

Houthoff Class Action Survey

An executive summary of 16 jurisdictions

In collaboration with:

Arthur Cox / CERHA HEMPEL / Chiomenti / Cleary Gottlieb / Gide / Kromann Reumert / Legance / Liedekerke /
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HOUTHOFF

Class actions remain a significant concern for many of our clients. As societies become more complex, so do the legal disputes that arise within them. Before you is an updated and expanded executive summary of the current state of affairs and key trends across 16 jurisdictions, building on our 2019 and 2024 Class Action Surveys. This edition is published in collaboration with 16 leading law firms and includes, for each country, an overview of trends, recent developments and the current legislative framework.

In Europe, class actions sit at the heart of a rapidly evolving landscape. The EU Representative Actions Directive has now been implemented in most Member States, reshaping collective redress mechanisms. Other drivers, such as ESG litigation, data protection claims, and third-party funding are influencing growth in different ways, adding complexity to the landscape. In many jurisdictions, alternatives to damages class actions are increasingly being used. Outside the EU, developments in the UK and US continue to influence global trends.

Our research combines legislative analysis with insights from leading practitioners, offering practical guidance for businesses navigating these challenges. We hope this publication helps you anticipate risks and opportunities in a progressively interconnected legal environment.

Albert Knigge and Rick Cornelissen
Houthoff

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Austria

Trends

- The implementation of a statutory framework for class actions for redress in Austria was obstructed due to political opposition, particularly from the entrepreneurs' side. It was not surprising that the implementation of the EU Representative Actions Directive (RAD) was only completed in July 2024 (though the delay also had other, unrelated political reasons).
- Since that time, the practical use of the class action for the purpose of redress has been gradual. This is also because the implementing legislation allows for interpretation and thus lacks legal certainty in various areas. The situation is different with respect to class actions for cease and desist, which have a long-established history in the field of consumer and unfair competition law.
- The Austrian legal landscape is poised for further developments. For instance, new cease and desist judgments that restrict business operations in relation to the design of fee arrangements in consumer contracts may pave the way for future class action lawsuits seeking redress. Recent national case law declaring certain 'loan processing fees' unlawful offers a first indication of what lies ahead: an increased number of collective actions for redress based on specific terms and conditions found unlawful in preceding court cases.



Holger Bielez
Partner at CERHA HEMPEL

Recent developments

- In Austria, three new qualified entities were approved alongside seven statutory law qualified entities, some of which are only permitted to initiate domestic class actions. Notably, the *Verbraucherschutzverein* initiated over 170 class actions in 2025. While only a few of these were for redress, we anticipate follow-up redress cases arising from pending cease and desist actions.
- Other new qualified entities have not yet demonstrated a comparable level of activity. However, they are preparing to file class actions in the near future. Among the statutory qualified entities, the *Verein für Konsumenteninformation* (VKI) and the *Bundesarbeitskammer* (AK) are the most active in filing cases in the interest of consumers, although they frequently use the existing legal framework to file cease and desist actions. Overall, the qualified entities' market is gearing up for more collective actions, and legal certainty is expected to increase as the first redress cases are scrutinised by higher courts.
- Against this backdrop, business organisations need to prepare to defend class actions filed by new players with qualified entity status under the new legal framework.
- Third party litigation funding is explicitly permitted for class actions for both cease and desist and redress. Third party funding plays a crucial role in Austrian mass litigation, as most court actions would never be brought without it. Court cases follow the 'loser pays' rule. Depending on the sums in dispute, the Austrian court fees, which were significantly increased in 2025, could pose a real financial barrier to justice. Attorneys' fees can also add up depending on the duration of the proceedings. Consumers do not normally take on the cost risk unless they have legal costs insurance coverage.
- Class actions for redress will most likely find less traction than elsewhere due to Austria's clear commitment to the 'opt-in' principle. Furthermore, accession to existing class actions for redress must be declared within three months of the case's publication, significantly limiting the chances for latecomers. In addition, a consumer who has joined a class action is not allowed to leave the class.

🔴 Class actions

Scope	Actions for cease and desist and for redress based on any unlawful conduct of an entrepreneur which harms consumers' interests.
Access granted to	Consumers only
Opt-in or opt-out	Opt-in only
Declaratory relief or damages	Both
Frequently used	Cease and desist actions are gaining traction, actions for redress are still rare.
Regulatory framework	Qualified entities are governed by a distinct Act (<i>Qualifizierte-Einrichtungen-Gesetz (QEG)</i>). All other provisions have been integrated into the Civil Procedure Code.

Class settlements

Binding class members after court approval	Yes
Opt-in or opt-out	Opt-in only

Third party funding

Regulated by law	Yes, the QEG provides for basic rules only.
Frequently used	Yes

Belgium

Trends

- The recent changes to class actions following the law of 21 April 2024 implementing the RAD have not led to a significant increase in the number of class actions so far. In Belgium, the limited 'success' of these is generally attributed to a lack of funding and financial incentives for group representatives to initiate representative actions. However, in the field of data protection, representative actions do seem to be gaining traction.
- There seems to be a sudden surge in class actions relating to data breaches and violations of the General Data Protection Regulation (GDPR), Digital Services Act (DSA) and Digital Markets Act (DMA), as evidenced by the three new claims introduced by the Dutch foundation Nederlandse Stichting Onderzoek Marktinformatie (SOMI) against TikTok, Meta and X. The growing popularity of representative actions in data protection law seems to result from their complementary nature. Representative actions could well develop into a common enforcement method in data protection law within Belgium and the EU, although their actual impact remains to be seen.
- To our knowledge, there are no other new developments in relation to class actions in Belgium. However, we anticipate that investor protection, securities fraud or other financial services infringement will trigger class actions. In addition, we expect ESG-related claims, mainly climate liability actions, to multiply and create new legislative challenges.



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Recent developments

- **October 2024:** SOMI filed a class action against TikTok at the Brussels Enterprise Court on 31 October 2024, alleging systematic breaches of the GDPR, DSA, DMA and consumer rights, with a focus on inadequate protection for minors. Over 2,533 Belgians joined initially (on 31 October 2024).
- **March 2025 :** Test-Achats launched a class action against Apple. Apple allegedly abused its dominant position via the App Store by imposing commissions of up to 30% on music streaming subscriptions (e.g. Spotify, YouTube Music, Deezer and SoundCloud), raising monthly prices for in-app purchases while exempting its own Apple Music. Apple also prohibited the developers from informing users about cheaper direct subscriptions outside the app service.
- **April 2025:** VW and Test-Achats agreed to implement the Brussels court's 27 July 2023 ruling requiring compensation for Belgian buyers of vehicles fitted with the EA 189 diesel 'defeat device' software. About 320,000 customers in Belgium are estimated to be eligible, with payments equal to 5% of the purchase price (or 5% of the difference between the purchase and resale price if the vehicle was sold).
- **June 2025:** SOMI filed a class action against Meta (Facebook, Instagram) at the Brussels Enterprise Court on 24 June 2025, alleging unlawful data collection violating the GDPR, DSA, DMA and consumer laws.
- **November 2025:** SOMI filed a class action against X (formerly Twitter) at the Brussels Enterprise Court on 5 November 2025. X faces claims alleging violations of the GDPR, DSA and consumer law through multiple data breaches (2022-2023), exposing personal data to the Dark Web. X is also alleged to unlawfully process sensitive data (politics, religion, sexuality) for microtargeted ads without consent, with post-Musk changes amplifying hate speech via reduced moderation, algorithmic biases and reinstated banned accounts.

Class actions

Scope	Breach of contract or infringement of specific legislation regarding e.g. consumer issues, product liability, competition, GDPR and the legislation listed in Annex I RAD.
Access granted to	Qualified entities representing the interests of consumers and SMEs recognised by a competent minister; an entity without ministerial recognition can apply for an ad hoc approval by the court.
Opt-in or opt-out	Opt-in is the rule; parties can agree on opt-out in the amicable settlement. Opt-in is mandatory if the consumers and SMEs do not reside in Belgium, or in the case of physical or moral harm.
Declaratory relief or damages	Damages; no declaratory relief.
Frequently used	No
Regulatory framework	Title 2 of Book XVII of the Belgian Code of Economic Law; Law of 21 April 2024 amending Books I, XV and XVII of the Economic Code and transposing the RAD.
Alternatives used in practice	Actions for the protection of a collective interest; joined actions of multiple claimants.

