
CMS
law·tax·future
European
Class Action
Report 2025

Welcome

This is our fifth European Class Action Report; and in that time class actions have gone from a niche area to a significant strategic risk for corporates operating in Europe.

The growth has been extraordinary, driven by new procedural mechanisms, innovative and aggressive claimant law firms, technology and social media techniques that assist bookbuilding and the ever expanding litigation funding sector. That said, risk is unevenly spread with the UK, the Netherlands and Portugal being the highest risk jurisdictions. Other countries are also becoming higher risk, and Spain – which has a draft opt-out procedure on the statute book – is a country to watch closely in the coming few years.

This year we have cleansed and re-categorised our claims database which allows for more specific insights on trends, which we set out in our "what's trending" section (pages 4–11). Other features this year include a focus on quantum (pages 12–19), spotlights on the UK (pages 28–42), Germany (pages 43–45), the Netherlands (pages 46–48), Portugal (pages 49–50) and Spain (pages 51–53). We also have a feature on potential regulation of litigation funding (pages 56–58), product liability (pages 59–64) and a summary of how key features of the Representative Actions Directive have been implemented in Member States (pages 65–71). Unless otherwise stated, this report reflects the position at 1 July 2025.

Europe has a patchwork of class action mechanisms with multiple mechanisms sometimes available within a single country. Therefore, and as in previous reports, we use a standard definition of "class actions", to mean: proceedings brought on a collective basis using any available procedural law (opt-in, opt-out, assigning claims, consolidating claims etc), provided that there are five or more economically independent class members who are seeking damages. Where a claim is brought seeking declaratory relief as a platform to seek subsequent damages, we also include it in our data. More information on our approach is set out in the Methodology section at page 73.

Thank you for reading our report. We hope you find it useful. Thank you to the many CMS personnel, including lawyers, business development personnel, design specialists and data analysts who contributed to this report. Particular thanks to Alexandra Cook, Qaila Sarwar, Sophie Campbell, Elizabeth-Anne Larsen, Sobhi El Saleh, Olivia McKale, Sam Witham, Stephen Rixon, Amber Turner, Charlotte Gibbons-Jones, Alicja Labunska-Dmowska, Anna Cudna-Wagner, Annabel Jago Cunningham, Amy Pridmore, Angelica Pomroy, Monika Wojdynska, Amaka Agbandje-Boyce, Grant Arnold, Elena Chrysostomou, Victorie-Anne Gomez-Llorens, Esme Manclark, James Isaacs, Sorcha Cross, Shaun Sweeney, Katie Reilly. Thank you also to our friends at Solomonic for providing data for claims in England and Wales.

What can we expect in the next five years and what will drive risk? Most obviously, is whether more countries will introduce functional opt-out mechanisms. Those procedural devices facilitate claims worth hundreds of millions/billions of Euros and any country considering introduction requires close monitoring. The regulation of litigation funding, and the shape of such regulation, will also be a key battleground in the coming years. In terms of types of claims driving risk, antitrust will continue to be an area of central concern as will data protection with many of the latter claims brought in the Netherlands in particular. As covered in our feature, product liability claims will likely increase significantly in the coming years in particular owing to shifting burdens of proof and relaxation on rules of causation. We will also see NGOs becoming yet more litigious, which will create opportunities for claimant law firms to bring class actions in tandem with litigation funders. And finally there is AI. Although the AI Liability Act is on ice, AI will inevitably lead to litigation and its proliferation, and therefore the numbers of persons impacted, will translate to class action risk.

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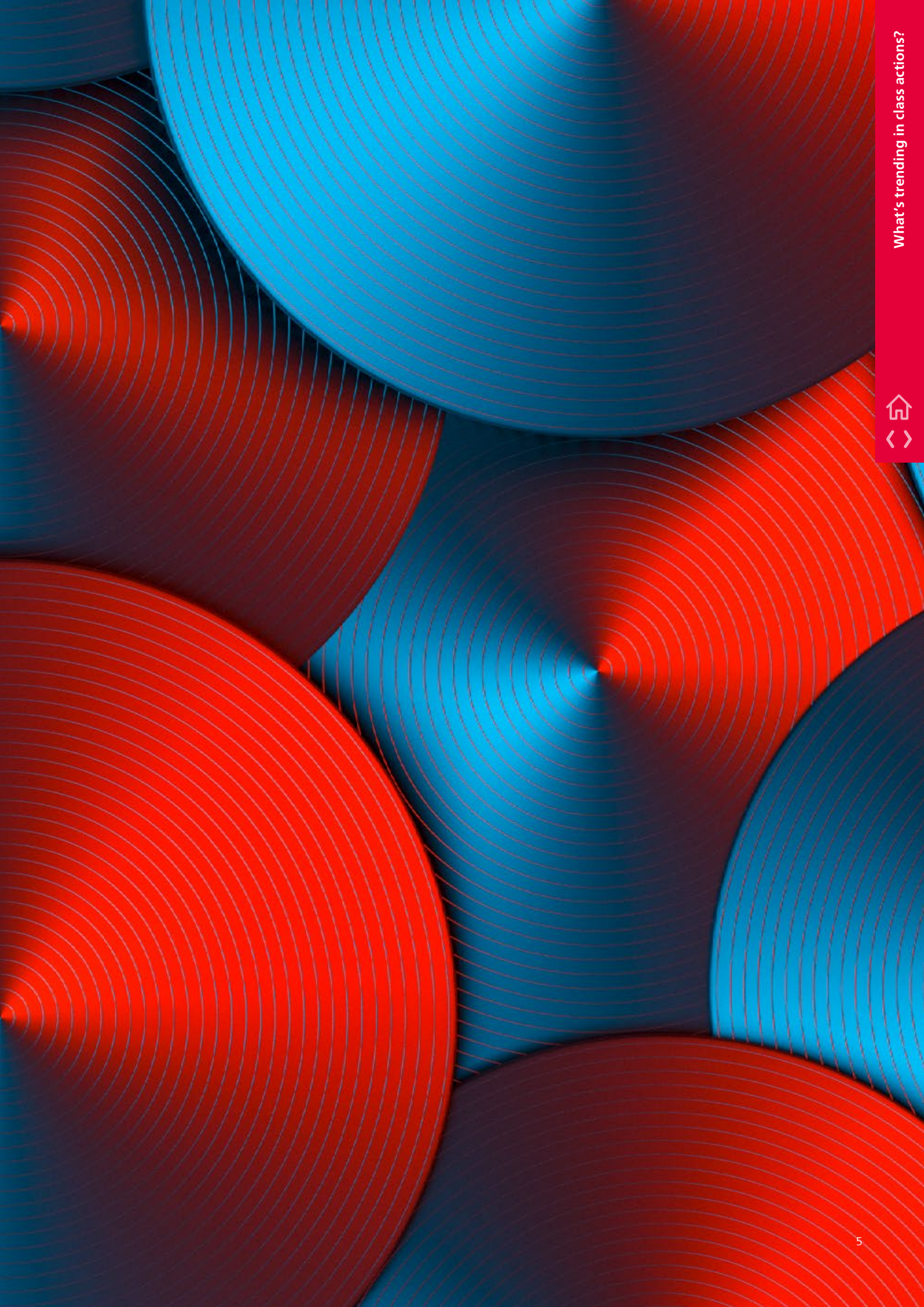
What's trending in class actions?

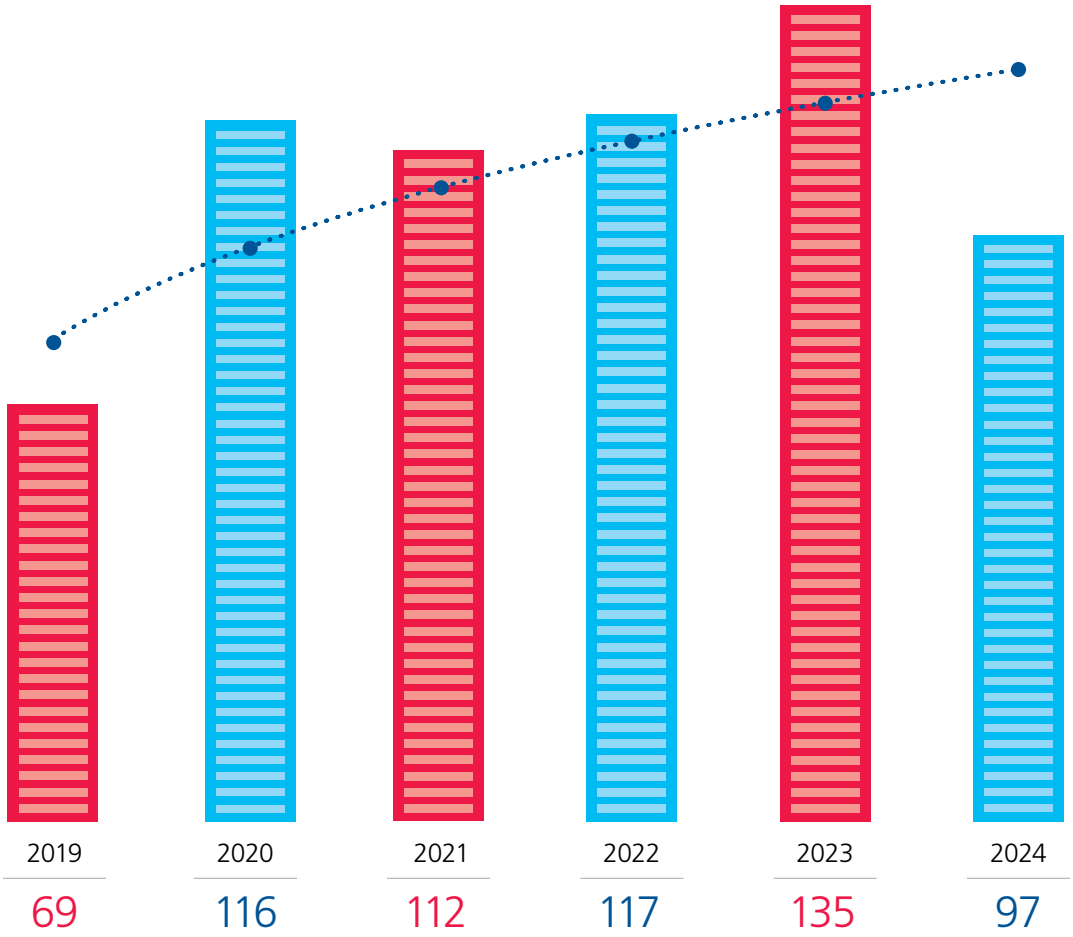


The following pages show the key trends for 2024 and preceding years. We set out total numbers of claims, where they are being filed, what types of claims are being filed, and against which industries.

Overall number of class actions

97

claims filed in 2024

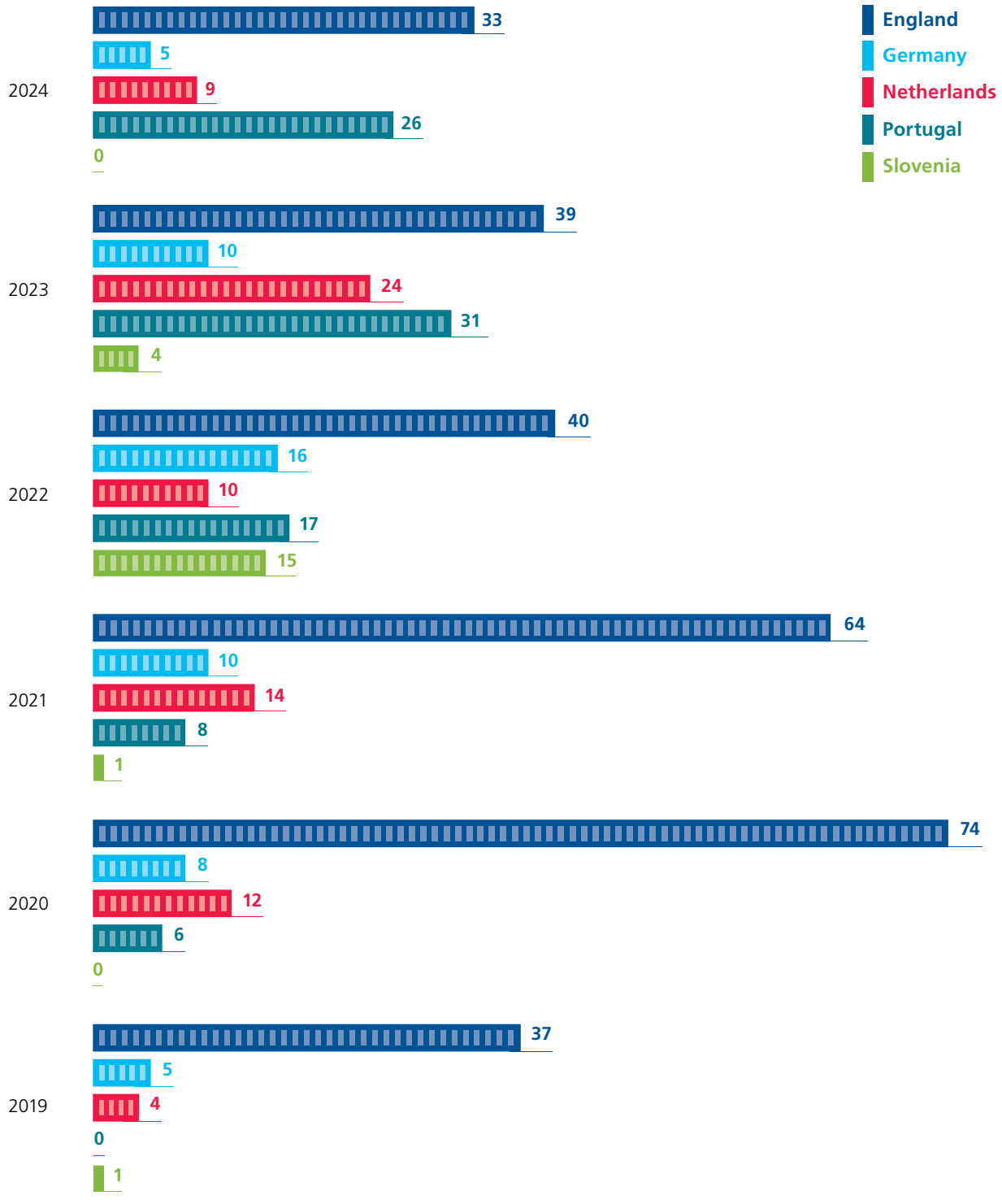


While there is a dip in the number of claims filed in 2024, the overall trendline of class action growth over the last five years indicates steady long-term growth. With continued development and increasing sophistication of litigation funding, and implementation of the Representative Actions Directive (RAD) across Europe, the upward trend is likely to continue. Where considering trends, it is important to note that we report on filings of claims, rather than the ongoing number of extant claims. That number has likely continued to rise despite the dip in filings, as most claims last for a number of years.

Growth in key jurisdictions

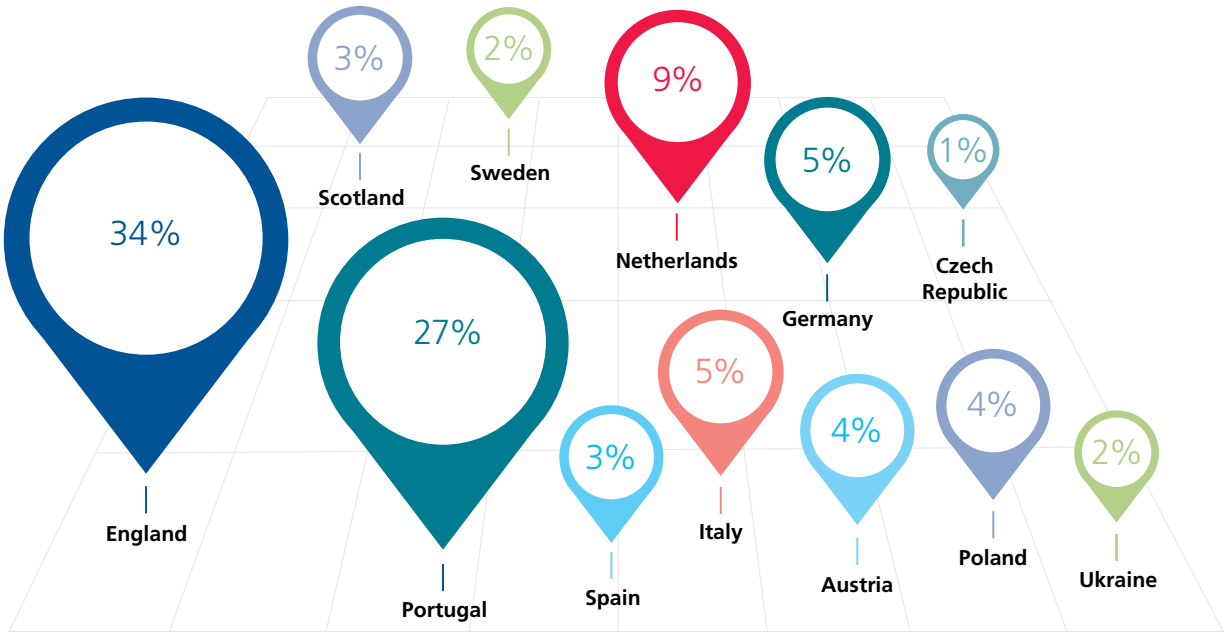
Claims issued in the last six years

Each jurisdiction below experienced a reduction in the number of claims filed, with it being more pronounced in the Netherlands. Notably, in 2022 Slovenia saw enormous growth. It appears that the spike was limited to a cluster of claims related to the EURIBOR zero-floor interest loans practice.



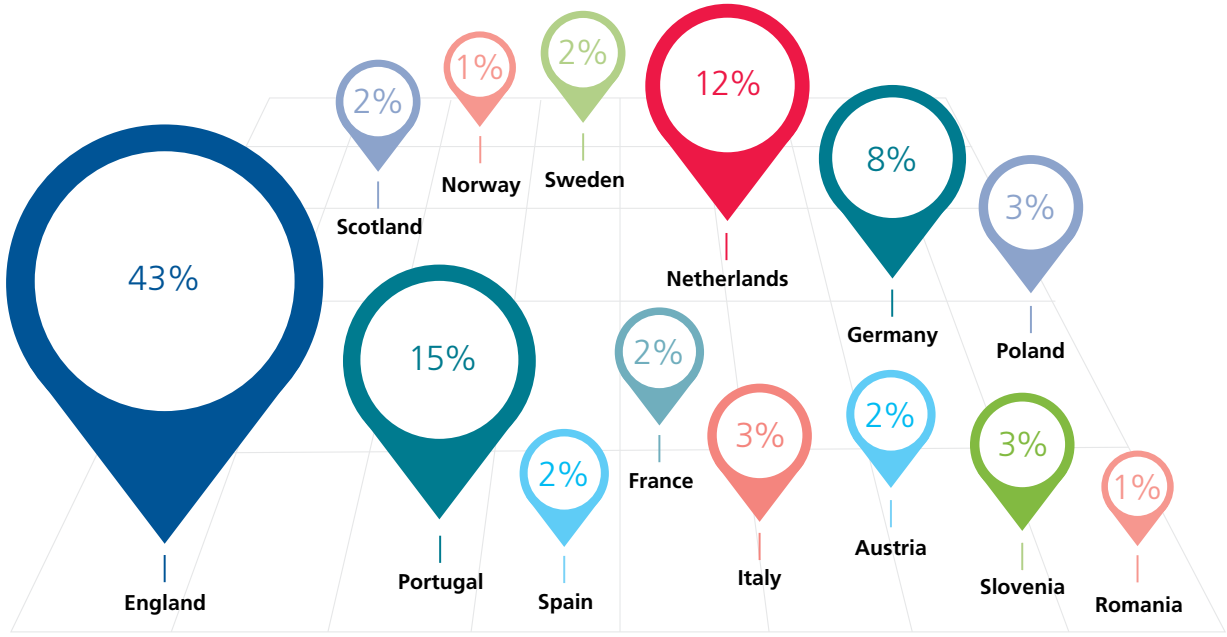
Jurisdiction distribution in 2024

The 2024 data is more in line with the historical trends/five-year average for England and Wales. Also notable is the fact that Portuguese class actions continue to grow year-on-year in terms of overall share of the European pie (with 27% of total claims cf. 23% in 2023, albeit that can also be partially explained by the overall reduction in numbers, particularly in the Netherlands.)



Five-year claims by jurisdiction 2020–2024

The running five-year data – now excluding 2019, the year group litigation in Europe really took off – is roughly consistent with that reported in last year's Report, which indicates that our assessment of the long-term risk profile of key jurisdictions has been accurate.

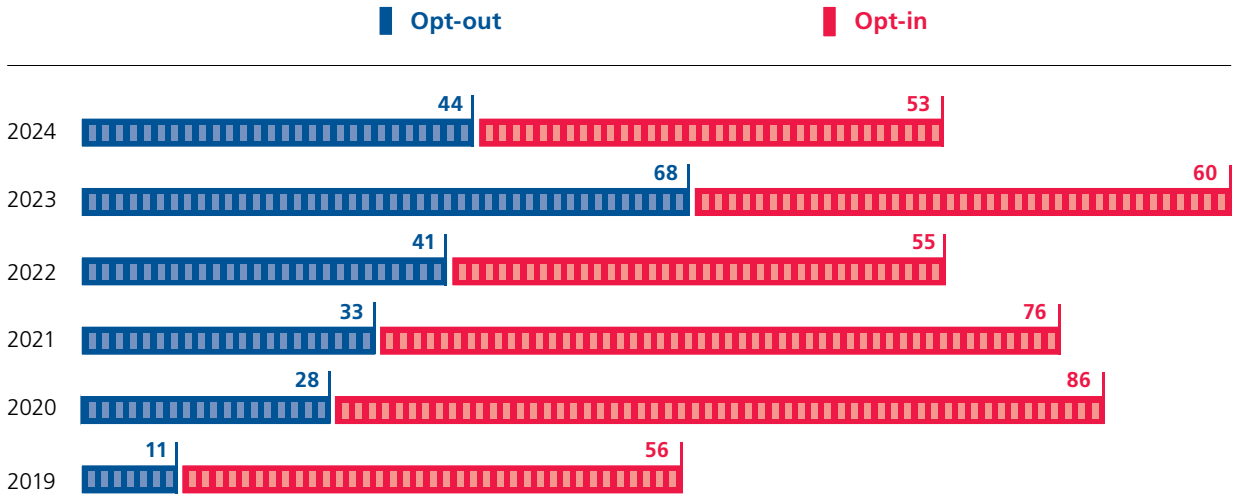


Other: Government/judicial review (1%); Human rights (1%); Intellectual property rights (1%); Professional negligence (1%).

The continued rise of opt-out claims

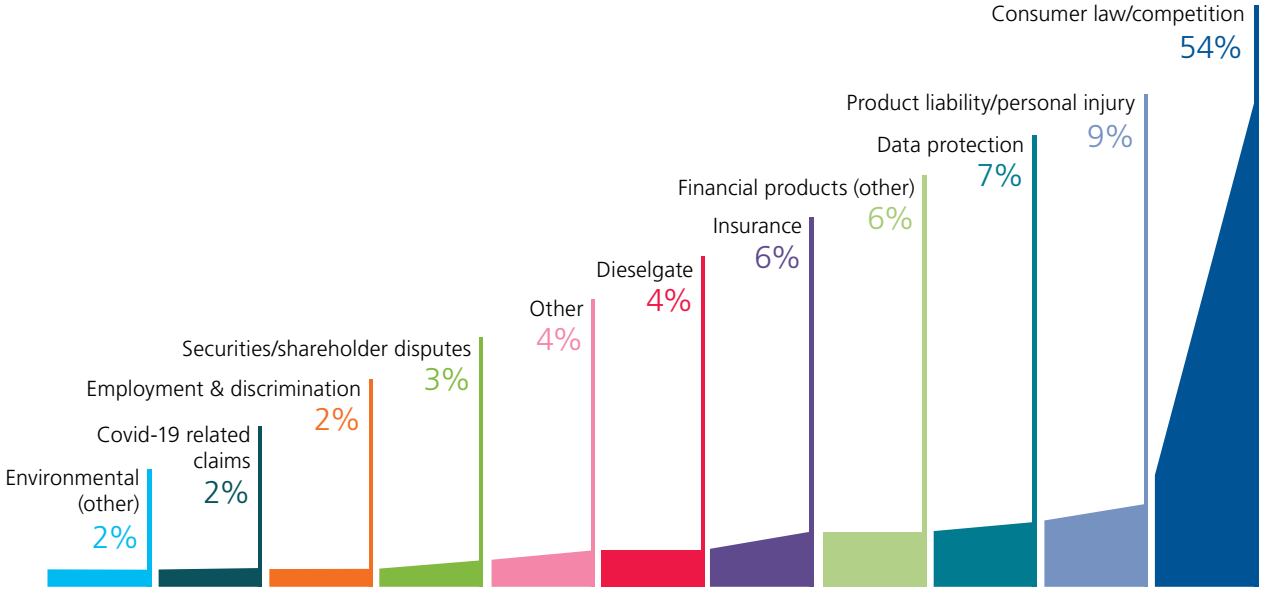
Opt-out and opt-in growth across Europe

Similarly to the overall growth trend, opt-out claims in Europe maintain their growth trend, with 300% comparative growth to 2019.



