

FROM COLLECTIVE HARM TO REDRESS

what's new

Newsletter 7th issue, March 2026

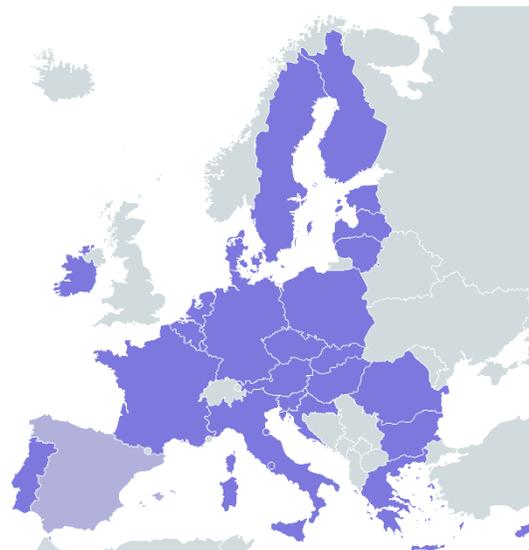
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RAD roll-out

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

-  RAD is transposed
-  RAD transposition is pending



Nearly across the finish line – just 1 EU Member State left to transpose the Representative Actions Directive into national law.

Bulgaria is the latest country to complete the transposition. The law was adopted by the National Assembly on 21 January, [published](#) in the State Gazette on 3 February, and entered into force the same day. The key features of the Bulgarian transposition are outlined in the next section.

That leaves **Spain** as the only remaining country yet to complete the transposition. As of the end of February 2026, there have been no substantive developments to report. The original deadline of 24 March 2025 for submitting amendments to the [draft law](#) published on 14 March 2025 has been [postponed 36 times](#) and is currently set for 4 March. We hope to be able to share more tangible progress in the May 2026 edition of this newsletter.

Best practices of national transposition

Focus on Bulgaria by Bulgarian National Association Active Consumers (BNAAC)

In February 2026, Bulgaria finally transposed the Representative Actions Directive (RAD) through amendments to the Consumer Protection Act. While the country has had forms of collective redress in place since 2006, these mechanisms were rarely used in practice due to lengthy and complex

proceedings, high litigation risks under the “loser pays” principle, lack of funding, and – crucially – the absence of a workable model for compensating claimant organisations.

The Directive is expressly aimed at strengthening consumers’ access to justice and addressing mass harm caused by systemic infringements. In Bulgaria, however, the **transposition was significantly delayed**, and the extended legislative process was not used to build a clearer and more effective framework. Instead, successive draft versions introduced additional



formalities, procedural hurdles, and restrictive requirements. The final amendments, which **entered into force immediately upon publication** and without a transitional period, risk transforming collective redress into an overly complex and inefficient process.

One positive element is the exemption of state fees for representative actions. Yet court fees were never the main barrier. A far more important issue remains unresolved: the **lack of a clear mechanism for awarding compensation to the claimant**, typically a consumer organisation, which in practice bears the litigation costs and organisational burdens of the action. No solution was envisaged in the transposition to address this structural problem. A proposal by BNAAC to establish a dedicated fund to finance representative actions was rejected. As a result, representative actions continue to involve high financial risks with almost no guarantees of cost recovery, creating a significant disincentive to bring cases.

Equally problematic is the **absence of a clear methodology for determining the amount of compensation for damage** to collective consumer interests. If courts require proof of aggregated individual damage, this will be extremely difficult in cases involving small individual losses but large traders – for example in telecommunications, energy, water, or retail sectors. In this respect, the new framework is seen as a step backward compared to previously existing legal norms.

Bulgaria opted for an opt-in model, despite the Directive allowing opt-out mechanisms. The rejection of proposals to introduce opt-out collective redress represents a missed opportunity to align the system with European best practices in mass harm situations. Combined with the **increase of the minimum participation threshold from two to ten consumers** for compensation claims, the new rules significantly restrict access to justice. If fewer than ten consumers join within the prescribed time limit, the proceedings are discontinued – a requirement that may prevent actions from even reaching the merits stage.

The amendments also introduce **additional administrative obligations for qualified entities**, including detailed annual reporting to the Ministry of Economy and Industry on funding sources and their percentage share of the organisation’s budget. Given that similar transparency requirements already exist, this duplication **creates further burdens without adding meaningful safeguards**.

Overall, the Bulgarian transposition does not appear to enhance effective collective redress. On the contrary, by maintaining a restrictive opt-in model, raising participation thresholds, increasing administrative burdens, and failing to resolve the fundamental issues of funding and compensation, the reform risks rendering collective redress largely ineffective and may lead to a gradual erosion of collective consumer protection in Bulgaria.