Class settlements

Binding class members after court approval	The homologation decision binds all group members, pursuant to the exercise of their opt-in right.
Opt-in or opt-out	In principle, opt-in, unless the parties agree to apply opt-out in the collective settlement agreement. Opt-in is mandatory if the consumers and SMEs do not reside in Belgium, or in the case of physical or moral harm.
Regulatory framework	Title 2 of Book XVII of the Belgian Code of Economic Law; Law of 21 April 2024 amending Books I, XV and XVII of the Economic Code and transposing the RAD.

Third party funding

Regulated by law	Only RAD requirements which entail that a condition for being recognised as a qualified entity is being free from external influence, including the third party litigation funder.
Frequently used	No

Czech Republic

Trends

- Until 2024, the Czech Republic lacked comprehensive legal regulation of collective redress in ordinary civil disputes. The Czech legal framework for representative actions came into force on 1 July 2024 as a relatively minimalist transposition of the RAD.
- The adopted collective redress instruments are limited to claims of consumers or small businesses with less than 10 employees and an annual turnover not exceeding CZK 50 million (EUR 2 million). Since small businesses are considered consumers for the purposes of the new legislation, it remains uncertain – and will need to be addressed by the courts – whether small businesses may be sued in collective action proceedings at all.
- Only an authorised non-profit organisation registered in a list of qualified entities may bring a representative action. Currently, there are only two entities registered on the list of qualified entities and there are no pending applications.
- As the new legislation came into force quite recently and only one relatively minor collective action has been filed to date, the Czech legal community is still awaiting further cases that will clarify how the new collective redress legislation will be applied in practice.



Robert Němec
Partner at PRK Partners



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Attorney at PRK Partners



Recent developments

- By December 2025, with only a year and a half having passed since the new legislation governing collective redress came into force, just one action seeking redress measures had been filed. The case was brought on behalf of 56 consumers pursuing claims for unjust enrichment against a manufacturer of children's furniture and accessories. The defendant failed to either supply ordered goods or reimburse advance payments after the consumers withdrew from the contracts.
- The action was found admissible two months after filing. Throughout the certification phase, the defendant remained passive and filed its defence only once proceedings on the merits had commenced. The first instance court issued a judgment eight months after filing.
- The defendant was ordered to pay CZK 1,326,000 (approximately EUR 53,000) in total to 52 consumers, CZK 175,087 (approximately EUR 7,200) to the claimant as costs of the proceedings, CZK 239,347 (approximately EUR 10,000) as the claimant's remuneration, and CZK 80,407 (approximately EUR 3,300) to the state as the court fee (the claimant was exempted from the court fee obligation by law). The case was partially dismissed with respect to four consumers due to lack of similarity, as their claims involved defective or late-delivered products.
- The defendant filed a timely appeal and the judgment is thus not yet final and enforceable.
- Notably, while the law required the court to publish the action, judgment and other procedural documents in the public register of collective proceedings, mandatory publication does not apply to appeals. Therefore, the defendant's appeal remains unpublished.

Class actions

Access granted to	Qualified entities representing the interests of consumers registered by the Ministry of Justice.
Opt-in or opt-out	Opt-in
Declaratory relief or damages	Both
Frequently used	No – only one case since RAD transposition in mid-2024.
Regulatory framework	Act No. 179/2024 on Collective Civil Proceedings.
Alternatives used in practice	Joined actions of multiple claimants, assignment of multiple claims to a single entity.

Class settlements

Binding class members after court approval	Yes
Opt-in or opt-out	Class members who opted in to the proceedings cannot opt out of the settlement.
Regulatory framework	Act No. 179/2024 on Collective Civil Proceedings.

Third party funding

Regulated by law	Yes. Court may inspect funding sources to review compliance with requirements concerning conflict of interest.
Frequently used	Only one case since RAD transposition in mid-2024 – no settlement involved so far.

Denmark

Trends

- The RAD was implemented in Denmark on 25 April 2023.
- More recently, in November 2024, the Danish Consumer Council was authorised as a cross-border qualified entity under the RAD. There are now three qualified entities.
- The implementation of the RAD has, however, had limited impact so far and is not presently expected to increase the number of representative actions being pursued in Denmark.
- The Danish courts remain strict in their assessment of the conditions for admission of class actions. Accordingly, only a few class actions have been admitted, while most are dismissed for a lack of similarity. There are no trends or indications of change.



Christina Melstrup Toft
Partner at Kromann Reumert

🇩🇰 Recent developments

- **November 2024:** the Danish Consumer Council was authorised as a cross-border qualified entity under the RAD.
- **December 2024:** the Court of Justice of the European Union (CJEU) ruled in favour of the Danish Ministry of Taxation in a preliminary ruling on the applicability of Art. 370 in the EU VAT Directive 2006/112/EC. The question was brought before the CJEU as part of a class action lawsuit in Denmark initiated by consumers against the Danish Ministry of Taxation concerning a media licence fee. The class action is now pending before the Eastern High Court.
- **April 2025:** the claimants in the class action against the Danish Ministry of Taxation confirmed that the class action would continue, and submitted a pleading to the Eastern High Court.
- **September 2025:** the Western High Court found in favour of the respondents in a class action regarding prices for district heating.
- **October 2025:** an association pursuing a class action against the former management of the now bankrupt auction website Lauritz.com disbanded and decided not to pursue the class action.
- **November 2025:** SOMI, a Dutch NGO, announced its intention to pursue a class action against Meta in Denmark. SOMI expects to bring the action at the beginning of 2026, and aims to have 50,000 Danish consumers opt in.
- **November 2025:** following its admission by the courts, the deadline for opting in to the class action against the Danish IT and software company KMD was 21 November 2025. The action concerns a change of pension provider and could be joined by employees – both current and former – of KMD.

🇩🇰 Class actions | Representative actions (including RAD)

Scope	General
Access granted to	The Danish Administration of Justice Act: class member, organisation, or public authority authorised by law. The RAD: authorised authorities and organisations.
Opt-in or opt-out	Opt-in (with a very narrow exception under the Danish Administration of Justice Act).
Declaratory relief or damages	Both
Frequently used	No
Regulatory framework	Chapter 23 a of the Administration of Justice Act; Law No. 406 of 25 April 2023 implementing Directive (EU) 2020/1828 on representative actions for the protection of the collective interests of consumers.
Alternatives used in practice	Joined actions; assignment of claims.

Class settlements

Binding class members after court approval	Yes
Opt-in or opt-out	Opt-in (with a very narrow exception under the Danish Administration of Justice Act).
Regulatory framework	Chapter 23 a of the Administration of Justice Act; Law No. 406 of 25 April 2023 implementing Directive (EU) 2020/1828 on representative actions for the protection of the collective interests of consumers.

Third party funding

Regulated by law	Only regulated by the RAD. No conflicts of interest or diversion of focus of the action from safeguarding the collective interests of the consumer allowed.
Frequently used	No

Finland

Trends

- Collective legal actions are not yet widely used in Finland, despite the Act on Class Actions being in force since 2007 and the subsequent implementation of the EU RAD in 2023.
- The possibility of bringing a class action has functioned mainly as a deterrent to companies. For example, the Consumer Ombudsman has previously considered class actions against instant consumer loan companies, but the preliminary negotiations have resulted in companies agreeing to pay compensation as demanded.
- Following the Vastaamo data breach case affecting 30,000 victims, the Finnish Bar Association has called for developing a class action mechanism for criminal matters and improving processes for handling massive criminal cases.
- The Helsinki District Court handles class actions and redress measures under the RAD for all of Finland, while the Finnish Market Court addresses injunctive measures.
- Currently, seven qualified entities and one consumer organisation are designated as qualified entities in Finland.



