Neutral citation [2026] CAT 85

Case No: 1773/7/7/26

IN THE COMPETITION APPEAL TRIBUNAL

Salisbury Square House
8 Salisbury Square
London EC4Y 8AP

12 November 2026

Before:

JAMES WOLFFE KC
(Chair)

Sitting as a Tribunal in England and Wales

BETWEEN:

AGC COLLECTIVE ACTIONS LIMITED

Proposed Class Representative

- v -

(1) ALPHABET INC.
(2) GOOGLE LLC
(3) GOOGLE IRELAND LIMITED
(4) GOOGLE UK LIMITED

Proposed Defendants

- and -

COCOO.UK

Proposed Intervener

RULING (INTERVENTION APPLICATION)

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A. INTRODUCTION

1. On 28 and 29 September 2026, the Registrar received requests for permission to intervene (the **Applications**) in 14 pending proceedings before the Tribunal (the **Proceedings**). The Applications were filed by an organisation called variously "Competition & Consumer Organisation (COCOO.UK)", "COCOO.UK (Competition & Consumer Organisation UK)" or, simply, COCOO.UK (the **Applicant**). The Applicant is described as a registered charity No. 1139020.

2. One of the Proceedings, Case No. 1791/5/7/26 *Elliott Associates L.P. & Another v The London Metal Exchange & Another* (***Elliott***) is a damages claim brought under section 47A of the Competition Act 1998 (the **Act**). The other 13 Proceedings are all collective actions under section 47B of the Act:

   (1) Case No. 1790/7/7/26 *ATT Collective Action Limited v Apple Inc. & Others* (***ATT***);

   (2) Case No. 1782/7/7/26 *HOCR Limited v Barratt Redrow plc & Others* (***HOCR***);

   (3) Case No. 1773/7/7/26 *AGC Collective Actions Limited v Alphabet Inc & Others* (***AGC***);

   (4) Case No. 1731/7/7/25 *Alexander Wolfson v Microsoft Corporation & Others* (***Wolfson***);

   (5) Case No. 1720/7/7/25 *Or Brook Class Representative Limited v Google Inc & Others* (***Or Brook***);

   (6) Case No. 1640/7/7/24 *Vicki Shotbolt Class Representative Limited v Valve Corporation* (***Shotbolt***);

(7) Cases No. 1603/7/7/23; 1628/7/7/23–1631/7/7/23; 1635/7/7/24 *Professor Carolyn Roberts v Severn Trent Water Limited & Others* (***Roberts***);

(8) Case No. 1606/7/7/23 *Nikki Stopford v Alphabet Inc & Others* (***Stopford***);

(9) Cases No. 1572/7/7/22; 1582/7/7/22 *Ad Tech Collection Action LLP v Alphabet Inc & Others* (***Ad Tech***);

(10) Case No. 1527/7/7/22 *Alex Neill Class Representative Limited v Sony Interactive Entertainment Europe Limited & Others* (***Alex Neill***);

(11) Cases No. 1441–1444/7/7/22 *Commercial and Interregional Card Claims I Ltd & Commercial and Interregional Card Claims II Ltd v Mastercard Incorporated & Others* (***CICC***);

(12) Case No. 1433/7/7/22 *Dr Liza Lovdahl Gormsen v Meta Platforms, Inc. & Others* (***Gormsen***); and

(13) Case No. 1404/7/7/21 *David Courtney Boyle v Govia Thameslink Railway Limited & Others* (***Boyle***).

3. Pursuant to Rule 16(3) of the Competition Appeal Tribunal Rules 2015 (the **Rules**), the Tribunal wrote separately to the parties in each of the Proceedings giving them an opportunity to make written observations in relation to the Application. The Tribunal received 21 substantive responses. All of these invited the Tribunal to refuse the relative Application.

4. The Tribunal had prepared a ruling dealing with all 14 Applications and was at the stage of finalising that ruling for issue when, on 4 November 2026, three further letters were received from the Applicant.