Types of claims in 2024

We have reviewed and re-classified/further particularised collected data to provide a more detailed snapshot of percent distribution of claims per type of claim. Despite increased precision, this classification exercise still maintains a subjective element as many claims can be characterised to fit into more than one class (particularly in consumer claims, where there is very often overlap with, among other things, product liability.)



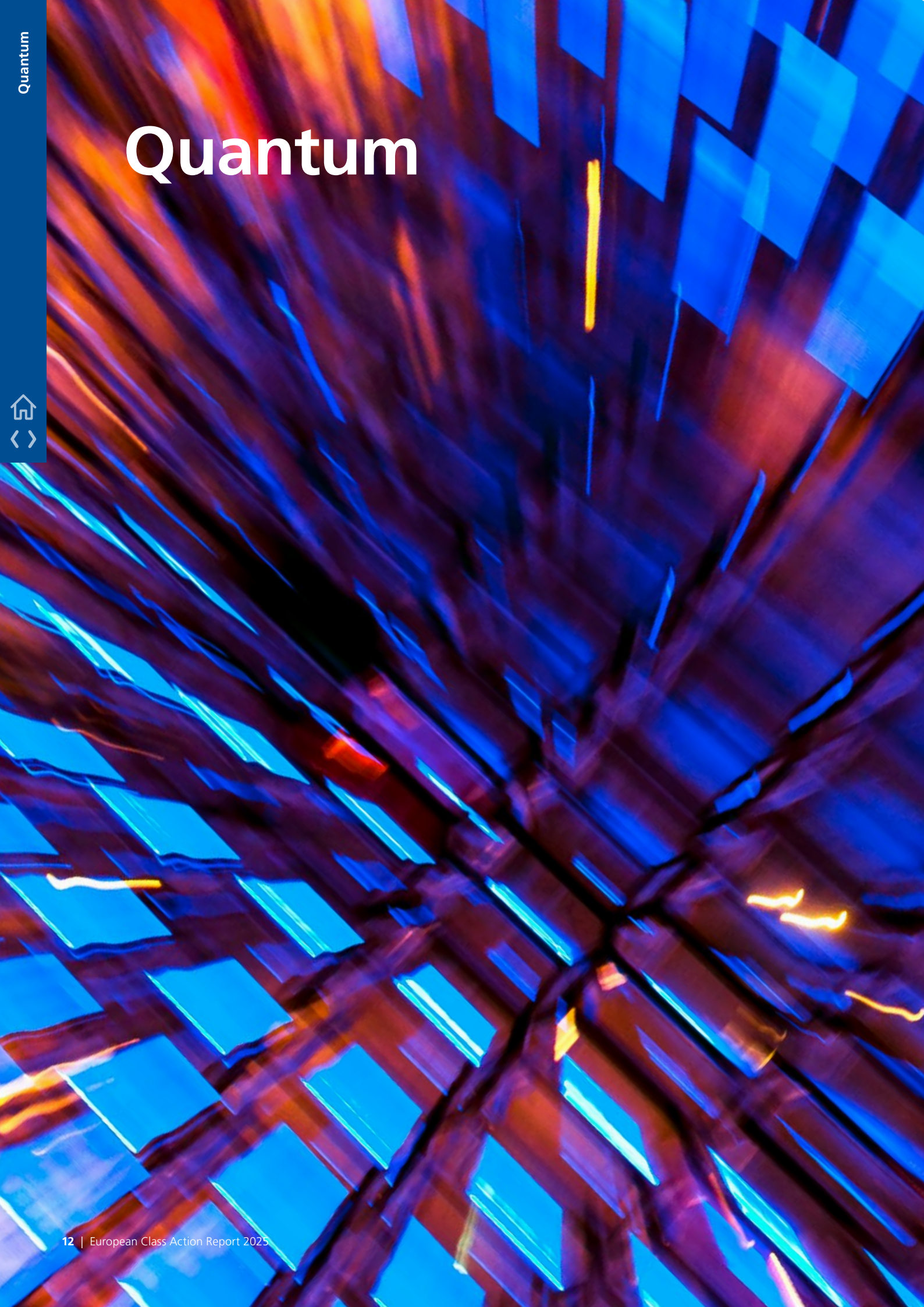
Trends in types of claims

With more granular, narrowly defined data, it is now easier to see specific types of claims which carry the biggest group litigation risk – Consumer and Competition claims (by a margin), Product liability, Data protection and Financial products (including insurance) being some of them. These are also issue-specific outliers such as when the bulk of Covid-19 litigation being filed after the pandemic was over, and the spike in Dieselgate actions in 2021.

Claims by defendant industry sector

Likewise, our revised data identifies defendant sectors most consistently at risk from group litigation as set out below, although to get a complete picture, the below needs to be looked at together with the quantum data, as by itself it would not reveal.

Quantum



This year, we have conducted a thorough revision of our dataset, in order to allow for more and more accurate insights. For example, we have narrowed down classifications for claims against 'Big Tech' (which we have collectively referred to as Alphabet, Amazon, Apple, Meta and Microsoft) as well as Automotive defendants – and Dieselgate claims specifically.

Our approach to assessing quantum most often involves using figures asserted by claimants (or the claimants' law firms) or reported in the press, which we use as an indicative representation of true quantum values. We consider it is necessary to use value as asserted by claimants, rather than actual value as determined at trial as the latter has very few data points.

Where possible, we have also improved the quality of our existing data by referencing updated quantum figures available from public sources (such as news reports, court filings and claimant law firms' websites), and by harmonising currencies and exchange rates used in the reporting (which has had an effect on our reporting on historical quantum).

In cases involving opt-in claims, it is not always possible to determine the exact number of claimants who have joined or will join the claim. As such, where appropriate, we have estimated or inferred figures. On certain occasions, we then infer the claimed quantum by multiplying the number of claimants by the stated per-claimant value.

Where we are unable to identify sufficiently credible data for quantum (which typically tends to apply to lower value and lower profile claims), we have not included these claims in our data and reporting. As such, the true claim quantum will be higher than our published figures.

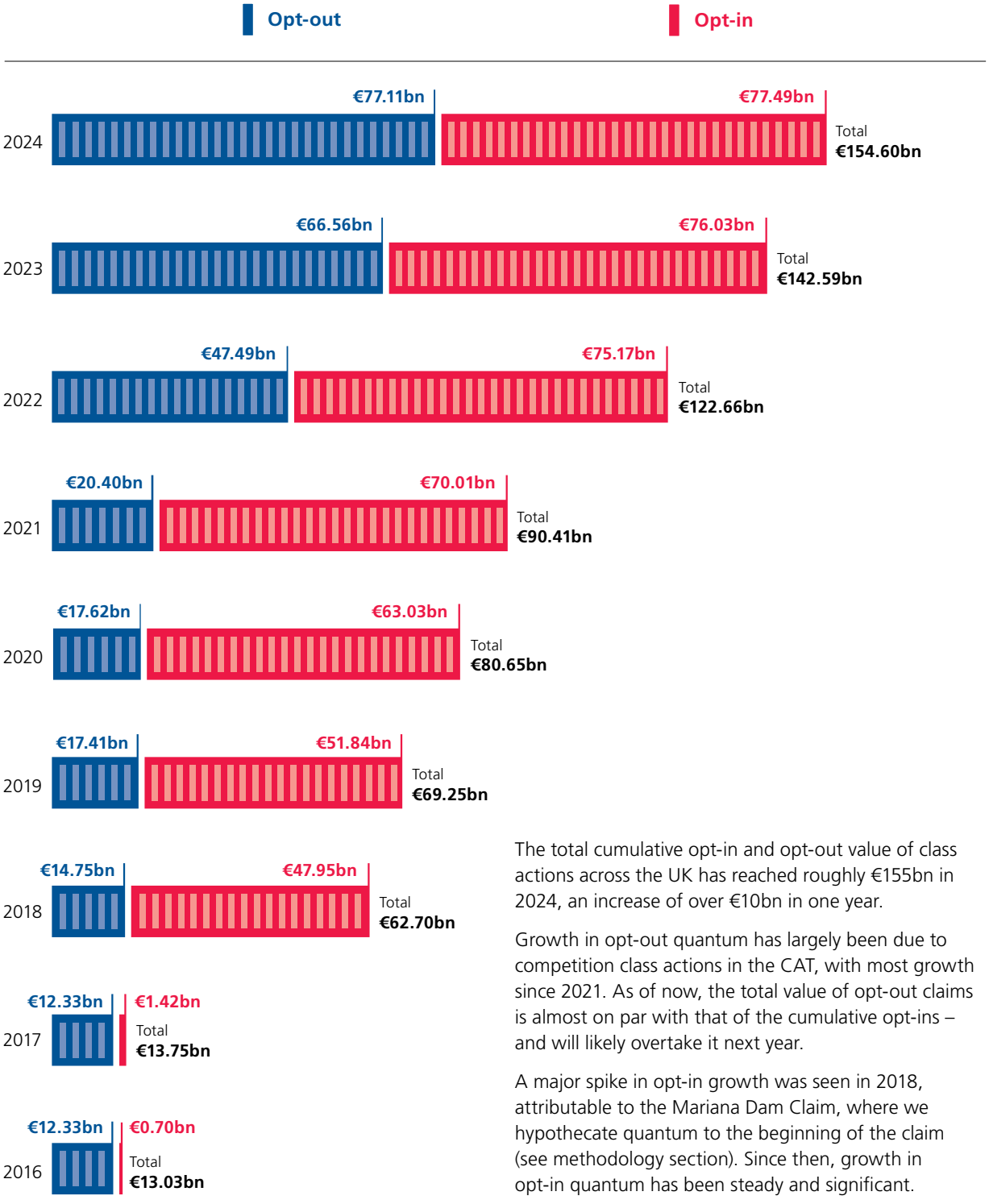
For opt-out claims we use the figure in the claim "as filed". We do not track reductions if defendants are able to exclude part of the claim or otherwise reduce quantum.

As with prior years, for UK data, we have excluded the quantum for the very high value Data protection cases that were withdrawn or failed following the Supreme Court decision in ***Lloyd v Google***.

UK cumulative quantum 2016–2024

Total UK opt-out/opt-in claims for 2024:

€155bn



The total cumulative opt-in and opt-out value of class actions across the UK has reached roughly €155bn in 2024, an increase of over €10bn in one year.

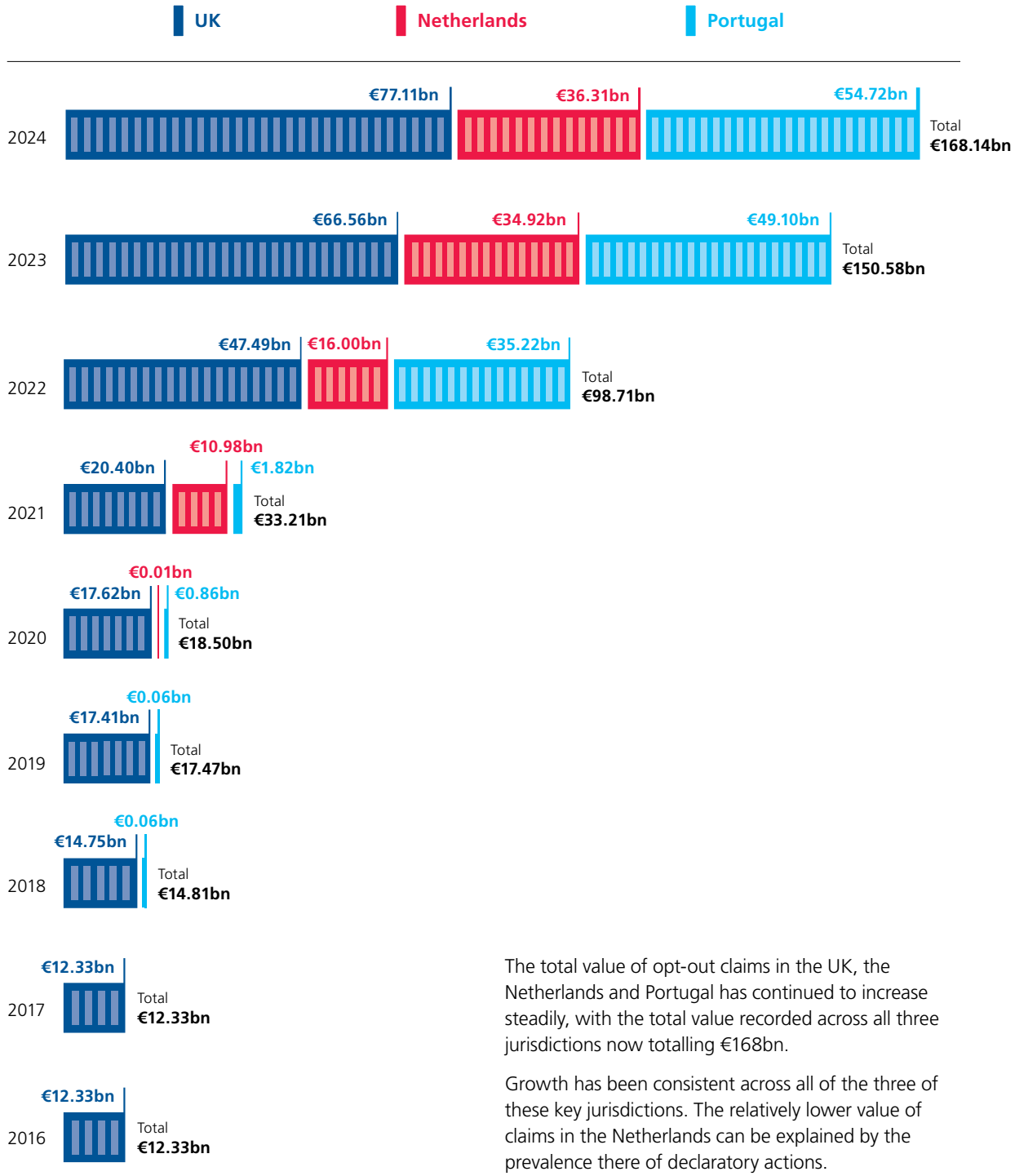
Growth in opt-out quantum has largely been due to competition class actions in the CAT, with most growth since 2021. As of now, the total value of opt-out claims is almost on par with that of the cumulative opt-ins – and will likely overtake it next year.

A major spike in opt-in growth was seen in 2018, attributable to the Mariana Dam Claim, where we hypothecate quantum to the beginning of the claim (see methodology section). Since then, growth in opt-in quantum has been steady and significant.

UK, Netherlands and Portugal opt-out quantum 2016–2024

Total cumulative opt-out quantum for 2024:

€168bn



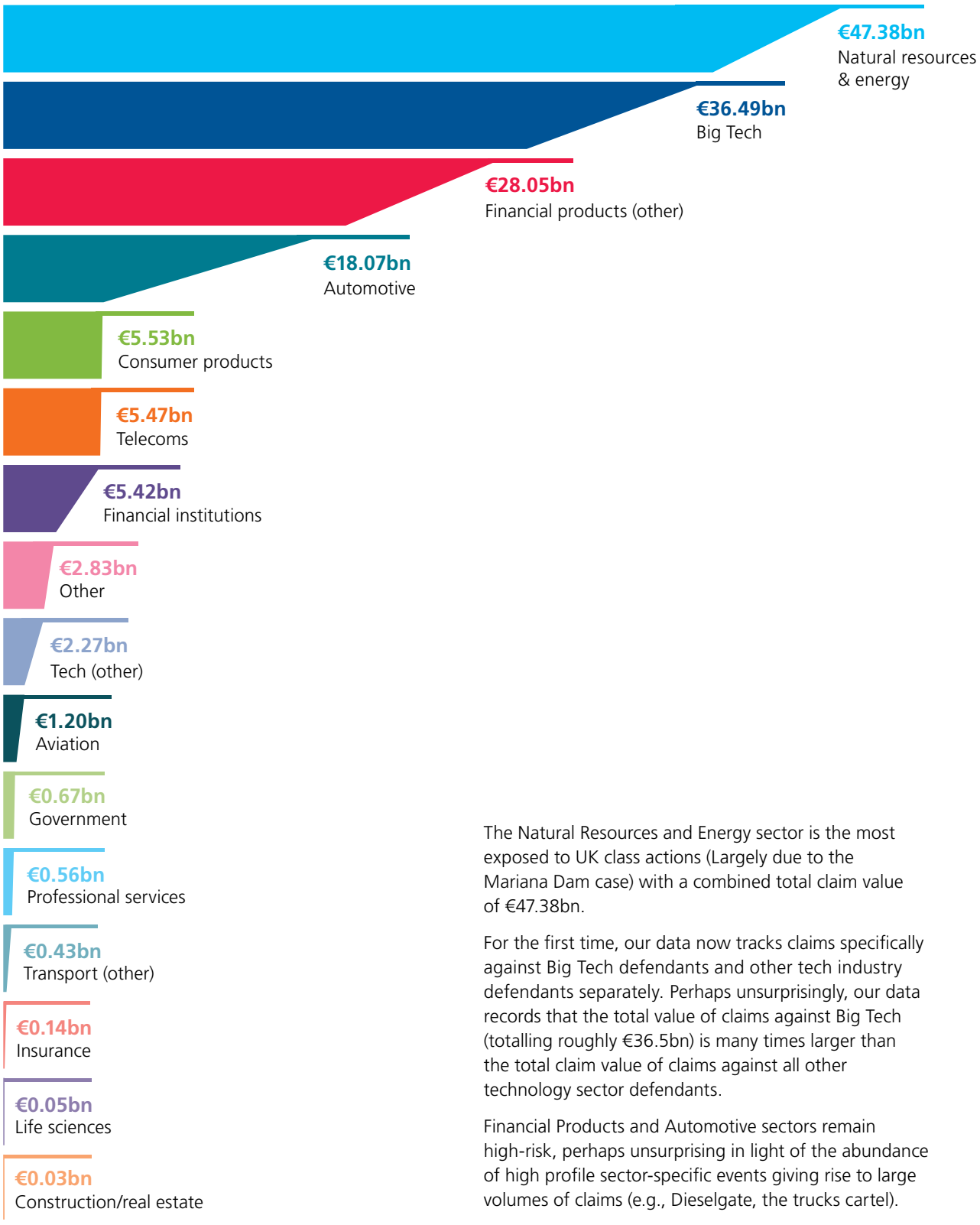
The total value of opt-out claims in the UK, the Netherlands and Portugal has continued to increase steadily, with the total value recorded across all three jurisdictions now totalling €168bn.

Growth has been consistent across all of the three of these key jurisdictions. The relatively lower value of claims in the Netherlands can be explained by the prevalence there of declaratory actions.

Quantum by defendant industry sector 2016–2025

UK total quantum

€154.60bn



The Natural Resources and Energy sector is the most exposed to UK class actions (Largely due to the Mariana Dam case) with a combined total claim value of €47.38bn.

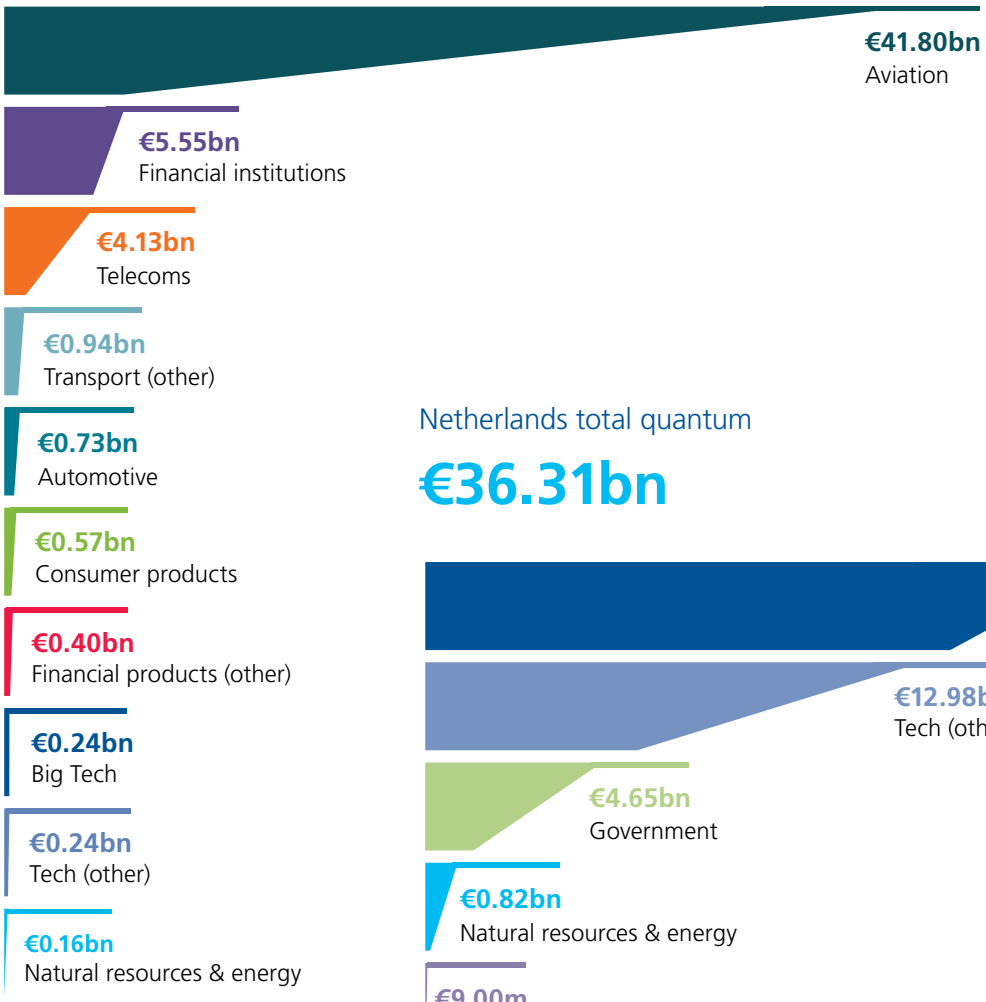
For the first time, our data now tracks claims specifically against Big Tech defendants and other tech industry defendants separately. Perhaps unsurprisingly, our data records that the total value of claims against Big Tech (totalling roughly €36.5bn) is many times larger than the total claim value of claims against all other technology sector defendants.

Financial Products and Automotive sectors remain high-risk, perhaps unsurprising in light of the abundance of high profile sector-specific events giving rise to large volumes of claims (e.g., Dieselgate, the trucks cartel).