Paula Airas
Partner at Roschier



Mikael Segercrantz
Partner at Roschier

+ Recent developments

- In recent years, flight compensation claims have increasingly gone to court in Finland, with one company specialising in flight compensation claims representing claimants in almost all cases. The only case pending under the new RAD regime relates to flight compensation.
- **March 2025:** the Consumer Ombudsman brought a representative action for injunctive measures against Finnair Plc, requesting that the Market Court prohibit Finnair, under a penalty of EUR 300,000, from rejecting its passengers' compensation claims on the grounds that they were not made within two months of the flight date. This is the first representative action in Finland and is currently pending.
- Consumer credit actions have also increased significantly, particularly in cases where credit costs and interest are disputed under EU-wide consumer protection legislation. Certain actors are seeking to build a scaled-up business model focused on assisting consumers with these claims, targeting consumer credit institutions with a high volume and constant flow of aggregated claims.

✚ Class actions | Ryhmäkanne (Class action) | Kieltotoimenpiteitä koskeva edustajakanne (RAD injunctive measures)

Scope	Class actions: civil cases between consumers and traders within the Consumer Ombudsman's competence, and claims for redress measures under the RAD. RAD injunctive measures: representative actions for injunctive measures under the RAD.
Access granted to	Class actions: qualified entities, such as the Consumer Ombudsman, designated consumer organisations, and EEA entities under the RAD. RAD injunctive measures: qualified entities, meaning authorities or organisations representing consumers' interests.
Opt-in or opt-out	Class actions: opt-in; opt-out allowed before the main hearing or thereafter with defendant's consent.
Declaratory relief or damages	Class actions: both. RAD injunctive measures: injunction.
Frequently used	No
Regulatory framework	Act on Class Actions (444/2007); Act on Representative Actions for Injunctive Measures (1101/2022).
Alternatives used in practice	Joined actions of multiple claimants.

Class settlements

Binding class members after court approval	Class actions: yes.
Opt-in or opt-out	Class actions: opt-in; opt-out allowed before the main hearing or thereafter with defendant's consent.
Regulatory framework	Act on Class Actions (444/2007).

Third party funding

Regulated by law	Class actions: third party funders must not be competitors of or dependent on the defendant, and must not influence the claimant's decisions in a manner detrimental to consumers' collective interests.
Frequently used	No

France

Trends

- The new unified framework for class actions introduced in 2025 has yet to be fully understood and assimilated by economic operators and other stakeholders. However, the considerably broader scope of this new regime may result in a noticeable increase in such actions in the future. Since class actions are 'opt-in' in nature, it could take some time for the full effects of the new framework to become apparent.
- Nevertheless, whether this anticipated increase will be substantial remains uncertain, as significant barriers persist, including in relation to third party funding.



Dimitri Dimitrov
Partner at Gide

Recent developments

- On **30 April 2025**, the French law implementing the RAD was finally promulgated. Nearly two years after the abandonment of an ambitious first attempt to reform the legal regime for class actions (*actions de groupe*), Law n° 2025-391 of 30 April 2025 successfully transposed the RAD along with various other EU law provisions, thus bringing French class actions law in line with EU law. Of particular note are the provisions enabling qualified entities to initiate cross-border group actions in France in the event of infringement of a limited number of EU law provisions, mainly relating to consumer law.
- While maintaining the opt-in mechanism, the reform replaced the previous sector-based approach with a unified framework common to all contractual, legislative and regulatory breaches.
- As a general rule, a class action may only be brought by a qualified entity approved by the Director General of Competition, Consumer Affairs and Fraud Control, under the conditions laid down in the relevant Decree. However, an exception applies where the class action solely aims to put an end to a breach, in which case the action may be brought by any non-profit association that has been legally registered for two years, carries out an effective and public activity, and has as one of the objects under its articles of association the defence of the interests that have been infringed.
- The reform further introduces a notable change by allowing third party funding, but subject to strict guarantees of independence and transparency of the financed entities.

Class actions | *Actions de groupe* (following RAD transposition)

Scope	Breach of any legal or contractual obligations, committed by a person acting in the exercise or on the occasion of their professional activity.
Access granted to	Approved associations or trade unions only, except where the action solely seeks to end a breach, in which case it may be brought by any non-profit association registered for two years, engaged in effective public activity, and whose objects include defending the infringed interests.
Opt-in or opt-out	Opt-in
Declaratory relief or damages	Damages; no declaratory relief.
Frequently used	No, although the new regime has yet to be assimilated by economic operators and other stakeholders.
Regulatory framework	Law n° 2025-391 of 30 April 2025 adapting French law to EU requirements on economics, finance, environment, energy, transport, health and movement of persons; Decree No. 2025-1191 of 10 December 2025 governing approval of associations and entities for national and cross-border class actions and regulating funding disclosure.
Alternatives used in practice	Joined actions of multiple claimants; assignment of claims.

Class settlements

Binding class members after court approval	The homologation decision binds all group members that have opted in to the class action after a first decision on the defendant's liability and delineation of the scope of persons eligible for compensation.
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Third party funding

Regulated by law	A qualified entity needs to be free from any external influence, including from the third party litigation funder.
Frequently used	No, although the new regime has yet to be assimilated by economic operators and other stakeholders.

Germany

Trends

- Germany's action for redress is starting to become a relevant tool in the field of consumer rights enforcement. Actions for redress against Amazon and Vodafone relating to adjustments of prices and terms for consumers show one recurring issue. Other actions address alleged infringements of the GDPR, AI Act or DSA.
- There is a clearly growing international dimension, with foreign qualified entities becoming active in Germany. Despite limitations in funding, this shows trust in the German judicial system and reliance on a large consumer market.
- A further trend to watch out for is the combination of different means of collective redress by different players, with one association filing a model declaratory action and another following suit with a claim for monetary relief or even an action for disgorgement of profits.
- We also see a large number of actions for injunctive relief covering a very broad spectrum of issues, as apparent from their publication in a register.
- The details of the German assignment model are still open to debate. While the CJEU made clear in ASG 2 that this model might be an option, national boundaries can persist unless they prevent access to justice.



Henner Schläfke

Partner at Noerr



Tobias Lühmann

Associated Partner at Noerr

Recent developments

- A noteworthy development is an action for disgorgement of profits announced by the Saxony Consumer Association against Amazon in relation to its Prime streaming service. The German *Bundesjustizamt* has approved litigation funding by Burford for up to EUR 2 billion claim represented by Hausfeld. This exemplifies a model that allows for investable claims based on Germany's very large consumer market. The claimant argues that the opt-in rate in a parallel action for redress (123,000 out of 2.1 million consumers) is insufficient to rectify the harm done. If the claim succeeds, the profits will be payable to the German Federal Budget.
- Dutch qualified entity SOMI has brought actions against TikTok and X based on alleged infringements of the GDPR, AI Act and DSA. Another action has been filed by an Austrian entity claiming damages from Meta for alleged GDPR infringements by Meta Business Tools – with a contingency fee of 9.5%.
- The District Court of Dortmund dismissed a claim based on the assignment model after reviewing the SPV's multi-layered structure and funding. The court found the assignments void on the grounds of a violation of bona fides, as the model aimed to deprive the defendants of their potential claims for adverse costs.
- A decision by the Federal Court of Justice on the assignment model in cartel damages claims is imminent, with the court hearing the second appeal on the landmark claim by Financialright Claims in the *Trucks* case (AT.39824) at the end of 2025.

Class actions | VDuG (*Abhilfeklage* and *Musterfeststellungsklage*) | KapMuG

Scope	VDuG (<i>Abhilfeklage</i> and MFK): all civil law matters involving consumers and small enterprises as class members; KapMuG: factual and legal questions pertaining to securities claims.
Access granted to	VDuG (<i>Abhilfeklage</i> and MFK): qualified entities; KapMuG: capital investors.
Opt-in or opt-out	All: opt-in.
Declaratory relief or damages	VDuG: both. KapMuG: declaratory relief.
Frequently used	VDuG: yes, but not as often as expected (11 actions since implementation of the RAD); KapMuG: yes.
Regulatory framework	<i>Verbraucherrecht durchsetzungsgesetz</i> (VDuG); <i>Kapitalanleger-Musterverfahrensgesetz</i> (KapMuG).
Alternatives used in practice	Assignment of claims and representation by means of mandates.

