

FROM COLLECTIVE HARM TO REDRESS

what's new



Newsletter fifth issue, August 2025

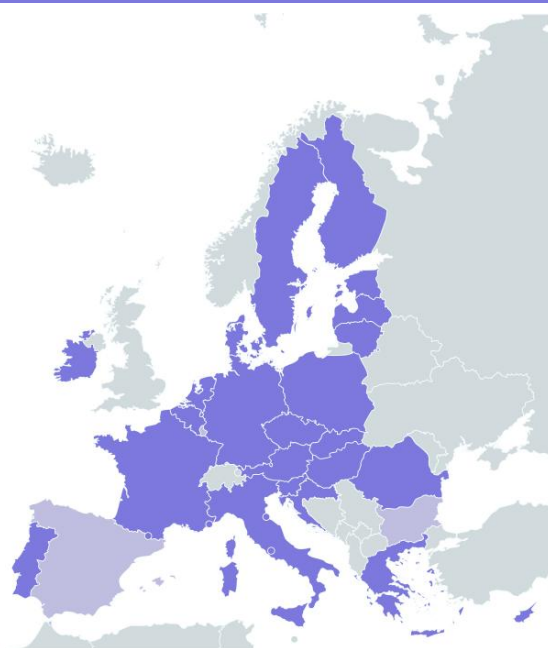
Contents

| | |
|--|---|
| RAD roll-out | 2 |
| Best practices of national transposition | 3 |
| Big Tech in the spotlight..... | 4 |
| Other major legal actions and judgements | 5 |
| Beyond the Directive: what's new on representative actions in Europe | 6 |
| Interesting reads | 7 |
| Events | 9 |
| Stay connected and engaged..... | 9 |

RAD roll-out

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

-  RAD is transposed
-  RAD transposition is pending



As of August 2025, 3 countries have still not completed the transposition of the Representative Actions Directive into their national laws (the original deadline was set on 25 December 2022).

While the number of remaining countries remains unchanged since our previous update in May, there have been some developments on the legislative front:

- **Bulgaria:** After the previous draft law was withdrawn in March due to lack of political consensus, a new [draft bill](#) was published on 13 June and opened for public consultation until 27 June. Among those contributing was the Bulgarian National Active Consumers Association (BNAAC), a member of BEUC, which issued a [position paper](#) and a list of proposed [amendments](#). BNAAC notably called for the introduction of an opt-out mechanism to join collective actions. On 13 August, the Council of Ministers approved the draft bill without substantive changes to the relevant provisions, and it was [submitted](#) to the National Assembly on 20 August.
- **Luxembourg:** On 11 July, the Council of State issued its second [opinion](#) on the draft law following fifty-four [amendments](#) submitted by the President of the Chamber of Deputies in April. While the Council acknowledged that many of its earlier formal objections had been addressed, it continued to express concerns about certain provisions that remain legally unclear or inconsistent. On 24 July, the Parliamentary Committee responsible for the file met

to consider the latest opinion and to discuss further amendments. It is now expected that the law may be finalised by the end of 2025.

- **Spain:** The deadline for tabling amendments to the latest [draft law](#), published on 14 March, has now been extended over ten times by the Justice Committee – and currently stands at 3 September. The draft bill would expand the scope of representative actions to cover all types of consumer mass harm and sets an opt-out system as the default. While no major progress has been made since our May newsletter, we hope for developments in the run-up to our next issue in November.

Best practices of national transposition

In this issue of the newsletter, we highlight another best practice implemented by several Member States under the Directive: the creation of national electronic databases providing information on ongoing and concluded representative actions, as foreseen in Article 14 of the RAD.

Public registries bring important benefits. They increase transparency, raise awareness, and make it easier to follow the progress of relevant cases. By providing access to key information – including the parties, the nature of the claim, the stage of proceedings, court decisions, and outcomes – these tools help build trust in the collective redress system and ensure it remains accessible in practice.

Some examples of clear, exhaustive and user-friendly registries include:

- The German Federal Office of Justice’s [registry](#) of group actions
- The Italian Ministry of Justice’s class action [registry](#)
- The Dutch central [registry](#) for collective actions
- The Portuguese Directorate-General for Consumer Affairs’ [registry](#)

These databases provide detailed and up-to-date information for each case, allowing to stay informed about the evolution and outcome of representative actions in each country.

France has recently joined the list of countries implementing this good practice. Decree No. 2025-734 of 30 July 2025 provides for the creation of a public online register to be hosted on the Ministry of Justice’s website. While the registry is not yet operational, pending a ministerial order to organise data flows from courts, the legal framework is now in place.