Quantum by defendant industry sector 2016–2025

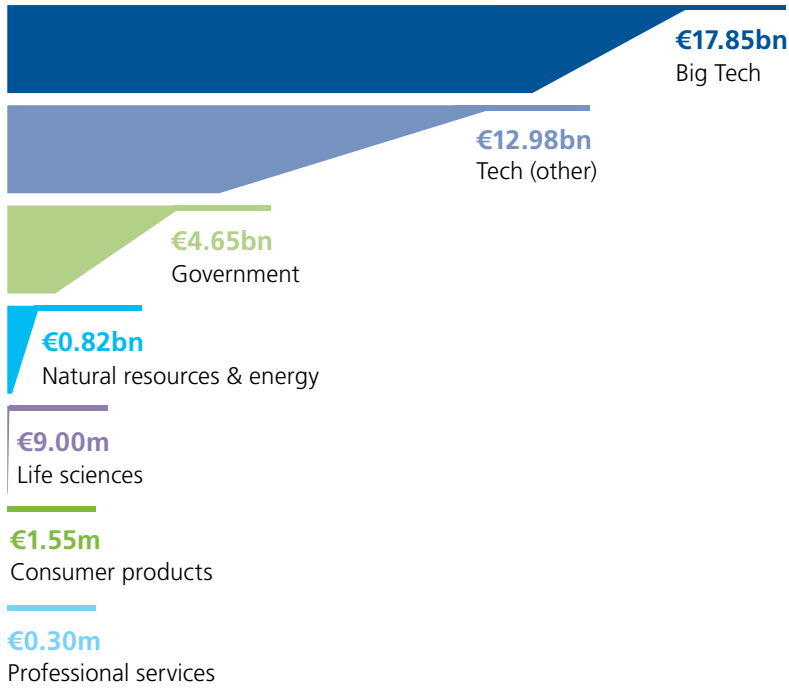
Portugal total quantum

€54.76bn



Netherlands total quantum

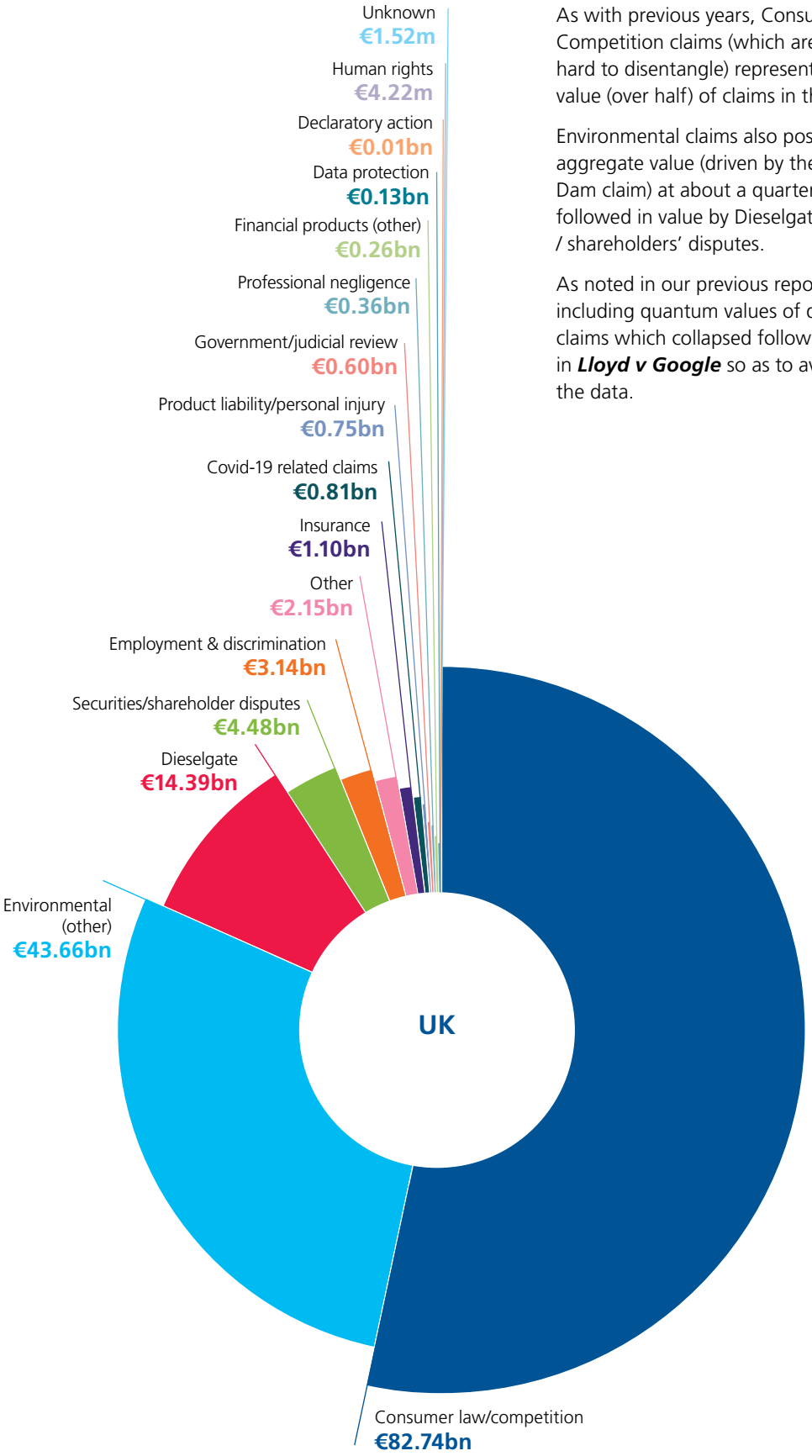
€36.31bn



The Aviation industry represents a significant margin of Portugal's total class action claim value, although this is comprised of only a small number of high-value claims. The Financial Institutions and Telecoms sectors remain high-risk sectors, with both hovering around an average of roughly €5bn in total claims value.

The Technology sector in the Netherlands continues to be exposed to the highest risk of high-value class actions claims. While claims against Big Tech defendants in the Netherlands comprise the highest total value of claims at nearly €18bn, claims against other technology companies are trailing not far behind at nearly €13bn, in sharp contrast to how tech claims are distributed in the UK (see previous page).

Quantum by claim type 2016–2024



As with previous years, Consumer law and Competition claims (which are at most times hard to disentangle) represent the highest value (over half) of claims in the UK.

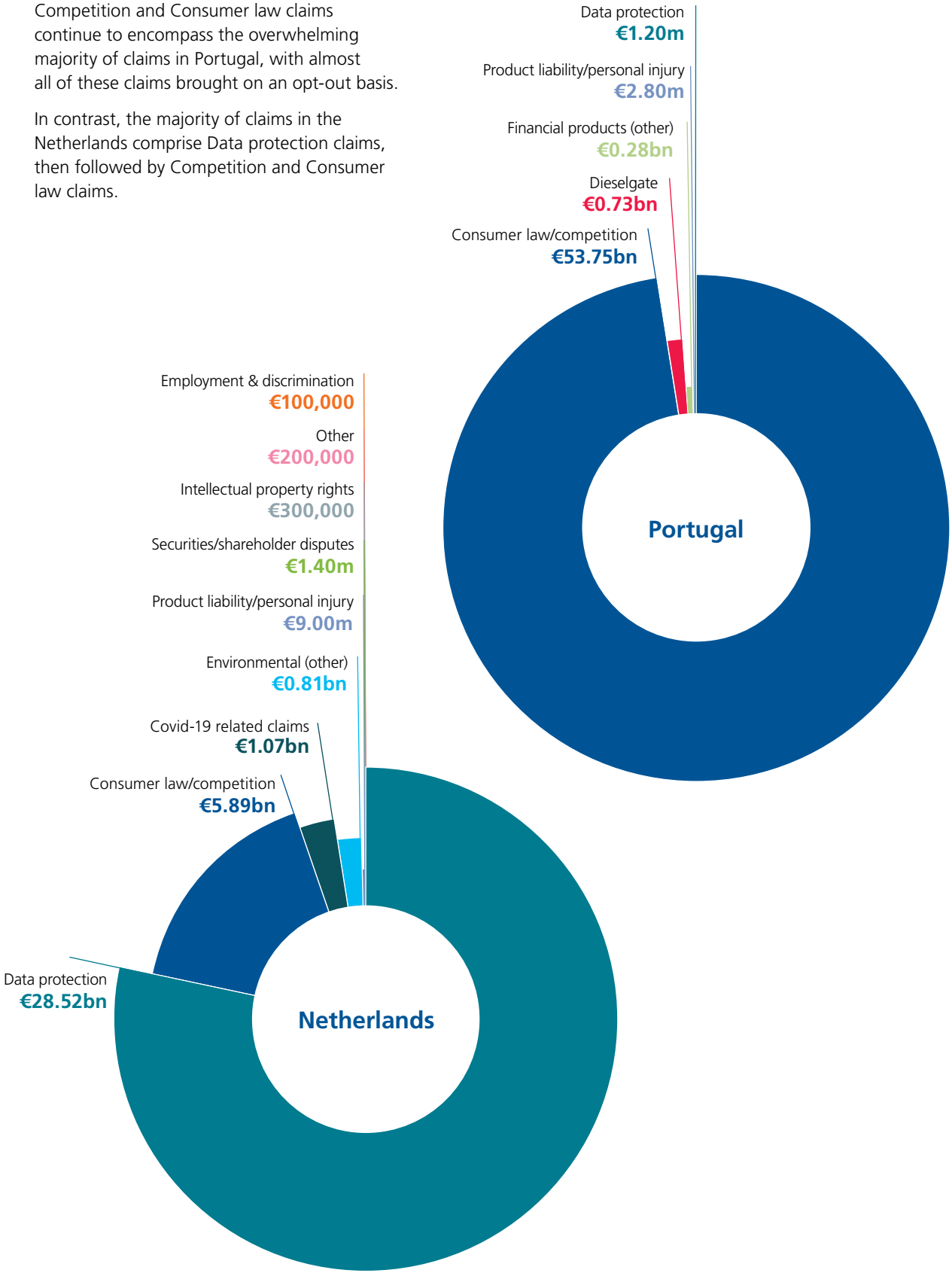
Environmental claims also post high aggregate value (driven by the Mariana Dam claim) at about a quarter of the total, followed in value by Dieselgate and securities / shareholders' disputes.

As noted in our previous reports, we are not including quantum values of data protection claims which collapsed following the ruling in ***Lloyd v Google*** so as to avoid skewing the data.

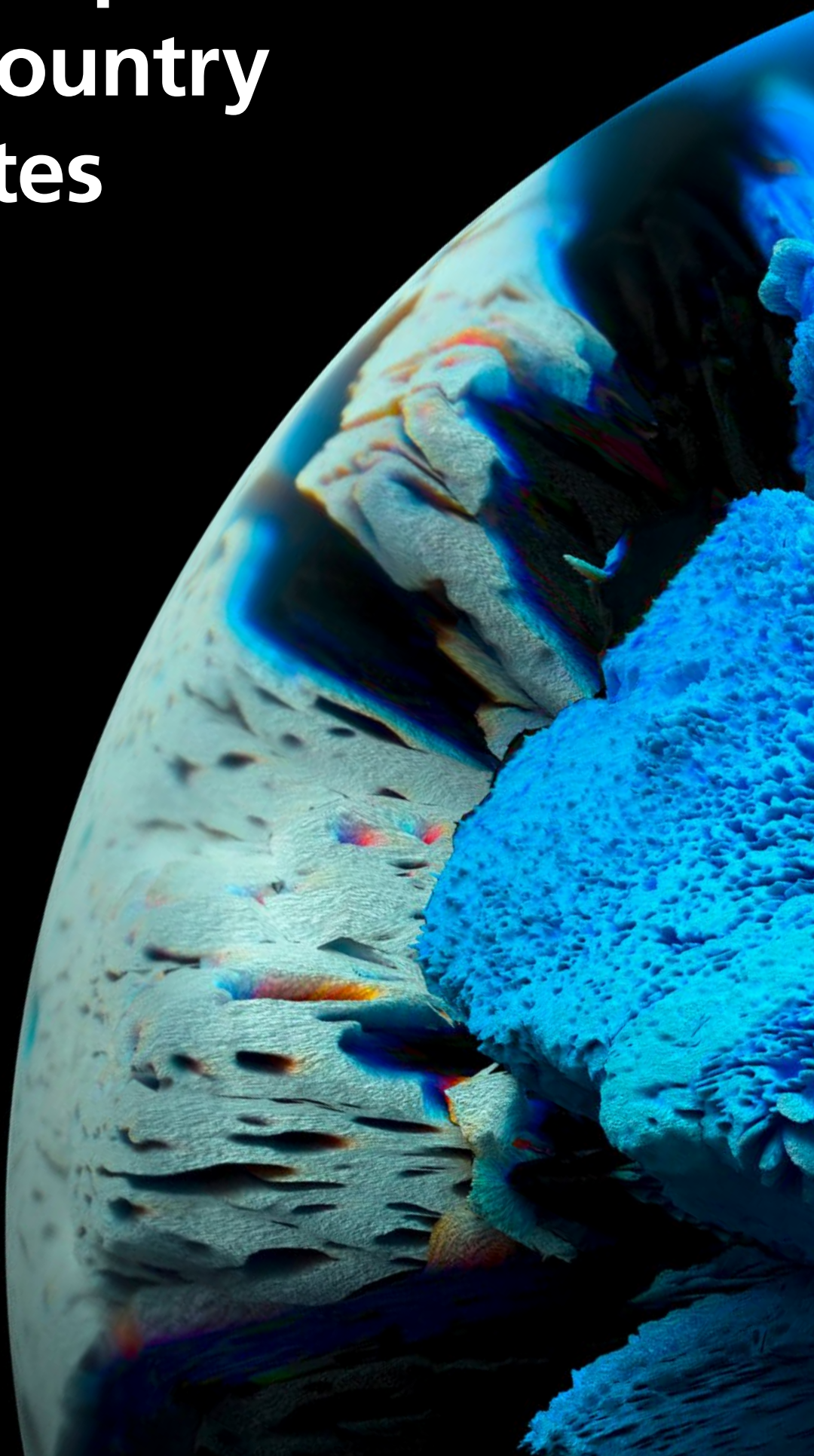
Quantum by claim type 2016–2024

Competition and Consumer law claims continue to encompass the overwhelming majority of claims in Portugal, with almost all of these claims brought on an opt-out basis.

In contrast, the majority of claims in the Netherlands comprise Data protection claims, then followed by Competition and Consumer law claims.

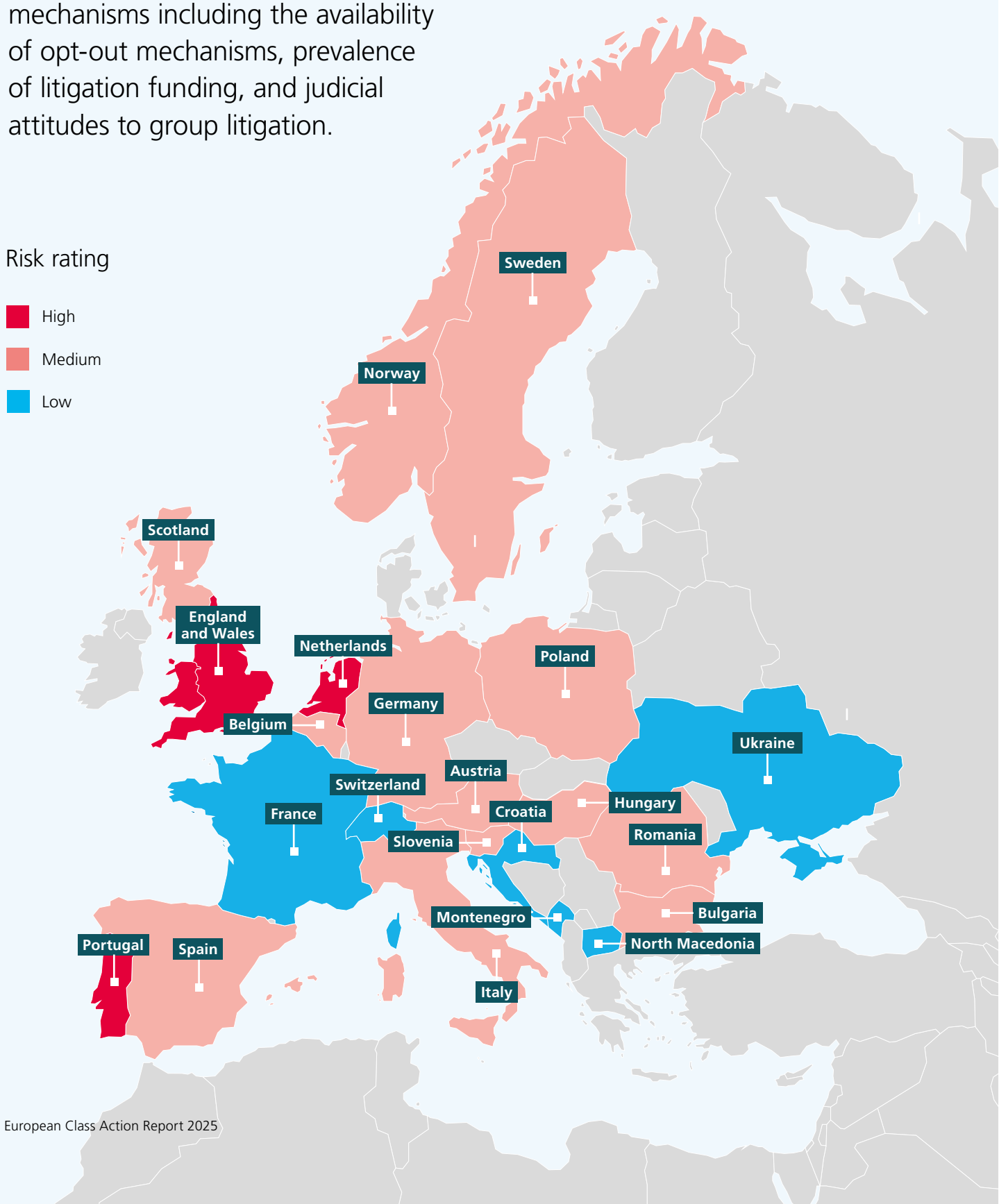


Risk map and country updates

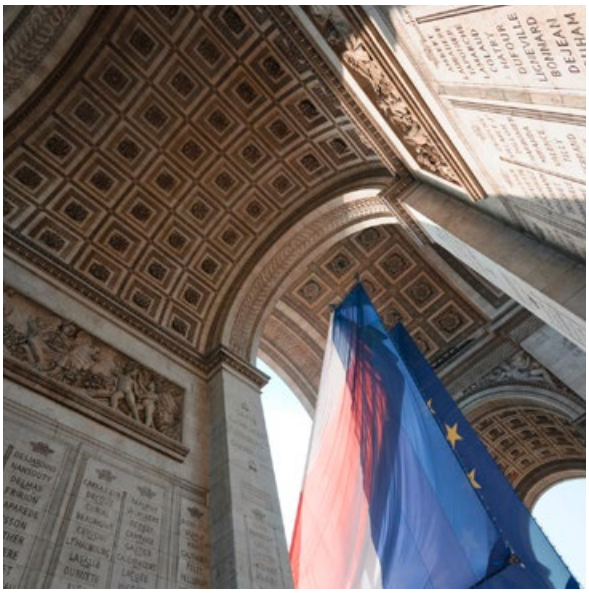


Risk map

This map gives a high level assessment of relative class action risk across the countries in scope. Risk is allocated, according to domestic procedural mechanisms including the availability of opt-out mechanisms, prevalence of litigation funding, and judicial attitudes to group litigation.



Country updates



France

When class actions were introduced into French law, they were initially limited to consumer and competition disputes. In 2016, their availability expanded to healthcare, discrimination, data protection and environmental disputes and in 2018 to housing rental matters.

On 8 March 2023, in the context of the transposition of the Representative Actions Directive, the French National Assembly adopted a bill that aims at increasing the recourse to class actions. The main changes are: (i) the adoption of a unique regime for all class actions (instead of the sector specific rules that used to be in place); (ii) the extension of the persons/entities having standing to bring the action; and (iii) the expansion of the scope of class actions to cover injunctive or remedial relief. The legislative process is still ongoing.

Italy

One of the largest class actions brought in Italy is definitively coming to an end. On 15 May 2024, the Volkswagen Group announced a €50m settlement to end a claim brought in Italy on behalf of approximately 60,000 car owners.

As of 10 April 2025, a digital platform, developed by Altroconsumo, a consumer association active in informing, protecting and representing consumers, was made available to manage the complex logistics of implementing the settlement. Settlement of the claim against Volkswagen is likely to encourage further class actions in Italy.

Poland

Class actions have been available in Poland since 2009 under an opt-in model.

In 2024, a major milestone was reached when Poland implemented the RAD, reshaping the legal landscape for collective redress. Where a qualified entity brings a claim against a trader to seek an injunction to cease allegedly wrongful conduct, the qualified entity does not have to gather a group of consumers.

Currently, the only qualified entity in Poland is the Financial Ombudsman, who, at the end of 2024, exercised for the first time the right – granted under the Polish Act on Pursuing Claims in Group Proceedings – to initiate a class action on behalf of a group. The case concerns the determination of the invalidity of loan agreements concluded between a Swedish joint-stock company and Polish consumers. Although the action brought by the Financial Ombudsman was not initiated under the framework of representative actions introduced by the RAD, it may nonetheless offer a preview of the potential direction and structure of future collective proceedings in Poland.

The prevalence of the financial and insurance sector in class actions observed in recent years reflects there being primary targets and focusses of collective consumer protection litigation. The State Treasury is also increasingly being targeted in such cases, particularly in the context of liability for insufficient supervision or delayed legislative action, as exemplified by the lawsuit brought by Swiss franc borrowers seeking compensation from the State Treasury. In Poland, there is also a growing interest in data protection, which may become a subject of future collective redress proceedings.

Slovenia

Having experienced a period of substantial growth, filings for new class actions in Slovenia have wound down compared to prior years.

Despite the enactment of the Class Actions Act in 2017, the practical application of the legislation remained dormant for several years. The first major class action lawsuit was filed in 2021, followed by a period of rapid growth. However, a lack of relevant case law persisted as most proceedings are still ongoing. This creates a significant level of uncertainty for new filings, as the courts' interpretation of certification requirements remains unclear.

A potentially game-changing ruling emerged in September 2023 from the competent court in the class action case against Apple Inc. The court adopted a strict interpretation of standing, requiring claimants to demonstrate sufficient financial resources, human capital, and legal expertise to effectively represent the class. Notably, the court ruled that success fee arrangements with law firms cannot circumvent these requirements. This is because the financing party must not exert undue influence on the claimant's procedural decisions.

Sweden

In 2023, the Swedish Supreme Court issued an important ruling in the so-called PFAS tort case.

The case involved 165 plaintiffs who sued a municipal water company for compensation for personal injury in the form of highly elevated blood levels of PFAS (a type of synthetic chemical) from drinking the municipal water. The court concluded, in a declaratory judgment, that the high levels of PFAS in the plaintiffs' blood were a compensable personal injury as it caused a negative physical change in the body; however, the increased risk of future adverse health effects did not in itself constitute a personal injury. The Supreme Court did not rule on the amount of compensation.

Furthermore, in 2024, a judgment was delivered in a case where 35 people sued a company for negligent financial advice. The District Court found that the advice given by the company was negligent in relation to all claimants, but that only three of the claimants had complained to the company in time. Those three claimants were found to be entitled to damages from the company, while the claims of the other claimants were dismissed.

These significant rulings are likely to inspire other claims to be filed.

Spotlight on:

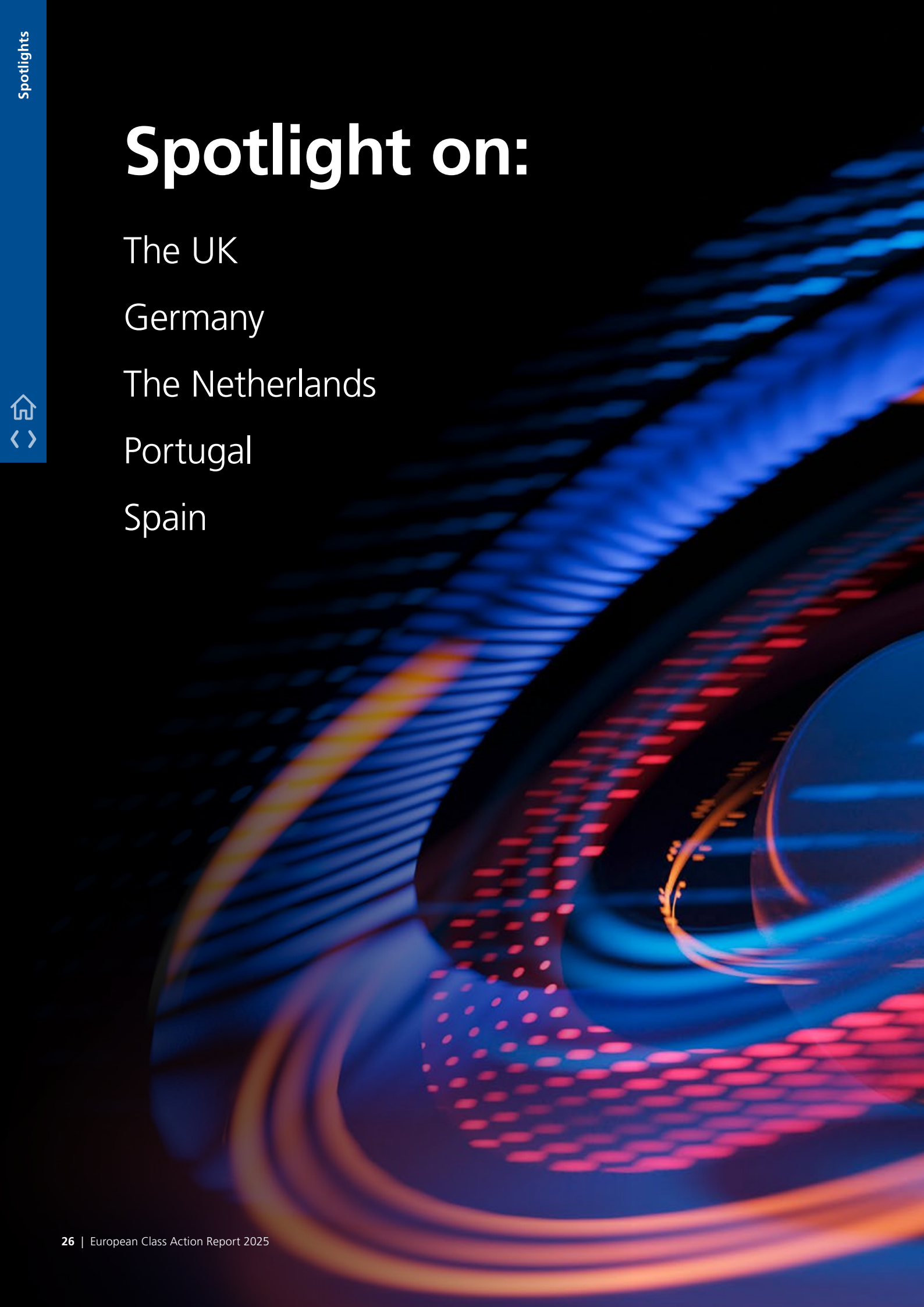
The UK

Germany

The Netherlands

Portugal

Spain



Spotlight on: **the UK**

The UK remains one of the most active jurisdictions in Europe for class actions. We below summarise the recent developments in competition class actions, representative actions and other group proceeding mechanisms in England, Wales and Scotland. There have also been important developments in the potential regulation of litigation funding which are summarised in our feature on litigation funding at page 56.