Class settlements

Binding class members after court approval	Yes, in VDuG actions (<i>Abhilfeklage</i> and MFK) and KapMuG actions.
Opt-in or opt-out	All: opt-out.
Regulatory framework	VDuG (<i>Abhilfeklage</i> and MFK); KapMuG.

Third party funding

Regulated by law	No, but qualified organisations under the VDuG may not receive more than 5% of their funds from corporate entities. In VDuG actions, the funder's share is capped at 10% of the consumers' proceeds.
Frequently used	No, but increasingly seen; Germany has a long history of funding firms, but funding became more visible in litigation only recently. So far there has only been one VDuG action with third party funding.

Ireland

Trends

- Growth in designated qualifying entities registered. Digital Rights Ireland became the third designated qualified entity (DQE) on 3 July 2025, joining the Irish Council for Civil Liberties and NOYB. Under the Representative Actions for the Protection of the Collective Interests of Consumers Act 2023 (the 2023 Act), only DQEs can bring representative actions in Ireland and the EU on behalf of consumer groups. This expansion demonstrates growing institutional capacity and confidence in Ireland's collective litigation framework, with the number of DQEs expected to steadily increase.
- Law Reform Commission report on third party litigation funding and further debate. The Law Reform Commission's report on third party litigation funding is at an advanced stage, with final stakeholder meetings planned for early 2026 and publication expected in late spring 2026. The report will inform decision-making on whether Ireland's existing prohibition against third party litigation funding will be reformed and how this funding might be regulated, potentially transforming access to litigation for representative actions.
- Increase in representative actions. Ireland's first representative action was filed on 26 May 2025 by the Irish Council for Civil Liberties against Microsoft Ireland. Whilst only one representative action has been initiated to date, the foundation has been laid for collective litigation development in Ireland. Further representative actions are expected as stakeholders become more familiar with the 2023 Act's requirements, and an increase in the number of these actions is likely.



Richard Willis

Partner at Arthur Cox



Kate O'Donohoe

Of Counsel at Arthur Cox

Recent developments

- The Law Reform Commission has indicated that its report on third party litigation funding is at an advanced stage, with final stakeholder meetings planned for early 2026 and publication expected in late spring 2026. The report is highly anticipated, as it will inform decision-making on whether there will be any change to the existing prohibition against third-party litigation funding in Ireland and how this funding might be regulated.
- Ireland now has three DQEs under the Representative Actions for the Protection of the Collective Interests of Consumers Act 2023. This development expands the capacity for representative actions in Ireland and across the EU, shaping the landscape for consumer rights enforcement and creating potential areas for collaboration and strategic engagement. The designation of Digital Rights Ireland as a DQE indicates that the number of DQEs is developing at both a national and European level.
- On **26 May 2025**, the Irish Council for Civil Liberties was granted leave to bring Ireland's first representative action under the 2023 Act against Microsoft, challenging, *inter alia*, its use of Real-Time Bidding technology. The case was admitted to the Commercial List of the High Court on 30 June 2025, signalling that representative actions can receive expedited treatment in complex disputes. This development sets an important precedent for collective litigation in Ireland and is expected to influence how future consumer and data protection claims are pursued.

Class actions | Representative actions | Representative actions (RAD)

Scope	Representative actions: no tort claims; representative actions RAD: infringement of consumer law as set out in Annex I of the RAD.
Access granted to	Representative actions: one or more persons acting as representative(s); representative actions RAD: qualified entities designated by the Minister for Enterprise, Trade and Employment.
Opt-in or opt-out	Representative actions and representative actions RAD: opt-in.
Declaratory relief or damages	Representative actions: no damages; representative actions RAD: damages.
Frequently used	No
Regulatory framework	Representative actions under Order 15, rule 9 of the Rules of the Superior Courts 1986; Representative Actions for the Protection of the Collective Interests of Consumers Act 2023 (Implementation Act).
Alternatives used in practice	Test cases, collective actions under specific EU law, joinder, consolidation of cases.

Class settlements

Binding class members after court approval RAD	Yes, in representative actions under the RAD.
Opt-in or opt-out	Binding on beneficiaries who opted in during representative action.

Third party funding

Regulated by law	Currently prohibited under Irish law, but a reform is being discussed. The Implementation Act permits third party litigation funding insofar as permitted in accordance with law.
Frequently used	No

Italy

Trends

- The year 2024 can be considered a real turning point for class actions in Italy, with an average of three new cases initiated each month. This increase in collective initiatives reflects a profound transformation of the legal protection system, supported by more modern legislation, growing consumer interest and greater sensitivity on the part of legal institutions.
- This result is due to several concurrent factors. Firstly, greater awareness of the class actions mechanism and its potential among citizens and legal practitioners has broadened the spectrum of individuals willing to utilise it to assert collective rights. In addition, the increasing focus of European legislation on consumer protection has prompted national legislatures to align themselves with EU standards, thereby strengthening the effectiveness of collective protection.
- The procedural reforms that came into full effect in 2021 and 2023 also played a decisive role.
- Law No. 31/2019 introduced Articles 840 et seq. of the Code of Civil Procedure and made class actions a more flexible and accessible tool.
- Legislative Decree No. 28/2023, implementing the RAD, introduced the representative action in Articles 140-ter to 140-quaterdecies of the Consumer Code. This entails a separate mechanism from class actions. The claims can be for injunctive relief or compensation, in the interest of consumers; only qualified entities can bring a representative action.



Daniele Geronzi
Partner at Legance



Luca Ferrari
Partner at Chiomenti

Recent developments

- According to data available on 31 December 2024, 67 class actions had been filed in Italy since 19 May 2021 (when the reform came into force). This is a significant figure, reflecting steady growth and a trend of doubling the number of new actions each year. Data analysis shows that banks and financial intermediaries are the parties most frequently involved. From an objective point of view, the disputes mainly concern unfair terms, commercial practices, and violations of consumer rights. Moreover, the number of cases passing the admissibility test and being accepted or settled is growing.
- **July 2024:** the first European healthcare class action was filed in Milan against Philips respiratory and sleep therapy products. The Global Justice Network, a coalition of lawyers, brought the action on behalf of European users harmed by these devices. They are seeking compensation for health risks linked to allegedly negligent crisis management. This case is expected to establish a major precedent for cross-border class actions in Italy, as it involves over a million people residing in various European countries, marking Italy's entry into the European circuit of supranational class actions.
- **April 2025:** the Turin Court – Business Section declared admissible both representative actions and class action claims initiated against Groupe PSA Italia S.p.A., Stellantis N.V. and Automobiles Citroën S.A. The case concerns the delayed and ineffective recall campaign of Citroën C3 and DS3 vehicles equipped with defective Takata airbags. The court found the requirements for collective action admissibility satisfied.
- **May 2025:** the Rome Court – Business Section declared admissible a representative action brought by Movimento Consumatori APS against Netflix Services Italy S.r.l. The action challenges allegedly unfair clauses in Netflix's Terms of Use.
- At the end of 2025, 97 cases are registered on the Ministry of Justice's online platform. However, there are undoubtedly more proceedings underway, as injunctive class actions are often not published online. Many cases have already been closed, because the parties reached an agreement. In other cases, a decision on admissibility has been reached, and a final judgment has been handed down for some injunctive actions.

Class actions | *Azione di classe* | Representative actions

Scope	<i>Azione di classe</i> : wide range of contractual and tort claims. Representative actions: consumer law.
Access granted to	<i>Azione di classe</i> : each class member, and associations or non-profit organisations registered on a public list. Representative actions: qualified entities.
Opt-in or opt-out	<i>Azione di classe</i> and representative actions: opt-in (two opt-in moments).
Declaratory relief or damages	<i>Azione di classe</i> : both. Representative actions: damages.
Frequently used	<i>Azione di classe</i> and representative actions: increasing use following the procedural reforms of 2021 and 2023.
Regulatory framework	<i>Azione di classe</i> : Articles 840- <i>bis</i> to 840- <i>sexiesdecies</i> Code of Civil Procedure. Representative actions: Articles 140- <i>ter</i> to 140- <i>quaterdecies</i> Consumer Code.
Alternatives used in practice	<i>Azione di classe</i> and representative actions: both of these can be replaced by individual lawsuits.

