

**NOTICE OF APPLICATION FOR A COLLECTIVE PROCEEDINGS ORDER**

---

*Third-party sellers, who are UK-domiciled and who, from 26 June 2018 onwards, used Amazon's e-commerce marketplace services to reach customers in the UK.*

*This is a legal notice that has been issued at the direction of the Competition Appeal Tribunal*

**This Notice**

This is a legal notice published on the direction of the Competition Appeal Tribunal (the “**Tribunal**”) because a collective proceedings order (“**CPO**”) is being sought from the Tribunal by Professor Andreas Stephan (the “**Proposed Class Representative**”) against the following Amazon companies: (1) Amazon.Com, Inc; (2) Amazon Europe Core S.À.R.L.; (3) Amazon EU S.À.R.L.; (4) Amazon UK Services Ltd; and (5) Amazon Payments UK Ltd (collectively, the “**Proposed Defendants**”). The Proposed Defendants are all part of a single overall Amazon undertaking referred to as “**Amazon**”.

Pr. Stephan's application for a CPO (“**CPO Application**”) can be viewed online at [www.amazon3psellerclaim.com](http://www.amazon3psellerclaim.com) along with other information about the claim. This Notice and the enclosed Questions & Answers give important information about these proposed collective proceedings. The Tribunal's website is: [www.catribunal.org.uk](http://www.catribunal.org.uk).

**The Process**

The Competition Act 1998, as amended by the Consumer Rights Act 2015, allows for claims to be brought on behalf of a group of persons (known as a class) who are alleged to have suffered losses as a result of anti-competitive conduct. Claims brought in this way are called “*collective proceedings*”. For a collective proceedings to go ahead, however, the Tribunal must make a CPO, i.e., must decide that the Proposed Class Representative (here, Pr. Stephan) is suitable to act on behalf of the class members, and that the claims may be brought on a collective basis. This process is known as “*certification*”.

The proceedings will need to be won or settled by Pr. Stephan before any money can become available in which you may be entitled to share.

You have important legal rights related to the Proposed Claims. Exercising these rights could affect your ability to get a payment in the future (if the case is won or a settlement is reached, and money becomes available). This notice explains the Proposed Claims, who is covered by the Proposed

Claims and your rights in relation to the Proposed Claims. **Please read this notice carefully as your decisions about this Proposed Claims will have legal consequences.**

### **The Proposed Claims**

According to Pr. Stephan, Amazon holds a dominant position in the marketplace and has breached competition law by abusing its dominant position in five ways. Specifically, Pr. Stephan says that Amazon has : (i) acquired data from third-party sellers that is not publicly available, and has then used that data to give itself an advantage when competing against third-party sellers to sell various goods to customers on the Amazon platform (abuse 1); (ii) given preferential treatment to its own retail products over those of third-party sellers, by granting its own products privileged access to the “Buy Box” (abuse 2); (iii) given preferential treatment to the products of third-party sellers who use Amazon’s own fulfilment services, by granting them privileged access to the “Buy Box” (abuse 3) and “Amazon Prime” (abuse 4); and (iv) employed anti-discounting policies whereby it coerces third-party sellers not to offer their products at lower prices on rival e-commerce platforms, by threatening to remove their products from the Buy Box or from the Amazon platform altogether (abuse 5).

These claims are the “**Proposed Claims**”.

### **The Proposed Class**

Pr. Stephan seeks compensation from Amazon for damages resulting from those abuses of dominance and will seek to combine the claims of all UK-domiciled third-party “*Sellers*” that used Amazon’s platform to reach customers in the UK within the “*Relevant Period*”.

For these purposes:

- “*Sellers*” means any third-party sellers insofar as they (i) are or were acting in the course of a business, trade or profession; (ii) are or were admitted to sell products for purchase on Amazon’s UK website (i.e., Amazon.co.uk, or the “**Website**”) and/or Amazon’s app, where the region is specified as the UK (the “**App**”); and (iii) hold or held a “*Professional*” selling account or equivalent.
- The “*Relevant Period*” generally means the period starting six years before the date when the case was issued and ending when the case was issued, i.e., 26 June 2018 to 26 June 2024. (The period may be 5 years in some instances, where the claims are governed by Scots law).

People (individuals, companies, and other entities) covered by above definition (i.e., UK-domiciled third-party “*Sellers*” that used Amazon’s e-commerce marketplace services to reach customers in the UK within the “*Relevant Period*”) are in the “**Proposed Class**”.

