

FROM COLLECTIVE HARM TO REDRESS

what's new



Newsletter fourth issue, May 2025

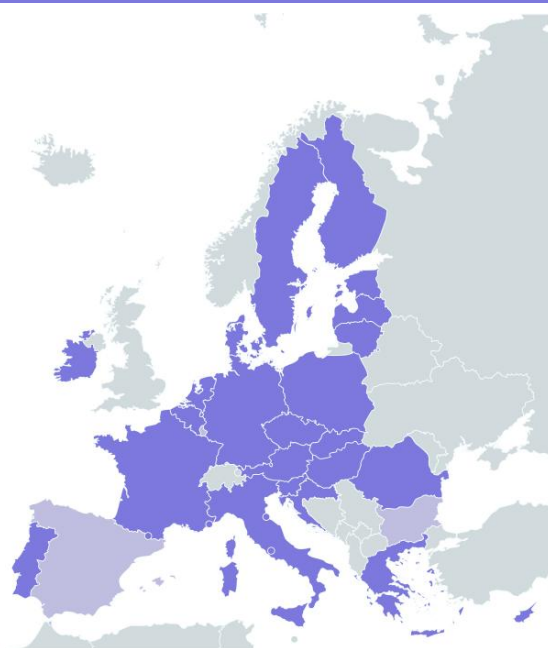
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RAD roll-out

Implementation of the EU Directive on Representative Actions: what is the state of play?

-  RAD is transposed
-  RAD transposition is pending



There are still 3 countries that have yet to transpose the Representative Actions Directive into their national laws, despite the deadline having passed on 25 December 2022.

The most recent country to complete transposition is **France**. The law was promulgated and published in the French Official Journal on 2 May 2025 and will apply to class actions introduced after 3 May 2025. France already had a class action regime prior to the RAD, but the new law creates a unified framework for class actions in France, going beyond the minimum requirements of the Directive. The main features of the French transposition are discussed in the next section.

Recent developments in the 3 remaining countries that have yet to transpose the RAD:

- **Bulgaria:** The latest draft of the law transposing the RAD was submitted to the National Assembly in December 2024. In February, the draft was [discussed](#) in the Parliamentary Committee, but no decision was reached due to disagreements on key issues such as whether the system should follow an opt-in or opt-out principle. On 5 March, the Council of Ministers [withdrew the draft](#) and established an interdepartmental working group to prepare a new version.
- **Luxembourg:** On 26 March, the Parliamentary Committee met and adopted [amendments](#) to the draft bill, following the legislative observations made by the Council of State in its [opinion of 20 December](#). On 7 April, the amended bill was transferred to the Council of State for further review.

- **Spain:** On 14 March, the Official Gazette of the Spanish Parliament published the text of the [new draft law](#), following its approval by the Council of Ministers on 25 February. The provisions on collective actions in this draft are identical to those of the bill submitted to Congress in March 2024. The draft allows for collective actions against any infringement that harms the collective interests of consumers and users. It establishes an opt-out system as the default, but when the amount claimed per person exceeds €3 000, the court may decide to apply an opt-in system. The draft also permits third-party litigation funding of class actions (TPLF). Several parliamentary groups have expressed concerns over the default opt-out system and the proposed TPLF provisions. The Justice Committee still needs to approve the draft, but has been repeatedly extending the deadline for submitting amendments.

Best practices of national transposition

This time, we take a closer look at the recent reform of the French collective redress regime that transposes the RAD, sharing our first thoughts and impressions on whether its key features could be considered as consumer-friendly practices of national transposition of the RAD.

