

NOTICE OF THE COLLECTIVE PROCEEDINGS ORDER

Competition Appeal Tribunal Case No 1639/7/7/24

Businesses, public bodies, charities and other persons who bought bulk mail services in the UK at any time between 10 January 2014 and 29 May 2024 could receive redress from a collective action

*This is a legal notice published at the direction of the UK Competition Appeal Tribunal (the “**Tribunal**”) made in Case 1639/7/7/24, Bulk Mail Claim Limited v International Distribution Services Plc (formerly Royal Mail Plc) (the “**Claim**”). This notice explains what the Claim is about, who might be eligible to receive a payment, what action you need to take (if any), and the deadlines that apply.*

The Tribunal has decided that the above Claim may proceed to a full trial. The Claim has been filed on behalf of persons who have suffered losses caused by International Distribution Services Plc’s (“**Royal Mail’s**”) unlawful conduct in relation to the supply of bulk mail delivery services.

Bulk Mail Claim Limited will act as the class representative in the Claim. The Claim relies on Ofcom’s 14 August 2018 decision titled “Discriminatory pricing in relation to the supply of bulk mail delivery services in the UK” (“**Ofcom Decision**”). The Ofcom Decision concluded that Royal Mail abused its dominant position in the UK market for bulk mail delivery services by attempting to introduce discriminatory prices contrary to both EU and UK competition law.

If a business, charity or public body is domiciled in the UK and falls within the class definition set out below, it will automatically be included in the Claim, unless it chooses to opt-out. The Claim does not include dissolved companies. If a party is not domiciled in the UK, and wishes to participate in the Claim, then it will have the opportunity to opt-in to the Claim.

It is not possible to claim compensation yet, and there is no guarantee that compensation will be available in the future. This Claim will have to be proved in the Tribunal at trial or concluded by way of an earlier settlement agreed between the class representative and Royal Mail.

Parties may have important legal rights relating to Claim. Exercising these rights could affect a party’s ability to obtain a payment of compensation in the future (if the case is won or a settlement is reached and money becomes available). This notice explains the Claim, who is covered by the Claim, a party’s rights in relation to the Claim, how to exercise these rights and any related deadlines.

Please read this notice carefully as decisions about the Claim will have legal consequences.

To read the Tribunal’s full Collective Proceedings Order and judgment, which allows the Claim to proceed, visit www.BulkMailClaim.co.uk or www.catribunal.org.uk.

THE CLAIM

The Claim against Royal Mail “follows on” from the Ofcom Decision referred to above.

The Ofcom Decision concluded that Royal Mail abused its dominant position in the market for bulk mail delivery services in the UK by attempting to introduce discriminatory prices via “Contract Change Notices” on 10 January 2014, contrary to both EU and UK competition law (“**the Infringement**”). The discriminatory prices penalised any party that sought to roll out bulk mail delivery services that were in competition with Royal Mail.

The Claim alleges that the Infringement:

1. prevented competition for bulk mail delivery services; and
2. led to higher prices for end-customers of “Bulk Mail Retail Services” (see defined term below).

What Royal Mail is alleged to have done wrong is explained further below in the General Information section. The purpose of the Claim is to secure compensation for losses suffered by class members as a result of the Infringement. The Claim is currently estimated to be worth in the region of £1 billion.

For further information on the Claim, please see the following link: www.BulkMailClaim.co.uk

YOUR LEGAL RIGHTS AND OPTIONS NOW

Stay in the Claim	If you were domiciled in the UK as of 29 May 2024, and fall within the class definition, you do not need to do anything at this time to be part of the claim and you will remain eligible to claim a share of any compensation that may become available in the future. By doing nothing, you give up the right to make an individual claim against Royal Mail in respect of the Claim and agree to be bound by judgments the Tribunal may issue in the Claim.
Opt-out	If you were domiciled in the UK as of 29 May 2024, you have the right to request to be excluded from the Claim (to “opt out”) by 5 June 2025. By opting out you retain the right to seek to bring your own separate claim against Royal Mail. However, if you opt out, you will not be able to claim any compensation which might become available in the Claim. More information on how to opt out can be found at www.BulkMailClaim.co.uk
Opt-in	If you were domiciled outside of the UK as of 29 May 2024, but fall within the class definition, you will need to “opt in” to the Claim. You can complete an Opt-In Form by visiting www.BulkMailClaim.co.uk . The deadline for opting in is 5 June 2025.