The definition of the Proposed Class is therefore: *“All UK-domiciled Sellers that used Amazon’s e-commerce marketplace services to reach customers in the UK within the Relevant Period”*

The definition of the Proposed Class includes a requirement to be UK-domiciled. The Tribunal will decide a date on which domicile will be determined (so that, if a person is UK-domiciled on that date, that person will be UK-domiciled for the purposes of the Proposed Class). That date is called the **“Domicile Date”**.

Regardless of what is said above, the following categories of persons (**“Excluded Persons”**) are excluded from the Proposed Class:

- (1) natural persons who were deceased (i.e., people who had died) on the Domicile Date; and
- (2) legal persons (companies, LLPs, etc.) that had ceased to exist on the Domicile Date.

### **What happens next**

#### Hearing of CPO Application

A hearing to decide the CPO Application will take place commencing on 6 May 2025. At or after that hearing, the Tribunal will decide whether the Proposed Claims can proceed. The hearing is expected to last for three days, with one day in reserve. The location of the hearing will be: Competition Appeal Tribunal, Salisbury Square House, 8 Salisbury Square, London EC4Y 8AP.

#### Rights to object and make submissions

Any person with an interest (including any member of the Proposed Class) may object to the CPO Application or the authorisation of the Proposed Class Representative by giving written reasons. Those written reasons must be sent to the Tribunal using the details given below (see Q12), and must be received by **4pm on 4 April 2025**.

Any member of the Proposed Class may apply to the Tribunal to make submissions either in writing or orally at the hearing of the CPO Application commencing on 6 May 2025 . Any such application must be made in writing and sent to the Tribunal using the details given below (see Q12), and must be received by the Tribunal by **4pm on 4 April 2025**.

See Q12 below for further details of the process for objecting.

#### If the Tribunal makes a CPO (i.e., the Proposed Claims are certified)

If the Tribunal makes a CPO (i.e., if the Proposed Claims are certified by the Tribunal), you will have the following rights and options:

- This case is an “opt-out” case, meaning that anyone who meets the definition of the Proposed Class and who is domiciled in the UK on the Domicile Date will be included in the Proposed Claims automatically and be bound by the result unless they expressly opt out of the Proposed Class so as to formally remove themselves. Therefore, if you are within the Proposed Class, you will not be required to do anything and you will be included in the Proposed Claim unless you take the steps outlined below to opt out.
- If you wish to object to the Proposed Claims, details as to how you can do this are set out below (see Q12 below).

### **The Issues**

The Proposed Claims will determine certain issues that are common to all class members, including:

- (1) The definition of the relevant economic markets.
- (2) Whether Amazon held a dominant position on the relevant markets.
- (3) Whether Amazon has abused and/or continues to abuse its dominant position.
- (4) Whether any abuses of dominance by Amazon caused loss or damage to the class members, and if so in what amount or amounts.
- (5) The rate and duration of the class members’ entitlement to interest.

Any judgment on the common issues will be binding on all members of the Proposed Class.

Any member of the Proposed Class who opts out of the proceedings will not be bound by any subsequent judgment in the proceedings.

### **Questions & Answers**

<b>Q1: Why has this Notice been issued?</b>
---

The Tribunal has directed that this Notice be issued following the application by the Proposed Class Representative for a CPO.

The CPO Application asks the Tribunal to approve the Proposed Class Representative to act on behalf of the Proposed Class in bringing the Proposed Claims. A summary of the Proposed Claims can be found above, and also on the website: [www.amazon3psellerclaim.com](http://www.amazon3psellerclaim.com)

This Notice has been issued to inform you of the CPO Application and your right to object to it. Exercising these rights could affect your ability to get a payment in the future (if compensation becomes available). This Notice explains: (i) the Proposed Claims being brought by Pr. Stephan; (ii) the Proposed Class, (iii) your right to object to the Proposed Claims; (iv) how to exercise those rights; and (v) the relevant deadlines. **Please read this Notice carefully as your decisions about**

**the Proposed Claims will have legal consequences.**

**Q2: What is the Competition Appeal Tribunal?**

The Tribunal is a specialist judicial body that is based in London but covers the whole of the UK and hears certain competition law and regulatory disputes. It has cross-disciplinary expertise in law, economics, business and accountancy. The Tribunal publishes its Rules and Guidance, together with information about what it does, on its website: [www.catribunal.org.uk](http://www.catribunal.org.uk).

