COMPETITION APPEAL TRIBUNAL

NOTICE OF AN APPLICATION TO COMMENCE COLLECTIVE PROCEEDINGS UNDER SECTION 47B OF THE COMPETITION ACT 1998

Case No: 1759/7/7/25

Pursuant to rule 76(8) of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (the "Rules"), the Registrar gives notice of the receipt on 15 December 2025 of an application to commence collective proceedings, under section 47B of the Competition Act 1998 ("the Act"), by JLP A&A Class Representative Limited (the "Proposed Class Representative/PCR") against (1) Apple Inc.; (2) Apple Distribution International Limited; (3) Amazon.com, Inc; (4) Amazon Europe Core S.à.r.l; (5) Amazon EU S.à.r.l; and (6) Amazon.com Services LLC (together, the "Proposed Defendants") (the "Application"). The PCR is represented by Hausfeld & Co LLP, 12 Gough Square, London EC4A 3DW (Reference: Scott Campbell).

The proposed collective proceedings (the "Proposed Collective Proceedings") seek to combine, on an opt-out basis, claims for aggregate damages for proposed class members ("PCMs") who purchased Apple (including Beats-branded) electronic products ("Apple Products") from retailers in the United Kingdom. In making these purchases, the PCMs suffered loss and damage as a result of unlawful agreements entered into by the Proposed Defendants in breach of the prohibition in Article 101 of the Treaty on the Functioning of the European Union ("TFEU") (prior to 31 December 2020) and/or the Chapter I prohibition under section 2 of the Act ("the Infringements").

The First Proposed Defendant, Apple Inc. (together with its group of companies, "Apple"), is a US company based in Cupertino, California. Apple designs, manufactures, and markets mobile communication and multimedia devices, personal computers, and audio-visual devices under the Apple and Beats brands, as well as accessories, related software, and services. The Second Proposed Defendant, Apple Distribution International Limited ("Apple DI") is registered in Ireland and is an indirect subsidiary of the Proposed First Defendant. Apple DI is responsible for sales and distribution of Apple Products in Europe and operates the Apple online store, the Apple store mobile app and the Apple contact centre.

The Proposed Third to Sixth Defendants are members of the Amazon Group ("Amazon"). The Proposed Third Defendant, Amazon.com, Inc, is a US company based in Seattle, Washington State. It carries on business in electronic commerce and the provision of other information and communication technologies services. The Proposed Third Defendant, the Application states, operates in Europe through the Proposed Fourth to Sixth Defendants. The Proposed Fourth Defendant ("Amazon EC") is a company incorporated under the laws of Luxembourg and responsible for managing Amazon Marketplace websites in Europe, including in the United Kingdom. The Proposed Fifth Defendant ("Amazon EU") is a company incorporated under the laws of Luxembourg whose principal purpose is to sell consumer products and provide services through Amazon Marketplace in Europe, including the United Kingdom. The Proposed Sixth Defendant ("Amazon Services") is a US company based in Seattle, Washington state. The Proposed Sixth Defendant is a wholly-owned subsidiary of the Proposed Third Defendant.

Amazon operates the digital platform "Amazon Marketplace", which is the largest online marketplace for the purchase and sale of goods worldwide. Companies in the Amazon Group host and operate online marketplaces on country-specific websites. The Amazon Marketplace, and the country specific websites, enable third-party sellers to offer and sell products to consumers, as well as being used by Amazon itself to offer and sell products to consumers where Amazon is the seller of record. Amazon also manufactures and sells its electronic products in certain of the same product categories in which Apple is active.

In respect of its consumer electronics products, Apple operates a dual-distribution system, under which it sells its products directly to customers through its own Apple stores, as well as selling its products to resellers. This includes retailers selling on Amazon Marketplace (both Amazon itself and the third-party resellers selling on Amazon Marketplace), and other physical and online retailers (e.g. John Lewis, Currys). Apple does not operate, except for Beats-branded wireless products, a selective distribution system. Apple does offer an official reseller programme whereby it offers resellers, with whom it has entered into a distribution agreement, discounts and rebates if they support the sale of Apple Products through staff training, logistics services, and on-site consulting services ("Apple Authorised Resellers").