England and Wales

Competition class actions

Despite the data showing a slight slowing in the number of UK competition class actions issued in 2024 compared to previous years, there have been a number of judgments from the CAT that will significantly influence the future of the regime. There are two broad themes: on the one hand, a number of decisions from the last 12 months have given rise to questions about whether the opt-out class action regime is truly delivering for consumers (as opposed to lawyers and their funders) given the low returns and complete failures of various claims; on the other hand, there are examples of innovative cases trying to push the boundaries to make more use of the regime.

Complete failures and low returns

In December 2024, the CAT handed down judgment in favour of the defendant in ***Le Patourel v BT Group***, the first competition class action to proceed to trial. In dismissing the claim, the tribunal found that although BT was dominant in the market, and its prices were 'excessive', they were not 'unfair'. As a result, damages were not payable.

This case, in which Mr Le Patourel sought damages of up to £1.3bn on behalf of approx. 2.3m BT customers, is a reminder that success at certification does not guarantee success at trial. In addition, where certification arguments rely heavily on preliminary regulatory findings (as Mr Le Patourel's did), there is a real prospect that evidence available at trial will have moved on substantially, allowing the CAT to reach different findings to the regulator. Another notable point is that rather than favour one expert's methodology over the other, the CAT took a 'blended' approach to the expert evidence, with the end product resembling neither party's methodology.

Le Patourel should remind claimant lawyers and funders of the need to fully scrutinise prospective claims beyond the certification stage, and to give careful consideration to settlement options before staking everything on a successful trial.

In May 2025, after almost nine years of litigation, the CAT ruling on the ***Merricks v Mastercard*** class action settlement was published, approving a £200m collective settlement proposal ("the **CSAO application**"). Controversially, the CSAO application was opposed by the third party litigation funder, Innsworth Capital, on the grounds the settlement was too low and was not "just and reasonable" for all stakeholders – the claim had originally sought damages of £14bn, then increased to £17bn before reducing.

In its judgment, the Tribunal confirmed the 'just and reasonable' test per s49A(5) Competition Act 1998 was to be addressed from the perspective of the class members; application of this test did not require considering the interests of "all stakeholders", as the funder had argued.

The CAT also ruled that the collective proceedings regime should operate *"for the benefit of [class members] and not primarily for the benefit of lawyers and funders"*, although it also recognised that *"the regime could not function effectively without the [class representative] having good legal representation and commercial litigation funding to pay for it"* and that this presented a *"particular challenge"* when the damages recovered fall so short of the sums envisaged at the litigation's outset.

The Tribunal commended Mr Merricks for proposing a settlement aimed at achieving maximum take-up by class members. But the reality is that the return for consumers is very low: the £14bn claim was settled for just £200m. Of that, £100m is ring-fenced for class members (tentatively estimated at just £45 – £70 per class member) with the other £100m primarily intended for lawyers and funders.

The £200m settlement represents just over 1% of the £17bn figure sought and, with such a low recovery, arguably this claim failed entirely. Funders justify high returns because they lose some cases outright and so they need high returns on successful cases to balance their risk. On this basis, the funder arguably should have lost its entire investment and the full £200m should have gone to the class members.

In a further twist to this long-running litigation, Innsworth Capital has recently (June 2025) applied to judicially review the CAT's decision to approve the CSAO application. That issue remains live at the date of this report.

Pushing the boundaries

Due to the advantages of opt-out class actions for claimant law firms and funders and the fact that this regime is only available for alleged breaches of competition law, claimants have made innovative attempts by claimant lawyers to shoe-horn claims into a competition framework. The most recent attempt was a £1.5bn class action against six water companies. Professor Brown, the proposed class representative, alleged that those water companies had significantly under-reported pollution incidents, which allowed them to abuse their dominance by charging domestic customers higher prices than would have been permitted if accurate reports had been made.

In March 2025, the CAT refused certification of the claim on the basis that bringing a claim on a competition law theory of harm was precluded by Water Industry legislation (permission to appeal was also refused). Despite not having got out of the starting gates, the case is not without interest. On a general level it provides evidence of an appetite amongst claimant law firms and litigation funders to continue to package consumer/ESG claims up as breaches of competition law. To be clear, the CAT did not rule that competition law did not apply to this claim per se. The defendant water companies argued that as they had a statutory monopoly they should not be subject to competition law, but the CAT rejected this argument. Relatedly, it was clear that business customers could bring claims and the CAT identified that it would contradict competition law's purpose of promoting the welfare of consumers if claims could not be brought on behalf of domestic customers. Rather, this claim failed because the relevant regulations specifically precluded a competition claim. These sorts of provisions are rare and the observations of the CAT that other elements of the claim are in principle viable will encourage other innovative claims.

Representative actions

The representative action mechanism in CPR 19.8 (previously CPR 19.6) is a less prescriptive regime than the CAT regime. It has only two requirements: first, that the representative and class members have the "same interest"; and second, that the court exercises its discretion to allow the instant claim to be brought as a representative claim.

'Same interest'

In ***Lloyd v Google*** [2021] UKSC 50, the court held that the 'same interest' test required claims to raise a common issue or issues. It also recognised that at some point those interests may diverge, in which case a 'bifurcated process' could be adopted to decide common issues (fact or law) amongst the represented parties, with other individualised issues being the subject of separate and later determination.

Two decisions from late 2024 reinforce the ongoing difficulties faced when trying to satisfy the 'same interest' requirement for representative proceedings. In both ***Smyth v British Airways plc & ors*** [2024] EWHC 2173 (KB) (a claim for flight delay compensation) and ***Prismall v Google*** [2024] EWCA Civ 1516 (a misuse of private information claim), representative proceedings were struck out for their failure to demonstrate individual claimants satisfied the same interest test. In Smyth, the court found that the representative claimant had failed to identify any common issues. Separately, it confirmed it would not have exercised its discretion to allow the claim to proceed in any event due to there being an alternative low-cost remedy and because of its concern about the representative claimant's motives for the litigation and her funding arrangements. In *Prismall*, the court found that the representative's efforts to seek "lowest common denominator" damages had no realistic prospect of success. It therefore remains difficult to establish class-wide damages using the representative action mechanism, but claimant law firms and funders are likely to continue to try because this mechanism can be used on an opt-out basis for non-competition claims which makes it potentially very powerful.

Securities representative class actions

There have been a number of significant recent developments in the use of the representative action mechanism for securities class actions brought under sections 90 and 90A of the Financial Services and Markets Act 2000 ("**FSMA**"). These provisions require that issuers of securities must compensate individuals who suffer loss due to a misleading statement, dishonest omission, or dishonest delay in the publication of information relating to those securities. While the UK has yet to witness a FSMA representative securities claim reach final judgment, several prominent cases have clarified the legal landscape.

In ***Wirral Council v Indivior plc & anr*** the court considered the suitability of representative procedure for securities claims under sections 90 and 90A FSMA. At first instance, the High Court rejected the use of representative procedure to address only the common, defendant-related questions – such as the existence of misleading statements – while postponing the resolution of all other individual claimant issues, such as standing, reliance, and loss. In particular, the court expressed reservations about what it saw as the potential tactical use of representative actions to bypass procedural requirements that would otherwise apply in traditional group litigation.

Following a hearing in December 2024, the Court of Appeal upheld the High Court's decision to strike out the representative proceedings. The court considered recent decisions, including ***Lloyd v Google and Commission Recovery***, and recognised that a bifurcated approach has been taken in other types of litigation where different considerations apply. However, ultimately it disapproved Wirral Council's use of CPR 19.8 to avoid the burden of up-front work that would apply in a usual claim and to instead place the burden on the defendants. It also reconfirmed that there is no hierarchy of claims procedures; the judge was entitled to exercise his discretion in favour of the claim moving forward as multi-party proceedings, which in this case were considered more likely to promote settlement and were in line with the overriding objective.

Developments in other group litigation mechanisms

Group Litigation Orders

Group Litigation Orders ("**GLO**") can be used to resolve suitable common issues in opt-in proceedings. One of the largest sets of proceedings currently before the English courts are claims concerning NOx emissions brought by consumers. The **Pan-NOx Emissions Group Litigation** (otherwise known as the Dieselgate litigation) consists of 13 separate GLOs against different manufacturers of vehicles, plus in excess of 2,000 retailers and multiple finance companies.

The Pan-NOx litigation held a 2-week hearing (October 2024) to consider case management and a 10-week trial is listed from October to December 2025 on so called "prohibited defeat devices". That trial will involve sample vehicles for the 4 lead GLOs, with the court's findings only binding on those lead defendants. In March 2026, there will be a further trial on legal issues, which will be binding on all defendants, with quantum to be considered in autumn 2026.

The Pan-NOx litigation is subject to cost management and the judgment handed down following the three-day cost management hearing in June 2024 contains a number of points of principle that will be of wider relevance.

The most significant takeaway is that the judgment shows the Court's willingness to slash costs even in large group actions like this.

Whilst the Court acknowledged the scale and complexity of the Pan-NOx litigation, and the large number of claimants, the parties did not have a "blank cheque" and the costs still need to be reasonable and proportionate.

The judgment was particularly critical of the Claimants, stating that their budgets were *"redolent of financial incontinence"* and *"wholly disproportionate"*. As a result, the Court reduced the claimants' overall estimated costs (which totalled over £207m) by almost 75% to £52m.

The Court also reduced the defendants' budgets but to a much lesser extent (£114m in total). Nonetheless, stepping back, even as reduced by the Court, these figures show just how expensive this type of litigation can be.

Another significant GLO currently before the courts is ***Municipio de Mariana & ors v BHP Group***, a case brought by over 700,000 Brazilians concerning liability for the collapse in 2015 of a Fundão Dam in Brazil. A twelve-week first stage trial on liability commenced in late 2024, with a judgment expected in late 2025. It remains to be seen whether we start to see more use of GLOs for mass human rights or environmental harm claims.

Multiple claimants on claim forms

Outside of formal group proceedings mechanisms such as representative actions and GLOs, it is also possible to file a claim on behalf of multiple claimants on a single claim form. There is no limit to the number of claimants who may be included on a claim form, provided that their claims can all be *"conveniently disposed of in the same proceedings"* (CPR 7.3).

A number of recent cases have grappled with the test in CPR 7.3. In ***Abbott v Ministry of Defence*** in 2023, the court found that such multi-party proceedings would be appropriate where there were likely to be common issues amongst the claimants of sufficient significance that their determination would constitute *"real progress"* towards the final determination of each claim in a set of claims – but warned against inappropriate overloading of claim forms. In April 2024, the Court of Appeal considered this issue afresh in ***Morris & Others v Williams & Co Solicitors***. In a decision allowing the use of a single claim form for 134 claimants, it overturned the "*real progress*" test set out in Abbott and said there is no test beyond what CPR 7.3 says, namely that a single claim form may be used for all claims "*which can be conveniently disposed of in the same proceedings"* which is an exercise for the court to determine "*according to the facts of every case*".

This decision has been welcomed by claimant law firms and litigation funders, since it seems to clear the way for a greater use of multi-party proceedings per CPR 7.3, particularly where individual claimant's claims may lack a sufficient degree of commonality to be able to use other forms of class actions, such as GLOs.

The Part 7 procedure, which is the starting point for most types of claims, has been notably adopted in securities litigation – and following the Claimants' failed attempt in ***Wirral Council v Indivior plc & anr*** to utilise the CPR 19.8 representative procedure discussed above, that pattern seems likely to continue. The ***Various Claimants v Serco Group plc*** securities litigation concluded in June 2024 by way of settlement. However, an interlocutory judgment on that claim demonstrated that the High Court was willing to place weight on the parties' submissions as to effective case management, with it ultimately adopting a split-trial model: the first trial addressing common issues (largely of fact and law), and the second issues individual to the claimants (largely evidential). The Court also, notably, directed that certain evidential issues could be addressed on a 'sampling' approach.

In ***Aabar Holdings SARL v Glencore plc & Ors***, separate shareholder claims against the same defendant are being co-managed together (which is not unusual). In the course of that litigation, an issue has arisen in different claimants potentially having different entitlements to documents from the defendant. In November 2024, the High Court handed down a judgment addressing this complex topic.

One observation is of particular interest: it noted that certain public companies "*have thousands or even hundreds of thousands of dematerialised shareholders, who will be changing all the time. How, in such circumstances, there can really be said to be a joint interest is difficult to fathom. The more so, in view of the fact that the interests of such shareholders will vary widely not only as between themselves as shareholders but also as between themselves and the company."* This potentially places some guard rails around the increasing tendency to attempt to group claimants all together into one action. Similarly, in ***Various Claimants v Standard Chartered***, the High Court was again willing to take guidance from the parties on how claims should be managed. It ultimately directed that certain of the claims be tried by way of 'Sample Claimants' (the mechanisms for which were themselves contested between the parties). Both Aabar Holdings and Standard Chartered are listed for trial in the second half of 2026, so watch this space.

CPO applications in the CAT

2024 saw a further 11 new competition class actions being registered. The timeline below sets out the status of the claims registered as at 1 July 2025.

*Not published but applies to 80–92% of Amazon purchases made using the Buy Box tool. Claim is brought on behalf of British consumers who bought items on Amazon since October 2016.

KEY

Class size and claim

- Class members under 1m
- Class members over 1m

(The colouring cross-references to the claims)

Action type

- Stand-alone
- Follow-on
- Both

Certification

- Opt-in
- Opt-out
- Stayed
- Withdrawn
- Discontinued
- Dismissed
- Rejected
- Pending

2023

- *Charles Arthur v Alphabet* **c. 200,000 class members; £15.9bn**
- *Sciallis v Casio Electronics* **c. 100,000 class members; £215m**
- *Robert Hammond v Amazon* **c. 49.4m class members; £1.4bn**
- *Doug Taylor v MotoNovo Finance* **c. 222,000 class members; £194m**
- *Doug Taylor v Black Horse* **c. 665,000 class members; £581m**
- *Doug Taylor v Santander* **c. 178,000 class members; £156m**
- *Sean Ennis v Apple* **c. 1,600 class members; £785m**
- *Christine Riefa v Apple* **c. 36m class members; £500m**
- *Carolyn Roberts v Severn Trent* **c. 8.1m class members; £322.5m**
- *Nikki Stopford v Alphabet & Google* **c. 65m class members; £7.3bn**
- *Justin Gutmann v Vodafone/EE/BT/3G UK/Telefonica* **c. 28.2m class members; £3.3bn**
- *Carolyn Roberts v United Utilities* **c. 5.6m class members; £378m**
- *Carolyn Roberts v Yorkshire Water* **c. 3.9m class members; £390.9m**
- *Carolyn Roberts v Northumbrian Water* **c. 2m class members; £225.1m**
- *Carolyn Roberts v Anglican Water* **c. 4.8m class members; £69.5m**

2024

- *David Alexander de Horne Rowntree v PRS* **c. 165,000 class members**
- *Caroline Roberts v Thames Water Utilities and Kemble Water* **c. 11.5m class members; £159.1m**
- *Bulk Mail Claim v International Distribution Services* **c. 290,500 class members; £878.5m**
- *Vicki Shotbolt v Valve Corporation* **c. 14.2m class members; £656m**
- *BIRA v Amazon* **c. 35,000 class members; £1.2m**
- *Waterside Class v seafood farms* **c. 44.2m class members; £382m**
- *Andreas Stephan v Amazon* **c. 200,000 class members; £2.8bn**
- *Barry Rodger v Google* **c. 2,200 class members; £1bn**
- *Which? v Apple* **c. 40m class members; £2.9bn**
- *Maria Luisa Stasi v Microsoft* **c. 59,000 class members; £2.1bn**
- *Clare Mary Joan Spottiswoode v Motorola* **c. 2,000 class members; £650m**

2025

- *Or Brook Class Representative Limited v Google* **c. 250,000 class members; £5bn**
- *Roger Kaye v Google* **Between 500,000 and 1.5m class members; between £15.2bn and £25.2bn, including interest**

KEY

Class size and claim

- Class members under 1m
- Class members over 1m

(The colouring cross-references to the claims)

Action type

- Stand-alone
- Follow-on
- Both

Certification

- Opt-in
- Opt-out
- Stayed
- Withdrawn
- Discontinued
- Dismissed
- Rejected
- Pending

Estimated class size

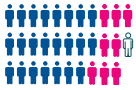
This chart shows the cumulative estimated class sizes, based on publicly available information, for all UK competition class actions under the Collective Proceedings Order Regime (the "**CPO Regime**") that have been filed in the CAT. It includes figures for claims that have been certified, withdrawn or where certification has been rejected.

2016 | **46,232,000**

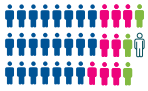
2017 | **46,232,000**

2018 | **46,250,000**

2019 | **62,493,819**

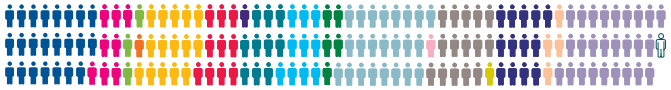


2020 | **69,393,819**



2021 | **171,003,819**

2022 | **340,013,333**



2023 | **544,389,933**

2024 | **655,044,610**

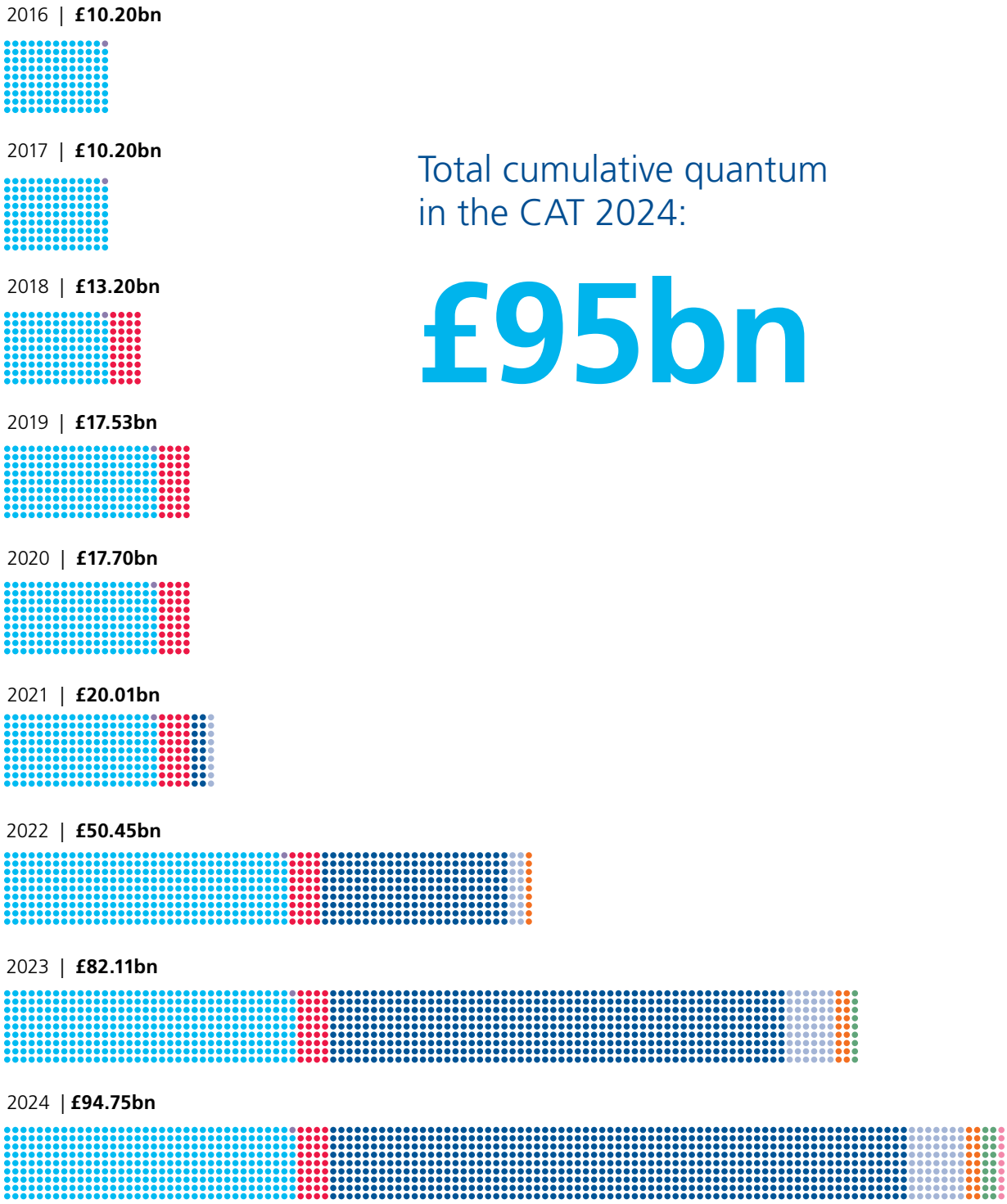
> By the end of 2024, class actions in the CPO Regime involving more than 655 million class members had been filed in the UK. This means nearly 10 class actions for each person in the UK's population of 68 million.

Class members under 1m

Class members over 1m
(The colouring cross-references to the claims.)

Cumulative quantum in the CAT by defendant industry sector

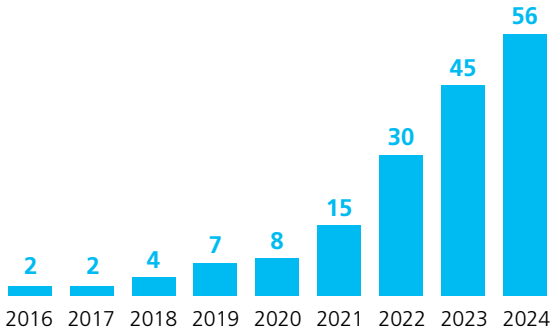
The below graph shows a huge growth in quantum sought since 2021. Much of the commentary on CAT class actions focuses on Big Tech being targeted. Big Tech represents the majority of quantum sought but other sectors face significant exposure with Financial Institutions facing very large claims.



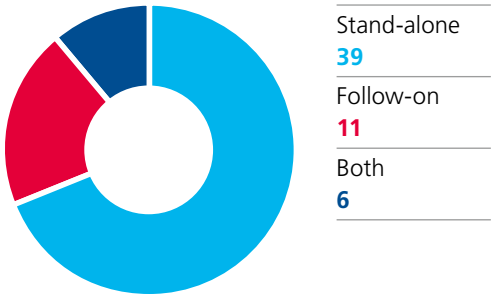
Total cumulative quantum in the CAT 2024:

£95bn

Cumulative number of claims by year



Proportion of action types for claims 2016–2024

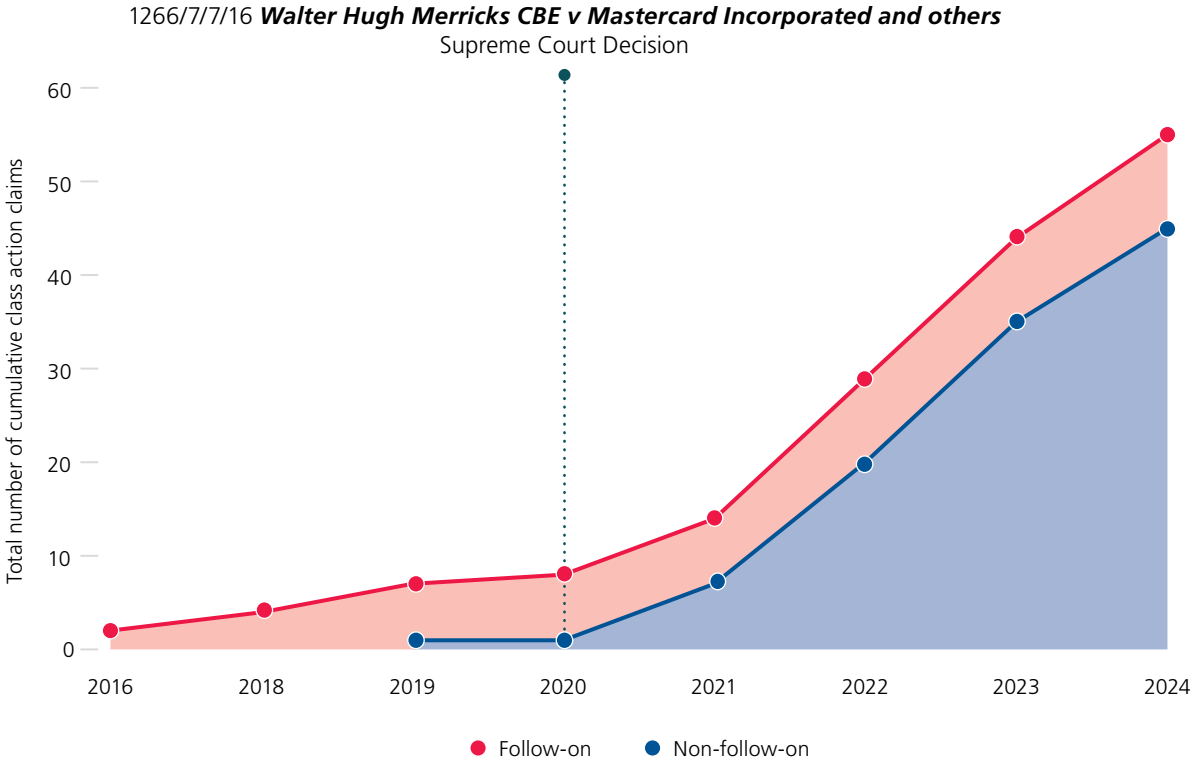


Follow-on vs non-follow-on

Claims in the CAT may be "follow-on", based on an existing decision by a competition regulator finding a competition law breach, or "standalone", without any underlying infringement decision.