THE CLASS DEFINITION

The Consumer Rights Act 2015 allows for a collective action to be brought on behalf of a group of persons who are alleged to have suffered loss. The group is called a “class” and all those within the group are “class members.” As a result of the 2015 Act, individuals or entities who have suffered losses do not need to each bring an individual claim to obtain compensation. Instead, they may receive compensation through a single, collective claim brought on their behalf by a class representative.

All persons who purchased or paid for Bulk Mail Retail Services (“**Bulk Mail Retail Customers**”) from 10 January 2014 until 29 May 2024.

For these purposes:

- a. For the avoidance of doubt, “**persons**” includes companies, public bodies and charities but does not include dissolved companies.

Questions? Visit: www.BulkMailClaim.co.uk

- b. **“Bulk Mail Retail Services”** means any services consisting of any of the following activities: (i) collection and initial sortation activities, including the direct or indirect collection of Bulk Mail, geographically sorting the mail by delivery location and transportation to that area; and (ii) delivery services, consisting of the inward processing, local distribution and delivery of Bulk Mail to the addressee (**“Bulk Mail Delivery Services”**).
- c. **“Bulk Mail”** means high volume mailings of often similar or identical mailing items being sent to addresses across the whole of UK or at least a substantial part of it, by a company or other organisation, such as a public body or charity. Bulk Mail includes, for example, financial or transactional mail produced by banks, government bodies and utility companies, and addressed advertising mail.
- d. The class includes Bulk Mail Retail Customers who paid for Bulk Mail Retail Services from Royal Mail or from an Access Operator, whether directly or via an agent.
- e. **“Access Operator”** means a Bulk Mail Retail Operator who procures Bulk Mail Delivery Services from Royal Mail.
- f. **“Bulk Mail Retail Operator”** means a provider of Bulk Mail Retail Services.
- g. The class includes Bulk Mail Retail Customers who paid for Royal Mail’s Bulk Mail Delivery Services separately, whether directly or via an agent.
- h. The class excludes:
 - i. Access Operators;
 - ii. Any person who opts out by notifying the PCR in a manner and by a time specified by the Tribunal;
 - iii. Any person who is not domiciled in the United Kingdom at a time specified by the Tribunal and does not, in the manner and by the time specified by the Tribunal, opt in by notifying the PCR that their claim should be included in the collective proceedings; or
 - iv. Dissolved companies.

GENERAL INFORMATION

Why has this notice been issued?

The Competition Appeal Tribunal has directed that this notice be issued following a Collective Proceedings Order made on 4 March 2025 (see Order Annexed to this Notice). The Order allows the Claim to proceed as a collective action on behalf of those falling within the above class definition. To read the full Order and judgment, visit www.BulkMailClaim.co.uk or www.catribunal.org.uk.

This notice has been issued to inform class members of the important legal rights they have relating to the Claim.

Who is the Claim against?

The Claim is against International Distribution Services PLC (formerly Royal Mail Plc) of 185 Farringdon Road, London, EC1A 1AA (**“Royal Mail”**).

What is Royal Mail alleged to have done wrong? What are the claims?

As mentioned above, Royal Mail abused its dominant position in relation to the supply of bulk mail delivery services in the UK in breach of both EU and UK competition law (the “**Infringement**”). Bulk Mail is the type of mail which is sent in large volumes typically including letters such as bank statements and invoices, utility bills, council tax statements, as well as advertising mail and some magazine subscriptions. In the Claim, it is alleged the Infringement caused loss to an estimated class of 290,721 persons who were Bulk Mail Retail Customers. Bulk Mail Retail Customers are persons who send Bulk Mail and comprise a mixture of different sized businesses as well as charities and public bodies. Many of the organisations that produce bulk mail fulfil their demand for the posting of large volumes of letters using companies known as ‘Access Operators’, the largest of which is Whistl UK Limited (**‘Whistl’**). Access Operators are postal operators who collect and sort bulk mailings on behalf of their customers before handing these letters over to Royal Mail for final delivery.

