



COMPETITION APPEAL TRIBUNAL

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

**CASE NO. 1761/7/7/26**

Pursuant to Rule 76(8) of the Competition Appeal Tribunal Rules 2015 (SI. 2015 No. 1648) (the “Rules”), the Registrar gives notice of the receipt on 22 January 2026 of an application to commence collective proceedings, under section 47B of the Competition Act 1998 (the “Act”), by James Daley Class Representative LLP, (the “PCR”) against: (1) Apple Inc.; (2) Apple Distribution International Limited; (3) Apple (UK) Limited; (4) Apple Europe Limited; and (5) Apple Payments Services Limited (together the “Proposed Defendants” or “Apple”). The PCR is represented by Milberg London LLP, Third Floor, Sutton Yard, 65 Goswell Road, London, EC1 7EN (Reference: Zena Prodromou and Grace Panter).

The Collective Proceedings Claim Form (“CPCF”) states that the claims it is proposed to combine in the collective proceedings are for losses caused by the Proposed Defendants’ breach of statutory duty which consists of infringements of section 18 of the Act (otherwise known as the Chapter II prohibition) and for the period prior to 31 December 2020, Article 102 of the Treaty on the Functioning of the European Union (“Article 102”) and Article 54 of the Agreement on the European Economic Area (“Article 54”) (the “Proposed Claim”).

The CPCF states that the “Proposed Class” consists of every individual who lived in the United Kingdom and acquired or held a personal current account, credit card, savings account, mortgage or personal loan approved by one of a list of 204 banks or financial institutions that issued payment cards which participated in Apple Pay (the “Issuers”) “while aged 16 or over, during the period 22 January 2020 until 22 January 2026” (the “Proposed Class Members”).

The PCR is a limited liability partnership which was incorporated on 18 December 2024 for the purpose of pursuing set objectives, including the commencement and pursuit of these proposed collective proceedings. Mr James Daley is the sole and managing member of the PCR.

The Proposed Defendants are all members of the Apple corporate group. Apple designs, manufactures and markets iPhones, personal computers, tablets, wearables and accessories, and sells a variety of related services. Apple Pay is a cashless payments service developed and operated by Apple, which allows users to make payments using certain Apple devices, including iPhones.

The CPCF states that the “Claim Period” is the period from 22 January 2020.

The PCR's contends that Apple has abused its dominant position in breach of the Chapter II prohibition and (for the period prior to 31 December 2020, Article 102) in two ways in the UK:

1. Prior to October 2024, by (i) refusing to supply third parties with access to the near field communication input (a wireless communication technology relied upon to enable secure communication between a user's payment card and a merchant's physical point of sale terminal (the "NFC Input")), and/or (ii) engaging in self-preferencing by treating third parties less favourably than its own downstream services. Through that conduct, the CPCF states that Apple leveraged its control over access to the NFC Input and monopoly position in the market for the supply of Developer NFC Input services (i.e. those NFC input services supplied to third party app developers), so as to preclude any competition and confer on itself a monopoly position in the market for Issuer Mobile Wallet Services (services which enable Issuers to have payment cards they have issued, registered for use and stored on NFC-enabled mobile wallets on iPhones and used to make contactless payments at the physical point of sale) and in the provision of Consumer Mobile Wallet Services (services which enable consumers to register their bank cards for use on NFC-enabled mobile wallets on iPhones and to make contactless payments at the physical point of sale). It is alleged that since October 2024, Apple has provided third parties with access to the NFC Input but on terms that are unfair and constitute a constructive refusal to supply, and/or amount to unlawful self-preferencing.
2. Illegally tying Issuer Mobile Wallet Services (the term the CPCF uses to collectively refer to Issuer Mobile Wallet Services and Issuer Digital Wallet Services) to Issuer Digital Wallet Services (services which enable Issuers to have cards they have issued registered for use and stored on mobile wallets on iPhones and used to make online payments), as a result of Apple not permitting Issuers to take one service without the other (the "Tying Conduct"). Through the Tying Conduct, it is said that Apple has leveraged its dominant position in the market for Issuer Mobile Wallet Services into the potentially more competitive markets around Issuer Digital Wallet Services and Consumer Digital Wallet Services (services which enable consumers to register their bank cards for use on iOS devices and to make online payments).

