



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1639/7/7/24

BETWEEN:

BULK MAIL CLAIM LIMITED

Class Representative

- v -

INTERNATIONAL DISTRIBUTION SERVICES PLC
(formerly ROYAL MAIL PLC)

Defendant

ORDER (DIRECTIONS TO TRIAL)

UPON the Order of the Tribunal made on 6 March 2025 granting a Collective Proceedings Order in Case No. 1639/7/7/24 (the “**Proceedings**”);

AND UPON the Order of the Tribunal made on 6 March 2025 making case management directions in the Proceedings (the “**Post-CPO Directions Order**”);

AND UPON the Order of the Tribunal made on 18 March 2025 establishing a confidentiality ring (the “**CRO**”);

AND UPON the disclosure on 31 March 2025 of the confidential version of the decision of Ofcom in case CW/01122/01/14 on discriminatory pricing in relation to the supply of bulk mail delivery services in the UK (the “**Ofcom Decision**”);

AND UPON the disclosure on 31 March 2025 of the confidential version of the judgment of the Tribunal in case 1299/1/3/18 *Royal Mail plc v Office of Communications* [2019] CAT 27 dated 12 November 2019 (the “**CAT Judgment**”);

AND UPON the Class Representative having served on the Defendant a list of the specific findings in the Ofcom Decision and the CAT Judgment which it considers to be binding on the Defendant in these Proceedings on 15 July 2025 (the “**List of Binding Findings**”);

AND UPON the Defendant having served on the Class Representative its response to the List of Binding Findings, on 10 September 2025;

AND UPON the Class Representative undertaking to notify the Tribunal and the Defendant in writing forthwith in the event that Asertis Ltd (the “**Funder**”) is materially behind in paying the incurred costs, fees and disbursements of the Class Representative and any dispute in relation to this is not resolved within 14 days of the Class Representative notifying the Funder of its concerns, which the Class Representative shall do promptly should such circumstances arise;

AND UPON the Class Representative having served a draft Amended Reply on 25 September 2025 and the Defendant having confirmed by way of letter dated 2 October 2025 that it consented to such amendments;

AND UPON the Defendant having served on the Class Representative on 26 September 2025 the document filed in *Whistl UK Limited v International Distributions Services Plc & another* (Case No. 1584/5/7/23(T)) (the “**Whistl Proceedings**”) recording the parties’ agreed position in respect of the extent to which findings (or alleged findings) in the Ofcom Decision relied upon as binding by Whistl UK Limited (“**Whistl**”) were to be regarded as binding in the Whistl Proceedings and/or which neither party sought to challenge;

AND UPON hearing leading and junior counsel at a case management conference in the Proceedings on 23 September 2025 (the “**CMC**”);

AND HAVING REGARD TO the Tribunal’s Ruling [2025] CAT 56 at the CMC (“**the Tribunal’s Ruling**”)

IT IS ORDERED THAT:

(1) Preliminary issue: Bindingness of the Ofcom Decision and CAT Judgment

1. The parties shall, through their respective solicitors, liaise to seek to resolve any outstanding points of disagreement between them in respect of the List of Binding Findings throughout October 2025.
2. By 4pm on **14 November 2025**, the parties shall set out to each other their final position on any remaining points of disagreement between them in respect of the List of Binding Findings. In relation to each or any finding which the Defendant contends is not binding, the Defendant shall set out the basis on which it disputes bindingness.
3. By 4pm on **21 November 2025**, the parties shall file with the Tribunal a composite schedule of findings (or alleged findings), in accordance with paragraph 38 of the Tribunal's Ruling.
4. If the Defendant intends to seek an order that there shall be a preliminary issue in respect of the bindingness of any or certain findings from the list to be produced pursuant to paragraph 3 of this Order, it must file and serve an application supported by any evidence by no later than 4pm on **28 November 2025**. The Class Representative shall file and serve any response by 4pm on **5 December 2025**. Any such application shall be determined at the case management conference to be listed pursuant to paragraph 27 of this Order.

(2) Further OTS disclosure

5. Subject to paragraph 6 below, and subject to the Tribunal having made an order (or orders) pursuant to Rule 102(2)(b) disapplying the collateral use restrictions that arise under Rule 102 in respect of the documents referred to in sub-paragraphs (a), (b), (c) and (d) below in so far as they were provided in the Whistl Proceedings, by 4pm on 10 October 2025 in the case of documents originating from the Defendant, and by 4pm on the third working day following the date on which each respective order under this paragraph is made in the case of documents originating from Whistl, PostNL N.V. ("PostNL"), or LDC (Managers) Ltd ("LDC"), the Defendant shall provide the Class Representative with copies of all disclosure from the Whistl Proceedings relating to the issues in these Proceedings disclosed by any party or non-party. This will include for the avoidance of doubt the following:

- (a) the documents listed in the disclosure lists that the Defendant provided to the Class Representative on 31 March 2025 (pursuant to paragraph 1(f) of the Post-CPO Directions Order);
 - (b) any other documents (including, for the avoidance of doubt, any documents listed in any exhibit to a witness statement) assigned a disclosure identification number in the Whistl Proceedings but not contained in the disclosure lists described at sub-paragraph (a) (if any);
 - (c) the voluntary disclosure provided by LDC and PostNL in the Whistl Proceedings; and
 - (d) any other documents disclosed in the Whistl Proceedings relevant to the issues in these Proceedings.
6. The Defendant shall not be required to disclose exhibits or parts of exhibits to witness statements that contain information that is both confidential and irrelevant.
 7. The Class Representative has permission to file an Amended Reply in the form served in draft on 25 September 2025.
- (3) Non-OTS disclosure**
8. By 4pm on 19 February 2026, the parties shall write to the other confirming whether they are seeking any further disclosure (including disclosure from class members and/or third parties) and setting out their proposed disclosure categories, if applicable.
 9. In the event that any party is seeking disclosure as envisaged in paragraph 9, then by 4pm on 27 February 2026, the parties shall produce completed Redfern schedules setting out their respective positions on each proposed disclosure category.
 10. The parties shall, through their respective solicitors, liaise to seek to resolve any outstanding points of disagreement between them as to their respective disclosure requests set out in their respective Redfern Schedules.
 11. If and to the extent that any disclosure request made by one party to another party is not agreed despite reasonable efforts to reach agreement, the party seeking the disclosure may apply to the Tribunal by letter requesting a ruling to resolve the disagreement. The

Tribunal may, if appropriate, determine such disagreement on the papers, or may list a short hearing (which may be a remote hearing) for that purpose.

12. Each party shall provide disclosure by list, together with inspection, of the documents and/or information (as applicable) falling within the categories requested from it and which it has agreed or has been ordered by the Tribunal. Disclosure and inspection of such documents/and or information shall be provided on a rolling basis in so far as practicable and in any event by 4pm on 22 May 2026.
13. The documents to be disclosed pursuant to paragraphs 8-12:
 - (a) may be confined to the best available evidence about the information which is the subject matter of the listed categories, which may be in the form of electronic databases or other electronic documents, save where (i) the party concerned does not in fact keep any documents in respect of that subject matter in electronic form, or (ii) although it does keep documents in respect of that subject matter in electronic form, the relevant information in those electronic documents is unreliable in view of the way in which it was collected, or (iii) the best available evidence falls instead to be obtained from hard copy documents or a combination of hard copy documents and electronic databases or other electronic documents. In each case, the party disclosing information pursuant to this provision should explain in the disclosure statement to be provided pursuant to paragraph 16 below why the evidence it is providing is the “best available evidence” and why further disclosure is not proportionate, in particular if the excluded information is within an electronic database;
 - (b) if contained in the form of an electronic database or extract therefrom, should be provided in their native electronic format, together with a statement in the disclosure statement to be provided pursuant to paragraph 16 below on how the relevant information has been compiled for the database, and, if appropriate, guidance on how it is to be examined;
 - (c) shall include documents in the public domain.

14. Where an agreed disclosure request (or a category of disclosure ordered by the Tribunal) provides for a sample of relevant documents to be provided, the basis on which such a sampling approach has been adopted, and an explanation as to why this is reasonable and proportionate in the circumstances, shall be set out in the disclosure statement to be provided pursuant to paragraph 16 below.
15. The parties may choose to disclose documents into the confidentiality rings established by the CRO.
16. The parties' disclosure list, given pursuant to paragraph 12 above, shall be accompanied by disclosure statements from an appropriate person which shall:
 - (a) indicate those documents in respect of which the party claims a right or duty to withhold inspection;
 - (b) indicate those documents which are no longer in the party's control, and what has happened to those documents;
 - (c) set out the extent of the search that has been made in order to locate the documents ordered to be disclosed;
 - (d) specify the manner in which the search has been limited on reasonableness and proportionality grounds and why; and
 - (e) certify to the best of their knowledge and belief that the disclosure ordered has been provided.

(4) Factual witness evidence

17. By 4pm on 24 July 2026, the parties shall, if so advised, serve signed statements of witnesses of fact, and hearsay notices where required by CPR r 33.2.
18. By 4pm on 2 October 2026, the parties shall, if so advised, serve signed reply statements of witnesses of fact, and hearsay notices where required by CPR r 33.2.

(5) Expert evidence

(a) Expert permissions

19. In respect of the issues to be identified pursuant to paragraphs 23 and 24 below, the Class Representative shall have permission to rely upon the evidence of: (i) Dr. Chris Williams in the field of competition economics; and (ii) Mr. Gary Davies in the field of forensic accounting.
20. In respect of the issues to be identified pursuant to paragraphs 23 and 24 below, the Defendant shall have permission to rely upon the evidence of: (i) Mr. Matthew Hunt in the field of competition economics; and (ii) Mr. Andrew Grantham in the field of forensic accounting.
21. By 4pm on **19 November 2025**, the parties shall write to the other confirming whether they are seeking the permission of the Tribunal to rely upon the expert evidence of any additional individual(s).
22. Any applications for permission to adduce expert evidence from any additional individual(s) shall be made by 4pm on **5 December 2025**.