In response to Whistl’s plans to compete with Royal Mail by expanding into the market for end-to-end delivery of Bulk Mail, Royal Mail proposed to introduce price changes to its delivery service which discriminated between Whistl which was using its own end-to-end delivery network in competition with Royal Mail, and other Access Operators which used Royal Mail’s delivery network.

The Claim alleges that Royal Mail’s conduct in 2014 excluded Whistl from the market for the end-delivery of Bulk Mail and by eliminating competition in the market for end-to-end delivery of Bulk Mail, which comprises the largest element of cost of sending Bulk Mail, caused the price charged to persons that send Bulk Mail to be higher than it otherwise would have been.

Who is the Class Representative?

The Tribunal has authorised Bulk Mail Claim Limited to act as the class representative.

Bulk Mail Claim Limited was incorporated for the purpose of acting as the class representative in these proceedings.

Mr Robin Aaronson is the sole director and sole member of Bulk Mail Claim Limited.

Over the course of his career, Mr Aaronson has held senior roles (including in public bodies) in which he has promoted competitive markets and tackled anti-competitive conduct. In particular:

- in 2000, Mr Aaronson was appointed by the Secretary of State for Trade and Industry as a member of the Postal Services Commission (Postcomm, the regulator of the postal industry at that time), initially for a term of five years. In 2005, his term was extended by a further 18 months; and
- from 2009 to 2017, Mr Aaronson served as a Member of the Competition Commission (later the Competition and Markets Authority).

In these roles, Mr Aaronson was deeply involved in regulating and remedying market structures and conduct which prevented, restricted or distorted competition.

What is the role of the Class Representative?

As the sole director and member of Bulk Mail Claim Limited, Mr Aaronson will conduct the Claim against Royal Mail on behalf of all class members, except for those who opt-out of the class.

Bulk Mail Claim Limited, acting through Mr Aaronson:

1. has a duty is to act fairly and adequately in the interests of all members;

2. is responsible for communicating with the class and for issuing formal notices, such as this notice; and
3. will make decisions on the conduct of the Claim (including instructing the lawyers and experts), and, in particular, will decide whether to present any settlement proposal to the Tribunal for its approval.

In order to fulfil its duties and obligations to the class, and in particular to assist it to ensure that it is always acting fairly and adequately in the interests of all class members, the PCR has determined that it would be of benefit to the class as a whole, if it had the benefit of hearing the views of a group of potential class members, (the “Class Members Customer Group”.) The role of the Class Members Customer Group will be to assist the PCR by providing its views on the questions and issues raised by the Proposed Collective Proceedings. Members of the Class Members Customer Group are to be appointed by the PCR, in consultation with its lawyers, Lewis Silkin LLP. The PCR shall seek applicants by issuing a Press Release and placing a notice on its website and may, at its discretion, approach potential Class members who are likely to have significant claims in the case to invite them to join. The views of the Class Members Customer Group will be advisory only and members of the Class Members Customer Group will carry no liability in respect of the views expressed.

Updates about the Claim will be available on the website www.BulkMailClaim.co.uk and via various other media.

What is the Competition Appeal Tribunal?

The Tribunal is a specialist court based in London that covers the whole of the UK and hears cases concerning the application of competition law, including collective proceedings such as these. The Tribunal publishes its Rules and Guidance, together with information about what it does and details of its on-going cases, on its website www.catribunal.org.uk.

A summary of the Claim against Royal Mail can also be found on the Tribunal’s website at www.catribunal.org.uk

What is an opt-out claim? What is the “domicile date”?

For UK domiciled persons, the Claim is proceeding as an opt-out claim. In simple terms, if a party doesn’t opt out, it will remain part of the Claim. This means that a party that is domiciled in the UK, as of 29 May 2024, which is known as the “domicile date”, and falls within the class definition, is automatically included in the class (and does not need to do anything) unless it asks to be excluded. Asking to be excluded is also called “opting out” of the Claim.

If a party was not domiciled in the UK, as of 29 May 2024, but meets the criteria to be in the class, and wants to participate in this Claim, it must take steps to say that it wants to be included. Asking to be included in the Claim is called “opting in”.