1. **Unified general framework for class actions.** The new law consolidates various previous sector-specific collective action mechanisms into a single, unified framework, simplifying the legal landscape for collective redress in France. This could potentially result in enhanced clarity and accessibility for consumers seeking redress.
2. **Late opt-in mechanism.** The new French collective actions procedure retains the “late opt-in” approach, allowing consumers to join a collective action after a court has ruled on the defendant’s liability. While this approach could lower barriers for consumer participation compared to early opt-in schemes, opt-out mechanisms are generally more effective in ensuring broad consumer inclusion.
3. **Regulation of third-party litigation funding (TPLF).** For the first time, French law explicitly regulates TPLF, which can facilitate access to justice for consumers.
4. **Designation of specialised first instance courts.** The law designates specific courts with jurisdiction over collective actions, aiming to develop expertise and consistency in handling such cases. This approach has both its advantages and disadvantages.
5. **Public register of pending class actions.** The Minister of Justice is tasked with maintaining a public register of ongoing class actions, which could enhance transparency and consumer awareness.
6. **Facilitation of antitrust follow-on actions.** The transposition facilitates collective actions following antitrust infringements, allowing consumers to seek compensation based on prior regulatory findings, which is a consumer-friendly addition to the text of the RAD.
7. **Removal of pre-action formal notice requirement.** The new law eliminates the requirement for qualified entities to send a formal notice before initiating a collective action,

which could be viewed as a slight simplification of the already lengthy and complicated process for initiating collective actions for consumer organisations.

8. **Allocation of penalty payments to collective redress fund.** If a court orders a penalty payment, the funds are directed to a dedicated fund for financing group actions, which could potentially help provide financial resources for future collective actions lacking other sources.

It is worth noting that several implementing decrees are still expected to further specify important details of various articles of the law – among others, which information regarding third-party funding of the actions will need to be published and in accordance with which criteria, and which specific courts will have jurisdiction over class actions.

Big Tech in the spotlight

Berlin Regional Court confirms GDPR breaches by Google in case brought by vzbv

On 25 March, the Berlin Regional Court (Landgericht) [ruled](#) that Google’s sign-up process misled users and violated the GDPR, in a case brought by the Federation of German Consumer Organisations (vzbv). In 2022, vzbv and nine other BEUC member consumer organisations filed complaints against Google in their respective countries. The court confirmed that Google’s use of vague language and manipulative design nudges users into consenting to extensive data processing across more than 70 services – without giving them a genuine option to refuse. It criticised Google for failing to provide clear information about which services, apps, or partners process user data. The court stressed that users must be clearly informed that they can reject consent entirely, for example via a dedicated “Reject” button. The judgment also found Google in breach of privacy by design and by default requirements, ruling that consent obtained from users in such circumstances cannot be considered voluntary or freely given. The decision is not yet final, as Google has appealed the ruling.

Spanish court admits OCU’s lawsuit against Apple over music streaming restrictions

On 1 April, the Commercial Court No. 16 of Madrid [admitted](#) the class action filed by OCU, the Spanish consumer organisation, against Apple for abuse of dominance in the distribution of music streaming apps. The case seeks to recover the up to 30% surcharge imposed on subscriptions purchased through the App Store for services like Spotify, Deezer, YouTube Music, SoundCloud, Amazon Music, Tidal, and Qobuz. The overcharge, found to result from Apple’s restrictive practices, is the subject of a €1.8 billion fine imposed by the European Commission in March 2024 for Apple’s long-standing anti-competitive conduct between 2015 and 2024. OCU filed the lawsuit on 6 February on behalf of affected consumers in Spain, with potential compensation covering a 30% refund plus late interest. This action is part of a coordinated Euroconsumers initiative involving cases in Belgium,

Italy, and Portugal. The total damage across the four countries is estimated at approximately €62 million.

UK class action launched against Microsoft over restrictive licensing practices

On 14 May, barrister Alexander Wolfson filed a multi-billion-pound opt-out class action against Microsoft in the UK Competition Appeal Tribunal (the CAT). [The lawsuit](#), brought on behalf of all UK-based consumers, businesses, and public bodies that purchased certain Microsoft software licences (including Microsoft Office and Windows), alleges that the company's licensing practices unfairly restricted competition between new and pre-owned licences, leading to inflated prices across the market. This lawsuit follows similar concerns raised by the Cloud Infrastructure Providers in Europe (CISPE), which reached a [settlement](#) with Microsoft in July 2024 over the company's licensing rules for cloud services. That settlement did not cover major providers like Amazon Web Services, Google Cloud, and AliCloud, leaving Microsoft's practices open to further legal challenges.

