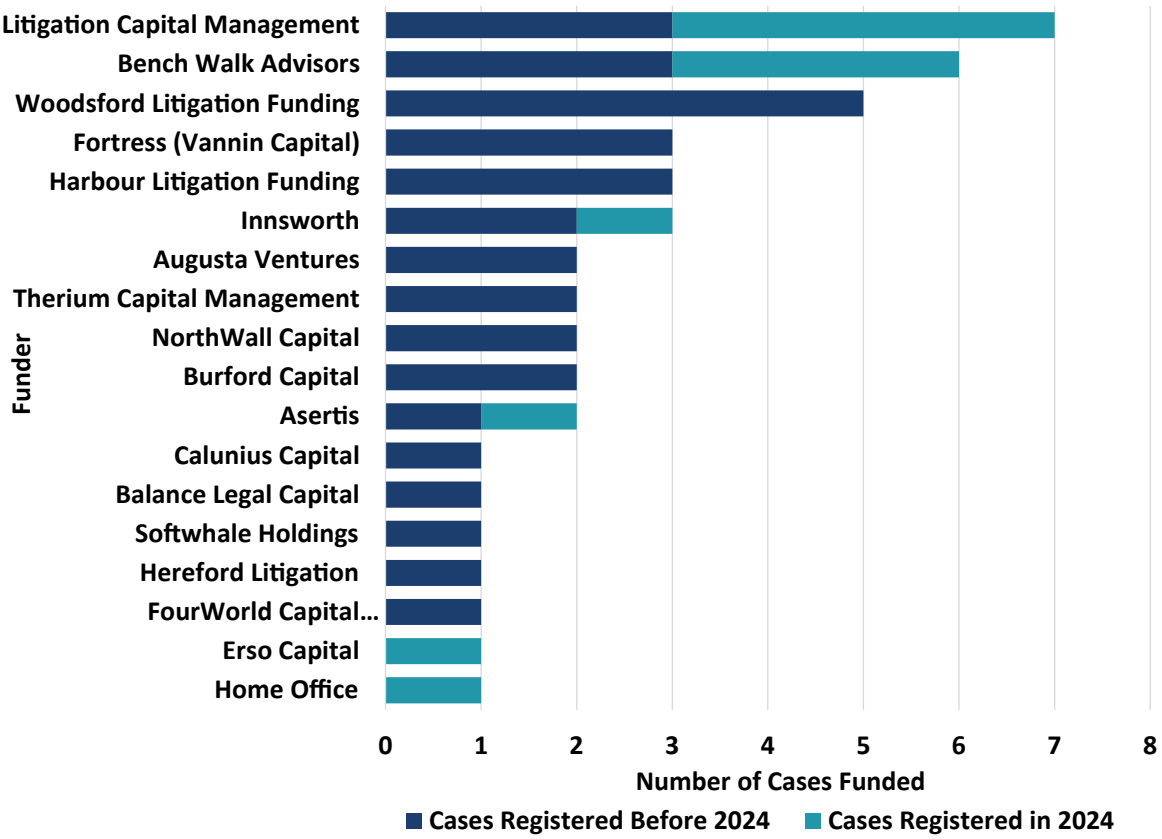
Notes: [1] For claimant firms, cases registered in the same year, with the same class representative, and targeting the same infringement are counted only once. Meanwhile, each respondent's instructed law firms are recorded for a given case. If the same firm is instructed by the same respondent for the same infringement (i.e., same year and with the same class representative), that instruction is only counted once. Some of the claims registered (and therefore included in the above chart) 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.
[2] This includes only instructions in cases that are filed at the Tribunal over the period 2016–2024. Other CPO applications are in development, and if respondents have instructed counsel, such instructions are not counted in these figures. The chart reflects all publicly available information as of May 2025.
[3] The firms that have only registered one case are grouped together under "Other Claimant Firms" or "Other Defence Firms". These claimant firms include Lewis Silkin, Hagens Berman EMEA, Humphries Kerstetter, Tyr, Backhouse Jones, Harcus Parker, Velitor Law, Weightmans, Mishcon de Reya, Leigh Day, and Maitland Walker. Meanwhile, these defence firms consist of: Skadden, Hogan Lovells, WilmerHale, Clyde & Co, TLT, Baker Botts, Steptoe & Johnson, Milbank, Jones Day, White & Case, Eversheds Sutherland, and Arnold & Porter.
[4] Several claims have seen changes in representation, often following partner moves. On the claimant side: *Mastercard (Merricks)* is listed under Willkie Farr & Gallagher (from Quinn Emanuel), the two *Boundary Fares* claims brought by Mr. Gutmann were originally under co-counsel between Hausfeld and Charles Lyndon but are now listed under only Charles Lyndon, *Water and Sewage Companies / Thames Water (Roberts)* are under Reynolds Porter Chamberlain (from Leigh Day) , and *PRS (Rowntree)* is under Willkie Farr & Gallagher (from Maitland Walker). On the defence side: *Trucks* (Daimler's instruction) is under Macfarlanes (from Quinn Emanuel).

