FROM COLLECTIVE HARM TO REDRESS

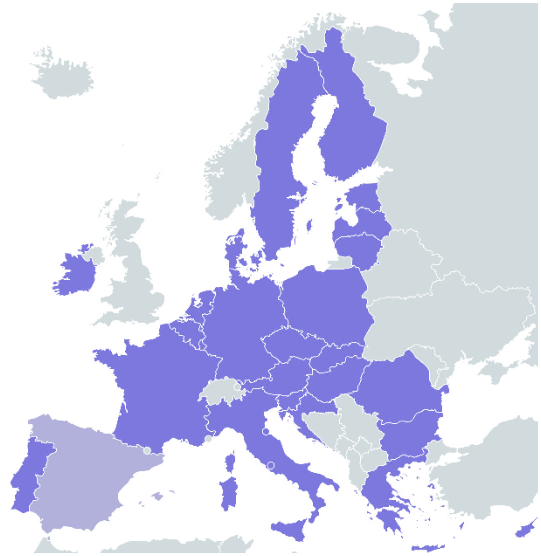
what's new

Newsletter 9th issue, September 2026

Contents

RAD roll-out

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



RAD is transposed

RAD transposition is pending

Spain remains the only EU Member State yet to complete the transposition of the Representative Actions Directive. More than three and a half years after the transposition deadline, the draft law is still at the amendments stage in Parliament. Despite being formally handled under an urgent procedure, the original deadline of 24 March 2025 for submitting amendments has now been postponed 53 times, most recently until 9 September 2026. The lengthy delay increasingly appears to reflect political disagreement over the shape of Spain's future collective redress system rather than simply the time needed to complete the legislative process. Recent Spanish legal commentary points in particular to significant differences over the proposed opt-out model and the rules on third-party litigation funding.

Meanwhile, pressure from Brussels is mounting. In April, the European Commission issued a reasoned opinion against Spain for failing to fully transpose the Directive, noting that the existing Spanish framework still lacks essential elements of the RAD, including rules enabling qualified entities to bring cross-border representative actions. Spain was given two months to take the necessary measures, a deadline which expired on 29 June 2026, with the Commission warning that the case could otherwise be referred to the CJEU with a request for financial sanctions.

National transpositions: best practices

The Representative Actions Directive gives Member States considerable flexibility over how the **admissibility of representative actions** is assessed. Under Article 7(3), admissibility is assessed in accordance with the Directive and national law, while Article 7(7) requires courts to be able to dismiss manifestly unfounded cases at the earliest possible stage. At the same time, Recital 12 cautions that national admissibility rules "should not hamper the effective functioning" of representative actions.

Member States have taken different approaches. There is a fairly even split between countries with and without a separate admissibility stage: Belgium, Germany, Cyprus, Hungary, Ireland, Italy, Latvia, Malta, the Netherlands, Poland and Slovenia provide for a separate admissibility stage, while Austria, Czechia, Denmark, Estonia, Greece, Finland, Croatia, Lithuania, Romania, Sweden and Slovakia do not.[1]

A separate admissibility stage and specific criteria can serve legitimate purposes, but experience also shows the risk of this preliminary phase becoming lengthy. The Netherlands provides one example. Its WAMCA regime includes a distinct admissibility phase and extensive admissibility requirements. The recent five-year evaluation of the WAMCA report found that the first-instance admissibility assessment took, on average, 554 days for collective actions.

Lengthy admissibility proceedings can also be seen in other Member States. In February 2026, for example, BEUC's Slovenian member ZPS reported that a collective redress action concerning negative Euribor against NLB had been dismissed at the approval stage almost four years after it was filed, following numerous written submissions and without the court reaching the merits.

A separate admissibility stage can therefore serve as a useful early filter, but **should not become an additional procedural hurdle**. Admissibility criteria should remain proportionate and focused, and decisions should be taken promptly. Article 131 of the Latvian Civil Procedure Law, for example, requires the judge to decide within ten days whether to accept a claim and initiate proceedings. The objective should be to allow manifestly unfounded actions to be disposed of early, without unnecessarily delaying consideration of the merits.

