



RPC



CAT Collective Proceedings

Winter 2025/26 Update

RPC Competition Litigation

CAT Collective Proceedings – Winter 2025/26 Update

Since our last update in the Summer of 2025 (see [here](#)), there have been a significant number of important developments in the UK's competition collective proceedings regime before the Competition Appeal Tribunal (CAT). A number of key trends and themes run through this update.

First, while the rapid pace of newly issued claims has slowed, new collective claims continue to be filed and announced, with technology-related claims featuring prominently.

Second, the CAT is exercising robust case management powers in an effort to control the length and cost of collective claims, including ordering joint or coordinated management of overlapping claims, and setting new procedural rules to expert evidence.

Third, the regime is attracting wider scrutiny and suggestions for change from multiple quarters. Given the regime's relative youth – introduced just over a decade ago, with the first certification in 2021 and the first trial in 2024 – early lessons are likely to be an important ingredient in evaluating any potential reforms.

Fourth, the UK's collective action regime continues to mature, with the first two substantive trial judgments now handed down. The distribution of damages remains a key area for development, and experience in the Kent case is expected to provide further guidance over the coming year.

In this short update, we comment on these trends, identify other recent key developments, and highlight some events to look out for in the coming months.

Notable new prospective claims

A number of new prospective collective proceedings have been filed, including:

- in April 2025, [Dr Or Brook](#) issued a claim on behalf of UK-domiciled advertisers against Google in the CAT alleging that Google abused its dominant position in the search advertising market, resulting in inflated costs and reduced competition, to the detriment of UK advertisers. A similar case was issued in May 2025 by [Roger Kaye KC](#). A Carriage Hearing took place in October 2025. It is already expected that – subject to the certification of one of the claims – the Advertiser proceedings will be case managed alongside the [consumer claims brought by Nikki Stopford](#), in which similar allegations have been made against Google. (Carriage judgment is pending)
- in May 2025, [Alexander Wolfson](#) issued a claim on behalf of UK domiciled customers who purchased licenses for certain Microsoft products including Microsoft Office and Windows. The claim alleges that Microsoft restricted the number of pre-owned perpetual licenses that became available for sale which resulted in inflated software licensing prices
- in August 2025, [the Association of Consumer Support Organisations Limited](#) issued a claim in the CAT on behalf of over 45 million UK-domiciled consumers who purchased products from third-party sellers on Amazon's UK marketplace. The claim alleges that Amazon implemented price parity policies that prevent or strongly discourage third-party sellers from charging lower prices for their products on other e-commerce platforms and their own websites, even where the costs of selling through these other sales channels are lower than the costs of selling through Amazon's UK Marketplace.

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Certification

- **Newly certified claims include:** the [Gutmann](#) loyalty penalty claims against a number of mobile phone networks, the [Spottiswoode](#) claim against Motorola on behalf of purchasers of a variety of airways services, including UK emergency services, and both 'Buy Box' claims: [Hammond against Amazon](#) on behalf of the consumer class and [Stefan](#) against Amazon on behalf of the retailers class following a joint CPO hearing (PTA to the Court of Appeal outstanding).
- In August 2025, the CAT struck out a case in its entirety, granting the Performing Right Society's (PRS) applications for strike-out and summary judgment and refusing certification of collective proceedings brought by [Alex Rowntree](#) against PSR. The Tribunal held that the proposed class was not crafted to consist of members with individual competition law claims and that there was no class wide entitlement to unmatched or unidentified royalties; a preference for a different royalty distribution method did not make PRS's policies unfair or abusive. Although the case was disposed of at this threshold stage, the CAT also considered various other defects with the claims including failure to pass the Microsoft test because no sufficient expert methodology was described and no plausible counterfactual identified. It also found that the cost-benefit of the proceedings was not in favour of certification, especially as the class members were also members of the defendant (and so could be said to be suing themselves) and alternative dispute resolution may be better suited to resolve the dispute (and which had not been tried). The Tribunal has granted the PCR permission to appeal.
- In November 2025, the CAT heard a [CPO application brought by the Consumers' Association, Which?](#) on behalf of approximately 40 million consumers against Apple, alleging they were "locked in" with higher prices for its iCloud. Apple argued that claims on behalf of users who used iCloud's free storage tier but never paid for a subscription should be struck out as they would have suffered no financial loss. (Judgment is reserved.)
- In December 2025, the CAT heard [Dr Luisa Stasi's CPO application in her claim against Microsoft](#) on behalf of organisations that licensed Windows Server via Amazon Web Services, Google Cloud or Alibaba Cloud. Microsoft challenged both the proposed funding arrangements – specifically the identity of the funder – and the PCR's methodology, arguing that it failed to provide a viable blueprint for trial because it did not include a price-cost test. The Tribunal pressed Microsoft on whether its objections to the choice of methodology amounted to a merits assessment more properly reserved for trial. (Judgment is reserved.)
- The Court of Appeal granted permission to appeal to Professor Roberts in the claims brought against various water utilities companies which allege that they abused their dominant position to mislead their regulator by under-reporting the number of pollution incidents and overcharge consumers as a result. The appeal will be heard in February 2026.
- In a landmark [judgment](#) handed down on 18 December 2025, the Supreme Court dismissed the class representative's appeal on certification in the Evans v Barclays (FX cartel) claim. The CAT had initially declined to certify the Evans claim on an opt-out basis, a decision which the Court of Appeal subsequently overturned. However, the Supreme Court agreed with the CAT's original decision, finding that the CAT was correct to consider the weakness of the claim, and the practicability of bringing opt-in proceedings as a consideration as to whether the claim should proceed on an opt-out basis. The Supreme Court's decision also narrows the ability of parties in the CAT to rely on prior regulatory findings in CAT litigation, particularly where the parties to the litigation were not involved in the regulatory process.