The landmark Supreme Court judgment in ***Merricks v Mastercard*** in December 2020 contributed to the growing trend towards standalone claims, which tend to be rooted in allegations of abuse of dominance, but pursuing novel theories of harm (such as on the basis of consumer rights, data privacy, or environmental issues) in order to claim aggregate damages under the CPO regime.

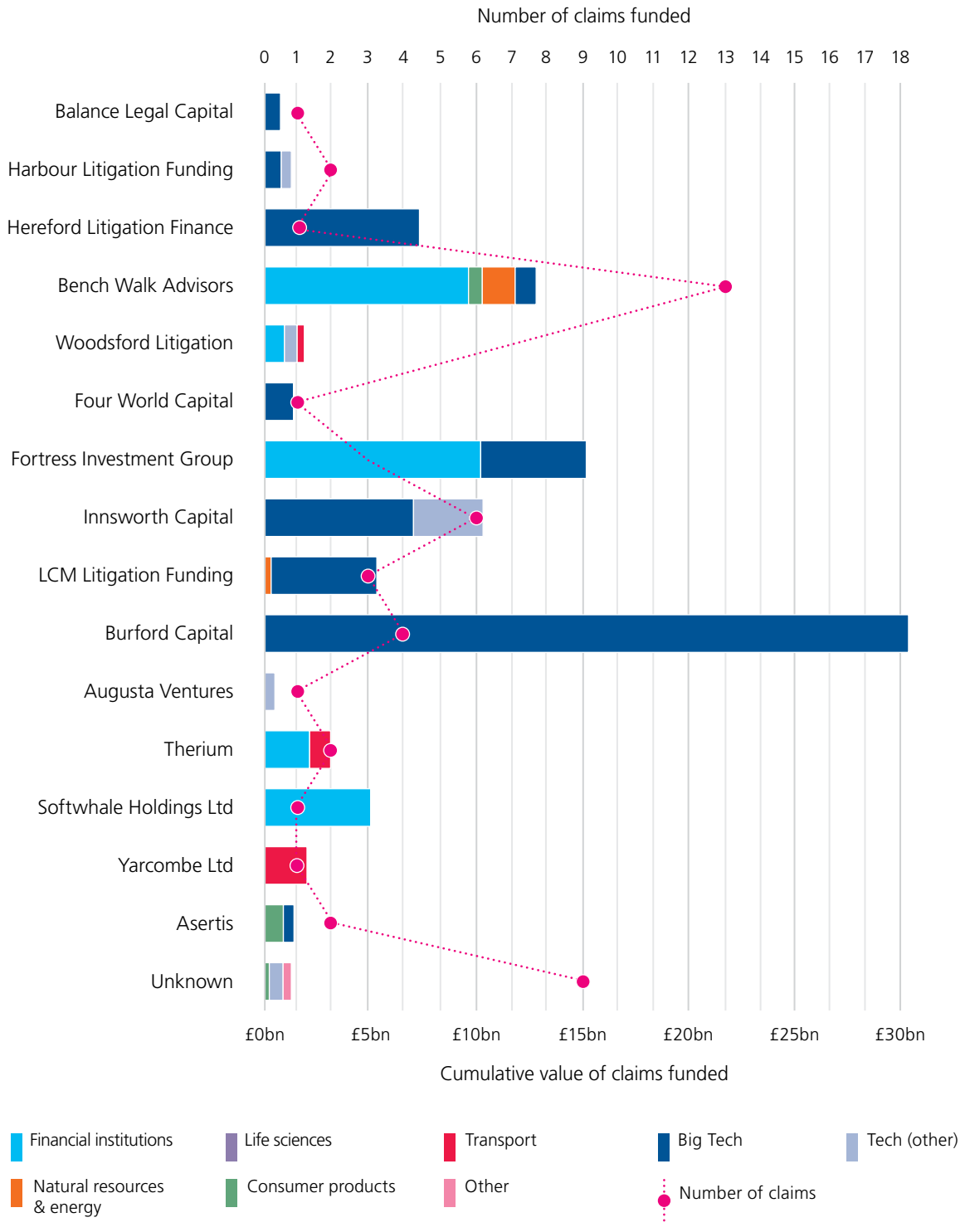
The willingness of the CAT to accept an otherwise purely commercial claim packaged as an abuse of dominance has resulted in the UK becoming one of the most popular jurisdictions in which to bring competition class actions.



Third party litigation funders operating in the CAT

As at the end of 2024, 56 collective proceedings applications had been filed in the CAT since 2016. Two of these applications have been withdrawn and 20 have been consolidated with other claims. Accordingly, the conclusion of 2024 saw 34 'live' claims in the CAT (inclusive of those which have been certified to proceed as collective proceedings under the CPO Regime, and those where the CAT is still to reach a determination on a collective proceeding application). All collective proceedings under the CPO Regime filed with the CAT since 2016 have reportedly been funded by a third party litigation funder.

The below graph demonstrates: (i) which third party litigation funders are operating in the CAT; (ii) how many claims each funder is supporting; and (iii) the stated value of claims per funder.



Certification of CAT claims

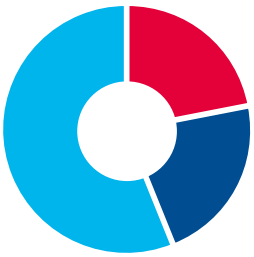
Rejected

This year has seen an important development in the CAT with the first outright rejection of the Collective Proceedings Order ("**CPO**") in Christine Riefa's claim against Apple and Amazon. As discussed below, in the past the CAT has been extremely lenient, allowing Proposed Class Representatives ("**PCRs**") to recast opportunity and improve their claim. In Riefa's case, the CAT cited the following reasons for its rejection:

Over-reliance on Legal Advisers: The Tribunal noted that Riefa appeared to be extremely reliant on her legal advisers, Hausfeld, and did not demonstrate a robust and independent scrutiny of the advice received. This over-reliance raised concerns about her ability to act in the best interests of the class members independently.

Misunderstanding of Key Funding Provisions: There were significant concerns about Riefa's understanding of the funding arrangements. She was cross-examined on the agreement, with the CAT describing her as "hesitant" and "uncertain". Riefa did not appear to have considered alternative funding options or to have engaged in a robust market testing of the terms offered by Asertis, the litigation funder.

Errors and lack of attention to detail: There were several errors and indications of a lack of attention to detail in the documents and arrangements presented by the PCR. For example, the initial After-The-Event insurance policy did not cover all the Proposed Defendants or all aspects of the proposed claim.



Rejected
7

Initially rejected
7

Certified
21

Of those claims which have not been determined, two have been stayed, two have been withdrawn, 17 have pending certification, one has been discontinued and one has been dismissed.

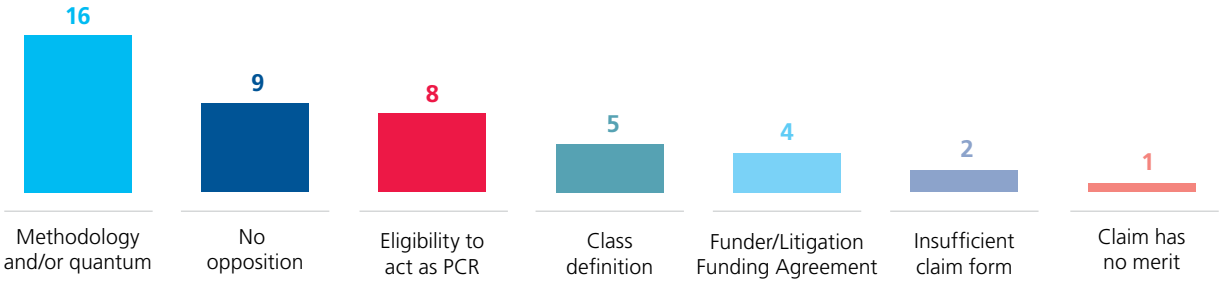
Initially rejected

Where the CAT has identified flaws with CPO applications it has tended to give PCRs an opportunity to amend those errors rather than outright reject the claim. Even in the ***Gormsen v Meta*** claim, where the CAT refused a CPO outright, it stayed the claim for six months to give Gormsen an opportunity to reformulate her approach.

Certified

The regime applies a permissive approach at the initial certification stage. This is largely a policy decision but also a consequence of the fact that the initial certification stage comes before any substantive disclosure. Relatedly, the only other mechanism at the initial stage to defeat the claim at the certification hearing is by strike out, which – again – is a low threshold for PCRs to meet.

Reasons for opposing certification



Success of opposing certification

As discussed above, all prospective claims must go through a certification process where the CAT decides if it should make a CPO so that the claim may proceed.

This certification process is therefore a crucial step in the procedure and involves an assessment by the CAT of, among other things, whether the PCR is suitable, whether the class definition extends to persons that have not suffered loss, and whether the expert methodology addresses the key issues including quantum, with quantum being calculated on a compensatory basis.

The graph demonstrates how defendants have approached the question of certification, and the grounds advanced in opposition.

Scotland

Year in review

In the previous edition of this report, we commented on the Scottish Court's permissive approach to opt-in class actions (known as "group proceedings") in Scotland. Now a year on, it is clear that this approach is continuing. The content in this article reflects the position as at 8 July 2025.

The two most significant developments in the past year are: (a) the potential introduction of an opt-out mechanism; and, (b) the developing flexible approach to case management.

The potential introduction of opt-out proceedings

Introduction of opt-out procedural rules may now be on the horizon in Scotland. Legislation is already in place[1] to allow opt-out class actions in Scotland, but up until now the mechanism has only been available on an opt-in basis. However, at the Scottish Civil Justice Council ("**SCJC**") strategy meeting in March 2025, it was confirmed that a Working Group on opt-out procedure has now been established to consider rules to introduce this mechanism. This is the first material step towards the introduction of opt-out procedure in Scotland.

Who might form part of the claimant group in opt-out proceedings in Scotland? The statutory regime defines opt-out proceedings as proceedings brought on behalf of individuals who are either domiciled in Scotland and have not chosen to opt-out or are not domiciled in Scotland and have expressly opted-in. This means that opt-out proceedings will not automatically include individuals not domiciled in Scotland.

Introduction of an opt-out mechanism in Scotland could be very significant, facilitating large class actions for Consumer, Data protection, ESG and other mass claims. Scotland has a similar GDP to Portugal, where the growth of class actions in recent years has been remarkable. Furthermore, although a separate legal system to England and Wales, introduction of an opt-out mechanism for all causes of action could put pressure on England and Wales to follow suit.

Flexible case management

The rules regulating group proceedings in Scotland provide the court with wide ranging case management powers. For the cases that have progressed past certification stage, the claimants have been pushing for early and extensive document recovery. This approach has so far found favour with the Scottish Courts. On the other hand, the defendants have sought to convince the Court to deal with preliminary legal points such as time bar before any disclosure exercise should proceed in order to attempt to narrow the issues in dispute or attack the class size. To find some sort of middle ground between the two sides, the Scottish Courts have adopted a "twin-track" approach whereby the disclosure exercise is being progressed, alongside preliminary issues which are being dealt with at substantive debates. The first debate on preliminary issues took place in May 2025 and a decision is currently awaited.

The Scottish Court has flexible powers to order document disclosure in group proceedings cases and is making highly tailored orders with close judicial monitoring of the process.

This power also extends to granting orders obliging third-parties to produce documents. In addition to this wide-ranging power relating to the production of documents, the Court also has a catch-all case management power to make any such order as it thinks fit to secure the fair and efficient determination of the proceedings. The result is that the Scottish Courts appear to be developing a novel disclosure process to closely monitor the recovery of documents in group proceedings. For the cases currently going through the document recovery process, the Court has ordered a rolling disclosure in which every 28 days the defendants are required to report to the Court on the progress being made by them in searching for and producing the documents. This approach is a departure from the traditional disclosure process in Scottish cases, known as "commission and diligence", where the Court has a less-involved role in the document recovery. Where confidentiality is asserted over any of the documents, this is to be determined by the Court or a commissioner (a barrister appointed for the purpose of reviewing documents and reporting to the Court on what information is confidential), but not by the defendants themselves.

What is clear from the recent judgments, is the Court's concern about the asymmetry of information that exists between the claimants and the corporate defendants. It has also been expressly recognised by the judge in each of these cases that a concept has evolved in modern litigation so as to entail and require a degree of cooperation between parties, and amongst parties to the Court, even in the context of adversarial proceedings.

Spotlight on: **Germany**

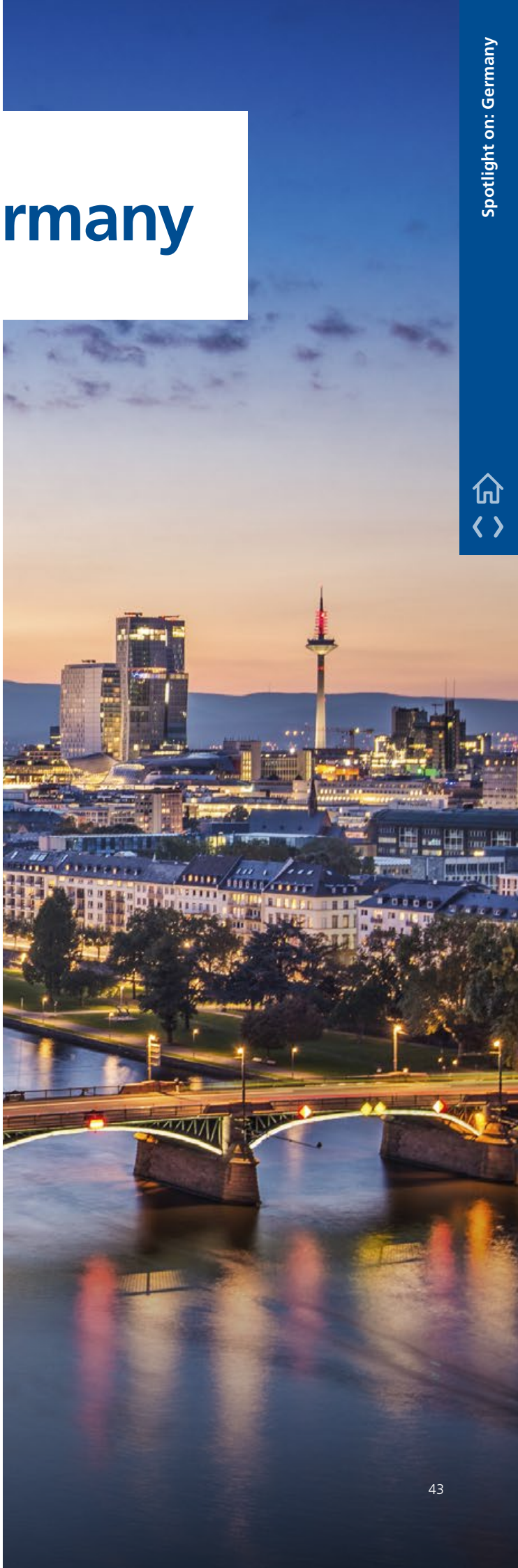
Collective redress in Germany – from declaratory to compensatory mechanisms

Traditionally, German law did not provide for general collective redress mechanisms. Individual claims had to be brought separately, and judgments were binding only between the parties involved. This changed in 2018 with the introduction of the model declaratory action (Musterfeststellungsklage, MDA), which allowed qualified entities to seek binding determinations on factual or legal issues via opt-in proceedings. Prior to MDAs, collective-redress-style mechanisms were limited to specific areas of law, e.g., capital markets law. However, MDAs do not allow for direct claims for damages; affected consumers still have to pursue subsequent individual actions unless a settlement was reached. This two-step structure has been criticised and has raised doubts about the overall effectiveness of the MDA.

The redress action – the most recent addition to the German litigation landscape

A major shift came in 2023 with the implementation of the Representative Actions Directive (RAD) through the Consumer Rights Enforcement Act (Verbraucherrechtedurchsetzungsgesetz – VDuG). The VDuG introduced the redress action (Abhilfeklage), enabling qualified entities for the first time to directly claim damages or other remedies – such as repair, termination, or reimbursement – on behalf of consumers or small businesses.

In general, all matters eligible for individual legal proceedings between consumers and businesses can also be addressed in a redress action. For instance, claims for cartel damages, albeit explicitly mentioned in the RAD, along with general tort claims, are potentially subject to redress actions. The main prerequisite for claims being the subject of a redress action is that the alleged claims of the consumers are of a similar nature (Gleichartigkeit), which needs to be determined by the court.



The new redress action is built upon the MDA, which remains in force as well. Qualified entities may now choose between these general collective redress mechanisms alongside the 'traditional' and more specific actions e.g., the model proceedings in capital market disputes. The most recent collective redress action an MDA brought was against Meta Platforms Ireland Limited concerning the determination of alleged violations of the GDPR particularly due to default search settings, allegedly insufficient protection against scraping, and failure to notify data protection authorities and affected users.

The redress action in a nutshell

The redress action is structured into three procedural steps, namely: (1) the redress action proceedings themselves; (2) settlement phase; and (3) final implementation phase (*Umsetzungsverfahren*).

Whereas the initial steps – such as the filing of the redress action by a qualified entity and the opt-in procedure for consumers and small businesses using the claim register – are identical to those in an MDA, the court proceedings are structured differently. Should the court find the redress action to be well-founded, it will issue a preliminary judgment on the merits of the case, the so-called *Abhilfegrundurteil*. Conversely, if the action is deemed inadmissible or unfounded, it will be dismissed through a formal judgment.

In this *Abhilfegrundurteil*, the court sets out the conditions to determine consumer eligibility regarding the relief sought as well as the proof required from each consumer in the subsequent implementation proceedings. Following its decision, the court will then request a settlement proposal from the parties to facilitate an amicable implementation of its decision. If a settlement is not reached and the *Abhilfegrundurteil* becomes legally binding, the court will proceed by ordering the start of implementation proceedings (*Umsetzungsverfahren*) through a final judgment (*Abhilfeendurteil*), which also includes a decision on costs.

The implementation proceedings involve compensatory distribution handled by an administrator (*Sachwalter*), tasked with setting up and managing an implementation fund (*Umsetzungsfonds*). The administrator's responsibilities include verifying the eligibility of registered consumers and small businesses as per the criteria set out in the *Abhilfegrundurteil*.

Participation of small businesses and rules on third-party funding

Under the new redress action framework, small businesses are classified as consumers, allowing them to join redress proceedings as well. In this context, small businesses are defined as those employing fewer than ten individuals and having an annual turnover or balance sheet not exceeding €2m. This approach marks a departure from the MDA regime, which faced criticism for excluding small businesses from joining.

In addition, the VDuG introduces rules on third-party funding of MDAs and redress actions. It specifically provides that an action is inter alia inadmissible if it is funded by a third-party who is a competitor of the defendant or has been promised a share of more than 10% of the performance to be provided by the defendant. Thus, the profit that funders can make from redress action claims is limited to 10% of the awarded compensation. This regulatory approach aims to strike a balance between enabling access to justice through third-party funding and protecting defendants from potentially exploitative practices. However, funders have commented that this cap is too restrictive. The cap does not affect other types of legal claims under traditional German legal procedures, where no such specific limitation is imposed.

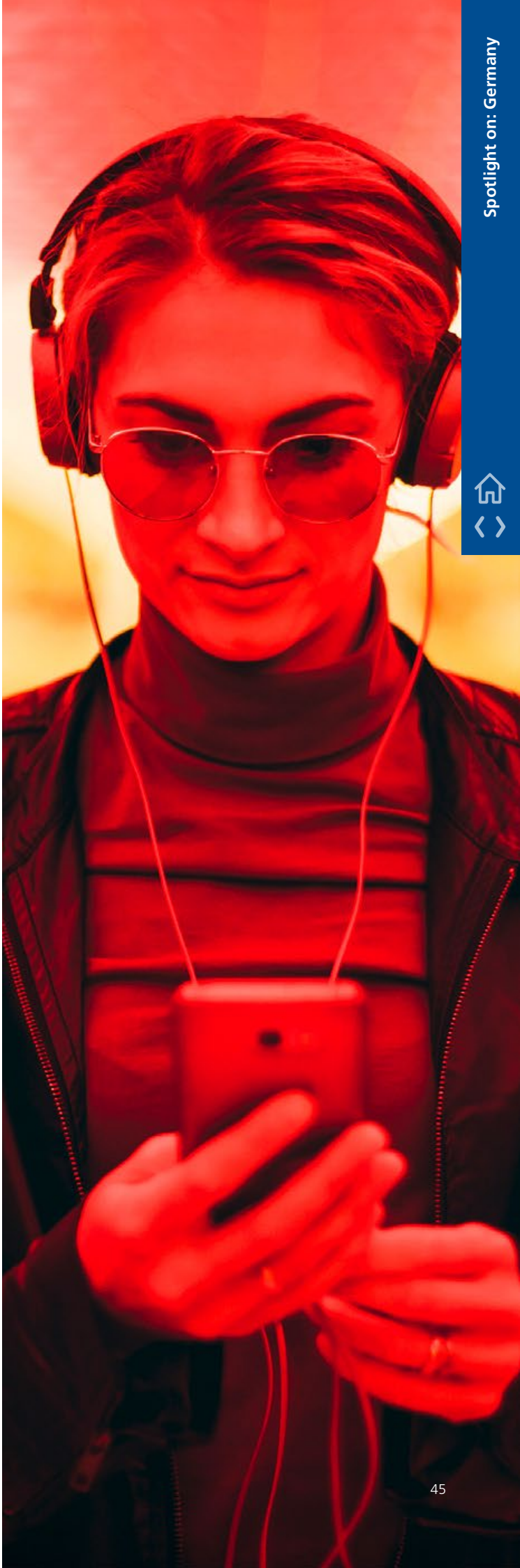
Overview of ongoing redress actions using the new mechanism

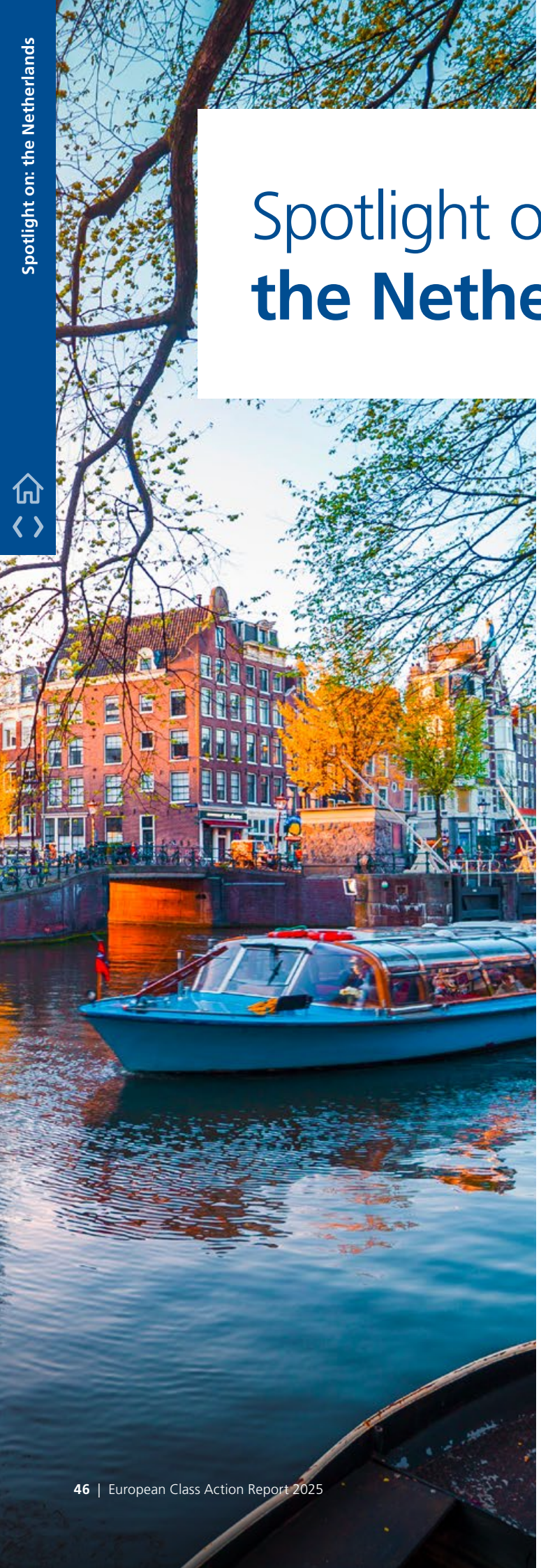
To date, six redress actions have been publicly announced in the claim register and are open for registration. The redress actions initiated so far primarily relate to disputes concerning the validity of price adjustment clauses in General Terms & Conditions (*Allgemeine Geschäftsbedingungen*). Three of these actions challenge the validity of price increases by energy suppliers. Another action targets the telecommunication provider Vodafone GmbH with regard to alleged unilateral price adjustments for its internet and telephone services. Two of the most recent cases involve the streaming providers DAZN Limited and Amazon Digital Germany GmbH for alleged price raises for its existing customers.