At EU level, the European Commission has developed [EC-REACT](#), a collaborative electronic platform supporting the implementation of the RAD. It offers a secure online space where qualified entities can access relevant resources, share experiences, and stay informed about developments across the EU.

Big Tech in the spotlight

UK: CAT certifies collective actions against Amazon over “Buy Box” algorithm

On 24 July, the UK Competition Appeal Tribunal (CAT) [certified](#) collective proceedings against Amazon, with an estimated claim value of £1.3 billion and a proposed class of around 50 million UK consumers. The case concerns Amazon’s “Buy Box” algorithm, which the claim alleges prioritised products more profitable for Amazon, leading to inflated prices and reduced consumer choice in violation of UK competition law. The judgment also touches on litigation funding practices. The CAT encouraged greater transparency, recommending that litigation funding agreements be published with only minimal redactions. It also suggested that representatives explain the steps taken to obtain funding on appropriate terms and appoint an independent costs expert to oversee ongoing expenses. While noting that the funder’s fee could result in a high return, the CAT stressed that any such fees would be subject to its final approval.

US: Class action claims Amazon users were enrolled in Audible subscriptions without consent

A class action lawsuit [recently filed](#) in the United States alleges that Audible, Amazon’s audiobook platform, has been enrolling consumers into monthly subscription plans without their knowledge or consent. According to the complaint, this was done by using personal and payment details linked to users’ Amazon accounts, rather than through an intentional sign-up process on Audible’s platform. The lawsuit claims this practice has been ongoing since at least 2018, affecting users who had no interaction with Audible and did not knowingly start a free trial. It also states that Audible failed to address the issue despite knowing about it, due to the financial benefit it brings to the company. The proposed class covers consumers in the US who were charged for an Audible subscription after the free trial period without having streamed or downloaded any content.

Another collective action filed in the UK against Amazon over alleged anti-competitive pricing

On 14 August 2025, the Association of Consumer Support Organisations (ACSO) [filed](#) an application for a collective proceedings order before the CAT. The proposed opt-out action targets Amazon’s pricing policies, which allegedly prevent third-party sellers on its UK marketplace from offering lower prices elsewhere online – including through their own sales channels. According to ACSO, these practices limited price competition between platforms and enabled Amazon to charge higher fees to sellers, who passed these costs onto consumers. As a result, more than 45 million UK consumers who purchased products on Amazon between August 2019 and August 2025 may have paid higher prices than they otherwise would have.

Other major legal actions and judgements

UK Court of Appeal confirms validity of litigation funding agreements based on a multiple of capital

On 4 July, the UK Court of Appeal [confirmed](#) the enforceability of third-party litigation funding agreements based on a multiple of capital provided, in several collective proceedings before the CAT, including claims against Apple, Sony, Visa, and Mastercard. In a joint appeal, the defendants argued that these funding arrangements were invalid because they amounted to damages-based agreements (DBAs), which are not permitted in the CAT following the Supreme Court's 2023 ruling in PACCAR. The Court of Appeal unanimously dismissed these arguments, finding that revised agreements – based on a multiple of capital rather than a share of damages – are not DBAs and remain valid. The Court also confirmed the CAT's authority to approve priority payments to funders, where appropriate. The ruling brings clarity to the UK's collective redress system and preserves the role of funding in enabling access to justice.

UFC Que Choisir files group action against Stellantis over defective Takata airbags

On 22 July, UFC Que Choisir, member of BEUC, [filed](#) a claim before the Paris Judicial Court against Stellantis over defective Takata airbags. The case concerns around 1.7 million vehicles in France affected by “stop drive” orders, prohibiting their use until the airbags are replaced. The association is seeking compensation for various harms, including daily compensation for the immobilisation period, extra transport and insurance costs, and moral damages. The defective airbags have been linked to at least 60 deaths worldwide, including 18 in France. A recent fatal accident in Reims triggered a new wave of immobilisations ordered by the French government. This is the first collective action in France concerning the Takata airbag issue and will be an important test of the reformed group action procedure. The first procedural hearing is scheduled for 15 October 2025.