---

[1] Based on the materials available on the Representative Actions Collaboration Tool EC-REACT, *"Overview of national regulatory choices – Admissibility of representative actions (Articles 6(2)–(3), 7(2), 7(3) and 7(7) RAD)"*

Big Tech in the spotlight

Dutch collective action against Snapchat over addictive design

On 10 June, the Stichting Onderzoek Marktinformatie (SOMI) announced they are filing a collective action against Snapchat in the Netherlands for addictive design, the illicit use of personal data for targeted advertisement and the exposure of users, especially minors, to harmful and illegal content. Amongst other things, SOMI claims that Snapchat's design makes it easy for children to be exposed to grooming and the creation or distribution of child sexual abuse material (CSAM). According to a Danish researcher, Snapchat have allowed large numbers of drug dealers to operate in the platform, which is something the Dutch Authority for Consumers and Markets (ACM) launch an investigation into (specifically on vapes to minors). SOMI demand compensation up to EUR 1000 for affected consumers.

CLCV formally launches Netflix group action

On 23 June, BEUC member **Consommation Logement et Cadre de Vie (CLCV)** announced that it had launched a group action against Netflix. The action concerns alleged unilateral increases in subscription prices since 2015, which CLCV argues were imposed on existing subscribers without obtaining their express consent. The claim covers consumers in France whose subscriptions were active during at least one of several price changes between 2015 and 2024, including the 2024 withdrawal of the Essential plan and migration of subscribers to another package. CLCV is currently calling on both current and former Netflix subscribers to come forward and provide evidence in support of the action.

German court dismisses action on advertising against Prime Video

On 17 July, the German Bavarian Supreme Court dismissed a collective action against Amazon Prime Video, brought by Verbraucherzentrale Sachsen on advertising. On 5 February 2024, Amazon Prime Video introduced additional advertising and reduced the quality of image and sound. Around 17 million affected consumers received information about the changes on e-mail, but Amazon implemented the change without their consent. Consumers were able to pay a subscription of EUR 2.99 to avoid the changes. However, the Court did not agree and argued that it was not sufficiently clear from Amazon Prime's terms of use that the service was ad-free. The Court also highlighted that there had been exceptions in the past, for example in case of sporting events. Verbraucherzentrale Sachsen has appealed the decision to the German Federal Court of Justice.

UK Competition Appeal Tribunal approves collective action against Google

On 5 August, the UK Competition Appeal Tribunal approved the application for a collective action against Google, seeking GBP 5 billion in damages for thousands of UK advertisers. The case, brought by Or Brook Class Representative Limited, claims that Google has abused its dominant market position in general search and search advertising to overcharge advertisers and exclude competitors. For example, the claim concerns agreements with browser developers under which Google Search was set as the default search engine in exchange for monetary incentives.

Other major legal actions and judgements

UK collective action against Booking.com over hotel pricing practices

On 9 June, lawyer Chris Warner announced a new collective action against Booking.com over anti-competitive practices, specifically hotel pricing practices in the UK. The claim will be brought to the Competition Appeal Tribunal, alleging Booking.com to have used so-called price-parity clauses, that prevent hotels and other accommodation providers from offering cheaper prices elsewhere. This has led to consumer paying more for accommodation booked through the platform and the total damages are estimated to approximately GBP 2 billion.

Dutch collective action against Steam (Valve) for overcharging gamers

On 11 June, the Dutch Consumer Competition Claims Foundation initiated a collective action against Valve, the operator of the Steam video game platform, claiming that consumers have been overcharged because of anti-competitive practices. Valve also charges a 30% commission on every sale on Steam, which is far more than its competitors charge. It also forces consumers to use Valve's payment processing system for in-game purchases. The total damages are estimated to be approximately EUR 220 million.