The most prominent redress actions to date are those initiated against Vodafone GmbH and Amazon Digital Germany GmbH, each with approximately 100,000 consumers opting in. The majority of the redress actions filed so far are brought by the *Verbraucherzentrale Bundesverband e.V.*, the umbrella organisation of the local consumer advice centres (*Verbraucherzentralen*).

The future of redress actions

Although only a few redress actions have been initiated so far, some of them have already attracted significant consumer participation, with thousands of individuals opting in. The recently filed claim against Meta is also expected to generate strong consumer interest. While the scope of redress actions may currently appear limited, future expansion into areas such as data privacy (like the Meta claim) and ESG-related matters is likely. The future development and success of the redress action (from the legislator's perspective) arguably depends on whether other qualified entities than the *Verbraucherzentrale Bundesverband e.V.* are going to enter the field.





Spotlight on: **the Netherlands**

2025 marks the five-year anniversary of the Dutch Mass Claims in Collective Action Settlement Act (WAMCA) introduced in 2020.

The WAMCA has made the Netherlands one of the hotspots for European class actions with an average of 21 initiated class actions per year. The WAMCA allows interested groups to claim damages on behalf of damaged parties on an opt-out basis, combining multiple claims.

The highly developed legal infrastructure is an important element for the Netherlands' popularity as a mass claims country: there are both large firms and boutique litigation practices involved in mass claims cases, and many litigation funders are active in the Netherlands. The collective action industry is slowly but surely maturing.

In 2024 we identified a stabilizing downward trend in initiated class actions, caused by longer process times and lack of positive judgments on the merits in commercial class actions resulting in funding issues. An example of this is the Vattenfall Judgment (see below).

The goal of the WAMCA is empowerment of the consumer. In 2024 multiple commercial class actions on behalf of consumers were filed against international car manufacturers, technology and platform companies and financial institutions.

The WAMCA also permits idealistic-driven lawsuits where action groups can seek court orders to change government or company policies. In 2024 the majority of the class actions were public interest related, with infringement of human rights and ESG-type claims like PFAS and animal harm, brought against public institutions and companies. Last year approximately 75% of the cases concerned public interest (not related to damages claims).

The following specific developments from 2024 are worth noting:

The Vattenfall judgment: first judgment on damages in commercial class action claim

On 9 October 2024, the Amsterdam Court issued the first judgment in a commercial class action seeking monetary compensation of around €400m under the WAMCA regime. The 'Foundation Nuon-claim' filed a lawsuit against Vattenfall (formerly Nuon), alleging that Vattenfall had wrongfully charged certain fees to business customers based on contracted capacity as an electricity supplier. The foundation claimed that Vattenfall was not allowed to charge these costs, since there was no service or product in return for the kilowatt fee charged.

The court rejected the damages claim. It ruled that Vattenfall was allowed to charge the costs and did not act unlawfully, clarifying that the kilowatt fee could be included in the supply-dependent element of the rate. The dismissal was based on the merits of the case and not on procedural grounds.

Interestingly, during the preliminary certification phase, the commercial claim foundation was held admissible as representative of the collective claim. The admissibility of a claim foundation (with check of its governance and funding structure) and appointment as exclusive representative (lead plaintiff) is an important step in the settlement process of a collective claim.

The structural and procedural clarifications in relation to the required governance and funding clarify the pathway for collective actions and we expect that there will be mass claims cases that lead to judgments where damages are awarded. This is to encourage commercial litigation financiers to invest further into litigation in the Netherlands.

On the other hand, claims under the WAMCA progress very slowly and the admissibility hurdle is high. There is also often competition between the claim foundations to be appointed as exclusive representative (in the respective collective claim). As a result, claim foundations, or groups of victims, require adequate litigation funding (with significant risk of return on investment) and a lot of patience.

Collective settlement in commercial collective action

Since the introduction of WAMCA, there is still not a case in which monetary damages have been awarded. Instead, there have been important settlements, with most collective cases settling before a judgment on the merits.

In 2024 there was a publicly announced collective settlement in the so-called "woekerpolis affair" for tens of millions of Euros with various claim organisations on one hand, and the involved financial institutions on the other, in relation to collective actions under the pre-WAMCA regime. As a result, consumers who took out investment insurance policies years ago will receive compensation for the excessive costs they were charged.

Immaterial damages in class action against multinational

In 2024, the Amsterdam Court, for the first time, declared a foundation admissible in a class action for compensation of damages caused by pain, suffering and grief (immaterial damages). The class action was brought by the Clara Wichmann Bureau Foundation (Clara Wichmann) against breast implant manufacturer Allergan (now Abbvie), who alleged that the implants could lead to serious illness or health problems.

ESG Litigation on the rise

In the Netherlands, public interest litigation is expanding, and the Netherlands can even be considered an international testing pool for this kind of litigation.

The WAMCA introduces more lenient admissibility requirements for class actions with an idealistic purpose that do not claim monetary damages (the 'light regime'). For example, certain requirements regarding the governance (e.g., mandatory supervisory board) do not apply. In principle, the requirement for representativeness also applies to idealistic class actions. This entails that a claimant should also have a sufficiently large constituency which supports the class action. As a result, mass claims cases that claim to be in the public interest – an allegedly unlawful act linked to violations of human rights and ESG legislation, for example, concerning climate, biodiversity, nitrogen, animal welfare, etc. – are more likely to pass the admissibility threshold in court than mass claims cases that are commercially motivated. In the latter case, the court will take a critical look at how the claim foundation is governed, whether the organisation is really working for the victims, or whether it appears that the claim foundation is primarily interested in financial outcomes.

In any case, there are signs that there has been an increase in the number of ESG-related cases in the collective action register over the past year and in the number of collective ESG actions announced, such as the PFAS-case against the Dutch State; Milieudefensie's action against ING for investments allegedly linked to climate change; and the Dutch fishermen's union's action against a chemical company for alleged PFAS pollution in the Westerschelde at the end of last year.

In 2024, there was the appeal judgment in the Dutch Shell Case. On 12 November, the Court of Appeal in The Hague rendered a landmark judgment in the climate case of ***Milieudefensie et al. v Shell***, which has garnered worldwide attention given its broader implications for corporate responsibility in addressing climate change. While the court did not impose specific reduction targets on Shell, it affirmed that companies have a duty of care to align their business models with the goals of the Paris Agreement.

Moreover, the court's acknowledgement that new investments in fossil fuels may be incompatible with climate objectives signals a shift towards greater scrutiny of corporate actions that contribute to climate change. Companies should be prepared for increased regulatory and legal pressures to reduce their emissions. As new legislation such as the CSRD and CSDDD comes into effect, the expectations and requirements for corporate climate action will only intensify, making it imperative for companies to stay ahead of the curve.

Spotlight on: **Portugal**

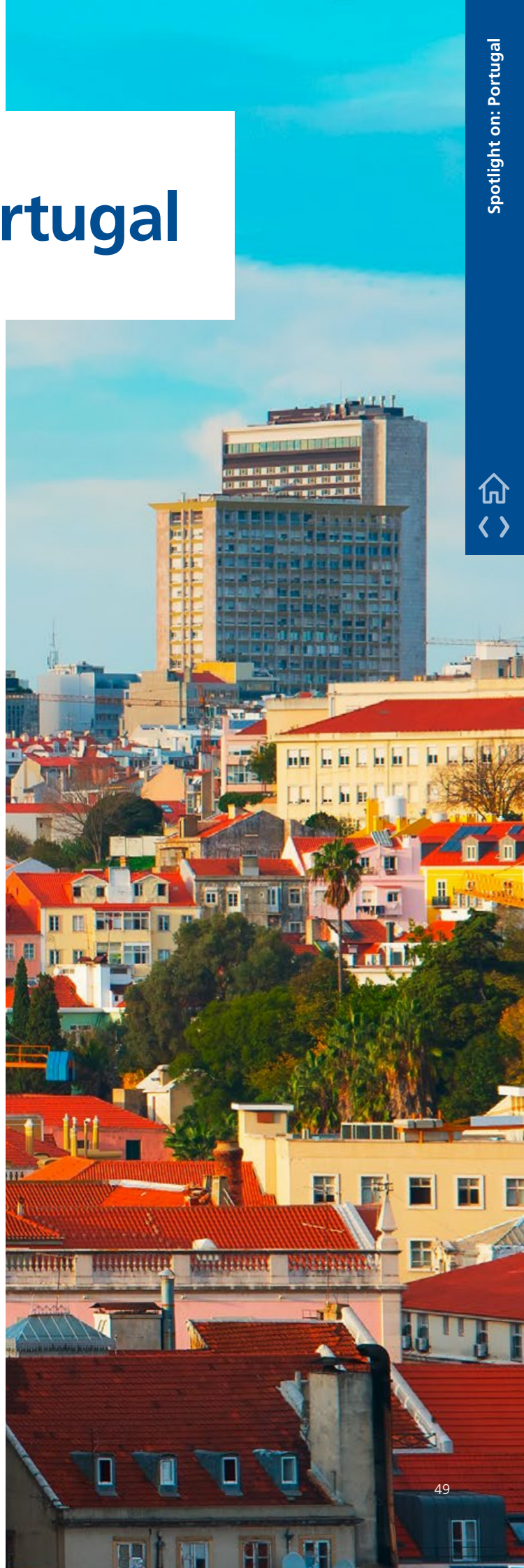
2024 has reinforced Portugal's growing reputation as a dynamic jurisdiction for collective redress. The proliferation of class actions – especially those seeking monetary compensation – reflects heightened awareness among consumer advocacy groups supported by litigation funders that consider the Portuguese opt-out system a favourable environment for filing these claims.

In 2023, most class actions involved similar objects and defendants – namely supermarkets accused of charging higher prices at the checkout than those advertised on shelves. However, that wave of litigation subsided in 2024, which explains the decrease in the number of new class actions filed.

Nonetheless, the already familiar claimants Ius Omnibus and Citizens' Voice continued to target key stakeholders in the market, seeking redress across Financial, Consumer goods, and Big Tech sectors.

The Banking Cartel

Some of Ius Omnibus' highest profile class actions involve an alleged banking cartel, with twelve banks operating in Portugal being accused of having exchanged sensitive information on mortgage loans, consumer credit and SME credit for over a decade. These class actions seek to compensate consumers for the heightened interest rate spreads and price increases. Ius Omnibus estimates a global compensation amount of approx €5.37m.



Food distribution

Another set of significant class actions filed by Ius Omnibus target the food and beverage sector. Relevant food and beverage distributors in Portugal – Bimbo Donuts, Super Bock, Beiersdorf, Primedrinks, Sogrape, Active Brands (together with Gestvinus and Sogevinus), SCC (Sociedade Central de Cervejas), Sumol+Compal, Unilever and Johnson&Johnson – were sued for alleged price fixing and horizontal alignment of retail prices with large supermarkets.

Big Tech

In parallel, actions were brought against tech giants over claims of fraud, misleading advertising and abusive clauses in consumer contracts, reflecting the persistent scrutiny of major online platforms.

Citizens' Voice brought a class action against Meta claiming that Facebook promoted the sale of a financial intermediation service and a financial product by displaying a video featuring the image of the leader of a Portuguese political party with audio altered by artificial intelligence. The Claimant estimated overall damages in the amount of €100m. However, the Supreme Court of Justice found that this lawsuit did not qualify as a class action.

Amazon was also targeted by Citizens' Voice in two separate disputes: one involving an alleged misleading percentage discount, and another concerning purportedly abusive clauses in the subscription contract for the "Kindle Direct Publishing" services.

Other cases

Citizens' Voice continued to focus on consumer product disputes, claiming that various supermarkets and manufacturers misrepresented product attributes in their labels. Multiple class actions targeted non-woven compresses allegedly sold with lower-quality materials than advertised.

The willingness of consumer associations and third-party funders to challenge large corporations and financial institutions appears unwavering, indicating that Portugal will remain a high-risk country for class actions.

Spotlight on: **Spain**

For years, Spain has lacked an effective procedural system for bringing class actions.

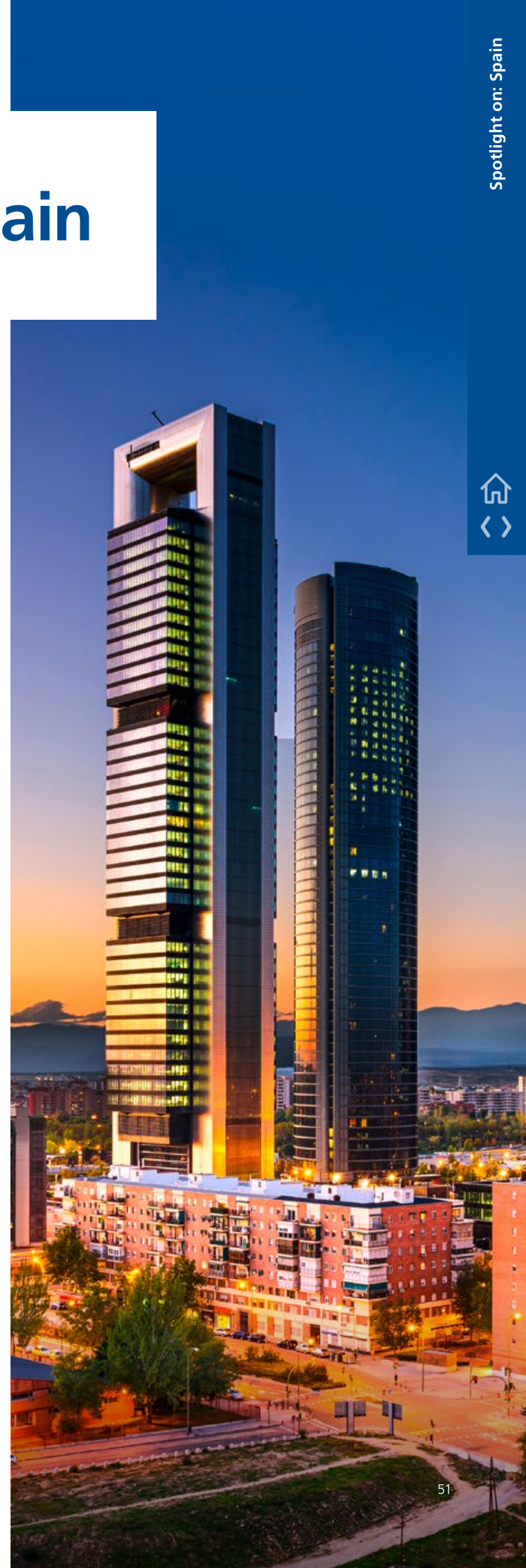
The existing avenues provided in the Spanish Civil Procedural Law (*Ley de Enjuiciamiento Civil*, hereinafter "**LEC**") are ill-suited to managing large-scale consumer claims. Directive (EU) 2020/1828 marked a key development, requiring Member States to adopt effective mechanisms for collective consumer redress by 25 December 2022. Spain's failure to transpose the Directive on time led to infringement proceedings by the European Commission.

The recent approval of the Draft Law on class actions by the Spanish Council of Ministers in February 2025 marks a milestone in consumer protection. If approved by the Spanish Parliament (*Congreso de los Diputados*), the Draft Law would close the longstanding gap in the Spanish legal system by introducing an effective procedural framework for class actions, aligned with established European models such as those of the Netherlands and Portugal.

Opt-in or opt-out: a strategic decision

One of the key elements of the new system is its firm commitment to the "**opt-out**" model. In this way, affected consumers residing in Spain will automatically be part of the proceedings and bound by the outcome of the class action unless they expressly choose to exclude themselves from the procedure. This model is characterised by its effectiveness in bringing together large masses of affected parties without requiring prior adherence.

There is an exception to this general rule. Where individual compensation claims exceed €3,000, the court may, with reasons, order that the action proceed on an opt-in basis. In those cases, affected consumers must actively consent to be included in the proceedings.



Bringing a class action

To ensure legal certainty, the law grants standing to the Public Prosecutor's Office, certain consumer protection organisations formally recognised under the Spanish General Law for the Defence of Consumers and Users, and qualified entities based in other EU Member States for cross-border cases. These entities must meet the requirements of representativeness, transparency, non-profit status and organisational adequacy to protect consumers' interests.

Types of class action: injunctions and compensation

The Draft distinguishes between injunctions and compensation actions. Actions for injunctions are designed to stop unlawful practices by companies, without the need to prove individual damages or losses. On the other hand, compensation actions are aimed at obtaining financial compensation for damages suffered by affected consumers. Both actions can be brought together, which allows for a more comprehensive resolution to collective disputes.

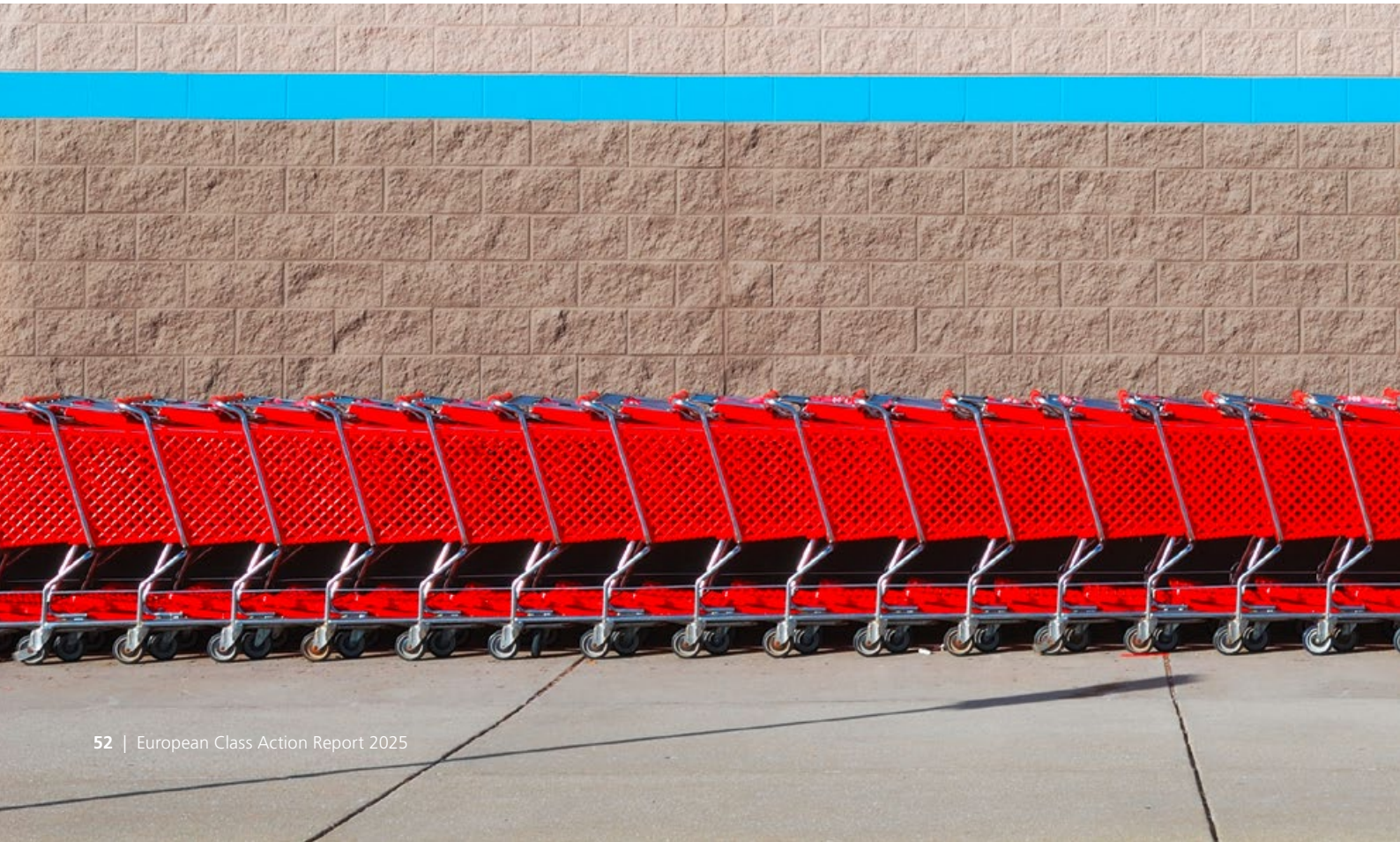
Processing of class actions: applicable rules, certification procedure and uniformity of claims

The Draft Law on class actions introduces important procedural novelties compared to the current regime. At present, this type of litigation is processed by applying the general rules of the ordinary or verbal trial, depending on the action brought, with certain particularities scattered throughout the LEC. The Draft Law proposes a specific procedure, regulated systematically in a new title of the LEC, which represents a significant departure from the current model.

Certification

One of the main novelties is the creation of the **certification procedure**, which is compulsory when actions for damages are brought alone or joined to an action for injunctive relief. The purpose of this preliminary phase is twofold: on the one hand, to address any procedural defects at an early stage of the procedure (even before the reply to the claim); and on the other, to clearly delimit the objective and subjective scope of the action.

In this sense, the court will assess whether the action meets the criteria to proceed as a collective case. This requires a degree of homogeneity between claims – meaning the dispute can be resolved without evaluating each individual consumer's circumstances.



Certification involves a dedicated hearing. The court will examine jurisdiction and competence (removing the need for a declinatory motion), procedural exceptions to admissibility (removing the need for a preliminary hearing), and the standing of the representative party. These issues must be raised in writing within ten days of the court admitting the claim.

Assessment of the claim

Another key element is the assessment of whether the action is manifestly unfounded or affected by concerns related to third party funding. Once this step has been completed, a new consumer information system is established, replacing the general publicity requirements of the LEC. Depending on the model adopted, the claimant must file a list of consumers who are either included in or excluded from the action. Once this list has been approved, the two-month period for the defendant's response begins. Subsequently, the parties must submit evidence – other than documentary evidence – in writing within twenty days. The Draft Law expressly allows the use of final judicial or administrative rulings – whether national or from other EU Member States – that confirm the same infringing conduct.

Stages of the claim

The Draft Law also permits the proceedings to be split into successive stages, either on the parties' request or at the court's discretion, particularly when both injunction and compensation actions are brought together. In such cases, liability will be determined first, followed by a second phase to assess and allocate compensation if liability is established.

Enforcement of judgments

In cases of injunctions, the judgment will set a compliance deadline and may impose daily penalty payments of up to €60,000, graduated according to factors such as the number of injured parties, the conduct of the sentenced party or its economic capacity.

Special rules are laid down for compensation actions. Where beneficiaries are identified, the sentenced party must obtain the necessary information to make payment or provide the corresponding benefit. On the other hand, if beneficiaries are not individually identified, the sentenced party must deposit a lump sum (as specified in the judgment) along with an amount to cover costs. In these cases, a court-appointed **liquidator** will then be responsible for distributing the sums and reimbursing any surplus. If the sentenced party fails to comply within the specified time, the coercive fine provided for in the judgment will be applied automatically. Furthermore, the Draft Law excludes the provisional enforcement of this type of judgment, but precautionary (interim) measures may be requested to secure the effectiveness of the judgment.