Big Tech in the spotlight

Class action against Amazon over price increase in Germany

In December, **Verbraucherzentrale NRW** [filed](#) a collective action against Amazon, seeking reimbursement of overpaid amounts following the 2022 increase in Amazon Prime subscription fees. The action follows court rulings declaring the contractual clause underlying the price increase invalid. In 2022, Amazon raised the annual Prime membership fee from €69.00 to €89.90 and the monthly fee from €7.99 to €8.99. The Prime Student subscription increased from €34.00 to €44.90 per year and from €3.99 to €4.49 per month. The claim seeks reimbursement of the difference between the originally agreed subscription price and the higher amount charged. The case concerns millions of Prime subscribers in Germany.

UK collective action against Apple and Amazon over alleged anti-competitive agreement affecting consumer prices

On 15 December, a new collective action was [filed](#) before the UK Competition Appeal Tribunal against Apple and Amazon, seeking more than £900 million in compensation on behalf of UK consumers. The claim alleges that the two companies entered into a secret anti-competitive agreement under which Amazon restricted the sale of Apple products by independent retailers on its marketplace. In return, Apple is said to have granted Amazon preferential wholesale pricing for products sold directly through Amazon's own retail operations. According to the claim, this arrangement reduced competition and kept prices for Apple products – including iPhones, iPads and MacBooks – artificially high. The action argues that millions of UK consumers paid inflated prices as a result, while both companies benefited – Apple by maintaining higher price levels and Amazon by increasing its direct sales at improved margins.

Class action against Apple for anti-competitive practices on Apple Pay

On 22 January, a GBP 1.5 billion collective action was [filed](#) in the UK against Apple for its mobile phone wallet (Apple Pay). The claim has been [filed](#) with the UK Competition Appeal Tribunal and concerns anti-competitive practices by Apple, due to Apple Pay being the only contactless payment service available for iPhone users in the UK. The claim further stresses that this has allowed Apple to charge hidden fees, while Apple in a statement argues that it does not charge fees to consumers or traders for using Apple Pay.

AG Opinion in The Privacy Collective v Oracle/Salesforce – collective action meets WAMCA admissibility requirements

On 30 January, Advocate General De Bock of the Dutch Supreme Court (AG) issued her [opinion](#) in the collective action brought by The Privacy Collective (TPC) alleging cookie-driven data collection and profiling by Salesforce and Oracle. The AG considers that the cassation complaints lodged by Oracle and Salesforce against the admissibility ruling do not succeed. In her view, the Court of Appeal correctly assessed the statutory admissibility requirements. According to the AG, the admissibility requirements must be assessed in light of the purpose of the WAMCA, namely, to promote an efficient and effective resolution of mass harm. It is therefore not intended that excessively high thresholds be erected for proceedings brought by a representative organisation. Nor, according to the AG, should the admissibility requirements be interpreted in such a way that they in practice hinder the bringing of a collective claim by an ad hoc organisation such as TPC, which was specifically established to conduct these proceedings.

The UK Competition Appeal Tribunal dismisses the application by Amazon to strike out the ACSO claim

On 12 February, the UK Competition Appeal Tribunal [dismissed](#) Amazon's strike-out application. The application by Amazon claimed that ACSO's claim struck out as an abuse of process in light of the overlap between ACOS's claim, the Hammond claim and Stephan claim (which are two other UK collective redress claims against Amazon). However, the Tribunal dismissed the strike-out application and stated that ACSO should make necessary amendments in its CPO response and its claim form. If market definition and dominance are the same between ACSO's CPO response and the claim brought by Hammond, then ASCO must make necessary amendments so that the same expert and methodology are represented by a single group of lawyers.

Collective action against Meta's illegal data use and manipulative chatbot design

On 23 February, the Dutch foundation Stichting Onderzoek Marktinformatie (SOMI) [filed](#) a second collective representation action for damages against Meta in Germany. The lawsuit is centred around the unlawful use of personal data collected from Instagram and Facebook users as well as non-users for the purpose of training Meta's AI systems. SOMI is claiming compensation up to EUR 7000 depending on age and if the consumer has obtained an account on Instagram and Facebook, never had an account but still appeared on the platforms and those who have interacted with Meta's AI.

Other major legal actions and judgements

vzbv files class action over unlawful life insurance cancellation fees

On 15 December, the **Federation of German Consumer Organisations (Verbraucherzentrale Bundesverband – vzbv)** [filed](#) a collective action against the insurer Debeka over allegedly unlawful cancellation deductions in life and pension insurance policies. According to vzbv, the cancellation clause should be considered inadmissible because it is non-transparent. As a result, when consumers sign the contract, they cannot tell how much their payment will go down in the event of termination of the insurance policy. A [ruling](#) by the Higher Regional Court of Koblenz confirms vzbv's view on the issue.