Class action launched against Booking.com over pricing restrictions and misleading practices

On 26 June, the Consumer Competition Claims Foundation, supported by Consumentenbond – the Dutch member of BEUC – initiated a class action in the Netherlands against Booking.com. The case alleges that Booking.com has, for over ten years, imposed unlawful contractual restrictions on hotels, preventing them from offering lower prices or better conditions through other channels. According to the claim, this practice has led consumers to consistently overpay for accommodation. The action also targets the use of misleading techniques such as artificial discounts, hidden charges, and false claims about availability, used by both Booking.com and Agoda (part of the same

group). These tactics are said to influence consumer choices and fall under the category of prohibited ‘dark patterns’. The Foundation is seeking to put an end to these practices and obtain compensation for affected consumers across the EU.

Potential class action against Austrian credit agency CRIF over GDPR violations

On 3 June, NOYB – the European Centre for Digital Rights – [announced](#) that it is examining the possibility of launching a class action lawsuit against the Austrian credit agency CRIF. The organisation is currently investigating whether CRIF has committed violations of the General Data Protection Regulation (GDPR), including issues already addressed by the data protection authority or the courts, though many rulings remain under appeal. If sufficient evidence is found, NOYB intends to initiate a class action not only against CRIF but potentially also against some of its business partners. Individuals affected may be entitled to compensation, with possible amounts ranging from €200 to €1,000 per person. Given the number of consumers potentially impacted in Austria, the case could become the country’s largest class action to date.

The UK Court of Appeal grants permission to appeal CAT’s refusal to certify environmental class action against water companies

In June 2025, the UK Court of Appeal granted Professor Carolyn Roberts permission to appeal the CAT’s [refusal](#) to certify her [proposed collective proceedings](#) against six water and sewerage companies. The Court found that her application “raises grounds which have a reasonable prospect of success” and that the issue is “important” with “a compelling reason for it to be considered.” The water claims allege that the companies under-reported pollution incidents, leading to inflated prices for consumers and breaching competition law. The CAT held that the alleged harm arose from regulatory mechanisms under the Water Industry Act and was therefore excluded from the collective redress regime. While the CAT found the representative suitable and the methodology sound, it ruled the claims inadmissible under section 18(8) of the Act. The appeal could clarify the limits of collective actions in regulated sectors.

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

France issues decrees to provide further details on its recent transposition of the RAD

On 1 August, France [published](#) Decree No. 2025-734, setting out detailed procedural rules for group actions and establishing a national register of pending group action cases. The decree introduces a fast-track dismissal procedure for manifestly unfounded claims and clarifies that a group action may be deemed inadmissible where the claimant has a conflict of interest. It also specifies how the new

public register of group actions will be implemented across all relevant courts. Separately, Decree No. 2025-653, [published](#) on 18 July, reinstated and updated the list of eight judicial courts designated to hear group actions in France. Each of the designated courts will have jurisdiction over group actions brought in their respective regions, as set out in the decree's annex. Appeals will be handled by the corresponding courts of appeal.

UK government launches review of its opt-out collective actions regime by opening a call for evidence

On 6 August, the UK government launched a review of its opt-out collective actions regime, introduced ten years ago by the Consumer Rights Act 2015. The call for evidence, open until 14 October, invites views on funding, certification, damages, and the distribution of compensation. The review aims to balance access to justice for consumers with legal certainty for businesses, against the backdrop of rising costs and only one final judgment so far. The announcement comes amid growing scrutiny of litigation funding and also follows recent discussions on overturning the PACCAR ruling, which made many existing funding agreements unenforceable.

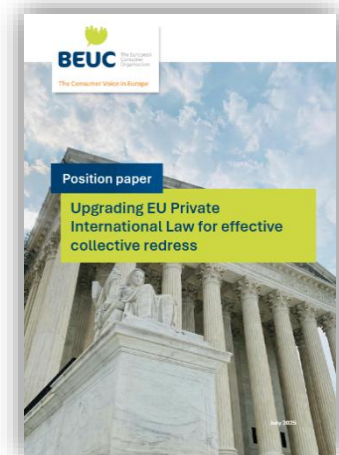
Interesting reads

New BEUC Position Paper – Upgrading EU rules to make cross-border collective redress work

BEUC has recently [published](#) a new position paper, *Upgrading EU Private International Law for effective collective redress*. The paper shows how EU private international law, which is not adapted to cross-border representative actions, has in fact become a barrier to such actions. BEUC suggests several concrete solutions to make mass claims more manageable – both for claimant organisations and for the courts.

Key recommendations include:

- Amending the Brussels I bis Regulation to identify the competent jurisdiction in cross-border representative actions. The preferred option is the court of the domicile of the represented consumers.
- Extending the jurisdiction rules to non-EU defendants, allowing them to be sued in the EU – especially before the courts of the consumers' domicile.
- Introducing a new rule on applicable law, allowing the law of the court seised to apply instead of the law of each consumer's habitual residence, where the case is brought in the defendant's country of establishment. This should be included in the upcoming Digital Fairness Act.