CLCV seek compensation in Takata Airbag scandal

On 26 June, BEUC's French member **CLCV (Consommation, logement et cadre de vie)** launched two collective actions in connection with the Takata Airbag scandal against BMW and Volkswagen, seeking compensation for consumers affected by defective airbags posing serious safety risks. These actions follow an earlier action launched against Stellantis in December 2025. CLCV is now asking affected consumers to provide testimonials.

Austrian Supreme Court rules Ryanair fees unlawful, opening the way for consumer reimbursement

On 29 June, BEUC member **Verein für Konsumenteninformation (VKI)** announced an important victory against Ryanair concerning additional charges imposed on passengers. In a collective injunction action brought by VKI, the Austrian Supreme Court found 14 of 15 challenged fee clauses unlawful. These included a €55 airport check-in fee, a €15 boarding-pass fee, charges for name corrections and rebooking, as well as fees relating to infants and mandatory family seating. The Court found that several clauses were insufficiently transparent and unfairly disadvantaged consumers. Consumers who paid charges based on the unlawful clauses may now seek reimbursement, and VKI has made a template reimbursement letter available.

Dutch TV collective claim against Samsung and LG moves forward

On 1 July, a Dutch court ruled that the collective actions against Samsung and LG over alleged resale price maintenance in the television market may proceed. The court found that Consumer Competition Claims (CCC) foundation meets the legal requirements to represent consumers and decided that the proceedings against the two manufacturers will be dealt with jointly. The claim, supported by BEUC member **Consumentenbond**, seeks compensation for consumers who allegedly overpaid for televisions as a result of the companies' pricing practices. The court has not yet considered the merits and will first await relevant judgments in other pending proceedings before continuing its substantive examination of the case. More info about the claim here.

English High Court rejects 'dieselgate' claims

On 10 July, the English High Court ruled in the so-called 'dieselgate' claims brought on behalf of around 1.6 million claimants against Mercedes-Benz, Ford, Peugeot-Citroën and Renault-Nissan and others. The claimants argued that the diesel vehicles were equipped with prohibited defeat devices which reduced the effectiveness of the vehicles' emissions-control systems, resulting in higher emissions. The High Court rejected most of the allegations against the manufacturers and found that the relevant strategy did not constitute a prohibited defeat device. However, some technology and strategies used in some Mercedes and Peugeot-Citroën cars could constitute defeat devices. A further trial is scheduled for October 2026 to determine the consequences of any actionable breaches and any issues relating to damages or other remedies.

UK collective action against Visa and Mastercard over card payments fees

On 15 July, Consumer Voice in the UK announced a new collective action against Visa and Mastercard over unlawful card payment fees for goods and services (particularly in the insurance, travel and cash service sectors). The claim covers all consumers who purchased goods and services from businesses in these sectors, not only those who paid by Visa or Mastercard card themselves, due to the higher costs may have been passed through on the prices charged to all customers, regardless of how they paid. Around 23 million UK consumers may have paid more than they should because of the high levels of unlawful fees, and Consumer Voice claims GBP 600 million on behalf of affected consumers.

Dutch court admits collective claim against ING and bunq

On 15 July, the Amsterdam District Court declared admissible a collective action against ING and bunq brought on behalf of around 700 victims of an alleged gold investment fraud. The court found that the claims were sufficiently similar for collective treatment and that the claimant organisation was sufficiently representative, despite differences between individual victims and the amounts involved. Notably, around 161 victims are based in Belgium, and the court allowed them to participate on an opt-out basis, rather than requiring them to opt in individually. The banks' liability will be examined at a later stage.