All class members who remain in the class or opt-in to the class will be bound by any Tribunal judgment. If money becomes available following a trial or settlement, class members will be eligible to claim a share of the money. A class member, however, will not be able to bring an individual claim against Royal Mail raising the same issues included in this claim.

How can UK domiciled class members opt out of the Claim?

Class members who were domiciled in the UK as at 29 May 2024 who want to be removed from the Claim may opt out by emailing info@BulkMailClaim.co.uk or sending a letter to:

Lewis Silkin LLP (FAO Andrew Wanambwa/Nigel Enticknap)
Arbor
255 Blackfriars Road
London SE1 9AX

Please include the following statement in your email or letter “*I, [insert full name] on behalf of [insert full name of business or other entity] wish to opt out of the collective claim against International Distribution Services Plc, Case No. 1639/7/7/24 (Bulk Mail Claim Limited v International Distribution Services Plc)*” and include your postal address, email address and telephone number.

Sign and date the opt-out letter. It is not necessary to give any reason for opting out.

To assist in submitting an opt-out request, a sample opt-out form is available for download at www.BulkMailClaim.co.uk.

To be considered, the opt-out request must be received or postmarked by **5 June 2025**.

A party that opts-out will not be able to claim a share of any compensation that becomes available as a result of this Claim.

How can class members domiciled overseas opt in to the Claim?

Class members that were not domiciled in the UK as at **29 May 2024** (even if they were before that date), must take steps to opt in to the class to be part of the Claim and be eligible to receive a payment in the future.

Visit www.BulkMailClaim.co.uk and complete the Opt-In Form on the website.

To be considered, the opt-in request must be received by **5 June 2025**.

Can a party claim a payment if it is domiciled overseas and does not opt-in by 5 June 2025?

Under the rules of the Tribunal, class members who were not domiciled in the UK as of **29 May 2024** must submit an opt-in request by **5 June 2025** (see previous question) to be part of the class. If a class member does not opt in by **5 June 2025** and money later becomes available, the only way for a class member to be eligible to receive a payment is for the Tribunal to give it permission to opt in at a later time. There is no guarantee that this permission will be given, so class members must opt in by **5 June 2025** if they want to ensure they are eligible to receive a payment.

I am not sure if my business, charity or public body is included in the class

If you are not sure whether you are included in the class, visit www.BulkMailClaim.co.uk to review the Tribunal’s Order, the FAQs and other documents which can help you to determine whether you are a part of the class.

How much money does the Claim ask for?

The Claim seeks compensation for all those within the class who have been affected by Royal Mail’s conduct. The total aggregate amount sought is currently estimated to be in the region of £1 billion.

If the Claim is successful, all persons who fall within the class and have not opted out will be able to seek their share of compensation obtained.

How do class members receive payment?

No compensation is available now and there is no guarantee that compensation will be available in the future. The Claim will have to be won in the Tribunal unless a settlement can be agreed between the class representative and Royal Mail.

The court process can take time. If compensation becomes available, class members will be notified about how to obtain a payment. Please register at www.BulkMailClaim.co.uk to stay up to date with developments in the Claim.

Who is funding the Claim?

The Claim is being funded by Asertis Limited, a litigation funder.

Class members will not incur any costs of taking part in the Claim, nor will they be liable to Royal Mail for its costs should the Claim be unsuccessful.

If the Claim is successful, the class representative will seek permission from the Tribunal for Asertis to be remunerated to reflect the investment it has made to help bring the case to court. In this context the Class Representative is under an obligation to act fairly and justly in the interests of class members. The amount of any remuneration that may be payable to Asertis is also subject to the approval of the Tribunal. If the Claim is successful, the class representative will also seek to recover its legal costs directly from Royal Mail.

The non-confidential version of certain documents relevant to the funding of the claim, namely the Litigation Funding Agreement and the After-the-Event Insurance Policy, can be provided to a member of the class upon request.

More information can be found on the Claim website: www.BulkMailClaim.co.uk

How can parties stay updated on the progress of the Claim?

You can visit www.BulkMailClaim.co.uk and register to receive updates and any future notices via email as the Claim progresses. If compensation becomes available, you will be contacted with information on how to claim your share.

How Can Parties Get More Information?