Criticisms and implementation challenges

The choice of the opt-out model has sparked some criticisms. In its mandatory report, the General Council of the Judiciary warned that consumers may be bound by proceedings without their knowledge. For their part, business groups have also expressed concern over the risk of abusive mass litigation and its potential deterrent effect on economic activity.

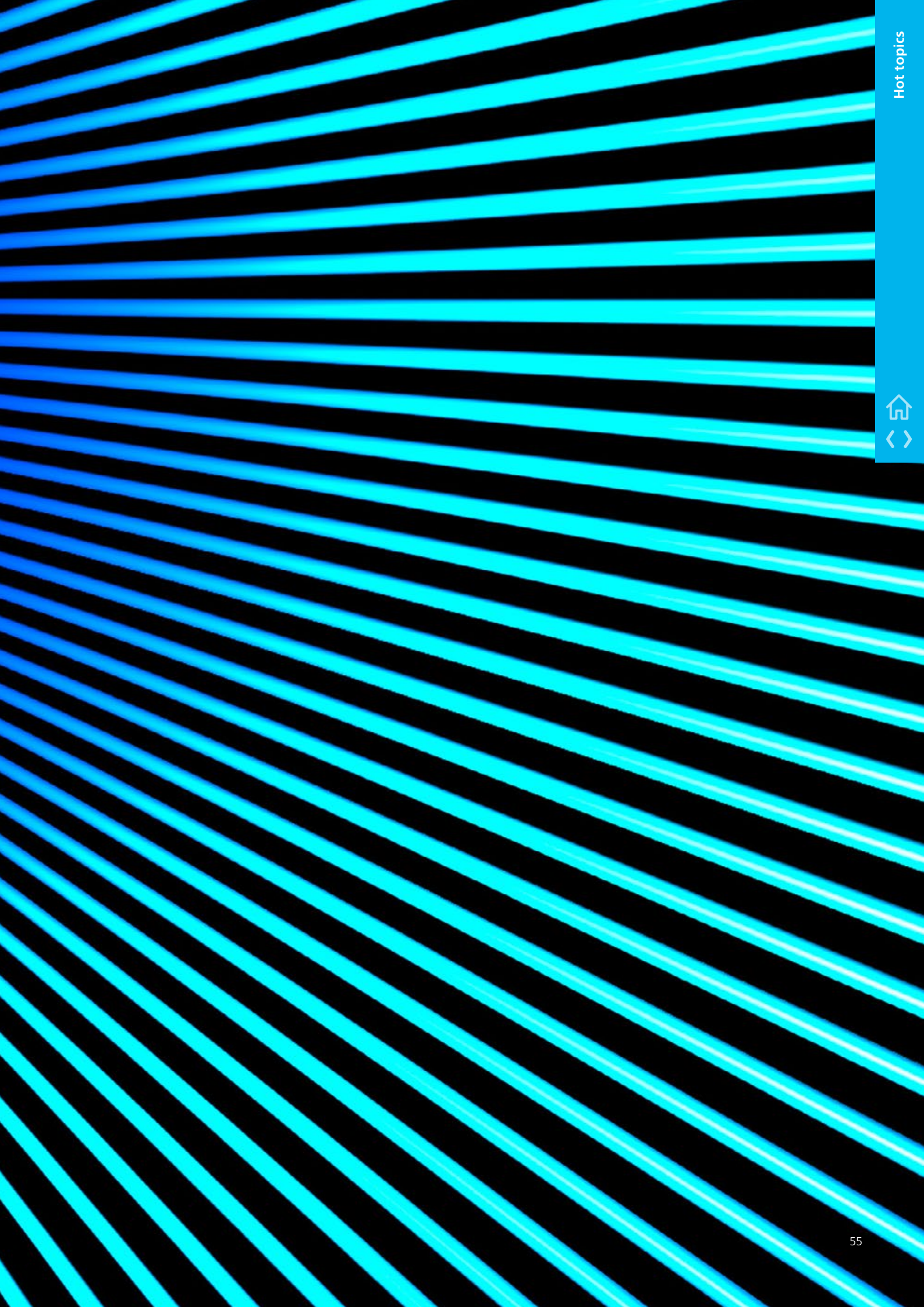
Hot topics

FOCUS ON:

Litigation Funding – is regulation on the horizon?

Product liability updates and increased class action risk

Implementation of the Representative Actions Directive



Litigation Funding – is regulation on the horizon?

The litigation funding market in Europe is expanding rapidly and England and Wales is the second largest TPLF market in the world.[2] This trend is expected to continue with anticipated growth of 8.7% per annum over five years, enlarging the market from £2.2bn in 2023 to £3.7bn by 2028.[3] The U.S. remains the largest market in the world and it saw growth of 44% between 2019 and 2022.[4]

Capital is attracted to returns, and so this growth can be attributed – at least in part – to the profitability of litigation funding, with TPLF outperforming other financial market investments such as private equity, real estate and hedge funds.[5]

This growth, and the expanding role of TPLF in the judicial system, has attracted scrutiny and calls for regulation. We summarise the status of potential regulation in the EU and in England and Wales below.

The status of regulation in the EU

The EU has been actively considering formal regulation of legal funding for a number of years.

On 25 July 2022, the Committee on Legal Affairs, and its rapporteur Axel Voss MEP, adopted a report with recommendations to the European Commission on responsible private funding of litigation.

Following this, on 13 September 2022, the European Parliament adopted a resolution based on this report, urging the Commission to propose EU-wide rules for TPLF (the "**Resolution**"). The Resolution was adopted by a significant majority of 504 votes to 57, with 65 abstentions. This was a significant development and the European Parliament expected that the Commission would propose a directive that would establish common minimum standards at the Union level for TPLF, based on its recommendations.[6] These recommendations are designed to ensure transparency, fairness, and proportionality in TPLF agreements, and to safeguard the interests of claimants and the integrity of the legal system. The key recommendations include:

— Requiring litigation funders to be authorised and meet minimum standards, including corporate governance and oversight to protect claimants.

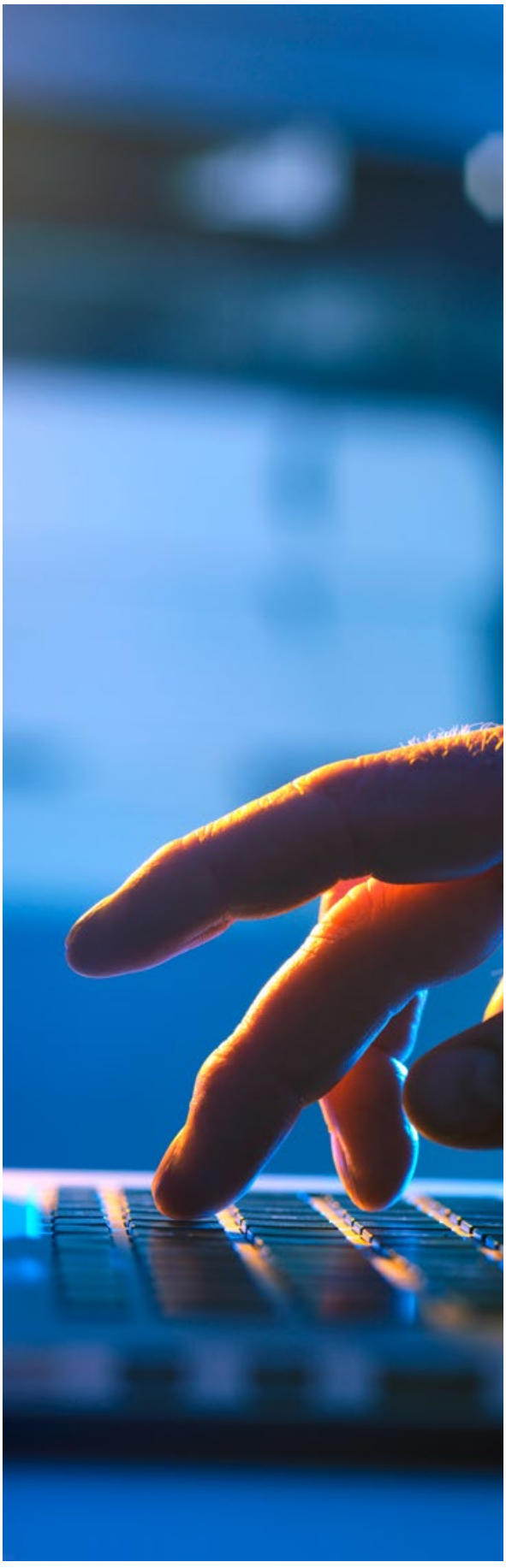
- Ensuring funders have sufficient financial resources to meet all obligations, preventing undercapitalised or speculative operators.
- Imposing a duty on funders to act in the best interests of claimants, maintaining fairness and transparency, especially in conflict situations.
- Mandating disclosure of the existence of, and key terms in, funding arrangements, including funder identity and financial interests, to courts and relevant parties.
- Preventing funders from exerting undue influence over case decisions, ensuring claimants' interests are prioritised.
- Making funders liable for adverse costs if a claim fails, shielding claimants from financial risk.
- Allowing courts or authorities to review funding agreements, assess their fairness, and impose penalties to deter abusive practices.

The Commission responded to the Parliament's resolution on 30 November 2022, observing that TPLF is addressed within the area of collective redress in the Representative Actions Directive (the "**RAD**"). Given that Member States had until 25 December 2022 to implement the RAD, the Commission committed to assessing the need for further regulation of TPLF only after the end of the implementation period for the RAD.

The Commission planned to conduct a mapping exercise to collect information on regulations and practices in Member States, order an external study, and organise stakeholder consultations before taking a more detailed position on the Parliament's initiative.

The mapping study was published in March 2025 and comprised a lengthy report at 707 pages.[7] This study assessed the degree of compatibility of national TPLF regulations with the measures proposed in the Resolution. It found partial compatibility in areas such as authorisation systems, capital adequacy, transparency requirements, and review of funding agreements by courts or administrative authorities. Most EU Member States do not have specific regulations for TPLF, except for provisions implementing the RAD. The mapping study included a polling exercise, in which 58% of respondents[8] agreed that TPLF should be regulated compared with just 29% who saw no need.[9]

In October 2024, a few months before the Commission's mapping study was published, the European Law Institute published suggested Principles Governing the Third Party Funding of Litigation.[10] The principles (the "**Principles**") are avowedly light-touch. For example, on the topic of conflicts of interest they propose that funders should "*take appropriate measures to ensure that conflicts of interest do not arise*" but there is no prohibition on conflicts of interest nor how they should be managed should they arise. On the issue of control of the litigation, "*[The] Third Party Funder shall not seek to influence or control decisions regarding the relevant proceedings except insofar as expressly provided for by the Third Party Agreement.*" Thus, the Principles do not prohibit control by litigation funders, in fact they specifically envisage funder control where provided for in a litigation funding agreement. Given that funding for consumer claims is not individually negotiated a funder can include language to give it control to the maximum extent permitted by domestic law.



In an important passage, and consistent with the light-touch theme of the report, the ELI "*broadly endorses the view that… regulation is only appropriate where there is an identifiable problem or market failure.*"

As to next steps, potential regulation of TPLF falls within the remit of Justice Commissioner Michael McGrath's "Justice for Growth" strategy. That process is undertaking a series of "dialogues" to explore how civil justice reform can boost growth and a report is expected by the end of 2025.

The status of regulation in the UK

The publication of the Commission's mapping study coincides with the Civil Justice Council (the "**CJC**") review of litigation funding in the UK. The Lord Chancellor asked the CJC to conduct this review following the Supreme Court's ruling in PACCAR in July 2023. Following publication of its interim report in October 2024, the CJC published its Final Report in June 2025.[11] Key recommendations of the report are that:

— statutory regulation of litigation funding should be introduced;

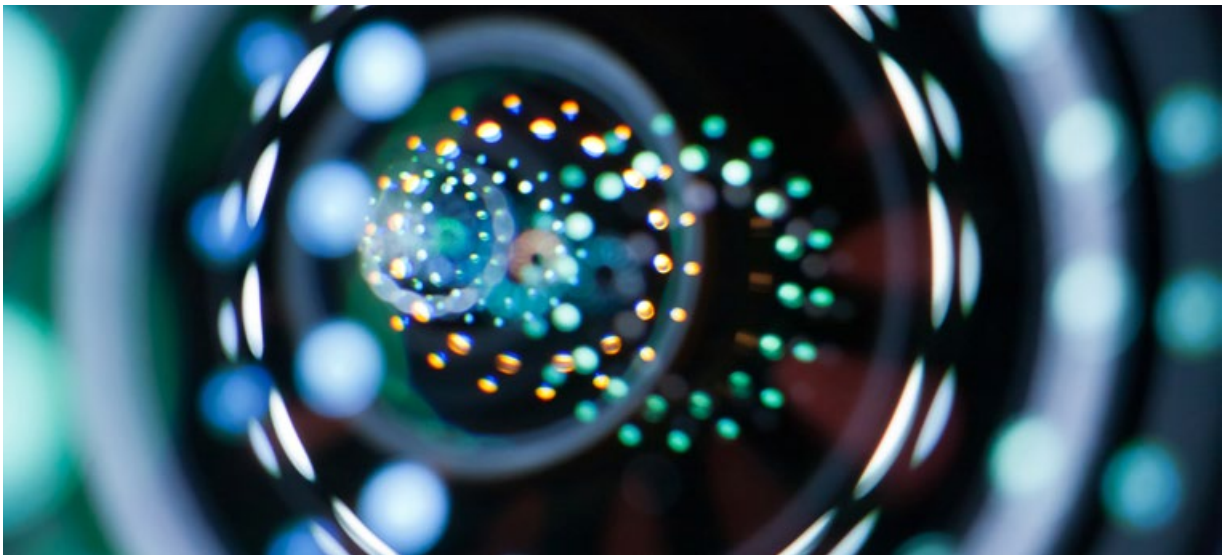
— more stringent rules should apply to the funding of class actions and consumer claims;

— statutory regulation should not apply to arbitration proceedings; and

— a standing committee on litigation funding should be set up, which would be able to recommend further regulatory steps and which would receive data from law firms and other sources to help gather empirical data on the use of litigation funding.

A summary of the CJC's final report is available here: Civil Justice Council final report on litigation funding – the key issues.

On the issue of transparency, the CAT has recently issued a judgement on 24 July 2025 in the case of ***Robert Hammond v Amazon.com, Inc. & Others***. Both, regarding the production of litigation funding agreements in collective proceedings. The CAT noted that the PCRs had entered into litigation funding agreements with commercial funders and that (rather unusually) these litigation funding agreements (with only minimal redactions for confidentiality) were before the Tribunal as a result of being made publicly available via posting on the claimant website. The CAT noted "*We should make clear that this should be standard practice for all opt-out proceedings.*"[12]



Product liability updates and increased class action risk

The product liability landscape in the EU is undergoing significant transformation driven by new technological developments including AI, the increasing complexity of global supply chains and new circular economy business models, and a growing focus on consumer protection. Recent reforms to the EU Product Liability Directive ("**PLD**") increase class action risk as is explained below.[13]

1. The New EU Product Liability Directive: Status

The new PLD was published in the Official Journal of the European Union on 18 November 2024, and entered into force on 8 December 2024, and will apply to products placed on the market or put into service from 9 December 2026 onwards.

Member States are required to implement the PLD in full and they are not permitted to introduce more or less stringent provisions for consumer protection.[14] Typically Member States are permitted to go beyond minimum requirements of a Directive pursuant to the doctrine of Super-Equivalence. Whilst the PLD mandates full harmonisation, pragmatically, differences might arise when the directive is implemented into Member State law. Key areas to watch for will be approaches to disclosure, how the change in the burden of proof is weaved into each Member State's national procedural system, and interpretation of psychological harm/what will be required to prove this. An area where derogation is permitted is on the Development Risk Defence, where individual Member States may choose to maintain, introduce, or amend in their legal systems measures derogating from this defence.[15]

As at 1 July 2025, only the Netherlands, Sweden, and Finland have taken steps towards implementing the PLD (see section 4 below for more detail). The remaining 24 Member States have not yet set out a plan for implementation or published any draft legislation.

2. Key Changes Introduced by the New PLD

The new PLD introduces a series of changes that significantly expand the scope of product liability and increase litigation and class action risk and costs for companies doing business in the EU. The most notable changes include:

- Expansion of the definition of "product";
- Liability for post-placing on the market/putting into service for some products;
- Increase of the number of potential Defendants;
- Changes to the "defect" test;
- Shift of the burden of proof/introduction of rebuttable presumptions of defect and causation;
- Removal of the minimum threshold for property damage;
- Introduction of wide-ranging powers to order potentially burdensome and costly disclosure;
- Changes to the exemptions from liability and introduction of new and/or amended measures extending liability to specific types of products; and
- Extension of the long-stop limitation date for latent injuries to 25 years.

We discuss some of these changes in more detail below.

a. Expanded Definition of "Product"

The definition of "product" now covers all movables; components (tangible or intangible), including related services integrated into or inter-connected with a product; software (including stand-alone and embedded software and AI systems); digital manufacturing files (digital version, or digital template of, a movable); and raw materials. The new PLD does not apply to information, services, digital files, and software source code, as they are not considered "products." The new PLD likewise does not apply to free and open-source software developed or supplied outside the course of a commercial activity.

b. Liability for post-placing on the market/putting into service

Manufacturers remain liable for defects that arise after a product is placed on the market or put into service as a result of software or related services within their control, such as software updates, upgrades, and machine learning algorithms. An update is considered to be under the manufacturer's control where either the manufacturer supplies the software update or related service, or the manufacturer authorises the supply by a third party. The manufacturer is likewise not exempt from liability where a product that remained under the manufacturer's control is defective after it is placed on the market/put into service due to a lack of software updates/upgrades necessary to maintain safety.[16] Significantly, failure to properly address any software vulnerabilities can potentially trigger liability for the software manufacturer.

c. Broader Pool of Liable Parties

The new PLD expands the range of economic operators who may be held liable for defective products. In addition to manufacturers and first importers, liability can attach to EU Authorised Representatives, fulfilment service providers ("**FSPs**"), and, in certain circumstances, distributors and online platform providers. For example, in the absence of an EU-based liable party, or in the absence of a response within one month from the request to a distributor for information regarding the liable party, a Claimant can seek compensation from the distributor itself. Multiple economic operators can be held jointly and severally liable, and liability cannot be contractually limited or excluded.

d. Changes to the "Defect" Test

A product is considered defective if it does not provide the safety that a person is entitled to expect or that is required under EU or national law. Courts must consider factors such as the product's presentation, intended use, technical features, labelling, packaging, and compliance with safety requirements, including cybersecurity. Product recalls and interventions by authorities are also relevant to the assessment of defectiveness.

e. Expanded Categories of Recoverable Damages

The new PLD broadens the types of damages that can be recovered. In addition to death, personal injury, and property damage, the Directive now includes psychological harm (defined as medically recognised and medically certified damage to psychological health) and destruction or corruption of data not used for professional purposes, e.g., digital files deleted from a hard drive.[17] The previous minimum threshold of €500 for property damage claims has been removed, allowing individualised low value claims.

f. New Disclosure Regime

A significant procedural change is the introduction of wide-ranging powers for the court to order disclosure (discovery). Defendants can be ordered to provide Claimants with potentially burdensome and costly disclosure on the Claimants' presentation of *"facts and evidence sufficient to support the plausibility"* of their claim.[18]

This new disclosure regime could lead to substantial time and cost burdens, especially in jurisdictions unfamiliar with broad disclosure, with potentially inconsistent approaches taken by Member States. In addition to disclosing existing materials, Defendants may also be required to disclose documents created ex novo *"by compiling or classifying the available evidence."*[19] Although Claimants can likewise be required to disclose certain relevant evidence, the realistic consequence of this new disclosure regime is that Defendants will bear the brunt of the time and costs to satisfy a court order for disclosure.

g. Shifts in the Burden of Proof and Rebuttable Presumptions

The new PLD introduces several rebuttable presumptions that ease the Claimant's burden of proof. Defectiveness will be presumed if the Defendant fails to disclose relevant evidence (discussed above), if there is non-compliance with mandatory safety requirements, or if there is an obvious malfunction during foreseeable use. Causation will be presumed if the product is defective and the damage suffered is typically consistent with that defect.

Where Claimants face excessive difficulties in proving defect or causation due to technical or scientific complexity, courts may also presume defect or causation based on the likelihood of a defect or a causal link demonstrated by the Claimant.[20]

h. Limitation Periods and Development Risk Defence

The long-stop limitation period is extended from 10 to 25 years for latent personal injuries. If a product is substantially modified, the limitation period restarts from the date the modified product is placed on the market. The development risk defence (exemption from liability where the defect could not have been discovered given the state of scientific knowledge at the time) is restricted: it does not apply to defects arising from substantial modifications, software updates, or lack of necessary updates within the manufacturer's control. Member States may derogate from the development risk defence in their national laws.

3. Implications for Litigation and Class Action Risk

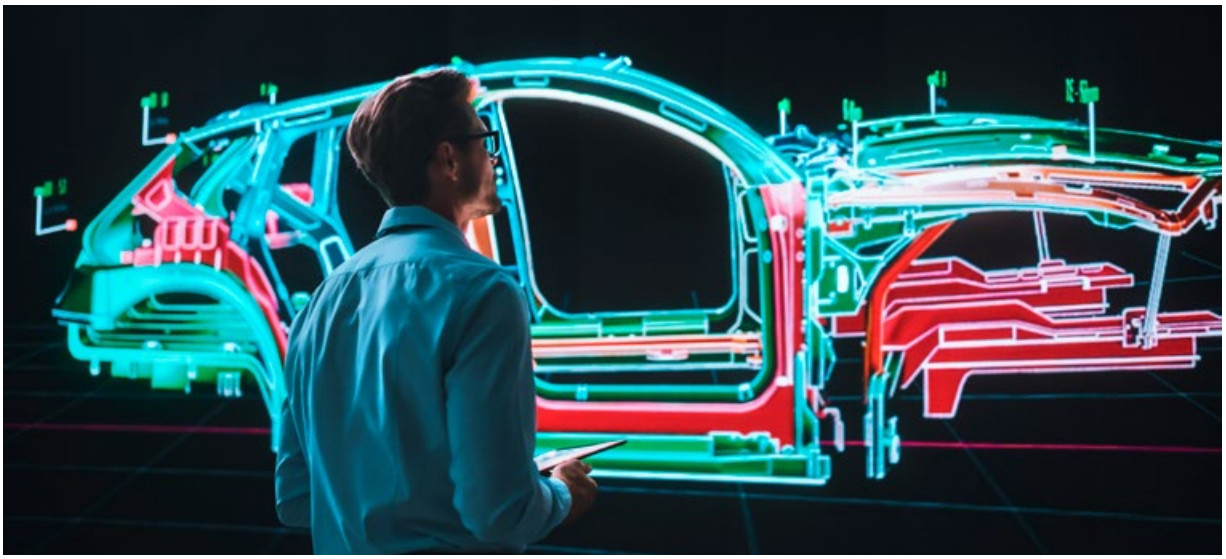
The new PLD is expressly intended to ensure a high level of consumer protection and is expected to materially increase litigation and class action risk. The expansion of recoverable damages, the eased burden of proof for Claimants, the removal of the minimum claim threshold, and the introduction of rebuttable presumptions and broad disclosure obligations are likely to encourage more claims, including high-volume, low-value "nuisance" claims. Defendants may face significant settlement pressure due to increased defence costs and the practical challenges of rebutting presumptions, especially for claims relating to facts and events long in the past.

The changes introduced by the PLD could also raise the risk of frivolous litigation and potential forum shopping. Furthermore, the courts may become overloaded with disclosure applications, particularly in Member States with limited experience in managing broad disclosure. The eased burden of proof may prompt a rise in claims that would otherwise be difficult for Claimants to prove causation, such as UPF (ultra-processed foods) claims. As class action claims continue to increase, we anticipate that the number of claims relating to product liability, particularly in light of the new PLD, will likewise continue to rise.

4. Status of Implementation of the new EU PLD and the UK position

EU Member States are required to transpose the Directive into national law within 24 months of its entry into force.

As of the date of publication, only 3 of the 27 EU Member States have taken steps towards transposition of the new PLD into their national legislation. On 24 April 2024, the Netherlands became the first Member State to publish its bill, accompanied by an explanatory memorandum, to transpose the new PLD via amendments to provisions of the Dutch Civil Code. The bill tracks the new PLD itself and includes the "development risk defence." The Dutch Ministry of Justice and Security held a consultation to seek views of interested parties on the PLD transposition;



this closed on 22 May 2025. Responses will be reviewed by the Ministry of Justice and Security who will then amend the proposal where necessary, although substantial changes are not expected.

Although neither has published any transposition measures at 1 July 2025, Finland and Sweden are the only other 2 Member States who have taken affirmative steps to initiate transposition. The Ministry of Justice in Finland established a working group in February 2025, tasked with preparing the provisions for the implementation of the new PLD and for which the term will continue until 1 February 2026. In Sweden, the government has appointed a special investigator tasked with proposing necessary implementation measures by way of a published report by 10 October 2025.