Dutch court confirms Stichting app stores claims admissible in collective action against Google

On 19 March, the Amsterdam District Court [ruled](#) in favour of Stichting app stores claims (ASC), confirming its admissibility in a collective action against Google. All of Google's objections were dismissed, and ASC was officially appointed as the exclusive representative to act on behalf of millions of Google Play users in the Netherlands. The [case](#) accuses Google of abusing its dominant position for years by forcing developers to distribute apps through Google Play and to use its payment system, resulting in consumers paying excessive commissions of up to 30% on app and in-app purchases. ASC seeks compensation for affected consumers and aims to hold Google accountable for its anti-competitive practices.

First ever class action in Ireland proceeds to court: ICCL sues Microsoft over data breaches

On 26 May, the Irish High Court granted the Irish Council for Civil Liberties (ICCL) permission to proceed with Ireland's first-ever class action lawsuit, targeting Microsoft's online advertising practices. The [case](#) challenges Microsoft's alleged breaches of the GDPR and the Irish Data Protection Act 2018 through its Real-Time Bidding (RTB) system. ICCL claims that Microsoft's RTB system processes and broadcasts sensitive personal data – including profiles of users' financial status, gambling habits, health conditions, and even national security roles – to large numbers of advertisers without proper consent. Affected users include those of Windows, Xbox, web-based Office, Edge browser, and apps using Microsoft's Xandr advertising technology. ICCL is seeking

injunctive relief to stop Microsoft from processing certain personal data categories and to bring its systems into compliance with EU law. The High Court's decision allows the case to proceed as a representative action, covering all affected consumers in Ireland.

Other major legal actions and judgements

UK Competition Appeal Tribunal approves £200 million settlement in Mastercard case

On 20 May, the UK Competition Appeal Tribunal (CAT) [approved](#) a £200 million settlement in the long-running Merricks v Mastercard case, marking the UK's largest group litigation settlement to date. The case, led by former Financial Ombudsman Walter Merricks CBE, alleges that Mastercard unlawfully charged interchange fees to retailers between 1992 and 2008, with the costs passed on to consumers in the form of higher prices. The CAT approved the proposed settlement structure, which divides the £200 million into three pots: £100 million is ring-fenced for class members, approximately £45.6 million is allocated as a minimum return to the litigation funder, and around £54.4 million is reserved for the funder's return, subject to adjustments if more than the estimated 5% of class members claim compensation. Any remaining funds after the funder's return may be used for payments to a consumer charity or the Access to Justice Foundation. While the funder has challenged the settlement amount as too low and has commenced arbitration proceedings against Mr Merricks, the CAT found the terms of the agreement just and reasonable. The Tribunal considered the prospects of securing a judgment higher than £200 million to be low. The CAT also confirmed the funder's return at 1.5x its investment – or 50% of the second pot – to be paid from the third pot, with any surplus to be directed to charity.

Dieselgate: Volkswagen agrees to compensate Belgian consumers

On 15 April, Volkswagen AG and Belgian consumer organisation **Testachats/Testaankoop** reached an [agreement](#) on compensation for consumers affected by the Dieselgate scandal. The agreement follows a ruling by the Brussels Court of First Instance in July 2023, which ordered Volkswagen to compensate owners of vehicles fitted with the EA 189 engine software that manipulated emissions data. The agreement covers vehicles from Volkswagen, Audi, Skoda, and Seat. Eligible consumers who bought an affected vehicle between 1 September 2014 and 22 September 2015 can claim 5% of the purchase price or 5% of the difference between the purchase and resale price if they no longer own the vehicle. Claims can be submitted through a [platform](#) hosted by Testachats/Testaankoop. Consumers have four months to file their claim after the publication of the court decision in the

Belgian Official Gazette. The decision applies to all eligible consumers in Belgium, even if they did not join the initial group action.