Class settlements

Binding class members after court approval	<i>Azione di classe</i> : yes. Representative actions: yes.
Opt-in or opt-out	<i>Azione di classe</i> : opt-in after settlement proposal made by the court, opt-out after settlement on the parties' initiative. Representative actions: opt-in.
Regulatory framework	<i>Azione di classe</i> : Law No. 31/2019; Code of Civil Procedure. Representative actions: Article 140- <i>decies</i> Consumer Code.

Third party funding

Regulated by law	<i>Azione di classe</i> : no. Representative actions: according to the RAD.
Frequently used	No

The Netherlands

Trends

- Mass claims are set to increase in all areas of law and against all types of defendants.
- In particular, ESG mass claims are likely to accelerate. Claim foundations will target corporates for alleged greenwashing, supply-chain due diligence failures, modern slavery and environmental harm. Also, climate-focused actions against the Dutch State will test the boundaries of the duty of care, including in areas such as nitrogen emissions and PFAS.
- Following the Amsterdam Court of Appeal's *TikTok* ruling, in which a claim for non-material damage of a class was deemed admissible, a rise in mass claims for non-material damage might be expected, especially in data protection, consumer protection, and cases against big tech (DSA/DMA Regulation).
- The availability of third party litigation funding will remain an important factor in larger, cross-border mass claims. In parallel, claimants are increasingly pursuing alternative procedural routes (e.g. test cases or joinder) to sidestep stringent class action admissibility and representativeness hurdles.
- Supreme Court guidance will further refine key aspects of the class action framework – admissibility criteria, including the representativeness requirement, aggregation and class definition, settlement approval criteria, and damages assessment – thus reducing uncertainty.



Albert Knigge
Partner at Houthoff



Isabella Wijnberg
Adviser at Houthoff

Recent developments

- **February 2025:** Milieudefensie appealed the Court of Appeal's November 2024 decision against Shell before the Supreme Court.
- **July 2025:** in *Amazon*, the Rotterdam District Court referred preliminary questions to the CJEU on how Article 80 GDPR relates to the Dutch opt-out class action regime (WAMCA).
- **September 2025:** opt-in settlement reached between Volkswagen, Audi, SEAT and Škoda and three claim organisations for more than 100,000 owners and financial lessees of vehicles with an EA 189 diesel engine. The amount of compensation is up to EUR 2,500 per claim. The proceedings continue with regard to other diesel engines.
- **October 2025:** in *TikTok*, the Amsterdam Court of Appeal quashed the decision that the non-material damage claims could not be decided in a class action. If upheld, this decision will pave the way for a multibillion-euro claim against TikTok and other big tech companies.
- **October 2025:** the Amsterdam preliminary relief judge issued the first class action judgment under the DSA. Meta is required to adjust Facebook's and Instagram's settings.
- **November 2025:** the WAMCA has been evaluated. The findings have been sent to the Dutch parliament.
- **December 2025:** in response to preliminary questions referred by the Amsterdam District Court in *Apple*, the CJEU provided further guidance on jurisdiction in damages class actions for infringements of competition law. It accepted centralisation of the class action before a single Dutch court based on the place where the harmful event occurred.
- **December 2025:** the Amsterdam District Court denied all damages claims in the class action against Allergan and AbbVie regarding product liability for breast implants.
- **December 2025:** the Hague Court of Appeal found a claim organisation to lack standing in its shareholders' class action against Airbus, as it lacked sufficient control over the litigation due to the funder's influence.

Class actions | *Collectieve acties* (including RAD)

Scope	General
Access granted to	Foundation or association with full legal capacity.
Opt-in or opt-out	Since the Act on Redress of Mass Damages in a Collective Action (<i>Wet afwikkeling massaschade in een collectieve actie</i> , WAMCA): opt-out, but opt-in for beneficiaries residing outside NL unless the court decides that an opt-out regime applies. This exception does not apply to collective actions under the RAD. Prior to WAMCA, neither opt-in nor opt-out mechanisms were in place.
Declaratory relief or damages	Since WAMCA: both. Prior to this, no damages could be claimed.
Frequently used	Yes
Regulatory framework	Articles 3:305a-3:305e Dutch Civil Code; Articles 1018b-1018o Code of Civil Procedure.
Alternatives used in practice	Assignment of claims and representation by mandate.

Class settlements

Binding class members after court approval	Yes, settlements under the Act on Class Settlement of Mass Damages (<i>Wet collectieve afwikkeling massaschade</i> , WCAM) and WAMCA.
Opt-in or opt-out	WCAM: opt-out. WAMCA: opt-out.
Regulatory framework	WCAM: Articles 7:907-7:910 Dutch Civil Code, Articles 1013-1018a Code of Civil Procedure. WAMCA: Articles 1018g-1018h Code of Civil Procedure.

Third party funding

Regulated by law	Article 3:305a (2)(c) (indirectly) and (2)(f) (for collective actions under the RAD) Dutch Civil Code; Claim Code 2019 (a body of soft law).
Frequently used	Yes, in damages class actions.

Poland

Trends

- In the 15 years since the Polish class action law entered into force, class action proceedings have remained relatively unpopular. It is unclear whether this situation will persist.
- On the one hand, class actions could address systemic issues in Polish society, such as the recent rule of law crisis and its ramifications, ESG or illegal bank practices. Recent successful lawsuits in these areas may spark interest in this mechanism.
- On the other hand, the institutional framework's weakness remains a problem. Defendants exploit procedural loopholes to prolong proceedings by many years, while judges often lack expertise in collective litigation. We do not see any indications that this may change in the near future.
- Additionally, more than a year after the RAD's implementation, representative actions appear dormant, with almost no cases filed. It was only in November 2025 that the first NGO was registered as a qualified entity. Some argue that the strict requirements and the relative weakness of Polish consumer NGOs will hinder the development of this institution.
- To summarise, class actions in Poland have a chance of becoming a significant instrument, but this is contingent on future institutional reform and a greater awareness in this area.



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Olga Gerlich
Senior Associate at Wolf Theiss

Recent developments

- **November 2024:** owners of more than 170 pharmacies initiated a class action to establish the State Treasury's liability for losses incurred in connection with the law imposing limitations on the sale of pharmacies by their owners, based on this law having been enacted using an unconstitutional procedure and being unconstitutional and contrary to EU law.
- **December 2024:** the Regional Court in Gdańsk granted a temporary injunction to the claimants in a class action brought by the Financial Ombudsman against a bank on behalf of its clients, by suspending the obligation on loan repayments.
- **February 2025:** the Regional Court in Warsaw issued a judgment favourable to the claimants in a class action against the State Treasury brought by restaurant, hotel, and tourism entrepreneurs for damage incurred due to the COVID-19 lockdown regulations.
- **July 2025:** the Appellate Court in Łódź declared approx. 1,000 loan agreements denominated in CHF invalid in a class action brought against a bank by its clients, who were represented by the Consumer Ombudsman.
- **July 2025:** the Supreme Court issued a resolution clarifying the requirements as to the composition of the court when issuing the decision on composition of the class.
- **August 2025:** the Appellate Court in Warsaw dismissed a class action against the State Treasury brought by approx. 200 investors who had suffered losses resulting from the Amber Gold Ponzi scheme. The claimants sought to have the State held liable for the law enforcement and financial supervision authorities' alleged failure to identify and stop the Ponzi scheme.
- **November 2025:** the President of the Office for Competition and Consumer Protection registered the first NGO in the national register of qualified entities authorised to bring actions in consumer representative collective actions. Until then, the only qualified entity was the Financial Ombudsman.