The Proposed Collective Proceedings arise from a series of horizontal agreements which at all material times provided and continue to provide the framework for the sale of Apple Products on Amazon Marketplace, including in the UK (the "Restrictive Agreements"):

(1) the Apple Authorised Reseller Agreement between Apple DI and Amazon EU, dated 30 April 2014, as amended by the Amendment to the Apple Authorised Reseller Agreement dated 31 October 2018; and

(2) an agreement dated 31 October 2018 between Amazon Services, Amazon EU, Apple Inc., and Apple DI, called the Global Tenets Agreement ("GTA"). Within Europe, the GTA is applicable to countries in which there is a dedicated Amazon website, including the United Kingdom.

The Application contends that the Restrictive Agreements have the object and/or effect of restricting competition in the United Kingdom. In particular:

(1) The Restrictive Agreements exclude from Amazon Marketplace all resellers of Apple Products other than a limited number of Apple Authorised Resellers hand-picked by Apple and Amazon based on quantitative criteria which are neither objective nor non-discriminatory. The Restrictive Agreements therefore impose an intra-brand barrier to competition, constructed to exclude from the pre-eminent online platform in the United Kingdom actual and potential competitors of Amazon and Apple in the sale of Apple Products.

(2) The Restrictive Agreements limit the ability of brands that compete with Apple to purchase advertising space on Amazon Marketplace to advertise their products in response to certain searches for Apple Products and during the purchase process of Apple Products, as well as imposing advertising restrictions during the launch of new Apple Products. These inter-brand restrictions of competition reinforce the anti-competitive impact of the intra-brand restriction of competition.

The Restrictive Agreements also contain provisions whereby Amazon has agreed not to direct marketing at customers who have purchased Apple Products from Amazon, with a view to persuading them to switch from an Apple Product to a non-Apple Product. These provisions reinforce the anti-competitive impact of the intra-brand restriction of competition.

The Application states that the Restrictive Agreements have led to a significant reduction in the number of resellers of Apple products active on Amazon Marketplace (UK) and caused an overcharge on the price of Apple Products sold on Amazon Marketplace, Apple's UK online and physical stores and other online and physical stores in the United Kingdom.

The proposed class is defined as natural persons (other than Excluded Persons) who made a Relevant Purchase of an Apple Product in the United Kingdom between 31 October 2018 and 15 December 2025 (the "Initial Claim Period") or the personal representative of the estate of any such person who has died (the "Proposed Class"). The PCR estimates that the size of the Proposed Class is likely to approximate 28.9 million persons. Based on the data currently available for the PCR, the Application states the damages claimed in respect of purchases of Apple Products on Amazon Marketplace (UK) range from £431.2 million to £898.6 million, before interest and without taking account of the additional financing losses.

The Proposed Collective Proceedings are substantively the same as those proposed to be brought by Christine Riefa Class Representative Limited, in *Christine Riefa Class Representative Limited v Apple Inc. & Ors* (Case 1602/7/7/23) (the "Riefa Proceedings"). The Riefa Proceedings are no longer live.

The PCR states that it would be just and reasonable for it to act as the class representative in the Proposed Collective Proceedings.

In summary, the Application states:

(1) The PCR is a specially incorporated vehicle whose sole director is Mr Le Patourel. Mr Le Patourel acted as the class representative in *Justin Le Patourel v BT* and is a consultative panel member in *Robert Hammond v Amazon.com, Inc. & Others* as well as a director of the Class Representatives Network. He also previously held a senior position at Ofcom.

(2) The PCR has assembled a consultative panel of experts across various fields relevant to the Proposed Collective Proceedings.

(3) The PCR has engaged leading competition counsel and solicitors to pursue the Proposed Collective Proceedings on behalf of the Proposed Class.