The PCR contends that, as a result of these alleged abuses, Apple has been able to impose Apple Pay fees on Issuers that were higher than they would have been absent that conduct. The PCR further contends that the overcharge has been passed on (in full or in part) by Issuers to their customers through higher charges and/or reduced benefits for consumer finance products. The PCR's case is that these higher charges and/or reduced benefits have been incurred by customers who hold these products irrespective of whether they use Apple Pay, with the Issuers passing on the overcharge not exclusively to Apple Pay users but to their customers more generally.

The claims it is proposed to combine in the collective proceedings are stated in the CPCF to be brought on behalf of an identifiable class of persons and to raise common issues. The claims are said to be suitable to be brought in collective proceedings for the following reasons:

1. The Proposed Claim presents an appropriate means for the fair and efficient resolution of the common issues raised by the Claims. Whilst the average Proposed Class Member's claim value is estimated to be between £8 and £22, when considered in aggregate, the Proposed Claim is estimated to be worth between £591 million and £1.5 billion (including interest). Given, the complex issues of law and economics raised by the Proposed Claim and the highly costly nature of this type of litigation, the proposed proceedings offer the only practical means of securing compensation for millions of consumers, who would otherwise be left without effective redress.
2. The benefits of continuing the Proposed Claim in collective proceedings considerably outweigh the anticipated costs. The costs of the proposed proceedings, although substantial are nonetheless fair and proportionate in view of the aggregate value of the claims, the size of the Proposed Class and the fact that it would be a practical impossibility for the claims to be brought on an individual basis.
3. The PCR is not aware of any separate proceedings making damages claims of the same or a similar nature on behalf of the Proposed Class Members in the UK.
4. The Proposed Class has a clear definition and is large in size, including approximately 58 million Proposed Class Members.
5. The Claim is inherently suitable for an aggregate award of damages and data would not need to be obtained from individual Proposed Class Members for a single global damages award to be calculated.

The PCR submits that it is just and reasonable for it to be authorised to act as the class representative because amongst other things:

1. The PCR would act fairly and adequately in the interests of the Proposed Class Members. Mr Daley has a longstanding interest in and experience of championing the interests of consumers, especially in banking, insurance and related industries.
2. The PCR's own experience will be complemented by an experienced advisory panel.
3. The PCR is supported by a legal team with extensive experience in competition litigation and specifically collective actions.
4. The PCR has prepared a comprehensive litigation plan.
5. The PCR is not aware of any conflicts of interest which would prevent him from acting as the sole member of the PCR. Further, neither the PCR nor Mr Daley are members of the Proposed Class.

6. The PCR is not aware of any other person seeking to act as a class representative in respect of the same claims.
7. The PCR has adequate funding for the proposed collective proceedings and will be able to pay Apple's recoverable costs, if ordered to do so.

The CPCF proposes to bring the Claims on an opt-out basis, pursuant to Rule 79(3) of the Rules. The PCR submits that the Claims are strong and have at the very least a real prospect of success. In support of this, it is said that certain of the core facts relied upon in the CPCF are a matter of public record and important elements of the Claims are supported by preliminary findings in the European Commission's Decision in *Case AT.40452 – Apple – Mobile Payments*; the Competition and Markets Authority's Final Decision dated 22 October 2025 (pursuant to the Digital Markets, Competition and Consumers Act 2024) designating Apple as having strategic market status in the provision of its mobile platform; and by other related regulatory proceedings. Opt-out proceedings are also said to be practicable because the Proposed Class Members are a large number of ordinary consumers whose individual estimated compensation amounts would make each individual case economically unviable given the costs involved.

The relief sought in these proceedings is damages, to be assessed on an aggregate basis pursuant to section 47(C) of the Act. Simple interest on the loss suffered at a rate of 8% is also claimed.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at [www.catribunal.org.uk](http://www.catribunal.org.uk). Alternatively, the Tribunal Registry can be contacted by telephone (020 7979 7979) or email ([registry@catribunal.org.uk](mailto:registry@catribunal.org.uk)). Please quote the case number mentioned above in all communications.

*Charle Dhanowa OBE, KC (Hon)*

Registrar

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