It is not yet clear whether the UK will follow the EU or will take a different approach. The OPSS' (Office for Public Safety and Standards') 2023 consultation invited public feedback in respect of the UK's current approach to product safety and the fitness of the existing regulatory framework. The recent changes of the new EU PLD means that there will be significant divergence in how claims will be handled in the UK compared to the rest of Europe.

While it is open to the UK Government to choose to adopt a more finely balanced approach to the interests of both consumers and producers than the proposals being adopted by the EU, this will not be clear until secondary legislation becomes available.

In light of advances of new technologies and associated risks, the UK product safety regime arguably requires updating, but the UK Government does not have to follow the changes set out in the EU PLD. However, the UK has left the door open for alignment or divergence from the EU regarding product safety with the introduction of the *Product Regulation and Metrology Act 2025* ("**PRMA**"). The PRMA gives the Secretary of State unprecedented powers to make secondary regulation affecting nearly every dimension of product safety, including standards for making products available on the market and use of products, and powers to shape enforcement of those regulations (involving both civil and criminal penalties). Although the PRMA does not purport to change Part 1 of the Consumer Protection Act 1987 ("**CPA**," which implemented the 1985 EU PLD[21]), whatever product safety regulations are ultimately made by the Secretary of State could indirectly impact on UK product liability litigation. For example, the Secretary of State will have the power to regulate technical standards; a party's non-compliance with those technical standards would be considered relevant to the test of "defect" under the CPA as the court takes into account "all the circumstances."

Aside from divergence between the EU and the UK, we may see divergence *within* the UK. Post-Brexit Northern Ireland applies a subset of EU rules relating to product regulation, including product liability. To avoid a hard border on the island of Ireland and to protect the Belfast (Good Friday) Agreement of 10 April 1998, the UK and EU agreed that Northern Ireland would continue to follow certain regulations/directives/rules, including a limited set of EU laws governing the single market for goods.[22] Those provisions of EU law are set out in Annex 2 to the Ireland/Northern Ireland Protocol (Windsor Framework) and include more than 300 EU provisions covering product safety, consumer protection,

conformity assessment, market surveillance, and product liability (including the 1985 EU PLD). Article 13(3) of the Protocol provides that where an EU act listed in Annex 2 is *"amended or replaced,"* the new version automatically applies in NI.[23] Therefore, although not an EU Member State, Northern Ireland must implement the new PLD by 9 December 2026, to facilitate its dual access to the UK internal market and to the EU single market. As at 1 July 2025, Northern Ireland had not published any draft implementing legislation.

5. AI liability

While the EU has moved forward with a comprehensive legislative overhaul of the product liability regime, whether it will progress the anticipated AI Liability Directive ("**AILD**") is uncertain at this time. The proposed fault-based AILD (not strict liability like the new PLD) was intended to complement the EU AI Act and introduce uniform rules to ensure that the same level of protection as those harmed by other technologies are afforded to those harmed by AI. The proposed AILD intended to ease the burden of proof for Claimants by enabling rebuttable presumptions of causation. It also included the ability for national courts to order disclosure of evidence regarding high-risk AI systems. However, the proposed AILD sustained a general lack of interest from various EU governments, with some dissension developing in 2024 regarding whether the AILD was even needed given the broader scope of the new PLD.

In February 2025, the European Commission withdrew the AILD from its 2025 Work Programme. On 22 May 2025, the European Parliament's Committee on Internal Market and Consumer Protection (IMCO) published its opinion rejecting the need for adoption of the proposed AILD. It argued that the AILD was *"premature and unnecessary"* in light of the recently enacted EU AI Act (which already imposes enhanced obligations on AI developers and users) and the new PLD (which now includes software and AI systems as "products"). IMCO was also critical of the European Commission's impact assessment for the AILD which was based on hypothetical scenarios rather than real data and did not account for the final texts of the EU AI Act and the new PLD.

Given the European Commission's general recognition in its 2025 Work Programme of over-regulation, echoed by the IMCO's opinion of 22 May 2025, it is questionable whether the AILD will be ever be enacted. IMCO calls for the rejection of the Commission's proposal for the AILD and recommend waiting for evidence of the effects of the EU AI Act and the new PLD to be assessed in practice.

Finally, on 6 June 2025, the European Commission launched a public consultation on the implementation of the EU AI Act's rules relating to high-risk AI systems to help shape the guidelines and ultimately assist companies and organisations understand their responsibilities under the AI Act. The consultation was due to close on 18 July 2025.

Turning back to the UK, the Artificial Intelligence (Regulation) Private Members' Bill was re-introduced into the House of Lords on 4 March 2025. If this Bill is enacted, then a new regulatory body, the "AI Authority," would regulate AI in accordance with the approach set out in the Bill. However, as at 1 July 2025, this Bill has not progressed, suggesting that it may be dropped again in the near future. The UK has paused plans for AI-specific liability legislation and is exploring whether existing tort doctrines – such as negligence and strict liability – can adequately address harms caused by AI. Courts may therefore play a key role in shaping the liability landscape for AI-related products and services, with guidance possibly to emerge through judicial interpretation rather than new statutory frameworks.

Implementation of the Representative Actions Directive

Member States of the European Union were required to have implemented the provisions of the Representative Actions Directive ("the **RAD**") into force in their domestic law from 25 June 2023.

The RAD does not standardise the approach to class actions across Europe. Rather, it sets a floor: Member States are each required to have a class action procedure that meets the minimum requirements set out in the RAD, but it is open to them to go further as many already have.

However, there are still countries/Member States that are in the process of implementing these RAD procedures into their national legal systems, such as Bulgaria, Spain and Luxembourg.

RAD Analysis Tables

The tables below highlight key procedural features that significantly impact on risk, and how those features are addressed in the implemented or draft law for Member States as of 30 May 2025. Please see below for a more detailed explanation of these features.

1 Adverse cost rules

Loser-pays principle applies (or is implied*)

Austria: Statutory cap on costs orders.

Belgium: Statutory cap of c. €50,000 on costs orders.

Bulgaria†: Uncapped.

Croatia*

Czech Republic: Uncapped.[24]

Germany: Statutory cap on the amount in dispute used for calculating court and lawyer fees, at €250,000 (model declaratory actions) and €300,000 (redress actions).

Hungary: Uncapped however rarely will all costs incurred be awarded.[25]

Italy: Discretionary cap by Courts determined with reference to official fee tariffs.

Netherlands: The normal amount for legal costs (partly calculated by a liquidation rate) the losing party can be ordered to pay, can differ for claims brought under the WAMCA where the claimant may be ordered to pay the opposing party's legal fees up to 5 x the liquidation rate. If the court awards damages in a collective action, it may order the unsuccessful party (the defendant) to pay reasonable and proportionate court costs and other costs incurred by the successful party (the claimant).

Poland: Statutory cap on costs orders.

Portugal: One-way adverse costs, with the claimant having to pay if the claim is ruled fully unfounded unless they face financial hardship (Capped at 50% of court fees).

Romania: Uncapped.

Slovenia: Uncapped.

Spain†

Sweden*: Uncapped, however, legal costs must correspond to the reasonably necessary costs incurred.

No obvious loser-pays principle

Potential costs incurred by defendant

France: judge may order defendant to pay a deposit on some costs (e.g. lawyers' fees) incurred by plaintiff in the action.

Italy: (i) court fees paid by the Qualified Entities (**QEs**) but may be refunded by defendant; (ii) further sums could be granted to the representative of the joining members and to claimants' lawyers who succeed in the proceeding.

† For Bulgaria and Spain, the table presents the solutions proposed in draft laws currently moving through the legislative process.

2 Litigation funding

Third-party funding is permitted (with new provisions to domestic law on third party funding*)

Austria

Belgium: third party funding is governed by the general rules of contract of the Belgian Civil Code. There is no other legislation or regulation about third party funding and there is no supervision by public bodies or regulators.

Bulgaria†*

Croatia*

Czech Republic

France*

Germany

Hungary*

Italy

Netherlands

Poland*

Portugal*

Romania

Slovenia

Spain†

Sweden*

Sources of funding must be disclosed (and if court deems there is a conflict of interest it can refuse the request for the representative action to proceed**)

Austria

Croatia (if court requests)

Czech Republic

Germany: representative actions are inadmissible if the funder is promised more than 10% of the awarded sum or performance.

Hungary**

Italy

Netherlands:** For QEs, the Dutch Civil Code expressly requires that their website discloses the legal entity's general sources of funding.

Poland: two limits on the remuneration of the financing entity: (i) the consumer may not pay more than 5% of their claim, but no more than PLN 2,000 (approx. €500); (ii) the remuneration (financed other than by the consumer) may not exceed 30% of the amount awarded to the group in the judgment.

Portugal

Romania**

Slovenia**

Spain†**

Sweden**

3 Destination of unclaimed sums

Legislation is silent

Austria

Belgium: the Code Economic Law provides that the court will decide how to deal with unclaimed sums (art. XVII.61§2). The court may decide as it sees fit (distribution to group members or reimbursement to defendant).

Bulgaria†

Czech Republic

France

Hungary

Italy

Netherlands

Poland

Romania

Croatia

Distributed to other group members

Sweden: if payment can be made at the same time as the payment of the amount that the group member is entitled to according to the judgment. If not, and amount is >100 SEK4 per group member. Otherwise, it is provided to QE.

Provided to QE/ claimant to pay costs incurred by the action

Portugal: and any further remaining sums go to Fund for Promotion of Consumer Rights (60%) and Estate Management of Judicial Services (40%).

Repaid to defendant

Germany

Slovenia

Spain†

4 Standing: criteria for QEs in domestic vs cross-border action

Same criteria must be met to be designated as a QE for both domestic representative actions and cross-border representative actions

- Belgium
- Bulgaria†
- Czech Republic
- Hungary
- Poland
- Romania
- Spain†
- Sweden

Different criteria must be met to be designated as a QE for domestic representative actions

- Austria
- Croatia (but more complex)
- France
- Germany
- Italy
- Netherlands
- Portugal
- Slovenia

Ad hoc QEs can be designated (expressly* or law does not exclude ad-hoc QEs**)

- Croatia*
- Hungary*
- Netherlands
- Romania*

5 Interaction with public enforcement

Specific rules provided for interaction with public enforcement

- Belgium
- Bulgaria†
- Czech Republic
- Hungary
- Italy
- Netherlands
- Poland
- Spain†
- Sweden

The decision of public enforcers (consumer protection authority) will be binding in representative action proceedings

- Austria
- Netherlands
- Poland

The decision of public enforcers will be evidence in subsequent representative action proceedings

- Belgium
- Bulgaria†
- Czech Republic
- Hungary
- Italy
- Netherlands
- Slovenia

† For Bulgaria and Spain, the table presents the solutions proposed in draft laws currently moving through the legislative process.

Explanation of the RAD Analysis Table

Detail on the key risk criteria set out above is as follows:

1. Adverse costs rules

Adverse costs rules, or the "loser-pays principle", means that the party who loses the proceedings must make a payment towards the costs of the other party. This rule is intended to discourage the filing of unfounded claims and the defending of very strong claims. This rule applies in most Member States, although its detailed regulation may vary.

In some jurisdictions, caps have been introduced on the amount of costs that can be awarded in Representative Action Proceedings. Typically, the amount of the payable adverse costs is calculated based on statutory tariffs, i.e. the court fee's act and the lawyers' tariff act, which depend on the value of the dispute (**Austria**, **Belgium**, **Germany**, **Netherlands**, **Poland**, **Slovenia**). This approach effectively limits the amount recoverable as adverse costs.

In certain Member States, costs of proceedings may also include the costs incurred by the claimant prior to filing the lawsuit. This applies to costs related to the organisation and notification about the intention to bring a representative action (**Slovenia**).

Some countries also provide special solutions regarding the submission or settlement of costs. In some cases QEs are exempt from the obligation to pay court fees (**Czech Republic**, **Poland**, **Portugal**[26]), benefit from **reduced fees**, for example 50% of the standard rate (**Italy**), have the possibility to obtain the funds necessary to conduct the proceedings from public financing (**Romania**) or are entitled to request free legal assistance (**Spain**).

As a rule, the QE is the party to the proceedings and, therefore, **only the QE can be held liable for adverse costs. Individual members of the group are protected from bearing these costs**.

On the other hand, among the provisions adopted by Member States, there are also those according to which individual consumers targeted by a representative action for obtaining redress measures may be required to pay legal costs generated as a result of their deliberate or negligent conduct (**Romania**). Other provisions leave the issue of the consumer bearing the costs in the event of an unsuccessful outcome of the proceedings to be determined by the agreement between the qualified entity and the consumer (and any potential third-party funder) (**Austria**).

2. Litigation funding

None of the Member States included in our review have imposed a full prohibition on third-party litigation funding ("**TPLF**"). However, many have introduced safeguards aimed at preventing conflicts of interest and ensuring transparency. A significant number of Member States have introduced requirements for

qualified entities to disclose the sources of funding used to bring a representative action, including the identity of the litigation funder or agreements with third party funders. In certain cases, the court may also have access to the books (financial documentation) of the collective interest organisation, which, as a QE, is entitled to bring the representative action (**Netherlands**[27]).

In others, while there is no general obligation for a QE to disclose its funding agreements to the court, doubts may arise during proceedings as to compliance with statutory requirements, such as the independence of the QE. In such cases, the court may refer the matter to the competent supervisory authority, which can request disclosure of the funding agreement (**Austria**).

Some Member States, have adopted strict criteria under which a court may require the QE to refuse funding or change the source of funding (**Czech Republic**, **Slovenia**), or even declare a representative action inadmissible (**Germany**, **Poland**,) if the funder:

— receives excessive remuneration (**Germany**);

— is linked to the defendant or is a competitor of the defendant (**Germany**, **Czech Republic**); or

— exerts undue influence over the proceedings (**Czech Republic**, **Germany**, **Poland**);

— has a conflict of interest (**Slovenia**).

Courts may also intervene in cases of suspected conflicts of interest, requiring changes to the funding structure or, in extreme cases, preventing the action from proceeding. To protect consumers, a few Member States have also imposed limits on the remuneration funders may receive (**Germany**, **Poland**).

These evolving regulatory frameworks reflect the growing recognition of TPLF.

3. Unclaimed sums

The RAD leaves the handling of unclaimed sums to the discretion of Member States, resulting in a wide divergence in national approaches. Typically, unclaimed sums will arise in opt-out claims. In opt-in claims, the class members have actively decided to participate and therefore have made themselves known, which facilitates distribution at the end of a claim. In opt-out proceedings however, many class members, if not the majority of the class, will be unaware that: (a) they are part of a class; and (b) they have been awarded a portion of sums by way of damages or settlement compensation. This can lead to sums being unclaimed by class members.

While some Member States remain silent on the issue, others have enacted provisions that redistribute those funds among remaining group members (**Sweden**), allocate them to the QE to cover litigation costs (**Portugal**), return them to the defendant (**Germany**, **Slovenia**), or leave it to the discretion of the court to decide between distribution to group members or reimbursement to the defendant (**Belgium**).

Increasingly, there is discussion about creating dedicated public funds financed by unclaimed sums, with the proceeds potentially being used to support consumer protection or fund collective redress actions.

4. Standing

Generally, claims are brought by QEs on behalf of consumers, although in some Member States they can also be brought by public bodies. To be designated as a QE to bring a cross-border representative action, all countries must ensure compliance with the criteria set out in RAD Art 4. para 3a-f[28]. Some Member States have replicated these criteria for QEs bringing domestic representative actions. In other Member States, the criteria for domestic QEs is less onerous but not dissimilar. Standing is a complex topic and is an area where there will likely be a lot of procedural litigation and challenges by defendants, particularly in those Member States where the procedural rules are unclear.

5. Interaction with public enforcement

In some jurisdictions, representative proceedings initiated by a QE before a state court may run parallel to administrative proceedings before a consumer protection authority, which entails the risk of both suffering damage and being subject to administrative penalties. The rules governing the interaction between representative proceedings and public enforcers, such as consumer protection authorities, vary from jurisdiction to jurisdiction. In some countries, the decisions of consumer protection authorities are binding on the courts, while in others they are merely indicative. In some, they are not binding at all.

In **Poland**, for example, the legislator used the phrase that the court shall "also" take into account the decision of public enforcers as evidence. The provision does not indicate what other significance, apart from evidentiary value, such decisions are to have in court proceedings.

However, Polish law includes provisions that stipulate that decisions of the Polish Consumer Protection Authority recognising specific clauses in contract terms as unfair, are binding.

Meanwhile, in **Portugal**, there are no specific provisions governing the significance of consumer protection authorities' decisions in representative proceedings. The exception is the Portuguese Competition Authority, whose *res judicata* infringement decisions are to be considered as binding for courts in private enforcement follow-on claims.

Methodology

As noted in the introduction, our study on European Class Actions seeks to capture all types of group litigation filed on behalf of five or more economically independent persons seeking damages or other monetary payment (although other remedies may also have been sought). Although not formally an avenue to claim damages, we also included mechanisms that clearly facilitate subsequent mass claims such as the German model declaratory action.

Qualifying claims were captured irrespective of the procedural device used and irrespective of whether the mechanism operated on an opt-in or an opt-out basis. Data on applicable cases were gathered by lawyers based in each applicable jurisdiction for claims filed in the years 2016–2024 inclusive. The overall reported number of class actions filed between 2016 and 2023 has changed compared to that set out in the previous year's report, due to improvements in our data set. This year in particular, we have revisited our collected data for the previous years to improve classification of already collected data, eliminate any accumulated inaccuracies, and normalising exchange rates and currencies used for reporting across the dataset (which, in particular, had effect on our reporting on historical quantum). While some countries have central repositories of claims filed, most do not, and so lawyers used a variety of manual techniques, including searching publicly available information, subscription services and local knowledge regarding issued class actions in order to identify relevant claims. Data was then sense-checked at the local and central editorial level to ensure it reflects the picture in the local market and to reduce the risk of inaccuracies.

Jurisdictions included in our report are: Albania, Austria, Belgium, Bosnia Herzegovina, Bulgaria, Croatia, Czech Republic, England and Wales, France, Germany, Hungary, Italy, Luxembourg, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Scotland, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, and Ukraine.

Certain major events, such as the "Dieselgate" claims, have resulted in a disproportionate number of class actions being filed and counting each of these claims as an individual data point would skew the trends. Accordingly, once we had gathered instances of qualifying group claims involving five or more claimants, we "compressed" claims arising from a single underlying or series of related or similar events against the same or similar sets of defendants, to avoid "overcounting".

Where a single or series of related events resulted in class actions being filed using different procedures or in different countries or against different defendants we included them as a single data point per country and a single data point per defendant. Any charts in this report that relate specifically to defendant sector or type of claim are based on claims filed where this information was publicly available. At times, judgment had to be exercised as to how a claim should be classified where there was subject-matter overlap. Where the type of claim or defendant sector is "unknown", it has been filtered out of some of the related charts, leading to underreporting for those charts.

We would like to acknowledge the assistance of Solomonic Litigation Intelligence in providing certain data in relation to claims filed in England & Wales.

See page 13 for an explanation of our methodology for quantum data. We used a GBP to Euro conversion ratio of €1.209737 as at 4 March 2025.

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Endnotes

Endnotes are interactive; click the endnote number to return to the main text.

1 Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018

2 Latham S and Ress G, "The Third Party Litigation Funding Law Review 2022" (6th Edition, 2022) <https://www.augustaventures.com/news/the-third-party-litigation-funding-law-review-2022-6th-edition/>.

3 Chartered Insurance Institute, 'Litigation Funding' by Carolyn Mackenzie, CII Claims Community Board Member dated 23 April 2024 and updated 25 February 2025 <https://www.cii.co.uk/learning/learning-content-hub/articles/litigation-funding/0685bcd6-9932-4f51-82af-08496f0b4699>

4 "Economic Insights: US liability claims: the shadow of social inflation still looms", Swiss Re Institute, Issue 24/2023, 2 <https://www.swissre.com/dam/jcr:43197ba4-e07b-4156-a189-af90c2335087/2023-09-social-inflation.pdf>.

5 Saulnier. J, Müllerwith. K and Koronthalyova, "Responsible private funding of litigation: European added value assessment" European Parliamentary Research Service (March 2021) 14 at 2.1(a) <https://www.europarl.europa.eu/RegData/etudes/STUD/2021/662612/EPRS_STU(2021)662612_EN.pdf >.

6 EP Legislative Observatory, Responsible private funding of litigation, 2020/2130(INL) <https://www.europarl.europa.eu/doceo/document/TA-9-2022-0308_EN.html>.

7 European Commission DG Justice and Consumers, "Mapping Third Party Litigation Funding in the European Union" (Study on Mapping Third Party Litigation Funding in the European Union (request for services JUST/2023/PR/JCOO/CIVI/0016) in the context of the framework contract n° JUST/2020/PR/03/0001) <https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/civil-justice/civil-and-commercial-law/third-party-litigation-funding-tplf_en>.

8 The mapping survey targeted at a range of stakeholders – including litigation funders, lawyers and law firms, businesses, consumer organisations, judiciary and academia – on the regulation and practical operation of TPLF in their respective jurisdictions.

9 The remaining 13% either did not know whether it should be regulated, or did not answer.

10 European Law Institute, ELI Report (October 2024) <https://www.eli.org/the-environmental-forum/september-october-2024>.

11 Civil Justice Council, "Review of Litigation Funding – Final Report" (2 June 2025) <https://www.judiciary.uk/wp-content/uploads/2025/06/CJC-Review-of-Litigation-Funding-Final-Report-2.pdf>.

12 1595/7/7/23 ***Robert Hammond v Amazon.com, Inc. & Others***, Judgement (CPO), 24 July 2025, paragraph 41 <https://www.catribunal.org.uk/sites/cat/files/2025-07/15957723%20Robert%20Hammond%20v%20Amazon.com%2C%20Inc.%20%26%20Others%3B%2016447724%20Professor%20Andreas%20Stephan%20v%20Amazon.com%20Inc.%20%26%20Others%20-%20Judgment%20%28Joint%20CPO%29%20CAT%2042%2024%20Jul%202025_0.pdf>.

13 This article reflects the position as at 1 July 2025.

14 See Article 3.

15 See Article 18.

16 See Article 11(2) and Recital 50.

17 Breaches of data protection rules and data leaks are not considered "destruction or corruption of data"; compensation for infringements of Regulation (EU) 2016/679 or Regulation (EU) 2018/1725 of the European Parliament and of the Council (the General Data Protection Regulation and Institutions' Data Protection Regulation, respectively) or Directive 2002/58/EC or (EU) 2016/680 of the European Parliament and of the Council (the e-privacy Directive and the Data Protection Law Enforcement Directive, respectively) is not affected by the new PLD.

18 See Art. 9(1) of the PLD.

19 See Recital 42 of the PLD.

20 See Recital 48.

21 Council Directive 85/374/EEC of 25 July 1985

22 Article 5(4) of the Ireland/Northern Ireland Protocol.

23 Additionally, Article 13(4) enables further acts to be added to Annex 2 if the UK and EU so agree in the Withdrawal Agreement Joint Committee.

24 The Czech Act allows claimants to recover specific collective action-related costs (such as administration and publication expenses) and provides for a capped renumeration to the claimant in case of success not exceeding 16% of the award or CZK 2,500,000 (approx. €100,000).

25 The cost of legal representation may be limited to the fees quoted in the actual engagement letter or invoices sent to a client. It may also be limited under statutory rules based on which a certain percentage of the case value can be requested as costs. The courts have discretion to decrease the costs requested.

26 Except the situation when the claim is manifestly unfounded.

27 This is however, not limited to just QEs in the Netherlands, however they are expressly required to disclose the legal entity's general sources of funding. The court can also request additional information from QEs and other entities.

28 *The criteria for designation as a QE to bring cross-border representative actions set out in Article 4(3)(a)-(f) of the RAD are as follows: (a) the QE must be a legal person constituted under the national law of the Member State of its designation, with at least 12 months of actual public activity in consumer protection; (b) its statutory purpose must show a legitimate interest in protecting consumer interests as provided for in the provisions of Union law referred to in Annex I; (c) it must have a non-profit-making character; (d) it must not be the subject of insolvency proceedings, nor declared insolvent; (e) it must be independent and free from influence by persons other than consumers, in particular by traders, who have an economic interest in the bringing of any representative action, including in the event of funding by third parties, and, to that end, it must have established procedures to prevent such influence as well as to prevent conflicts of interest between itself, its funding providers, and the interests of consumers; and (f) it must make publicly available, in plain and intelligible language and by any appropriate means, in particular on its website, information that demonstrates that the entity complies with the criteria listed in points (a) to (e), as well as information about the sources of its funding in general, its organisational, management, and membership structure, its statutory purpose, and its activities.*