Collective claim against steel producers in the Netherlands

On 19 December, the Dutch non-profit environmental organisation Stichting Frisse Wind.nu (SFW) [filed](#) a class action against steel manufacturers Tata Steel Nederland and Tata Steel IJmuiden. The claim concerns exposure to harmful emissions which has led to damages on the environment, harmed consumers health and reduced property prices in the area. Moreover, consumer experience illnesses, shortened lifespans, stress, anxiety, and nuisance due to odour, dust and noise. The claim seeks at least EUR 1.4 billion in compensation, on behalf of 330,000 consumer in Velsen-Noord and IJmuiden.

Settlement reached for cancelled events in the German collective claim

On 15 January, a [settlement](#) was reached in the class action case against ticket intermediary Eventim, together with **Verbraucherzentrale Bundesverband (vzbv)**. In 2022, vzbv filed a class action with the Bavarian Supreme Regional Court against Eventim for not refunding consumers for cancelled events during the corona pandemic. Eventim denied the allegations. More than 5000 consumers joined the class action and with the settlement reached, consumer are now able to request a EUR 20 voucher as compensation.

Settlement reached for car buyers and leasers in the UK collective claim

On 16 January, the UK Competition Appeal Tribunal [approved](#) a GBP 92.75 million settlement against five shipping companies, accused of running a price-fixed scheme involving over 17 million cars. The claim is a follow-up to an investigation conducted by the European Commission in 2018, where the Commission found that shipping companies had coordinated rates, exchanges sensitive information to maintain or increase the price of intercontinental shipping of new vehicles. The

Commission imposed a fine of EUR 395 million. More information is available on the UK Competition Appeal Tribunal's website [here](#).

vzbv seeks compensation for district heating overcharges

On 23 January, the **Federation of German Consumer Organisations (Verbraucherzentrale Bundesverband – vzbv)** [filed](#) a collective action against Neubrandenburger Stadtwerke (neu.sw), challenging substantial and unjustified increases in district heating prices in recent years. For consumer who signed a contract before 31 December 2021, the higher price charged after that date does not apply. For consumer who signed the contract after 31 December 2021, the price applicable at the start of the contract should apply. However, price increases made later should be declared invalid.

Latest updates from the Court of Justice of the EU

CJEU confirms consumer associations' right to obtain evidence in antitrust damages cases

On 29 January, the CJEU delivered its [judgement](#) in case C-286/24, Meliá Hotels International v. Ius Omnibus. The Court clarified that the Damages Directive 2014/104/EU applies before an action for damages is formally brought. The CJEU further noted that while a decision from the European Commission who has found breaches of competition law, and it clearly proves the infringement, the Court cannot alone rely on this decision under the elements for plausibility. Furthermore, under the Damages Directive, the plausibility test does not require showing that it is more likely than not (over 50%) that the infringement caused harm. It is sufficient that it is reasonably credible that the infringement may have resulted in damaged.

Interesting reads

New book: Resistance to third-party litigation funding in Europe

In a new book ([open access](#)), Adrian Cordina examines why third-party litigation (TPF) funding is still viewed with caution and whether this caution is warranted. Access to justice in Europe, the shift from public to private means of funding and the relevant applicable rules on TPF are investigated. Moreover, the law-and-economic discipline is applied to analyse the behaviour of the actors

involved. Interviews describe the TPF industry, perspectives and experiences. Amongst other things, the research finds that the cost and risk associated with litigation, along with the decline of public legal aid, continue to undermine effective access to justice for meritorious claims in Europe.

Events



- On 24 February, a call for proposals for action grants to provide financial contributions to ADR Bodies and RAD Qualified Entities was opened. The objective of the call is to facilitate consumers' access to effective and efficient alternative dispute resolution bodies and to build the capacity of Qualified Entities to efficiently protect consumers' collective interests. **The deadline is 21 May.** You can find more information [here](#).
- On **11 March** at 15:00–17:00 (CET), the European Commission will host a webinar to present the **final version of the Practical Guide for Judges** and showcase 80 comprehensive expert fiches on all main procedural stages of representative actions. The discussion will focus on the efficient management of representative actions, consumer participation and evidentiary procedures. The webinar will also discuss the objectives and functionalities of EC-REACT – the European Commission Representative Actions Collaboration Tool that offers a collaborative space for members of the judiciary. You can register [here](#) (open for members of the judiciary).

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 last three issues of this newsletter on the BEUC website [here](#), [here](#) and [here](#).

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