Funders

In 2024, most of the new claims were funded by two of the most active third-party litigation funders: Litigation Capital Management, which funded four separate claims in 2024, and Bench Walk Advisors, which funded three claims in 2024.[30] Erso Capital funded its first registered claim in 2024, the *Salmon Farms (Waterside Class)* claim.

2024 also marked the first collective proceedings funded by a UK government department; the Home Office financed Ms. Spottiswoode's opt-out collective proceedings against Motorola (the customers of Motorola's services include organisations such as police forces, fire and rescue services, and ambulance services).

FIGURE 11: NUMBER OF CPO APPLICATIONS FUNDED BY LITIGATION FUNDER, 2016–2024



Notes: [1] 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, have lost in a carriage dispute, or have been consolidated with other claims.
[2] The chart reflects all publicly available information as of May 2025.
[3] The *Merricks* case against Mastercard was originally funded by Burford Capital but is included under the current funder Innsworth.

30 In 2024, Litigation Capital Management funded *PRS (Rowntree)*, *Amazon Marketplace – Sellers (BIRA Trading)*, *Apple iCloud (Consumers' Association)*, and *Microsoft (Stasi)*. Meanwhile, Bench Walk Advisors funded *Thames Water (Roberts)*, *Valve (Shotbolt)*, and *Google App Store – Developers (Rodger)*.

Conclusion

A number of themes emerge from the developments during 2024:

- While still nascent, the collective actions regime continued to mature beyond the class certification phase. The year saw both increased settlement activity (applications for CSAOs) as well as the first-ever trial and judgment in a UK competition collective action in *BT (Le Patourel)*.
- Stand-alone abuse of dominance cases – particularly against large technology firms – remained a defining feature of the regime. Private enforcement against abuse of dominance significantly expanded the extent of overall enforcement beyond the small number of public enforcement cases pursued by the CMA, though the CMA actively used its power to intervene in private enforcement cases in the I&C sector.
- Recent years have seen a shift of focus for UK collective actions from anticompetitive agreement cases to abuse of dominance claims. In 2024, abuse of dominance claims exceeded anticompetitive agreement claims in terms of average class size, while the gap in average claim values continued to narrow.
- The Tribunal maintained – and in some instances, outperformed – the reduced timescales achieved in recent years during the early stages of the case lifecycle, even though its overall caseload increased (in the sense that the inflow of cases in 2024 was greater than the outflow of cases – i.e., the number of settlements and trials).
- 2024 saw an increased diversification in law firm and funder participation. While established firms maintained significant roles, a number of firms received their first instructions on both claimant and defence sides. Similarly, while leading third-party funders expanded their portfolios by introducing additional new claims, additional funders financed their first claims during the year.

Overall, the data for 2024 reflect the regime's growing maturity. Even so, it will be particularly interesting to see how the UK competition collective action landscape evolves in the years to come, given a number of potential headwinds for the regime – including, not least, the Tribunal's decision on the facts to reject the first ever collective action to reach trial in *BT (Le Patourel)*.

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