**Q3: What are Collective proceedings?**

Collective proceedings are sometimes described as a class action, a class claim, a group claim or a group action. This is a single case in which one person or body sues on behalf of multiple class members. For collective proceedings to proceed, the Tribunal must make a CPO. Collective proceedings can be “opt-in” (where the case is brought on behalf of people who actively choose to be members of the class) or “opt-out” (where the case is brought on behalf of all people who are covered by the class definition, except those who actively choose to be excluded). In this case, Pr. Stephan has applied to be the class representative to bring the Proposed Claims on behalf of the Proposed Class, and has asked for the collective proceedings to be “opt-out”.

**Q4: Who are the Proposed Claims against?**

The Proposed Claims are against various companies (the “**Proposed Defendants**”) that form part of the Amazon group of companies. Amazon runs the well-known electronic commerce platform of the same name. Through that platform, third-party sellers can sell their products to customers; and multiple third-party sellers can sell the same product. Amazon has websites in several countries. In the UK, that website is Amazon.co.uk (the “Website”). There is also an Amazon app, the settings on which can specify the UK as the region in which the customer has chosen to shop (the “App”).

The Proposed Defendants are all members of the Amazon corporate group:

- (1) Amazon.com, Inc;
- (2) Amazon Europe Core S.À.R.L.;
- (3) Amazon EU S.À.R.L.;
- (4) Amazon UK Services Ltd; and
- (5) Amazon Payments UK Ltd.

These companies are all responsible in various ways for the functioning of the Amazon platform. For example, they run the Website and the App; they sell goods to customers (in competition with third-party sellers); and they provide fulfilment/logistics services (so that goods are delivered to customers).

**Q5: What did the Proposed Defendants do wrong?**

The Proposed Claims are against various companies that form part of the Amazon group of companies.

These companies are responsible for the functioning of the various services provided to sellers who offer their products to end-consumers through the Marketplace. The Marketplace is the dominant platform in the market for the supply of e-commerce marketplace services to third-party sellers to reach customers in the UK. Additionally, Amazon is active in that market by using its own Marketplace to offer Amazon Retail products directly to end-consumers.

According to Pr. Stephan, Amazon holds a dominant position in the market for the supply of e-commerce marketplace services to third-party sellers to reach customers in the UK. That by itself is not illegal. However, Pr. Stephan says that Amazon has abused its dominant position (which is a breach of competition law). Specifically, Pr. Stephan says that Amazon has abused its dominance in five ways:

- (1) First, Amazon has acquired data from sellers that is not publicly available data, and has used that data to give itself an advantage when competing against third-party sellers when selling various goods to customers on the Amazon platform.
- (2) Second, Amazon has given preferential to its own retail products over those of third-party sellers by granting them privileged access to the “Buy Box” (which is the main way goods are sold on the Amazon platform).
- (3) Third, Amazon has given preferential treatment to the products of third-party sellers using Amazon’s own fulfilment/logistics services by granting them privileged access to the “Buy Box”.
- (4) Fourth, Amazon does not allow third-party sellers to access the various benefits of “Amazon Prime” unless they also use Amazon’s own fulfilment/logistics services.
- (5) Fifth, Amazon has used anti-discounting policies to force third-party sellers not to offer their products at lower prices on rival e-commerce platforms.

#### **Q6: What is the role of the Proposed Class Representative?**

If authorised by the Tribunal, Pr. Stephan will conduct the Proposed Claims against Amazon on behalf of the Proposed Class, except for those who opt out of the Proposed Class.

During the case, Pr. Stephan will be responsible for, amongst other things, communicating with the Proposed Class and issuing formal notices to its members (such as this one). Pr. Stephan will make decisions on the conduct of the Proposed Claims, including instructing the lawyers and experts, and, in particular, will evaluate any offer of settlement that Amazon may make and decide whether to present it for the Tribunal’s approval.

Updates about the Proposed Claim will be available on the website [amazon3psellerclaim.com\(/.co.uk\)](http://amazon3psellerclaim.com(/.co.uk)) and via various other media.

#### **Q7: Who is the Proposed Class Representative?**

Professor Andreas Stephan is the Proposed Class Representative. He is currently Head of Department at the University of East Anglia Law School and co-editor of the ‘Competition Policy Blog’. Prior to

these roles, he spent more than 17 years as a competition law lecturer and professor.