Dutch collective privacy action on admissibility requirements

On 17 July, the Dutch Supreme Court ruled in a collective privacy action whether "likes" on a website can demonstrate class support for a claim on behalf of around ten million internet users, claiming damages up to EUR 5 billion. The claim was brought by The Privacy Collective (TPC) against Oracle and Salesforce for privacy violations related to the placement of cookies and the creation and use of internet user profiles for purposes including targeted advertising. In the first instance, the Amsterdam District Court found TPC inadmissible for lack of representativeness. In the second instance, the Court of Appeal reversed the decision, claiming that websites "likes" and support from civil society organisations was sufficient. The Supreme Court ruled, amongst other things, that the Court of Appeal applied an unduly low threshold for representativeness, and that TPC must demonstrate that the collective action is supported by a sufficiently large part of the class. Anonymous website "likes" must be connected to individuals before relying on them as evidence of support.

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

Commission seeks views on EU rules for cross-border civil and commercial disputes

On 1 September, the European Commission launched an open public consultation and a call for evidence to gather feedback on a possible revision of EU rules governing jurisdiction and the recognition and enforcement of judgments in cross-border civil and commercial cases (Brussels 1a Regulation). The public consultation and call for evidence will run **until 24 November 2026**. The consultation will help assess how the current rules are working in practice and identify possible improvements to strengthen legal certainty, improve access to justice, reduce administrative burdens and support the competitiveness of EU businesses operating across borders.

The review is particularly relevant for **collective redress**. The current text of Brussels Ia Regulation does not contain specific jurisdiction rules for collective actions. A recent Commission report on the application of the Regulation notes that "the Regulation may create unnecessary burdens for the plaintiffs in collective redress claims because in most cases they would have to turn to more than one court in order to litigate" and therefore identifies **jurisdiction in collective consumer claims as an issue to be considered in the review**.

Interesting reads

New book on European Civil Procedure

The new book, *European Civil Procedure*, edited by Xandra Kramer, Stefaan Voet and Adriani Dori, offers a comprehensive overview of the main developments shaping civil justice in Europe. It analyses the harmonisation of cross-border litigation through EU regulations on jurisdiction, recognition and enforcement, service of documents, and taking of evidence, as well as the creation of European procedures such as the Order for Payment, Small Claims Procedure, and Account Preservation Order. Chapter 21 of the book focuses specifically on collective redress, provided by Eva Lein.

New open-access book on remedies for digital vulnerability

The new open-access book, Remedies to Digital Vulnerability in European Private Law: Pathways towards Fairness, examines the remedies available to individuals made vulnerable through their interactions with digital technologies. Bringing together contributions covering consumer law, data protection, DSA, DMA and AI Act, the book considers how European private law can respond to harms arising in the digital environment. Chapter 8 focuses specifically on **collective redress against digital exploitation** and the role of collective mechanisms in improving access to remedies for digitally vulnerable consumers.

Can AI make collective redress more effective?

A new open-access article, From Big Data to Big Justice: AI and Automation in EU Consumer Collective Redress, explores how AI and automation could improve the effectiveness of consumer collective redress in the EU. Drawing on the implementation of the RAD in five Member States – Czechia, France, Germany, the Netherlands and Slovakia – it examines the potential use of AI throughout the collective-redress process, including consumer enrolment, evidence analysis and the distribution of compensation.

Lessons from Dutch collective GDPR actions from 2020 to July 2026

A new open-access article, €80 Billion in claims, but no damage? Lessons from Dutch collective GDPR actions from 2020 to July 2026, examines the 16 collective GDPR actions brought in the Netherlands since the introduction of the WAMCA in 2020, with claims collectively estimated at more than €80 billion. The article highlights the difficulties of establishing compensable damage on a collective basis, particularly where claims rely on loss of control over personal data, privacy infringements or fear of future misuse.

Events

- On **15 September**, noyb (European Center for Digital Rights) and ICCL (Irish Council for Civil Liberties) invites QE's to a **webinar on IT tools**, discussing expertise and experience on how to assess and improve the user-friendliness of IT tools (UX experience) for collective redress. The webinar also provides examples of existing IT tools for collective redress and collaboration and sharing of such tools. Registration for QE's will be open soon on EC-REACT platform.

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.

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.

Co-funded by the EU. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or EISMEA. Neither the European Union nor the granting authority can be held responsible for them.

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.*