Class actions | Group proceedings (including RAD)

Scope	Liability for damage caused by hazardous products, tortious and contractual liability, unjust enrichment and consumer protection.
Access granted to	A group of at least ten claimants; the minimum requirement does not apply in consumer representative collective actions.
Opt-in or opt-out	Opt-in
Declaratory relief or damages	Declaratory relief and damages; in consumer representative collective actions, also injunctive relief.
Frequently used	No
Regulatory framework	Act of 17 December 2009 on the Enforcement of Claims in Group Proceedings.
Alternatives used in practice	Joint actions of multiple claimants; assignment of claims.

Class settlements

Binding class members after court approval	General rules on the settlement of civil claims apply; the settlement can be concluded with the consent of at least 50% of the class members; the court examines whether the settlement grossly violates the rights of class members.
Opt-in or opt-out	As above; in consumer representative collective actions, a class member who does not agree with the terms of settlement concluded by a qualified entity can opt out within two weeks from being notified of the settlement.
Regulatory framework	Act of 23 April 1964 – Civil Code, Act of 17 November 1964 – Code of Civil Procedure, Act of 17 December 2009 on the Enforcement of Claims in Group Proceedings.

Third party funding

Regulated by law	In general no; some transparency obligations are imposed in the case of consumer representative collective actions.
Frequently used	No

Portugal

Trends

- Even with a decrease in filings compared to 2024, Portugal remains at the forefront of the class action landscape, driven by a unique ‘pro-claimant’ environment: an opt-out regime, exemption from judicial fees, and a now-regulated funding market.
- Portugal continues to see a steady flow of class actions in the following areas: data protection – in 2025, three actions were filed against Meta and Google for the alleged unlawful collection and processing of personal data; automotive – after a post-2020 lull, several new actions were recently filed against manufacturers regarding the use of illegal ‘defeat devices’; consumer compliance – high activity persists in cases involving electronic complaint books, product warranties, unsolicited services and misleading advertising; competition – focused on anti-competitive practices. There is also a rising trend of actions filed specifically to obtain documents to support future claims for damages.
- In the coming years, we expect the focus to broaden to include the following: ESG – claims related to pollution control, environmental accidents, climate change obligations, and civil and human rights; product liability – a wave of claims is expected with the implementation of the new EU Product Liability Directive.



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Sofia Vaz Sampaio

Partner at Morais Leitão

Recent developments

- **Competition Court:** in 2024, several class actions were brought against ten banks on behalf of (i) consumers, (ii) small and medium-sized enterprises (SMEs), and (iii) consumers who purchased from SMEs that had obtained credit in Portugal between 2002 and 2013. Although public enforcement proceedings became time-barred in February 2025, the private class actions proceeded, leading to several noteworthy decisions: 1. claims for damages filed on behalf of SMEs were dismissed for a lack of commonality; 2. claims filed on behalf of consumers who purchased from those SMEs were dismissed based on the inability to define the class; and 3. the court decided to bifurcate one of the cases, holding an evidentiary hearing on the claimant's legitimacy. The court ultimately ruled that the standing requirements provided by law were satisfied, while simultaneously referring preliminary questions to the CJEU regarding third party funding.
- **Access to evidence:** in 2021, following the European Commission's decision to fine Meliá, a legal action was brought seeking a court order for access to documents in Meliá's possession. The Supreme Court of Justice (STJ) submitted a preliminary reference to the CJEU regarding the application of Directive 2014/104/EU to requests for evidence made before the filing of an action for damages. In June 2025, the Advocate General issued his opinion, maintaining that: (i) a decision identifying an infringement of competition law is not sufficient to establish the plausibility of a claim for damages; and (ii) the criterion laid down in Article 5(1) requires a lower degree of plausibility than the "more likely than not" standard.
- **Electronic complaints book:** over the last few years, marketplaces and digital platforms have faced multiple class actions regarding the absence of an electronic complaints book. While early rulings often favoured the defendants, a recent decision by the STJ led to a request for a preliminary ruling from the CJEU. Following this development, claimants are now seeking stays of proceedings at the first-instance level.

Class actions | Popular action | Representative actions (RAD)

Scope	Class actions: various interests such as the consumption of goods and services; securities law; competition law; data protection; representative actions RAD: consumer law – Annex I of the RAD.
Access granted to	Class actions: citizens, associations, foundations, local authorities or the public prosecutor; representative actions RAD: associations, foundations and local authorities.
Opt-in or opt-out	Class actions: opt-out; representative actions RAD: opt-out, but beneficiaries outside Portugal must opt in.
Declaratory relief or damages	Both
Frequently used	Very frequently, but the number of actions brought decreased compared to 2024.
Regulatory framework	Class actions: Constitution of the Portuguese Republic (Article 52), Class Action Act (Law No. 83/95, of 31 August), and specific laws such as Consumer Protection Act (Law No. 24/1996 of 31 July) or the Private Enforcement Law (Law No. 23/2018 of 5 June); representative actions (RAD): Decree-Law No. 114-A/2023, of 5 December.
Alternatives used in practice	Litigation by mandate, assignment of claims, joinder of parties and joinder of actions.

Class settlements

Binding class members after court approval	Yes
Opt-in or opt-out	Opt-out
Regulatory framework	General requirements in Civil Code of Procedure.

Third party funding

Regulated by law	Class actions: no; representative actions (RAD): for damages actions.
Frequently used	No, but frequency is increasing.