Altroconsumo's class action against Stellantis over defective Takata airbags admitted to court

On 14 April, the Turin Civil Court ruled [admissible](#) a class action brought by Altroconsumo against Stellantis over defective Takata airbags in Citroën C3 and DS3 models produced between 2009 and 2019. The class action seeks compensation for delays in replacing airbags identified as a serious safety risk, with chemicals that may deteriorate in hot and humid conditions, potentially causing them to explode with excessive force and lead to severe injury or death. [Altroconsumo's legal claim](#) demands compensation of €1,500 per driver for non-material damages, plus €17.24 per day for each day of delay in replacing the airbag – an amount corresponding to the average daily cost of renting a small vehicle. Compensation per driver could therefore exceed €3,000, depending on the duration of the delay. Vehicle owners have 150 days to join the class action.

UK largest mobile networks challenge £3.2 billion class action over alleged overcharging consumers

On 31 March, Vodafone, BT's EE, Telefonica's O2, and Hutchison's Three UK urged the CAT [to dismiss](#) a £3.2 billion opt-out class action that alleges they overcharged more than 28 million consumers. The claim, led by consumer advocate Justin Gutmann, accuses the mobile networks of imposing a "loyalty penalty" on customers who stayed with their provider after their minimum contract expired, continuing to charge for mobile devices that had already been paid for in full. The case, covering losses dating back to 2007, seeks certification to proceed under the UK's collective action regime. However, the networks argue that the lawsuit is unfounded, claiming the mobile market is highly competitive and that large parts of the case are time-barred.

More than 200 holiday home buyers in the Netherlands join collective action against EuroParcs

Over 200 owners of holiday homes at EuroParcs resorts in the Netherlands [have joined](#) a collective action against the company, following concerns that they were misled into believing they had purchased full ownership of their homes. In reality, the homes were sold on leased land, leaving the underlying property with EuroParcs. The case builds on a [ruling](#) by the Amsterdam District Court in June 2024, which found that EuroParcs had misled a buyer by failing to clearly disclose that the property was on leased land. In that case the buyer paid €200,000 for a holiday home, only to discover they had to lease the land from EuroParcs at a cost of €4,000 per year. The court ordered EuroParcs to refund €200,000 to the buyer, setting a precedent that could lead to a total payout of around €30 million if applied to other cases. The [collective action](#) is coordinated by consumer

protection platform GoBaxter. If no agreement is reached with EuroParcs shortly, legal proceedings will follow, with the goal of cancelling the contracts and securing refunds for affected buyers. EuroParcs has sold around 800 holiday chalets on leased land. The company maintains that there is no legal basis for the claims and that no landowners have ever enforced a right over such properties.

Latest updates from the Court of Justice of the EU

Opinion of AG Sánchez-Bordona: purchaser's domicile is relevant for defining territorial jurisdiction in Apple App Store case

On 27 March, Advocate General Campos Sánchez-Bordona issued his [opinion](#) in case C-34/24 *Stichting Right to Consumer Justice & Stichting App Stores Claims v Apple Distribution International Ltd & Apple Inc*, concerning the jurisdiction of Dutch courts. The proceedings were brought by two Dutch claim foundations under the WAMCA procedure, seeking damages on behalf of millions of Dutch consumers for Apple's alleged abuse of dominance in the app distribution and payment system for iOS. Apple challenged the jurisdiction of the Amsterdam District Court, arguing that the alleged harm did not occur in the Netherlands and that a single court cannot have territorial jurisdiction for all claims across the country. The AG opined that, under Article 7(2) of the Brussels I bis Regulation, jurisdiction should be determined based on the domicile of the user – meaning that users' location linked to their Apple ID should define the competent Dutch district court, and foundations must therefore initiate proceedings in each such court based on users' domicile, before requesting consolidation before a single court. The final decision now rests with the CJEU, which will clarify whether a single court can hear nationwide mass claims or whether they must be split across multiple courts, which would undoubtedly make representative actions even more complicated than they already are.

