



COMPETITION APPEAL TRIBUNAL

CATUG/2026

30 March 2026

MINUTES OF THE COMPETITION APPEAL TRIBUNAL USER GROUP MEETING (01/26) WEDNESDAY 18 MARCH 2026

A meeting of the Competition Appeal Tribunal (CAT) User Group took place on Wednesday 18th March (1715-1830 hrs) in the Mansfield Room / via MS Teams.

Attendees:	Ben Tidswell	CAT (Chair)	Meeting Chair
	Mrs Justice Bacon	CAT (President)	
	Charles Dhanowa KC (Hon)	CAT (Registrar)	
	Peter Freeman KC (Hon)	CAT	
	Emily Neill	Bar Library (Belfast)	
	Tom de la Mare KC*	Blackstone Chambers	
	Marie Demetriou KC	Brick Court	
	Sarah Abram KC		
	Jennifer MacLeod		
	Daniel Barnett	CMA	
	Mark Sansom	Freshfields	
	Belinda Hollway	Hausfeld	
	Stephen Wisking	Herbert Smith Freehills Kramer	
	Sarina Williams	Linklaters	
	Natasha Pearman	Milberg	
	Rob Williams KC	Monckton	
	George Peretz KC		
	Helen Fairhead	Norton Rose Fulbright	
	Martin Ballantyne	Ofcom	
	Totis Kotsonis*	Pinsent Masons LLP	
	Matt Burton*	Department for Business & Trade	
	Tesni Thomas*		
	Vicky Gregory	CAT (Referendaire)	Secretary
* via MS Teams			

Apologies:	Micaela Diver	A&L Goodbody	
	Almira Delibegovic-Broome KC	Axiom Advocates	
	Lucinda Cunningham	Matrix Chambers	
	Jon Turner KC	Monckton	

Item	Record	Action
1 Introduction	Ben Tidswell and the President welcomed all attendees to the meeting.	

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2 Minutes of Previous Meeting (10 Dec 25)	(a) Minutes. The Minutes of the meeting on 10 Dec 25 were reviewed and agreed without comments. (b) Matters Arising: • CAT Website: introduction of a page to record cases in the “Distribution Stage”. The Registrar noted that the Tribunal intends for a new section to be added to its website titled “New Settlements - Collective Damages Awards”, which will link through to any active collective action distribution pages. • Confidentiality. Ben Tidswell thanked the User Group for their contributions to the confidentiality note, which was discussed further at item 6 below. • Bellamy Lecture. Peter Freeman noted that the 2025 Bellamy Lecture would shortly be available on the Tribunal’s website.	
3 Policy Issues	(a) DBT Review of Opt-out Collective Actions. Tesni Thomas and Matt Burton provided an update. It was expected that a consultation paper setting out proposed reforms will be published between the end of April and early May 2026 (contingent upon publication logistics within government). The User Group was to be updated with a more specific publication date when available. The possibility of primary legislative reform in response to certain of the review’s findings was noted. It was noted that there had been various developments in collective proceedings since the evidence gathering stage Action (01/26-01): User Group members with further evidence for inclusion in this review were invited to come forward with this as soon as possible. (b) Potential reversal of PACCAR. Ben Tidswell asked whether there had been any progress in reversing the PACCAR decision concerning litigation funding. Tesni Thomas noted that the MoJ was leading on this and that progressing this initiative was dependent on Parliamentary time. (c) Civil Justice Council’s review of litigation funding. Tesni Thomas confirmed that the MoJ had primary responsibility for considering further steps flowing from the CJC’s review, although discrete elements were being considered by DBT.	All
4 CAT Rules Update	The Registrar noted that work to update the Tribunal’s rules was progressing internally and the Tribunal intended to circulate a draft of the new rules to the User Group in the near future. The President explained that the Tribunal had paid particular attention to issues such as streamlining the permission to appeal	

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	process and indicated that the updated rules would to some extent be formulated according to sub-regimes. Action (01/26-02): User Group members were invited to notify the Tribunal now of any suggestions they had for major substantive changes to the rules. <i>[Marie Demetriou KC agreed to act as a contact point to compile a list of any substantive suggestions on behalf of User Group members].</i>	All
5 Costs Control in Collective Proceedings	(a) Costs in collective proceedings Practice Direction. The President noted the Tribunal's intention to produce a PD relating to costs in collective proceedings. This was welcomed by User Group members, who suggested that the Tribunal work towards a PD relating to costs <u>and</u> case management in collective proceedings. User Group members provided initial suggestions on potential measures to address costs and case management in collective proceedings, including the following: • Determining a greater number of applications on the papers, noting that the number of case management conferences held in proceedings can exceed the allocation for that in the budgets of class representatives. • Ensuring that case management conferences result in decisions from the Tribunal, rather than guidance. • In some cases, dispensing with the first case management conference and instead proceeding straight to a CPO hearing, with a case management conference setting directions to trial to follow closely afterwards, if proceedings are certified. It was suggested that the PD could set out indicative timing expectations for this sequence of hearings. • Allowing for greater fluidity in the Tribunal members who hear applications, rather than always requiring panel continuity (particularly where applications concern procedural matters). • Providing guidance on the Tribunal's expectations of the composition and expertise of any advisory groups appointed by class representatives, noting the potential for advisory committees to expand simply with the aim of increasing the prospect of a claim being certified. • Providing guidance on chargeable rates for class representatives and the possibility of class representatives being required to provide evidence on their rates. • The need to address disclosure and confidentiality review exercises was emphasised. It was noted that these were typically amongst the most expensive exercises undertaken and that these costs were often far greater for defendants (who typically undertook the bulk of disclosure work in collective actions) than claimants. A	