New book: The Governance of EU Justice Reforms

A new book by Adriani Dori explores how EU soft law instruments – such as the EU Justice Scoreboard and Country-Specific Recommendations – shape national judicial systems. Drawing on legal theory, policy analysis, and empirical research, *The Governance of EU Justice Reforms: The Role of the EU Justice Scoreboard and Country-Specific Recommendations in Shaping National Judicial Systems* offers fresh insights into the evolving governance of justice reforms in Europe. The book, based on a [PhD thesis](#) at Heidelberg University (summa cum laude), is now available for purchase from [Nomos](#).

UK Civil Justice Council publishes its final report on review of litigation funding

On 2 June 2025, the UK Civil Justice Council (CJC) [published](#) its long-awaited final report on litigation funding, recommending a series of substantial reforms. At the heart of the report is a call to reverse the effect of the Supreme Court’s 2023 *PACCAR* judgment, which would lift the ban on damages-based funding agreements in opt-out collective proceedings before the CAT. Beyond *PACCAR*, the CJC makes 58 recommendations, some of which appear far-reaching. Among others, it proposes statutory regulation of third-party litigation funding (TPLF) to replace the current voluntary Code of Conduct, as well as to regulate litigation loans, crowdfunding, and altruistic funding. It also recommends enhanced requirements for cases involving collective proceedings. While many proposals simply codify established CAT practice, some would represent significant changes. For instance, the report recommends that funders and funded parties’ lawyers certify that they did not approach the representative to seek their agreement to pursue proceedings. Another such novelty is the recommendation that the CAT should assess whether a funder’s return is “fair, just and reasonable” as part of the certification process, whereas the CAT currently defers this assessment to the distribution stage. The Government is now considering the CJC’s recommendations.

New comparative study on admissibility of interest organisations in public interest litigation

A new report [published](#) by the Dutch Research and Documentation Centre (WODC) compares how courts in the Netherlands, Belgium, Germany, France, England & Wales, Norway and Sweden assess the admissibility of civil public interest actions brought by interest organisations. The study, authored by Willem van Boom, Tomas Arons and Elif Erken, focuses in particular on the requirement that such organisations be “sufficiently representative” of the interests they aim to protect. The report finds that while all jurisdictions examined recognise the standing of interest groups to bring actions on behalf of others, there are notable differences in how representativeness is assessed. A distinction is made between two approaches: whether the organisation is suitable to defend the interests at stake (a substantive link), and whether it has a sufficiently close relationship with its constituency (a structural link). The latter may risk excluding organisations that defend diffuse or voiceless interests. The findings will help inform current political debates in the Netherlands on

whether to impose additional requirements on interest organisations bringing ideologically motivated public interest claims.

New book *Sustaining Access to Justice*

In June, the volume *Sustaining Access to Justice: New Avenues for Costs and Funding* was [published](#) by Bloomsbury, bringing together contributions from leading experts on litigation funding and costs. Edited by Xandra Kramer, Masood Ahmed, Adriani Dori and Maria Carlota Ucin, the book is the result of a [conference](#) held at Erasmus University Rotterdam as part of the NWO-funded Vici project on [Affordable Access to Justice](#). The book examines recent developments and challenges in litigation funding, regulatory frameworks, and the role of ADR and ODR in improving access to justice. It explores how legal, economic and policy factors intersect in shaping access to justice across jurisdictions.

Events



→ 5 September: Webinar to launch the book *Sustaining Access to Justice*

Following the recent publication of *Sustaining Access to Justice: New Avenues for Costs and Funding*, a webinar to mark the launch of the book will take place on 5 September 2025, from 10:00 to 12:15 CET. The event will bring together several of the book's contributors to discuss key findings and current developments in access to justice, litigation funding and dispute resolution. The programme and registration details are available on [this page](#).

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\[AT\]beuc.eu](mailto:enforcement[AT]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 last three issues of this newsletter on the BEUC website [here](#), [here](#) and [here](#).

Supported by funding from Luminate Projects Limited.

Privacy notice: *In accordance with Article 6(1)(f) of the General Data Protection Regulation, we are processing your data based on our legitimate interest, due to your prior engagement with our previous project. To stop receiving emails, please reply “unsubscribe.” For more details on our data protection practices, please refer to our [Privacy Policy](#).*