



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: [...]

BETWEEN:

BULK MAIL CLAIM LIMITED

Class Representative

- v -

INTERNATIONAL DISTRIBUTION SERVICES PLC
(formerly ROYAL MAIL PLC)

Defendant

[DRAFT] 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 hearing counsel for all parties at a hearing on [DATE]

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 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 at least 7 June 2022.

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 [domicile date] (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 [DATE], 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 [DATE], in accordance with the Notice.

<Name>

[President/Chair] of the Competition Appeal Tribunal

Made: <Date>

Drawn: <Date>

ANNEX – FORM OF NOTICE OF COLLECTIVE PROCEEDINGS ORDER