This notice summarises the Order made by the Tribunal. To read the full Order and see other information about the Claim, visit www.BulkMailClaim.co.uk

Annex – Collective Proceedings Order dated 7 March 2025



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1639/7/7/24

BETWEEN:

BULK MAIL CLAIM LIMITED

Class Representative

- v -

INTERNATIONAL DISTRIBUTION SERVICES PLC
(formerly ROYAL MAIL PLC)

Defendant

COLLECTIVE PROCEEDINGS ORDER

UPON the Class Representative’s application for a collective proceedings order (the “**CPO Application**”) pursuant to section 47B of the Competition Act 1998 (the “**Act**”) and Rule 75 of the Competition Appeal Tribunal Rules 2015 (S.I. No. 1648 of 2015) (the “**Tribunal Rules**”)

AND UPON receipt of a “**Collective Proceedings Claim Form**” dated 29 May 2024, which combines claims in respect of losses alleged to have been caused by the Defendant’s unlawful conduct in breach of the prohibition in Chapter II of the Act and Article 102 of the Treaty on the Functioning of the European Union as set out in the decision of the Office of Communications CW/01122/01/14 Discriminatory pricing in relation to the supply of bulk mail delivery services in the UK (the proposed “**Collective Proceedings**”)

AND UPON the information required by the Tribunal of the Class Representative during the Collective Proceedings Order hearing having been provided to the Tribunal, as set out in the Schedule to this Order

AND UPON the items set out in the Schedule being referred to by their number in the Schedule to this Order

AND UPON the Class Representative undertaking to:

- a. update the Tribunal and the Defendant at each Case Management Conference in relation to its expenditure on the costs of the Collective Proceedings against the amounts in the budget for the Collective Proceedings (the “**Budget**”); and
- b. notify the Tribunal and the Defendant forthwith if it considers that there are concerns about the ability of Asertis Ltd (the “**Funder**”) to continue to fund the Proceedings which have not been remedied by the Funder within 14 days of the Class Representative notifying the Funder of its concerns.

AND UPON the Class Representative and the Funder entering into a side letter (a draft of which is included in Item 4 of the Schedule) concerning the interpretation of clause 10.4 of the Litigation Funding Arrangement (the “**LFA**”) dated 21 February 2025

AND UPON the Class Representative establishing draft terms of reference for a customer user group, as included in Item 2 of the Schedule, and to establish such a group

AND UPON the Class Representative undertaking to engage a costs draftsman to review and advise it on future invoices for fees and disbursements

AND UPON hearing counsel for the parties

AND UPON the Tribunal having decided in accordance with Rule 78 of the Tribunal Rules that it would be just and reasonable for the Class Representative to act as the class representative in the Collective Proceedings

AND UPON the Tribunal having decided in accordance with Rule 79 of the Tribunal Rules that the claim as described in the CPO Application is eligible for inclusion in collective proceedings

IT IS ORDERED THAT:

Authorisation of Class Representative

1. Pursuant to section 47B of the Act and Rules 77 and 80 of the Tribunal Rules, Bulk Mail Claim Limited is authorised to act as the Class Representative and to continue the Collective Proceedings on an opt-out basis claiming damages for loss suffered by the Class (as defined below).
2. The remedy sought is an award of aggregate damages pursuant to section 47C(2) of the Act together with interest, costs and/or such further or other relief as the Tribunal may see fit.
3. The Class Representative’s address for service is c/o Lewis Silkin LLP, Arbor, 255 Blackfriars Road, London SE1 9AX (attention of Andrew Wanambwa and Nigel Enticknap).

Class Definition

4. The “**Class**” shall be defined as:

All persons who purchased or paid for Bulk Mail Retail Services (“Bulk Mail Retail Customers”) from 10 January 2014 until 29 May 2024.