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Funding and costs

- In June 2025, the Civil Justice Council published its [final report](#) on litigation funding. The CJC's numerous recommendations included introducing "light-touch" regulation in the UK for litigation funders. The recommendations also include those specific to collective proceedings, including that those funding collective claims be subject to a "consumer duty" (requiring consumers' needs to be put first), that independent advice be taken before entering into a funding agreement for a collective claim, and regarding transparency of the funding arrangements. Save in relation to PACCAR (see below), it remains unclear the extent to which the UK Government will adopt these recommendations.
- The UK Court of Appeal handed down a [judgment](#) on 4 July 2025 in a number of conjoined appeals (including Neill v Sony) clarifying that funding agreements with returns based on multiples of outlay or committed capital and other related provisions which capped the multiple by reference to a percentage of damages, are not a form of "damages based agreement" (DBA), which cannot be used to fund collective proceedings. Appeal to Supreme Court was refused.

- In line with the CJC's recommendations, on 19 December 2025 the UK Government [announced](#) plans to introduce legislation to overturn the Supreme Court's decision in PACCAR, which will make clear that third party litigation funding is not a form of DBA. This legislation will enable funders to enter into funding agreements that provide for returns based on a multiple of damages, and is expected to remove lingering uncertainty for third party litigation funders over the status of their funding arrangements in collective proceedings. It is expected that it will apply retrospectively.

Settlement and damages distributions

- The CAT approved a proposed collective settlement agreement in Merricks v Mastercard in [May 2025](#). The settlement for £200 million was actively opposed by the class representative's funder, who believed the claim was significantly more valuable than the class representative. It was approved by the CAT on the basis that it was "just and reasonable" to the class members (if not to all stakeholders), despite the settlement sum being a small fraction of the original £14 billion claim. The settlement judgment focused on the low likelihood of the class representative achieving a higher damages

award through litigation and emphasised that the class representative's contractual funding terms do not restrict the CAT's supervisory discretion. Of note was also the CAT's interrogation of materials that would ordinarily be privileged. The CAT then exercised its discretion by amending the distribution arrangements agreed between the parties and the amount of the funder's return. The CAT placed the settlement funds into three distribution "pots", with at least £100 million ring-fenced for class members. In a subsequent [October 2025 ruling](#), the CAT stayed the distribution of settlement funds pending the outcome of the funder's judicial review challenge to the CAT's approach to distribution, and put in place an expert costs-assessment process to resolve the extant costs disputes between the parties.

- In November 2025 the CAT handed down its [judgment](#) in relation to the distribution of unclaimed settlement funds following settlement of the opt-out claim against Stagecoach South Western Trains Limited (SSWT). Validated claims from the class collected less than 1% of the available £25 million. The CAT exercised its supervisory discretion and sought to ensure fairness when allocating a portion of the unclaimed funds among the funder, ATE insurers and legal teams, from a pool that was clearly not large

enough to satisfy all contractual entitlements. In doing so, it reflected on the "very poor" take up. The judgment signals a need for earlier and more robust distribution planning (as early as certification), and that low take-up will depress stakeholder returns. The CAT also noted that in cases with low take-up, charitable donations will be viewed favourably.