Spain

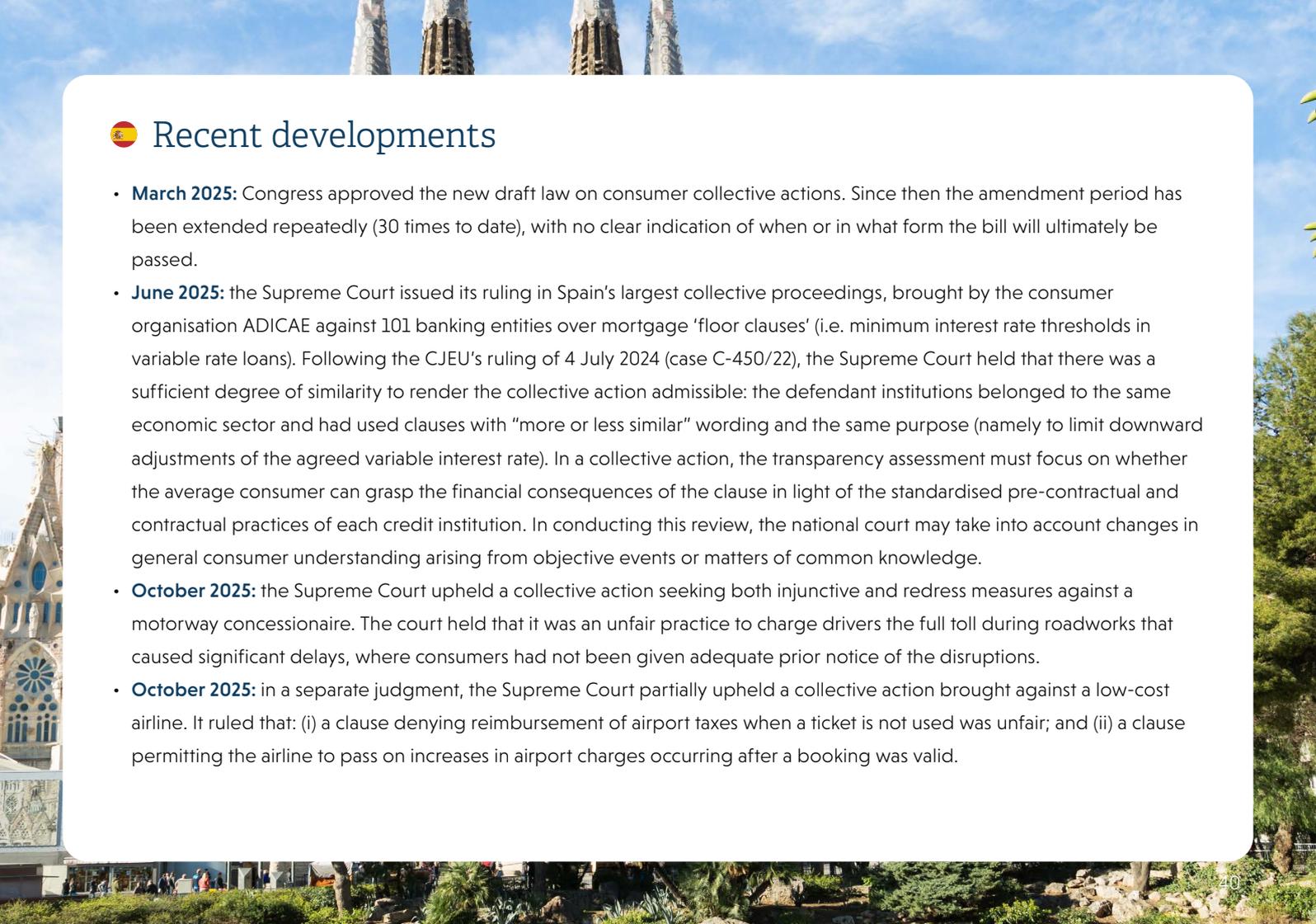
Trends

- The RAD has not yet been transposed into Spanish law. Parliament failed to enact the initial draft on collective actions, issued in January 2023, due to a lack of consensus on two key issues: the choice between an opt-in vs opt-out model and the regulation of third party funding. In March 2025, Congress published a new draft bill, which is still at the amendment stage. Under the current draft, the opt-out model would constitute the general rule, with an opt-in system applying only where the amount claimed per consumer exceeds EUR 3,000. As to funding, claimants would be required to disclose all financing sources in full, and judges would be allowed to demand disclosure of the financing contract to assess whether its terms adversely affect consumers.
- In the meantime, qualified entities appear to be waiting for the RAD's definitive transposition before bringing collective actions seeking redress. By contrast, collective actions for injunctive relief are becoming more common across several sectors, including digital, banking, passenger transport, telecommunications, real estate, legal services, leisure and entertainment.
- The absence of a dedicated collective action procedure has encouraged the use of an assignment-of-claims model, particularly in competition litigation. Defendants in these cases challenge the assignee platform's standing, alleging that the underlying assignment contracts are null on the grounds that their financial terms infringe consumer protection rules.



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Aránguez**

Counsel at Uriá Menéndez



Recent developments

- **March 2025:** Congress approved the new draft law on consumer collective actions. Since then the amendment period has been extended repeatedly (30 times to date), with no clear indication of when or in what form the bill will ultimately be passed.
- **June 2025:** the Supreme Court issued its ruling in Spain's largest collective proceedings, brought by the consumer organisation ADICAE against 101 banking entities over mortgage 'floor clauses' (i.e. minimum interest rate thresholds in variable rate loans). Following the CJEU's ruling of 4 July 2024 (case C-450/22), the Supreme Court held that there was a sufficient degree of similarity to render the collective action admissible: the defendant institutions belonged to the same economic sector and had used clauses with "more or less similar" wording and the same purpose (namely to limit downward adjustments of the agreed variable interest rate). In a collective action, the transparency assessment must focus on whether the average consumer can grasp the financial consequences of the clause in light of the standardised pre-contractual and contractual practices of each credit institution. In conducting this review, the national court may take into account changes in general consumer understanding arising from objective events or matters of common knowledge.
- **October 2025:** the Supreme Court upheld a collective action seeking both injunctive and redress measures against a motorway concessionaire. The court held that it was an unfair practice to charge drivers the full toll during roadworks that caused significant delays, where consumers had not been given adequate prior notice of the disruptions.
- **October 2025:** in a separate judgment, the Supreme Court partially upheld a collective action brought against a low-cost airline. It ruled that: (i) a clause denying reimbursement of airport taxes when a ticket is not used was unfair; and (ii) a clause permitting the airline to pass on increases in airport charges occurring after a booking was valid.

Class actions | *Acciones colectivas* (RAD not yet transposed)

Scope	Consumer Law
Access granted to	Registered consumer organisations and Public Prosecutor's Office.
Opt-in or opt-out	Opt-in
Declaratory relief or damages	Both (but some procedural requirements for redress measures).
Frequently used	No (however, in some sectors such as banking, it has been more frequently used).
Regulatory framework	There is no unified and comprehensive regime for collective actions. Code of Civil Procedure, Consumer Protection Act, Act on General Terms and Contractual Conditions, Unfair Competition Act.
Alternatives used in practice	Joined actions of multiple claimants; litigating by mandate; assignment of claims.

Class settlements

Binding class members after court approval	No, class settlements are not regulated; only general rules on settlement of civil claims apply.
Opt-in or opt-out	Idem
Regulatory framework	Idem

Third party funding

Regulated by law	No
Frequently used	No

Sweden

Trends

- After the implementation of the Representative Actions Directive (EU) 2020/1828 for the protection of the collective interests of consumers (RAD) in Sweden in 2024, the number of formal class or group actions remains low. Sweden has had a class action regime for more than 20 years under the Group Proceedings Act, which continues to exist alongside the RAD Implementation Act. Nevertheless, issues involving a multitude of claimants will more commonly be litigated through mechanisms such as pilot cases or consolidation of multiple, similar cases before the same court.
- A recent ruling by the Swedish Supreme Court indicates that parties may wish to avail themselves of the class action regime for climate litigation, which might become more frequent in the future.
- Swedish parties also continue to join as claimants and group members in various group proceedings abroad, e.g. in cartel damages cases in other EU Member States.
- Third-party litigation funding is a relatively new phenomenon in the Swedish legal landscape. However, it has gained traction in recent years, with the emergence of Swedish litigation funders alongside major international players.



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Johan Jigrup
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Recent developments

- In January 2024, the RAD was implemented in Sweden, when the Swedish Act 2023:730 on Representative Actions for the Protection of Collective Interests of Consumers (RAD Implementation Act) entered into force. Its scope of application aligns with the RAD, and the Swedish Consumer Ombudsman is a qualified entity to bring such actions.
- A recent and highly publicised case brought under the Group Proceedings Act – known as the Aurora case – concerned climate litigation. A plaintiff, together with group members who had opted in, sued the Swedish State due to alleged failure to take appropriate national measures to limit the global average temperature. The Swedish State argued that the case should be dismissed as the action was not permissible. In February 2025, the Swedish Supreme Court dismissed the action on procedural grounds. Referring to the separation of powers and noting that the requirements for a class action concerning public interests were not met, the Supreme Court held that individuals must show concrete, imminent effects on their own rights, which did not occur in this case.
- Although not a formal class or group action, another widely followed case in Sweden is a pilot action brought by the Consumer Ombudsman on behalf of a senior citizen against a major Swedish bank. The individual has a claim for approximately EUR 10,000 against the bank, following a fraud which misled him into paying out the said amount to the defrauders. He argues that the bank should have had better security checks and blocks in place to prevent such fraud. The same or similar modus operandi has been used against a large number of individuals in Sweden, predominantly senior citizens, and the case may therefore have implications for such potential claims against banks. However, in December 2025, the individual in the pilot case lost in the Court of Appeal. The Consumer Ombudsman has indicated that he will likely appeal to the Supreme Court.

🇪🇺 Class actions | Group Proceedings Act and the Act implementing the Representative actions Directive (RAD Implementation Act)

Scope	Group Proceedings Act: all civil claims reviewable by a general court and meet the Act's requirements. RAD Implementation Act: aligned with the RAD; broad list of claims but limited to various consumer claims.
Access granted to	Group Proceedings Act: group members; both natural and legal persons, and certain non-profit associations. RAD Implementation Act: qualified entities representing consumers' interests recognised by a competent authority.
Opt-in or opt-out	Both the Group Proceedings Act and RAD Implementation Act: opt-in
Declaratory relief or damages	Group Proceedings Act and RAD Implementation Act: both, as well as injunctive relief (remedies subject to provisions in Environmental Code are limited to damages and injunctive relief).
Frequently used	No
Regulatory framework	Group Proceedings Act (2002:599), Marketing Practices Act (2008:486) and Act on Representative Actions for the Protection of Collective Interests of Consumers (2023:730) (RAD Implementation Act).
Alternatives used in practice	Pilot cases and consolidation of a number of individual actions brought by each party against the same respondent.