(1) The first letter advises the Tribunal that the Applicant withdraws all of the Applications apart from those in *HOCR* and *AGC.* The letter tenders

no explanation for the withdrawal of the Applications just over a month after they were filed. Whilst the letter states that the Applicant had not received an acknowledgment of the Applications, it is not the practice of the Tribunal to make such an acknowledgment.

(2) The second letter withdraws the Application in *HOCR,* but does so expressly without prejudice to the Applicant making a future application for permission to make observations at the hearing of the application for a collective proceedings order.

(3) The third letter (the **AGC Application**) applies for permission to make short written observations at the hearing of the application for a collective proceedings order (the **CPO Application**) in *AGC* listed for 14 December 2026.

5. The Tribunal took the preliminary view, under reference in particular to *R v Hampstead and St Pancras Rent Tribunal, ex parte Goodman* [1951] KB 541, that the Applicant did not require permission from the Tribunal to withdraw its Applications. The Tribunal invited submissions on that question from the Applicant and the parties to the Proceedings. In the event neither the Applicant nor any party took issue with that proposition.

6. In light of the withdrawal by the Applicant of all of the other Applications (albeit in *HOCR* subject to a reservation of its position in relation to a future application), the only live issue which the Tribunal now requires to determine at this time is the AGC Application.

B. THE AGC APPLICATION

7. The AGC Application is made pursuant to an Order of the Tribunal made on 1 September 2026 (the **Directions Order**) listing the hearing of the CPO Application for 14 December 2026 and making various directions further to the CPO Application. Paragraph 6 of the Directions Order (**paragraph 6**) is in the following terms:

> "Any third party with a legitimate interest (who is not a member of the proposed class) who seeks permission to make written and/or oral observations at the CPO Application hearing is to make such application, supported by reasons, to the Tribunal by 4pm on 19 October 2026."

The AGC Application also founds, so far as necessary, on Rule 16 of the Rules as applied by Rules 50 and 74.

8. The AGC Application intimates that it "replaces" the Application made on 28 September 2026 and the statement that accompanied that Application. The AGC Application states that the Applicant "no longer relies on the grounds set out in those documents and asks the Tribunal to determine its request on the basis of this application alone". At the same time, the Applicant founds on the Application made on 28 September 2026 as having been sent within the period provided for in paragraph 6 of the Directions Order and "asks the Tribunal to treat this document as a clarification and narrowing of an application made in time".

9. In support of its claim to have a legitimate interest, the AGC Application states the following:

> "8. The activities of COCOO.UK, as recorded on the Register of Charities, are 'To engage, de officio, in negotiation, mediation, submission (of observations, objections & comments), third party intervention and litigation, in order to proactively safeguard the interest of consumers, competitors and the general public.'
>
> 9. COCOO.UK is not a member of the proposed class and claims no loss in these proceedings.
>
> 10. The Tribunal's published summary describes the proposed class as UK-domiciled advertisers who, during the relevant period, paid for display advertising services provided by Google. On that description the class includes charities, community organisations and small businesses that bought display advertising, directly or through agencies. Those class members are numerous, individually hold small claims, and are unlikely to be represented by any other person at the hearing. COCOO.UK's interest is in ensuring that, if the claims are certified, the procedure for notice, take-up and distribution works for them."

10. The Application specifies three matters on which the Applicant would wish to make observations at the hearing of the CPO Application:

> "13. **Overlap with the certified publisher claim**. Case Nos. 1572/7/7/22 and 1582/7/7/23 Ad Tech Collective Action LLP v Alphabet Inc. and Others are

> proceeding on behalf of UK-domiciled publishers for alleged harm in the form of lower revenues caused by Google's conduct in the ad tech sector. The present proposed claim seeks damages on behalf of advertisers who paid for display advertising services. COCOO.UK invites the Tribunal to consider how the proposed methodology and any distribution plan will address amounts that may be claimed both by advertisers and by publishers in respect of the same intermediation fees, so that there is no double recovery and class members can understand how any award would be allocated.
>
> 14. **Notice and take-up**. COCOO.UK invites the Tribunal to consider whether the notice and administration plan will reach charities, community organisations and small businesses that bought display advertising, including those that did so through agencies and may not know that they paid for Google display advertising services. COCOO.UK would offer practical suggestions on channels and wording.
>
> 15. **Transparency of funding to the class**. COCOO.UK invites the Tribunal to consider whether the notice and the claim website should explain, in plain English, the maximum return payable to the litigation funder, the order in which it would be paid from any award, and the position on adverse costs insurance, so that class members can decide whether to remain in the class on an informed basis."