- Also in November 2025 the [CAT certified four opt-out collective proceedings](#) against Vodafone, EE/BT, Three and O2 alleging "loyalty penalty" overcharges on bundled handset/airtime contracts. The Tribunal underscored that, at certification, the class must be objectively identifiable and there must be a pragmatic, workable verification pathway to enable registration and distribution. This judgment is an example of the CAT's move towards an early consideration of the approach to distribution.
- Final settlement in the [McLaren litigation](#) has been announced in December 2025 in the proceedings against the remaining two Defendants who took the claim to trial earlier that year. The combined settlement of £54 million, which was approved by the Tribunal in the January hearing, brings the total compensation recovered on behalf of the class to £92.75 million.

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First substantive judgments

Kent

- In October 2025, the CAT handed down its judgment in [Kent v Apple](#), finding that Apple had infringed competition law, including by charging excessive and unfair prices in connection with the sale of apps and in-app digital content through its mobile App Store. The class representative's lawyers estimate damages payable by Apple at £1.5 billion, which would amount to an average of £40 per class member. This is the first successful collective claim under the regime. The CAT refused permission to appeal at first instance, and Apple has now sought permission to appeal from the Court of Appeal.

Trains

- In October 2025 the CAT ruled against the class representative in its substantive liability judgment in the [Gutmann Boundary Fares](#) case (one of the cases having settled (see above)). The three parallel proceedings raised broadly the same allegations of abuse of dominance by three train operating companies (TOCs) regarding the sale of a particular kind of ticket (a Boundary Fare), of allegedly failing to make Boundary Fares sufficiently available and/or advertised, with the consequence, alleged at the time of the CPO, being that class members effectively paid twice for part of their journeys.
- The CAT found against the class representative, including that there was no benefit to the defendants of the alleged abuse (there was not in fact double charging), and dismissed the claim in full. The CAT emphasised that competition law is not a general law of consumer protection, so to rely upon a consumer or data abuse to found unfair competition, the class representative must make out the breach. Instead, the Tribunal found there was no evidence that any of the TOCs adopted a deliberate strategy to restrict the sale of Boundary Fares, and that the evidence relied upon by the class representative to demonstrate that the TOCs adopted a policy to keep Boundary Fares obscure was "wholly unsatisfactory" and so there was no liability.

Other substantive judgments/ imminent trials

- Alongside the certification application, the CAT heard two strike-out applications in Mr Gutmann's loyalty penalty claims against several mobile networks. It held that damages claims arising before 1 October 2015 are subject to a two-year limitation and are therefore time-barred. For claims arising between 1 October 2015 and 8 March 2017, the CAT confirmed that whether class members knew, or could reasonably have discovered, the key facts needed to bring a viable claim is an issue for trial.
- A 10-week trial in [Neill v Sony](#) is scheduled to commence on 2 March 2026, which will hear standalone claims against Sony for alleged abuses of dominance in relation to the operation of the PlayStation, including allegations of digital distribution restriction, tying, and excessive and unfair pricing.

Case management considerations

- The CAT delivered a joint judgment certifying two CPO Applications against Amazon in [July 2025](#). The applications were brought by Mr Hammond on behalf of a proposed class of consumers and Professor Stephan on behalf of a proposed class of retailers. The CAT ruled that it would be inefficient and burdensome to conduct separate trials, given the overlap in issues. Therefore, it was appropriate for both actions to proceed together.

Other developments

- Mrs Justice Kelyn Bacon was appointed as the new President of the CAT in May 2025. Her tenure has begun with changes to procedural rules intended to address inefficiencies and issues, including on [skeleton arguments](#) (setting page limits and formatting requirements) and on [expert evidence](#) (designed to enhance the independence of experts and reduce the volume and proliferation of expert evidence).
- In August 2025, the UK Government's Department of Business and Trade issued a [call for evidence](#) on the operation of the opt-out collective action regime, including on access to justice, the scope of claims, and the burden to defendants. The call for evidence closed in October 2025. The DBT will now consult on options for any reform in spring 2026.