Class settlements

Binding class members after court approval	Group Proceedings Act and RAD Implementation Act: yes.
Opt-in or opt-out	Binding on beneficiaries who opted in under the Group Proceedings Act or RAD Implementation Act. A beneficiary may refuse the settlement and instead enter as a party to have their claim adjudicated by the court.
<i>Regulatory framework</i>	Group Proceedings Act and RAD Implementation Act.

Third party funding

Regulated by law	Only in the RAD Implementation Act, which permits for third party funding with a few exceptions. Third party funding is prohibited if the action is funded by a competitor of the respondent.
Frequently used	Currently, no. Some increase in the field of non-class action cases.

United Kingdom

Trends

- In the last year, UK class actions have been developing quickly and significantly. At the same time, the rate of new cases being brought has declined from the heights of 2022-23, albeit that that may partially be explained by the number of extant cases to which claimant firms and funders are already committed. The reduction in new cases may also reflect some mixed outcomes for claimants, but the recent decision in *Kent v Apple* has provided cause for optimism among class representatives/funders.
- In June 2025, the Civil Justice Council provided its report into litigation funding and made recommendations for the introduction of “light-touch regulation of litigation funding”.
- Further, in August 2025, the Government Department for Business and Trade announced a consultation on the collective proceedings regime with a very broad scope. It included questions on the appropriateness of the regime’s current scope (limited to competition/anti-trust claims), the appropriateness of the certification rules, and funding. A number of published responses suggested the review was somewhat premature. While things have been developing quickly, the sample size of settled or decided cases remains relatively small; it will be easier to assess the regime once there are more outcomes. With a number of significant trials and appeals listed for 2026, we should not have long to wait.



Simon Day
Partner at Macfarlanes

Recent developments

- **January 2025:** the Competition Appeal Tribunal (CAT) refused a collective proceedings order in *Riefa v Apple* on the basis that the proposed class representative would not fairly and adequately act in the interests of class members.
- **January 2025:** the Court of Appeal upheld the decision of the High Court to dismiss a representative action brought by Wirral Council on behalf of retail investors, on the basis that multi-party proceedings were more appropriate.
- **March 2025:** the CAT refused to certify a GBP 1.5 billion collective proceeding against six water companies for abuse of their dominant position in the market by under-reporting sewage discharges, but the CAT noted that it would have certified the claims had there not been a statutory exemption (*Roberts v Thames Water*).
- **May 2025:** the CAT approved settlement in *Merricks v Mastercard* for just under 1.5% of the original value of the claim, despite opposition from the funder.
- **August 2025:** the Court of Appeal upheld the CAT's finding in *Le Patourel v BT* (the CAT's first full substantive collective proceedings judgment) that prices charged by BT were justified and fair, relying on brand value and additional service features.
- **August 2025:** David Rowntree's claim against the Performing Rights Society was struck out at the certification stage, the first claim where this has occurred (*Rowntree v PRS*).
- **October 2025:** judgment in *Gutmann v First MTR*, dismissing Mr Gutmann's claims against various train companies in respect of boundary fares. One of the defendants had settled for GBP 25 million shortly before the trial, of which only GBP 200,000 was claimed.
- **October 2025:** the CAT made the first award of damages in a collective proceeding in *Kent v Apple*.
- **November 2025:** BHP was found liable for the Fundao Dam collapse in a claim brought by the Mariana Municipality (under a Group Litigation Order (GLO)).
- **December 2025:** conclusion of ten-week trial against five carmakers, dealing with allegations that they used illegal software to falsify test results for emissions in diesel cars (pursued under GLO).

🇬🇧 Class actions | GLOs/Representative actions (RA)/CAT proceedings

Scope	GLO: general; RA: general; CAT: competition law infringements.
Access granted to	GLO: individual claimants; RA: representative claimant; CAT: class representative.
Opt-in or opt-out	GLO: opt-in; RA: opt-out; CAT: opt-in or opt-out, foreign class members must opt in.
Declaratory relief or damages	GLO: both; RA: both; CAT: both.
Frequently used	GLO: yes; RA: less frequently; CAT: yes, increasingly.
Regulatory framework	Mainly Civil Procedure Rules (CPR), Practice Directions, CAT Rules, Competition Act 1998 and Other Enactments (Amendment) Regulations 2017.
Alternatives used in practice	Bringing a limited number of test cases; compensation schemes.

Class settlements

Binding class members after court approval	RA: yes; CAT: approval required in opt-out proceedings, no approval required in opt-in proceedings.
Opt-in or opt-out	CAT-approved settlements: opt-out, but opt-in for class members domiciled outside the UK.
Regulatory framework	CPR Rules; CAT Rules.

Third party funding

Regulated by law	CAT Rules; Code of Conduct for litigation funders was published by the Civil Justice Council in November 2011, updated January 2018. Civil Justice Council report in June 2025 recommended "light regulation" of litigation funders.
Frequently used	Yes

United States

Trends

- Despite efforts from some courts to create more rigorous class certification standards, class actions continue to proliferate, and cumulative settlement values for class action litigation have also been increasing over time.
- Third party litigation funding has emerged as part of the narrative around class actions, and more companies have been facing class action litigation in recent years than had previously.
- Traditional types of class action activity remain key, including employment and labour class actions and consumer protection class actions. Other areas have also been main drivers of growth, including class action litigation around PFAS, data breach or data privacy class actions, class actions pertaining to ESG, and 'reverse discrimination' class action suits.
- Class actions with claims based on generative AI tools are also an emerging area, and likely to see further growth in future years.



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Lina Bensman

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Recent developments

- **March 2025:** a divided Second Circuit in *Davitashvili v Grubhub Inc.* affirmed in part and reversed in part a decision by the US District Court for the Southern District of New York denying three major food delivery platforms' motion to compel arbitration of a putative antitrust class action of users and non-users of the food delivery sites. The majority found that while Grubhub's Terms of Use clearly stated that questions of arbitrability were for a court to decide, the arbitration agreement did not cover the antitrust claims alleged by Grubhub customers because there was an insufficient causal relationship between the agreement and those claims.
- **May 2025:** the Sixth Circuit issued an en banc decision in *Speerly v GM, LLC* vacating the class certification order. The court provided a robust analysis of Rule 23's commonality and predominance requirements, emphasizing that commonality may not be satisfied even with modest factual variation among class members and that predominance requires a comparative evaluation of whether common issues outweigh individual ones.
- **June 2025:** the Supreme Court dismissed the writ of *certiorari* in *Laboratory Corp. of America Holdings v Davis* as improvidently granted, leaving unresolved a critical circuit split on whether Rule 23(b)(3) damages classes can be certified when some class members lack Article III standing.
- **June 2025:** in *Trump v CASA*, the Supreme Court held that district courts cannot issue universal injunctions forbidding enforcement of a federal executive order against anyone other than the suing plaintiffs. Instead, courts must tailor remedies strictly to those who have sued and been harmed. By formally certifying a class, plaintiffs can still obtain wide-ranging injunctive coverage for all class members. The ruling leaves open the possibility that critical constitutional issues could produce different outcomes in different regions unless a class action is certified.

Class actions

Scope	General
Access granted to	Representative plaintiffs ('lead plaintiffs').
Opt-in or opt-out	Opt-out
Declaratory relief or damages	Both, including punitive damages; some state laws limit the type of relief.
Frequently used	Yes
Regulatory framework	Rule 23 of the Federal Rules of Civil Procedure; specific state laws.
Alternatives used in practice	Mass actions, which are single lawsuits with a large number of individually named plaintiffs, or mass arbitrations, which involve large volumes of individual arbitrations bringing similar claims.

Class settlements

Binding class members after court approval	Yes
Opt-in or opt-out	Opt-out
Regulatory framework	Rule 23 of the Federal Rules of Civil Procedure; specific state laws.

Third party funding

Regulated by law	Not on a federal level, but sometimes aspects of third party funding are regulated by state law.
Frequently used	Yes

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