11. The AGC Application, like the other two letters received on 4 November 2026, bears to have been sent by Mr Oscar Moya Lledo, who is described as the organisation's "Chair of Trustees". The AGC Application states:

> "COCOO.UK. has no legal representative. It acts through its Chair of Trustees, Oscar Moya Lledo. To the extent that permission is required, COCOO.UK asks the Tribunal to allow Mr Moya Lledo to appear on its behalf under Rule 8(1)(b)".

12. This contrasts with the Applications, in which Mr Moya Lledo was described variously, as the Applicant's "Legal Counsel" and "In-house Solicitor".

C. LEGAL FRAMEWORK

13. These are collective proceedings which have been brought by the Proposed Class Representative (the **PCR**) under section 47B of the Act. A hearing has been fixed to consider the PCR's CPO application. Rule 76(10) of the Rules provides:

> "The Tribunal may give directions […] (c) as to the time by which any person with an interest (including any class member) may object to the application for a collective proceedings order or the authorisation of the proposed class representative;"

Paragraph 5 of the Directions Order makes provision in terms of that Rule. Paragraph 6 of the Directions Order provides, separately, for a person with a legitimate interest who wishes to make submissions to apply within the specified time period.

14. In terms of paragraph 6 of the Directions Order, the Tribunal requires, first, to ask whether the Applicant has a "legitimate interest". I read this as referring to a "legitimate interest" in making submissions in respect of the CPO Application. The contrast with paragraph 5 of the Directions Order (which reflects Rule 76(10)(c)) implies that such an interest may exist even though the party is not objecting to a CPO being made or to a CPO being made on a particular basis, or to the authorisation of the class representative.

15. "Legitimate interest" is a threshold test. If it is met, the Tribunal must proceed to consider whether the application should be granted. By virtue of Rule 2(2), the Tribunal is obliged to exercise that power in accordance with the governing principles set out in Rule 4 (**the governing principles**). Rule 4(1)–(2) provides as follows:

> "4.—(1) The Tribunal shall seek to ensure that each case is dealt with justly and at proportionate cost.
>
> (2) Dealing with a case justly and at proportionate cost includes, so far as is practicable—
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> (a) ensuring that the parties are on an equal footing;
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> (b) saving expense;
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> (c) dealing with the case in ways which are proportionate—
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> (i) to the amount of money involved;
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> (ii) to the importance of the case;
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> (iii) to the complexity of the issues; and
>
> (iv) to the financial position of each party;
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> (d) ensuring that it is dealt with expeditiously and fairly;
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> (e) allotting to it an appropriate share of the Tribunal's resources, while taking into account the need to allot resources to other cases; and

> (f) enforcing compliance with these Rules, any practice direction issued under rule 115, and any order or direction of the Tribunal."

16. Rule 16 of the Rules makes general provision for interventions in proceedings before the Tribunal. Rules 50 and 74 apply Rule 16, with modifications, to proceedings under section 47A and section 47B of the Act. Rule 16(1) provides as follows:

> "Any person with sufficient interest in the outcome may make a request to the Tribunal for permission to intervene in the proceedings."