(4) The PCR has entered into a Litigation Funding Agreement with a sufficient budget to cover the costs associated with bringing the Proposed Collective Proceedings and has produced a litigation plan for the proceedings which includes:

    a. A method for bringing the proceedings on behalf of represented persons and for notifying them of the progress of the proceedings;

    b. A procedure for governance and consultation which takes into account the size and nature of the Proposed Class;

    c. The PCR's proposals in respect of disclosure, witness statements, expert reports, other evidentiary matters, and the litigation timetable; and

    d. An estimate of, and details of arrangements as to costs, fees, or disbursements which the Tribunal may order that the PCR shall provide.

(5) The PCR has no material interest that conflicts with the interests of the PCMs in relation to common issues.

(6) Aside from the Riefa Proceedings, the PCR is not aware of any other applicant seeking to be representative in connection with the same claims.

(7) The PCR will have the benefit of After The Event insurance that means it will be able to pay the Proposed Defendants' recoverable costs if ordered to do so.

The PCR states that the claims sought to be included in the Proposed Collective Proceedings satisfy each of the criteria for certification in rule 79(1), including that it is suitable to bring the claims in collective proceedings because:

(1) The definition of the Proposed Class will enable ready identification of the PCMs according to objective criteria.

(2) All issues to be determined in the Proposed Collective Proceedings are common issues that can fairly, efficiently, and proportionately be dealt with in collective proceedings. There are no individual issues to be determined.

(3) Individual proceedings on behalf of the PCMs are plainly not a viable alternative to the Proposed Collective Proceedings. The claims are individually low in value and it would be practically inconceivable for individuals to bring what would be complex competition law damages actions against the Proposed Defendants.

(4) The impact of the Infringements can be assessed on a class wide basis pursuant to common methodologies applied across all PCMs. To assess the overcharge incurred by each PCM on an individual basis would be impracticable and disproportionate, having regard to the substantial number of PCMs and affected transactions.

(5) The claims are suitable for an aggregate award of damages pursuant to s.47C(2) of the Act and rule 73(2) of the Rules.

(6) The benefits of continuing the Proposed Collective Proceedings outweigh any costs for the PCMs, the Proposed Defendants, and the Tribunal. The costs are fair and proportionate in light of the loss suffered as a result of the Infringements which would otherwise not be addressed, the size of the Proposed Class, and the aggregate value of the claims.

(7) The PCR is not aware of any separate proceedings making claims of the same nature having been commenced.

(8) The Proposed Class definition is clear and simple and it is possible to determine in respect of any person whether that person is or is not a member of the Proposed Class.

(9) The PCR is not aware of any available means of alternative dispute resolution or other ways of resolving the dispute, including the availability of redress through voluntary schemes whether approved by the Competition and Markets Authority under s.49C of the Act or otherwise. The PCR nevertheless remains prepared to enter into constructive discussions with the Proposed Defendants with respect to the resolution of the claims and the fair compensation of the PCMs.

The PCR seeks permission to bring the Proposed Collective Proceedings as opt-out proceedings. The PCR states that the claims it proposes to combine in collective proceedings are strong and that it would be impracticable for the claims to be brought as opt-in collective proceedings, having regard to all the circumstances, including the estimated amount of damages that individual PCMs may recover and that PCMs are end consumers.

The relief sought in the Proposed Collective Proceedings is:

(1) An aggregate award of damages for the proposed class pursuant to s.47C(2) of the Act.

(2) Interest. The PCR claims simple interest under s.35A of the Senior Courts Act 1981 and rule 105 of the Rules.

(3) The PCR's costs.

(4) Such further or other relief as the Tribunal may see fit.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at www.catribunal.org.uk. Alternatively, the Tribunal Registry can be contacted by post at Salisbury Square House, 8 Salisbury Square, London EC4Y 8AP, or by telephone (020 7979 7979) or email (registry@catribunal.org.uk). Please quote the case number mentioned above in all communications.

Charles Dhanowa CBE, KC (Hon)
Registrar

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