**Q8: Who is in the Proposed Class?**

The Proposed Class Definition is given above. All persons who fall within the definition of the Proposed Class and who are domiciled in the UK on the Domicile Date are proposed to be included in the Proposed Class. Broadly, the class is made up of all UK-domiciled Sellers that used Amazon’s e-commerce marketplace services to reach customers in the UK within the Relevant Period.

Pr. Stephan will ask the Tribunal to authorise the claim to proceed on an “opt-out” basis on behalf of all members of the Class. This means that if you fall within the Proposed Class Definition and were domiciled in the UK on the Domicile Date, you are automatically included in the Proposed Class unless you take positive steps to opt out. Details as to how you can opt-out are set out under Q12 below.

**Q9: Who is excluded from the Proposed Class?**

As described in the definition of the Proposed Class at the top of this notice, the following categories of people will be excluded from the Proposed Class:

- (1) natural persons who were deceased (i.e., people who had died) on the Domicile Date; or
- (2) legal persons (companies, LLPs, etc.) that had ceased to exist on the Domicile Date.

**Q10: Do I need to do anything in order to be part of the Proposed Claims?**

If you fall within the definition of the Proposed Class and are domiciled in the UK on the Domicile Date, you do not have to take any action at this stage. You will be included in the claim automatically and be bound by the result, unless you opt out (see the response to Q12 below).

All class members who remain in the Proposed Class will be bound by any judgment on the common issues (which are summarised above). As a class member, you will not be able to bring an individual claim against Amazon raising the same issues that are included in this Proposed Claim.

**Q11: How much money do the Proposed Claims ask for?**

The claim seeks compensation for third-party sellers within the Proposed Class who have been affected by Amazon’s abusive conduct. It is too early to quantify the total value of the claim, as it is anticipated that this will only be possible following the disclosure of additional data from Amazon. However, at this stage, the expert retained by Pr. Stephan estimates that the total value of the Proposed Claims is likely to be almost £2.8 billion. The precise value of the Proposed Claims will become known once the expert is able to analyse further data (which Pr. Stephan expects Amazon will be obliged to provide at a later stage).

If the claims are successful (i.e., result in Amazon paying settlement or compensation), all Proposed Class Members who have not opted out will be able to seek their share of the compensation. However, it is important to note that recovery of any money by way of the claims is not guaranteed. The Proposed Class Representative will need to prove the case at trial in due course.

**Q12: Who can object and to what?**

Any person with an interest (including anyone who would be a member of the Proposed Class) may object to the CPO Application or the authorisation of the Proposed Class Representative. You should review the information above and visit both [www.amazon3psellerclaim.com](http://www.amazon3psellerclaim.com) and [www.catribunal.org.uk](http://www.catribunal.org.uk) for information.

If you wish to file an objection, you must write to the Tribunal stating your reasons for objecting and send it by post, or fax, so it is received no later than **4pm on 4 April 2025**, using the following contact details:

The Registrar

Competition Appeal Tribunal Salisbury Square House  
8 Salisbury Square London EC4Y 8AP

Telephone: 020 7979 7979

When writing to the Tribunal you must include the reference of the Competition Appeal Tribunal Case No 1601/7/7/23.

Any member of the Proposed Class may also apply to the Tribunal for permission to make submissions either in writing or orally at the hearing of the CPO Application commencing on 6 May 2025. Any such application must be made in writing using the details given above and received by the Tribunal by **4pm on 4 April 2025**.

**Q13: Who is funding the Proposed Claims?**

Pr. Stephan would not be able to fund a claim of this size and public importance without third-party funding.

The Class Representative has therefore obtained funding for the claim from a third-party litigation funder, Innsworth Capital Limited.

**Q14: Will I have to pay the legal costs in order to benefit from the Proposed Claims?**

No. The funding arrangements in place, described at Q13 above, mean that members of the Proposed Class will not need to pay anything to be part of the claim. These funding arrangements also mean that members of the Proposed Class will not be liable for any financial risk should the claim be unsuccessful.

**Q15: How can I stay updated on the progress of the Proposed Claims?**

You can visit [www.amazon3psellerclaim.com](http://www.amazon3psellerclaim.com) and register to receive updates and any future notices via email as the Proposed Claims progress.