



Neutral citation [2026] CAT 77

Case No: 1749/7/7/25

IN THE COMPETITION APPEAL TRIBUNAL

Salisbury Square House
8 Salisbury Square
London EC4Y 8AP

13 October 2026

Before:

SIR PETER ROTH
(Chair)
CHARLES BANKES
KEITH DERBYSHIRE

Sitting as a Tribunal in England and Wales

BETWEEN:

**THE ASSOCIATION OF CONSUMER SUPPORT ORGANISATIONS
LIMITED**

Proposed Class Representative

- v -

- (1) AMAZON.COM, INC.**
- (2) AMAZON EUROPE CORE S.À.R.L.**
- (3) AMAZON EU SÀ.R.L.**
- (4) AMAZON UK SERVICES LTD**
- (5) AMAZON PAYMENTS UK LIMITED**

Proposed Defendants

Heard at Salisbury Square House on 5-6 October 2026

RULING

APPEARANCES

Ben Lask KC and James Bourke (instructed by Stephenson Harwood LLP) appeared on behalf of the Proposed Class Representative.

Daniel Piccinin KC, Kristina Lukacova and Alexandra Breckenridge (instructed by Covington & Burling LLP) appeared on behalf of the Proposed Defendants.

Daniel Carall-Green and Hannah Bernstein (instructed by Geradin Partners) appeared on behalf of Professor Stephan.

Ben Rayment (instructed by Hagens Berman EMEA LLP and Charles Lyndon Limited) appeared on behalf of Mr Hammond.

A. INTRODUCTION

1. On 14 August 2025, the Association of Consumer Support Organisations Limited (**ACSO**) filed an application with the Tribunal to bring opt-out collective proceedings against the Proposed Defendants (collectively referred to as **Amazon**) under s. 47B of the Competition Act 1998 (the **CA 1998**). ACSO alleges that Amazon applied price parity policies to third-party sellers on its UK marketplace, which infringe both Chapter I and Chapter II of the CA 1998 and (prior to 31 December 2020), Articles 101 and 102 of the Treaty on the Functioning of the European Union (**TFEU**).
2. The Tribunal has previously granted two applications for a collective proceedings order against various companies in the Amazon group in two actions which are closely related to ACSO's proposed claim ([2025] CAT 42, [2025] Bus LR 2281). One of those two actions is brought by Mr Robert Hammond on behalf of a class of consumers (the **Hammond Action**). The other action is brought by Professor Andreas Stephan on behalf of a class of retailers or "merchants" (the **Stephan Action**). Both actions allege that Amazon abused a dominant position contrary to Chapter II of the CA 1998 and (prior to 31 December 2020), Art 102 of the TFEU. The Tribunal is jointly case managing these Actions together. A joint case management conference is listed to take place on 14 October 2026, with a second day in reserve, and a joint stage 1 trial has been listed to commence on 25 April 2028 to address issues of market definition, dominance and liability (the **Trial 1**). A joint stage 2 trial will be listed subsequently to address issues of causation, quantum of overcharge and pass-on (the **Trial 2**).
3. A hearing to address ACSO's application for a collective proceedings order was held on 5-6 October 2026 (the **CPO Hearing**). This ruling sets out the Tribunal's decision on ACSO's application. It is issued as a matter of urgency given the imminence of the case management conference in the Hammond and Stephan Actions, and the Tribunal's prior indication that, if certified, these proceedings will be tried together with the Hammond and Stephan Actions. The Tribunal's reasons for the decision set out in this ruling will follow in a separate judgment in due course, which will also address Amazon's application for

summary judgment and/or to strike out that part of ACSO's claim that alleges that Amazon is in breach of Chapter I CA 1998.

B. ACSO'S APPLICATION FOR A COLLECTIVE PROCEEDINGS ORDER

4. The Tribunal is satisfied that ACSO can be authorised to act as the class representative for the purpose of the proceedings provided that:

(a) ACSO's fee will be £150 per hour with a daily cap of £750, as set out in the letter from ACSO's solicitors dated 2 October 2026;

(b) The litigation budget provided by ACSO with its application is further revised to reflect the terms of this Ruling;

(c) The Litigation Funding Agreement dated 16 April 2025 is amended as follows:

(i) The "Stage 2 Costs Limit" in clause 1.58 is revised to reflect the revised litigation budget prepared in accordance with subparagraph (b) above;

(ii) Clauses 21.4 and 21.5 are amended as set out in the letter from ACSO's solicitors dated 8 October 2026.

5. As regards the eligibility condition, the Tribunal considers that this will be satisfied provided that:

(a) For the issues of market definition and dominance in Trial 1, ACSO jointly with Mr Hammond instructs as its expert Dr Pike, and uses Mr Hammond's counsel team on those issues, as stated in the skeleton argument on behalf of ACSO;

(b) Since the Tribunal does not consider that the expert methodology currently put forward by Dr Bagci as regards the effect of the alleged price parity restriction satisfies the *Microsoft* test, and further that it is

disproportionate to have two experts on the issue of liability in that regard for Trial 1:

- (i) For Trial 1, ACSO jointly with Prof Stephan instructs Dr Houpis on the issue of liability as regards the ACSO claim and abuse (5) alleged in the Stephan Action;
 - (ii) If ACSO succeeds on liability in Trial 1, ACSO may then put forward a revised expert methodology to assess causation and quantum for Trial 2. The Tribunal will then determine as a matter of case management whether to permit ACSO to rely on that methodology, including by determining whether it passes the *Microsoft* test. If appropriate, the Tribunal may then hear concurrent evidence (i.e. a hot tub) from ACSO's and Amazon's economic experts. If ACSO does not put forward a revised expert methodology or the Tribunal decides that ACSO may not rely on the revised expert methodology which it has put forward, ACSO jointly with Mr Hammond instructs Dr Pike on the issue of pass-on and jointly with Prof Stephan instructs Dr Houpis on the other issues of causation on quantum that are common to the Stephan Action and ACSO's claim.
- 6. The Tribunal is satisfied that certification should be on an opt-out basis.
 - 7. For the avoidance of doubt, ACSO may continue to instruct its own solicitors and (subject to paragraph 5(a) above) counsel for both Trial 1 and Trial 2 but the Tribunal expects them to coordinate their work so as to save costs.
 - 8. ACSO is to inform the Tribunal, by no later than 4 weeks from the date of this Ruling, whether it intends to pursue its application on the basis set out in this Ruling. If ACSO intends to pursue its application, it is to provide the Tribunal with a revised litigation budget and revised Litigation Funding Agreement by the same date.
 - 9. This Ruling is unanimous.

Sir Peter Roth
Chair

Charles Bankes

Keith Derbyshire

Charles Dhanowa O.B.E., K.C. (*Hon*)
Registrar

Date: 13 October 2026