"Sufficient interest" is a threshold test. Only if that is satisfied may the Tribunal consider whether to grant the application for permission to intervene, a power which likewise must be exercised in accordance with the governing principles. In *David Boyle & Another v Govia Thameslink Railway Ltd & Others* [2021] CAT 38 (**the *Boyle* intervention ruling)**, the Tribunal explained the difference between an objection to certification, pursuant to Rule 76(10)(c) and an intervention under Rule 16. The Tribunal envisaged that an application under Rule 16 to intervene in collective proceedings would fall to be made and determined only post-certification. It took the view that prior to certification, third-party involvement in the proceedings would arise by reason of directions made by the Tribunal such as those in the Directions Order.

17. I will address with the AGC Application, in the first instance, under reference to paragraph 6 of the Directions Order. For the reasons I set out below, I have concluded that the Applicant does not have a legitimate interest in making submissions at the hearing of the CPO Application. If, contrary to the views expressed by the Tribunal in the *Boyle* intervention ruling, the AGC Application should also require to be considered under reference to Rule 16 of the Rules (as applied by Rules 50 and 74), I would, for the same reasons, conclude that the Applicant does not have sufficient interest in the outcome of the proceedings. The AGC Application accordingly falls to be dismissed.

D. LEGITIMATE INTEREST

18. I put out of my mind, for present purposes, the previous history of this matter and focus solely on the terms of the AGC Application. The AGC Application

does not provide a basis for concluding that the Applicant has a legitimate interest in making submissions at the CPO Application. The Applicant accordingly does not satisfy the threshold set in paragraph 6 of the Directions Order for permission to make submissions at the hearing of the CPO Application.

19. I proceed on the assumption that the Applicant's governing document does indeed give it power to undertake the activities referred to in the passage quoted in paragraph 8 of the AGC Application and quoted above at paragraph 9 of this ruling. That does not give the Applicant an interest, let alone a legitimate interest, to do any of these things in a particular case. It is necessary for the Applicant to demonstrate that it has a legitimate interest in making a third-party intervention in the specific case, not merely that it has power under its governing document to do so.

20. The Applicant's stated interest (expressed at paragraph 10 of the AGC Application) is in "ensuring that, if the claims are certified, the procedure for notice, take-up and distribution works for" charities, community organisations and small businesses that bought display advertising and which are included in the class. The Applicant is not itself a member of the class and it provides no explanation of, or basis for, its claim to represent the interests of those charities, community organisations and small businesses which have bought display advertising and which are members of the class.

21. The Applicant cannot confer upon itself an interest which it would not otherwise have by asserting that these organisations, with individually small claims, "are unlikely to be represented by any other person at the hearing". It will be the PCR's responsibility, if authorised, to represent all members of the class. The issues which the Applicant wishes to address, insofar as relevant to determination of the CPO Application, may be explored by the Tribunal with the parties. But even if it were to be true that a certain sub-class would not be "represented by any other person" at the hearing, that would not be enough to give the *Applicant* an interest in representing them.

22. The position might be different if the AGC Application provided any basis for concluding, by reference to the Applicant's governing documents, membership, personnel, resources or track record of activity, that it is a recognised body representative of these particular interests or which has relevant and specific expertise or experience which would enable it to contribute usefully to the determination of the CPO Application in this particular case. The absence from the AGC Application of any such information is eloquent.

23. Since the Applicant has no legitimate interest, I need not address whether it would be consistent with the Tribunal's governing principles to grant the AGC Application.

E. RULE 16

24. The AGC Application relies, in the alternative on Rule 16 of the Rules (as applied by Rules 50 and 74). If, contrary to the views of the Tribunal in the *Boyle* intervention ruling, I require to address the AGC Application under reference to that Rule, the reasons which I have set out in paragraphs 16–20 above also mean that the Applicant does not have sufficient interest in the outcome of the proceedings. The Applicant is not a member of the class and the AGC Application contains no indication that the outcome of the proceedings would affect the interests of the Applicant in any way.

F. THE WITHDRAWN APPLICATIONS

25. I have reached these conclusions on the basis of the AGC Application in isolation and putting the prior history firmly out of my mind. However, by the time the Applicant withdrew the Applications, I had already considered them. Although the Applications have been withdrawn, and the Tribunal no longer requires to determine them, it seems to me that I may properly have regard to the prior history, if only as a cross-check of the conclusion which I have reached on the basis of the terms of the AGC Application. That material, in my view, tends only to confirm the conclusion I have reached on the AGC Application.