(b) Expert reports

23. By 12 November 2025 the experts (together with the parties' solicitors) shall meet on a without prejudice basis to discuss the list of issues for expert evidence.
24. By 4pm 19 November 2025 the parties shall seek to agree the list of issues for expert evidence (which shall also identify which expert(s) are to cover each issue), identify any disputes if so arising, and file the list (identifying any areas of disagreement) with the Tribunal.
25. By 4pm on 21 November 2025 the Defendant shall file and serve an expert report from Mr. Hunt and/or Mr. Grantham confirming whether the Defendant intends to advance a positive case as to how any overcharge and/or any pass-on ought to be calculated, and if so, setting the proposed methodology for doing so. The report shall be limited to 10 pages in length.
26. By 4pm on 21 November 2025 the Class Representative shall file and serve a list of any additional comparator countries that Dr. Williams intends to use to estimate

overcharge, and in respect of each additional country, why it contends that country is an appropriate comparator. The Class Representative shall thereafter notify the Tribunal and the Defendant promptly if it seeks to make any further changes to the comparator countries to be used by Dr. Williams in light of disclosure received, explaining the basis for any change.

(6) Case Management Conference

27. A further Case Management Conference (the “CMC”) shall be listed for 18 December 2025, with a time estimate of one day.
28. The Class Representative shall file and serve an updated litigation budget for the Proceedings by 4pm on 5 December 2025. The updated budget shall be prepared in the same format as the budget filed by the Class Representative with the Tribunal on 12 September 2025, and shall (i) specify the costs incurred to the date of the budget; (ii) specify any items which have changed, or increased, and if so by how much; (iii) provide explanatory notes in respect of any substantial changes; and (iv) include (separately) a breakdown of the fees and disbursements (incurred and budgeted) in the same format as the breakdown of the Class Representative’s updated budget enclosed with the Class Representative’s solicitors’ second letter dated 18 September 2025 to the Defendant’s solicitors. Following the CMC, the updated litigation budgets that the Class Representative is required to file and serve in advance of every future case management conference in the Proceedings (in accordance with paragraph 9 of the Order made by the Chair and drawn on 7 March 2025) shall be prepared in accordance with this paragraph.
29. The Class Representative shall file and serve an updated scenario analysis for the Proceedings (in the same format as the updated scenario analysis enclosed with the Class Representative’s solicitors’ second letter dated 18 September 2025 to the Defendant’s solicitors) by 4pm on 5 December 2025, setting out the recovery to the class minus applicable costs under different recovery scenarios, to reflect any changes in the updated litigation budget to be filed pursuant to paragraph 28 of this Order. Unless otherwise directed, the Class Representative shall file and serve an updated scenario analysis, prepared in accordance with this paragraph, in advance of every future case management conference in the Proceedings.

30. By 4pm on 5 December 2025 the Defendant shall file and serve a costs budget as suggested at paragraph 70 of the Tribunal's Ruling.

31. The parties shall file and serve bundles and skeleton arguments (incorporating bundle references) for the CMC by 4pm on 12 December 2025.

(7) Pre-Trial Review

32. A pre-trial review hearing ("PTR") shall be listed to take place on 7 February 2028, with a provisional time estimate of one day (the parties are to notify the Tribunal in advance of the hearing if a lesser time estimate would be sufficient).

33. By 4pm on 31 January 2028, the parties shall provide the Tribunal with an agreed draft agenda and list of any issues for determination at, the PTR.

(8) Trial bundle

34. The parties are to liaise and seek to agree the content of the trial bundle (to be prepared in accordance with Practice Direction 1/2025, subject to any further directions of the Tribunal) by 31 January 2028.

35. By 4pm on 14 February 2028, the Class Representative shall:

(a) lodge five hardcopies of the trial bundle with the Tribunal and provide a single hardcopy to the Defendant; and

(b) make available to the Tribunal and the Defendant (if it has not already done so) an electronic version of the trial bundle.

(9) Trial

36. Unless otherwise directed, the first sitting date of the trial shall be 24 April 2028 with a provisional time estimate of 6 weeks, with Fridays as non-sitting days. The trial length is subject to review at any future CMCs and the PTR.

37. The week commencing 17 April 2028 shall be a reading week for the Tribunal.

38. The matter of directions for opening submissions for the trial shall be addressed at the case management conference to be listed pursuant to paragraph 27 of this Order.

(10) Miscellaneous

39. The parties may agree to extend any time period or deadline in this Order for a period of up to 14 days total without further order, provided that this does not affect the date of the trial, the PTR, any listed CMC or any other hearing. The parties shall notify the Tribunal in writing in advance of the expiry of the relevant deadline of any such agreed extension.
40. The costs of the CMC be in the case.
41. There be liberty to apply.

Hodge Malek KC

Chair of the Competition Appeal Tribunal

Made: 7 October 2025

Drawn: 8 October 2025