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	renewed focus on proportionality in disclosure and confidentiality exercises was suggested, and it was highlighted that there is often a large discrepancy between the number of documents which were subject to confidentiality reviews and the number of documents which were ultimately included in trial bundles. The President noted that the ability to set out prescriptive rules about disclosure management and costs in a PD was limited given that disclosure considerations were typically very case-specific. The need for costs budgets to reflect actual costs involved in proceedings, as opposed to only the costs which the parties seek to recover, was noted. Action (01/26-03): A Costs Working Group was to be established to take this work forward; membership was to include representatives undertaking claimant-side and defendant-side work. Belinda Hollway and Sarina Williams volunteered to be part of the working group and to collect a list of other volunteer members from the User Group prior to the next meeting.	Chairman Belinda Hollway / Sarina Williams
6 User Group Feedback	(a) Confidentiality Note – Helen Fairhead spoke to the note circulated ahead of the meeting. The User Group discussed various confidentiality considerations, including the following: - The importance of Tribunal chairs having an early awareness of any third-party confidentiality issues. - The overarching principles guiding confidentiality issues in the Tribunal. Ben Tidswell suggested that, as a practical matter, the Tribunal's priorities are to deal with confidentiality in a way which (i) reflects the need to get to trial, and (ii) to ensure that proper instructions can be taken. It was noted that, once trial is reached, different considerations may apply, including the potential need for the Tribunal to operate in closed session. - The possibility of factoring into a trial timetable proper time for confidentiality issues to be addressed between the close of evidence and the beginning of trial. - It was noted that, while it is often assumed that confidentiality is a case-specific consideration, the Court of Appeal authorities detailed in the annex to the Confidentiality Note demonstrate that consistent principles governing confidentiality can be identified. - The importance of considering the timing of any confidentiality guidance. It was noted that dealing with confidentiality too early risks wasted expense at the beginning of proceedings, while it is helpful to ensure that all parties have sufficient clarity on confidentiality sufficiently in advance of trial bundles being prepared. - The possibility of establishing "ground rules for confidentiality" by reference to a sample of documents at	

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	an early CMC in proceedings. It was noted that confidentiality is a further area where there is typically an asymmetry in the costs incurred between the parties in collective proceedings, given that defendants typically provide substantial disclosure (which may engage confidentiality issues) and claimants do not. Action (01/26-04). It was agreed that the Tribunal would take these points away and would review the current PD relating to confidential treatment of documents, with a view to a revised PD being presented for discussion at the next meeting.	President
7 Any Other Business	a) The President's speech at the GCR Conference. Sarah Abram KC noted that this speech was not yet available online and asked whether it would be. It was highlighted that it was useful if speeches were made available publicly as soon as possible after they had been delivered. The President noted that the Tribunal is endeavouring to give better visibility over when its members are giving speeches and explained that, typically, keynote speeches would be made available on the CAT website, whereas less formal contributions to panel discussions would not. b) Economic Evidence Seminar. The President highlighted that the Tribunal was planning to host an Economic Evidence Seminar in the Autumn (end of September or early October) to gather feedback on how well the Experts PD was considered to be working. <u>Postscript:</u> Seminar to take place on 29 September at the CAT. c) Costs in subsidy control cases. Totis Kotsonis raised the issue of the costs involved in bringing subsidy control cases, noting that this may pose a barrier to justice. It was asked whether there was scope for the Tribunal to provide guidance on how litigants should manage costs in subsidy control proceedings more efficiently. The President noted that, unlike collective proceedings, subsidy control proceedings were typically resolved quickly and without the costs associated with lengthy disclosure exercises; the main costs instead being legal representatives. Therefore, there was usually limited scope to cut costs in subsidy control proceedings. It was also noted that the suggestion of introducing costs capping for subsidy control cases was not well received by the Court of Appeal in <i>Durham County Council v The Durham Company Limited</i> [2023] EWCA Civ 729. The President suggested that Totis Kotsonis, along with any other members of the User Group involved in subsidy control proceedings, put together a note on potential efficiencies in subsidy control proceedings which can be discussed at the next User Group meeting.	

Item	Record	Action
Date of Next Meeting	The date for the next CAT User Group meeting was not discussed at the meeting. This will be scheduled for Wed 8 July 2026; a calendar invitation will be issued in due course.	

Victoria Gregory
for CAT President