CPOs at a glance

CPO claim status as at 26 January 2026	Concluded full trial or settlement	Certified by the CAT	Awaiting certification	Discontinued/on hold	Announced cases
	Landline services: Le Patourel (claim unsuccessful in trial judgment, PTA refused)	Interchange fees: CICC I (Mastercard) ; CICC I (Visa) ; CICC II (Mastercard) ; CICC II (Visa) (umbrella proceedings order in place; opt-in hearing held)	Musical instruments: Sciallis (Fender) ; Sciallis (Korg) ; Sciallis (Roland) ; Sciallis (Yamaha) ; Sciallis (Casio)	Mobility scooters: Gibson (withdrawn)	Booking.com: Bed & Breakfast Association
	Interchange fees: Merricks * (full settlement)	Trucks: Road Haulage Association	Mobile search advertising: Dr Brook & Mr Roger Kaye KC (pending judgment of carriage hearing)	Trucks: UK Trucks Claims Limited (carriage dispute unsuccessful)	Apple: Daley
	Train ticketing: Gutmann (MTR) ; Gutmann (LSER) & Gutmann (Govia) (claim unsuccessful in trial judgment; PTA refused)	Amazon: Hammond & Prof. Stephan (joint CPO granted)	Salmon: Waterside Class Limited (CPO hearing in March 2026)	FX: O'Higgins (carriage dispute unsuccessful)	Rightmove: Competition and Markets Authority
	Train ticketing: Gutmann (SSWT) * (full settlement)	App Store: Dr Ennis (8-week trial to be listed on or after February 2028)	iCloud: Which? (CPO judgment pending)	Insurance comparison site: Home Insurance Consumer Action (CMA infringement decision successfully challenged)	Housebuilders: McLaren
	Maritime car carriers: McLaren * (full settlement)	Mobile Networks: Gutmann (Telefonica) ; Gutmann (Hutchison) ; Gutmann (EE) ; Gutmann (Vodafone)	Microsoft Server: Dr Stasi (CPO judgment pending)	Car purchase finance: Taylor (Santander) ; Taylor (Black Horse) ; Taylor (MotoNovo Finance) (stayed by consent until March 2026)	Amazon and Apple: Le Patourel
	App Store: Dr Kent (claim successful in trial judgment)	Google Play Store: Coll & Prof. Rodger (14 week trial in September 2026)	Microsoft software licences: Wolfson	Amazon: Hunter (carriage dispute unsuccessful)	
	Smartphone chipsets: Consumers' Association (judgment pending)	Phone batteries: Gutmann (Apple) (strike-out application to be heard in February 2026)	Amazon: Association of Consumer Support Organisations	Amazon: BIRA Trading Limited ; (carriage dispute unsuccessful)	
	Power cables: Spottiswoode (judgment pending)	Gaming consoles: Neill (10-week trial in March 2026)		Amazon and Apple: Prof. Riefa (CPO rejected; PTA refused) ¹	
		Social media: Dr Gormsen (10-week trial in November 2027)		Sewage and Wastewater: Prof. Roberts (Severn Trent) ; Prof. Roberts (Anglian Water) ; Prof. Roberts (Northumbrian Water) ; Prof. Roberts (Yorkshire Water) ; Prof. Roberts (United Utilities) ; Prof. Roberts (Thames Water) (CPO rejected; PTA granted in June 2025; appeal hearing listed on 11-12 February 2026)	
		Motorola Airwave emergency service communication network: Spottiswoode		Replica football kits: The Consumers Association (settled) - claim under a previous version of section 47B Competition Act 1998	
		Ad Tech: Ad Tech Collective Action (consolidation of claims by Pollack and Arthur; 12-week trial on or after September 2028)		Train ticketing: Boyle (case stayed until 30 January 2026 following death of CR)	
		Cryptocurrency: BSV Claims Limited (part of claim struck out; PCR applied to Supreme Court for PTA)		Performing rights: Rowntree (CPO rejected; appeal granted by CAT)	
		Mobile search advertising: Stopford		FX: Evans (CPO on an opt-out basis rejected by the CAT and decision confirmed by Supreme Court in December 2025)	
		Royal Mail: Bulk Mail Claim Limited (6-week trial in April 2028)			
		Valve: Shotbolt			
	*Partial or full settlement terms approved by CAT				
Total no: 70	10	23	12	20	5

¹ It has been announced this action is to be recommenced with a new class representative, Justin Le Patourel.

RPC's collective actions team



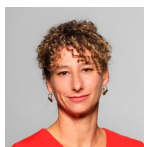
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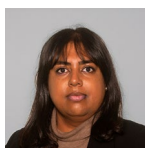
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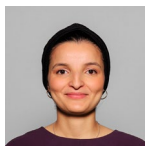
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