26. The terms of the Applications lead me to conclude that the Applicant is a gratuitous busybody. They provide no substantial reason to believe that the Applicant had sufficient interest in the outcome of any of the Proceedings to meet the threshold test under Rule 16 or that the Applicant would have been in a position to provide the Tribunal with useful, relevant or reliable information bearing on the matters at issue between the parties.

27. The Applicant made multiple applications simultaneously in 14 proceedings, which concerned a variety of different markets. The Applications contained bald assertions, variously framed, that the Applicant "represents" or acts "on behalf of" different interests or groups, or is "dedicated" to various different purposes. No basis or explanation was provided for these heterogeneous (and, in some cases, arguably inconsistent) assertions beyond the most general assertion about the Applicant's purposes.

28. None of the Applications contained any information about the Applicant's governance, membership, resources or track record of activity which would support the conclusion that it is a recognised body representative of consumer (or any other) interests engaged in the Proceedings or has relevant expertise or experience which would enable it to contribute usefully to the resolution of the issues in any of the Proceedings.

29. The Applicant did not appear to have addressed what purpose an intervention could serve in proceedings which had been decertified (*Boyle),* where the trial has concluded and judgment is awaited (*Alex Neill*), or where certification has been refused and an appeal is currently pending before the Supreme Court (*Roberts*). The Application in *Elliott* did not contain any explanation of how the Applicant could on any plausible basis have an interest of any sort, let alone a sufficient interest, in the outcome of this private claim for damages brought by one business against another.

30. There are features of the Applications which suggest that the Applicant had not applied itself seriously, if at all, to the purpose of an intervention in private law proceedings before the Tribunal. The Applicant appeared, in a number of the Applications, to wish to raise wholly new matters quite extraneous to the issues

in the case. For example, in proceedings alleging an abuse of a dominant position, the Applicant appeared to wish to raise matters which would only be relevant (if at all) to an allegation under Chapter I of the Act. The Applicant also proposed to raise issues which, if they were to be seriously advanced, would require the support of economic evidence from a qualified expert.

31. Some of the Applications advanced legal arguments which appeared to have no relevance to the issues in the case (for example, in its original Application in *AGC,* the Applicant relied on the *Tameside* duty of inquiry and the public sector equality duty) and/or no apparent foundation (for example, in its original Application in *AGC,* the Applicant asserted that non-profit entities enjoy "res judicata immunity"). The Applicant referred to caselaw with citations which the Tribunal could not identify: *R (Peel Investments) v HSE* [2013] EWCA Civ 118 referred to in *Shotbolt*; and *Peel Investments v HSE* [2002] EWHC 885 (Admin) referred to in *Roberts*.

32. I recognise that the Applicant has now withdrawn all of the Applications other than the Application in *AGC* and has expressly disavowed the grounds previously advanced in *AGC* (albeit inviting the Tribunal to treat the AGC Application as a "clarification and narrowing" of its original Application). In my view, that circumstance reinforces these conclusions. It invites an inference that the Applications were filed without proper consideration as to whether they could properly be justified and whether there was a proper basis for the submissions advanced in them. Quite apart from the evident deficiencies in the Applications, the making of multiple applications to intervene in proceedings, and their spontaneous withdrawal just over a month later, without any explanation, is not the mark of a responsible litigant.

G. *HOCR*

33. As I have explained above, the Applicant withdrew its Application in *HOCR* "without prejudice to" the Applicant making a fresh and shorter application for permission to make written and/or oral submissions at the hearing of the CPO Application in that case. There is no application in that case before the Tribunal and therefore no determination which I require to make at this time.

H. CONCLUSION

34. For the reasons I have set out above, I dismiss the AGC Application.

James Wolffe KC
Chair

Charles Dhanowa CBE, KC (*Hon*)
Registrar

Date: 12 November 2026