Beyond the Directive: what's new on representative actions in Europe

EU funding opportunity for RAD Qualified Entities

On 13 March, a new EU call for proposals (SMP-CONS-2025-ADR-RAD) to support ADR bodies and qualified entities under the RAD has been open. The call aims to improve consumer access to effective dispute resolution and enhance the capacity of qualified entities to protect collective consumer interests. The focus areas include awareness-raising, protection of vulnerable consumers, strengthening networks at national and EU levels, capacity building, staff expertise, and the use of transparent digital tools. The total available budget is €1.5 million, and the deadline for applications is 27 August 2025. For more information, visit the [EU Funding & Tenders Portal](#).

Interesting reads

European Commission publishes mapping study on third-party litigation funding

On 21 March, the final report of the Third-Party Litigation Funding (TPLF) mapping study was published. The report provides an overview of the legal frameworks, practices, and ongoing debates on TPLF across the EU Member States, as well as in Canada, Switzerland, the UK, and the US. This study was conducted by the Justice and Consumers Evaluation Consortium (JCEC) – led by the British Institute of International and Comparative Law (BIICL) and Civic Consulting. It was carried out in response to the European Commission's request for service, which followed the European Parliament's 2022 resolution on responsible private funding of litigation, which called on the Commission to consider regulation of TPLF in the EU. The study's findings are based on national reports, stakeholder interviews, a broad stakeholder consultation, and the insights of an expert panel. The results will inform the Commission's future policy decisions regarding third-party litigation funding, particularly in relation to possible legislative follow-up. The full report is available on the European Commission's [website](#).

Comparative Legal Study on Procedural Rules and their Impact on Collective Redress now online



On 19 March, the Comparative Legal Study on Procedural Rules and their Impact on Collective Redress in Europe was published on the [BEUC website](#). The study features four detailed Country Reports:

- Belgium (by Prof. Dr. Wannes Vandebussche, University of Ghent)
- Germany (by Prof. Dr. Peter Rott, Carl von Ossietzky University Oldenburg, and Prof. Dr. Axel Halfmeier, Leuphana University Lüneburg)
- Italy (by Dr. Laura Bugatti, University of Brescia)
- Poland (by Dr. Jagna Mucha, University of Warsaw)

Each report provides an overview of the collective actions regime in the country – including how the RAD has been transposed – and analyses national approaches to following three focus areas. The study then moves to its comparative part, providing insights and conclusions on these key procedural issues:

- Quantification of immaterial damage (by Prof. Dr. Peter Rott)
- Burden of proof and disclosure of information (by Prof. Dr. Wannes Vandebussche)
- Financing of collective redress actions (by Prof. Dr. Axel Halfmeier)

The study concludes with practical policy recommendations on each topic, offering a roadmap for future improvements in collective redress systems across Europe.

The Executive Summary is available at the beginning of the study for a quick overview.

Events



- ➔ On 10 June, the first webinar of the European Commission's new project on the **Communication Toolbox for the effective implementation of the RAD** will take place. The project aims to provide practical insights and communication strategies to qualified entities (QEs) designated under the RAD, helping them effectively engage with large groups of consumers about the new EU model of collective redress. This EU-funded initiative will run until February 2026. The 10 June webinar will introduce the project, provide recommendations for navigating EC-

REACT (the Commission's secure platform), and present first communication materials, an overview of representative actions in selected Member States, and a questionnaire to gather QEs' needs.

Stay connected and engaged

We are eager to make the activities of this project as interesting and beneficial to your work as possible. Your feedback and ideas are invaluable to us. Please feel free to share your thoughts by e-mailing enforcement@beuc.eu.

Additionally, if you know of other consumer or digital rights groups that could benefit from this project, please let us know.

You can access the first three issues of this newsletter on the BEUC website [here](#), [here](#) and [here](#).

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