For these purposes:

- a. For the avoidance of doubt, “persons” includes companies, public bodies and charities.
- b. “Bulk Mail Retail Services” means any services consisting of any of the following activities: (i) collection and initial sortation activities, including the direct or indirect collection of Bulk Mail, geographically sorting the mail by delivery location and transportation to that area; and (ii) delivery services, consisting of the inward processing, local distribution and delivery of Bulk Mail to the addressee (“Bulk Mail Delivery Services”).
- c. “Bulk Mail” means high volume mailings of often similar or identical mailing items being sent to addresses across the whole of UK or at least a substantial part of it, by a company or other organisation, such as a public body or charity. Bulk Mail includes, for example, financial or transactional mail produced by banks, government bodies and utility companies, and addressed advertising mail.
- d. The class includes Bulk Mail Retail Customers who paid for Bulk Mail Retail Services from Royal Mail or from an Access Operator, whether directly or via an agent.
- e. “Access Operator” means a Bulk Mail Retail Operator who procures Bulk Mail Delivery Services from Royal Mail.
- f. “Bulk Mail Retail Operator” means a provider of Bulk Mail Retail Services.
- g. The class includes Bulk Mail Retail Customers who paid for Royal Mail’s Bulk Mail Delivery Services separately, whether directly or via an agent.
- h. The class excludes:
 - i. Access Operators;
 - ii. Any person who opts out by notifying the PCR in a manner and by a time specified by the Tribunal; or

- iii. Any person who is not domiciled in the United Kingdom at a time specified by the Tribunal and does not, in the manner and by the time specified by the Tribunal, opt in by notifying the PCR that their claim should be included in the collective proceedings.

Forum

5. The Collective Proceedings shall be treated as taking place in England and Wales.

Notification

6. The Class Representative shall publish a Notice of the Collective Proceedings (the “**Notice**”) in the form attached to this Order.

Opting-out and Opting-in

7. Every member of the Class who is domiciled within the United Kingdom on 29 May 2024 (the “**Domicile Date**”) shall be included in these Collective Proceedings.
8. Any member of the Class who is domiciled in the United Kingdom on the Domicile Date may opt-out of the Collective Proceedings by giving the Class Representative notice in writing of their decision to opt out by 5 June 2025, in accordance with the Notice.
9. Every member of the Class who is not domiciled in the United Kingdom on the Domicile Date may opt-in to the Collective Proceedings by giving the Class Representative notice in writing of their decision to opt-in by 5 June 2025, in accordance with the Notice.

Hodge Malek K.C.
Chair of the Competition Appeal Tribunal

Made: 6 March 2025
Drawn: 7 March 2025

**SCHEDULE – INFORMATION PROVIDED BY THE CLASS REPRESENTATIVE
TO THE TRIBUNAL DURING THE CPO HEARING**

<u>Item</u>	<u>Name</u>	<u>Description</u>
1	‘First Letter to CAT (provision of documents and information)’	<p>The letter sets out: (i) the financial strength rating of the three insurers who are party to the Class Representative’s After The Event insurance policy dated 23 November 2023; and (ii) a confirmation that the claims administrator does not wish, at this time, to update the Notice & Administration Plan.</p> <p>The letter also encloses: (i) the Curriculum Vitae of the forensic accountant advising the Class Representative on the potential amount of the fees payable under different scenarios (provided in Item 6, below); and (ii) information about the professional experience of the sole director of the Class Representative, Mr Robin Aaronson, as an expert economic witness.</p>
2	‘Second Letter to CAT (provision of documents and information)’	This letter encloses: (i) a draft updated litigation timetable (clean and tracked version); (ii) proposed draft wording for order regarding costs budget and payment issues; and (iii) draft terms of reference for a customer user group.
3	‘Third Letter to CAT’	This letter sets out: (i) brief details concerning the origination of the claim; (ii) how and when the Class Representative and Funder became involved in the matter; and (iii) the basis on which Mr. Robin Aaronson is paid for his services.
4	‘Fourth Letter to CAT (draft side letter to LFA)’	This letter encloses a draft side letter to the LFA, to be signed by the Class Representative and the Funder. The draft side letter clarifies that the parties interpret the reference to “an opinion” in clause 10.4 of the LFA as referring to a written opinion only.
5	‘Fifth Letter to CAT (Asertis funding documents)’	This letter confirms that Lewis Silkin LLP (the Class Representative’s solicitors) have reviewed documents which relate to the Funder’s financing arrangements and confirms to the Tribunal that the Funder has enforceable rights to draw down sums under a revolving credit facility.
6	‘Success Fees Scenarios’	This document provided to the Tribunal at the hearing sets out the projected fees payable in four different scenarios, each for nine different amounts of quantum.