# UK leads Europe in surge of tech-driven opt-out class actions with £30bn in claims



Class actions in the UK have grown dramatically in volume and scale, beginning to rival some of the largest U.S. cases in both the number of claims and potential damages sought. Recent years have witnessed a notable shift towards opt-out class actions—where potential claimants are automatically included unless they choose to opt out—marking a major evolution in collective litigation within the UK and across Europe. In 2023 alone, Europe saw a record 133 class action claims, reflecting a 10% increase from the previous year and a staggering 93% rise since 2019. Notably, for the first time, opt-out class actions outnumbered opt-in actions across Europe, with the UK as the highest-risk jurisdiction, encompassing over 540 million class members and approximately €145 billion in claims by the end of 2023.

This surge has been fueled by several factors. A landmark UK Supreme Court decision in 2020 fundamentally lowered the threshold for certifying mass claims, allowing collective actions to proceed even without the need for precise individual loss assessments. This was epitomised by the Merricks v Mastercard case, which saw a class of 46 million UK consumers seek over £14 billion in damages, setting a precedent that has reverberated throughout UK litigation circles. Coupled with the increased use of litigation funding, these changes have made bringing large, complex claims financially viable and more attractive.

The UK has seen a particular proliferation in high-value tech-related class actions. Over 20 significant claims are currently underway against major technology companies, with aggregate claims exceeding £30 billion. These encompass sectors such as digital advertising, app store monopolies, and online marketplaces. The rise in these claims partly reflects broader trends in the application of opt-out regimes and stronger antitrust enforcement, as well as the technological sophistication involved in dissecting alleged anti-competitive behaviour.

Key to the success of these cases is the involvement of forensic and economic experts. Their role is critical from the very outset: identifying and preserving relevant digital evidence—transaction logs, user data, pricing information—and developing rigorous economic models to prove causation and estimate aggregate damages at a class-wide level. For example, in recent high-profile carriage disputes, expert teams have employed cutting-edge methodologies such as re-running platform algorithms stripped of alleged abusive behaviours, combining competition economics with data science and machine learning to present compelling assessments of harm. Courts have shown an increasing willingness to engage with such advanced and innovative approaches when they offer improved insights over traditional econometric methods.

The involvement of these experts is vital throughout the litigation lifecycle—from pre-action data mapping and early certification phases, where establishing commonality of harm is crucial, to detailed discovery, econometric testing, and expert testimony at trial or settlement. Experts also play a pivotal role in "stress-testing" the opposing side’s case, uncovering weaknesses or alternative explanations such as market forces unrelated to alleged misconduct that may limit or negate claimed damages. This dynamic underscores the complex interplay of data science, economics, and law in modern digital economy disputes.

The rise of such class actions is not without controversy. Critics, including some of the defendants, argue that these lawsuits often benefit lawyers and funding entities disproportionately, rather than delivering meaningful redress to consumers or businesses. However, proponents maintain that collective actions serve a vital role in holding powerful digital firms accountable, deterring anti-competitive conduct, and providing a practical route for victims—often dispersed and financially unable to litigate individually—to seek justice.

Beyond litigation strategy, early engagement with forensic and economic experts signals a proactive approach to risk and compliance management. For defendants, this can support internal investigations, regulatory disclosures, and demonstrate transparency, while for claimants, it can help shape litigation strategies to align with evolving regulations such as the EU Digital Markets Act and the UK Digital Markets, Competition and Consumers Act. Preservation of digital evidence before it is lost or altered is critical in these fast-moving tech environments, and early expert input often determines the difference between a robust case and one vulnerable to key evidentiary challenges.

As class actions continue to grow in size, complexity, and number, legal teams increasingly rely on cross-disciplinary collaboration and technological innovation to build and defend cases. Harnessing the combined power of forensic data analysis, economic expertise, and legal acumen is now indispensable for navigating this rapidly evolving landscape, both in the UK and across Europe. By avoiding silos and emphasising early, coordinated expert involvement, parties engaged in digital economy class actions stand better prepared to withstand rigorous legal, regulatory, and commercial scrutiny.

### 📌 Reference Map:

* Paragraph 1 – [[1]](https://www.fticonsulting.com/insights/articles/data-damages-digital-economy-class-actions), [[2]](https://cms.law/en/bgr/news-information/opt-out-claims-now-dominate-european-class-actions-cms-report-reveals), [[6]](https://cms.law/en/gbr/news-information/opt-out-claims-now-dominate-european-class-actions-cms-report-reveals), [[7]](https://iclg.com/news/21166-uk-continues-to-top-europe-s-class-action-league-table)
* Paragraph 2 – [[1]](https://www.fticonsulting.com/insights/articles/data-damages-digital-economy-class-actions), [[3]](https://www.quinnemanuel.com/the-firm/news-events/december-2020-biggest-case-ever-brought-in-the-english-courts-scores-a-historic-victory-in-the-uk-supreme-court-on-class-certification-merricks-v-mastercard/), [[4]](https://www.ft.com/content/8a3fcad2-f70f-4764-8669-acaa4164eee8)
* Paragraph 3 – [[1]](https://www.fticonsulting.com/insights/articles/data-damages-digital-economy-class-actions), [[5]](https://www.ft.com/content/08fe784d-18f4-4e25-bcc7-d4f3e771c07a)
* Paragraph 4 – [[1]](https://www.fticonsulting.com/insights/articles/data-damages-digital-economy-class-actions)
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* Paragraph 7 – [[1]](https://www.fticonsulting.com/insights/articles/data-damages-digital-economy-class-actions)

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## Bibliography

1. <https://www.fticonsulting.com/insights/articles/data-damages-digital-economy-class-actions> - Please view link - unable to able to access data
2. <https://cms.law/en/bgr/news-information/opt-out-claims-now-dominate-european-class-actions-cms-report-reveals> - A CMS report reveals that in 2023, Europe saw a record 133 class action claims, a 10% increase from 2022 and a 93% rise since 2019. Notably, opt-out class actions outnumbered opt-in actions for the first time. The UK remains the highest-risk jurisdiction, with class actions totaling approximately €145 billion and involving over 540 million class members by the end of 2023. Portugal's class action claims, amounting to €45.85 billion, surpassed those in the Netherlands (€35.33 billion) in 2023, with actions seeking monetary payment increasing six-fold compared to 2022.
3. <https://www.quinnemanuel.com/the-firm/news-events/december-2020-biggest-case-ever-brought-in-the-english-courts-scores-a-historic-victory-in-the-uk-supreme-court-on-class-certification-merricks-v-mastercard/> - In December 2020, the UK Supreme Court delivered a landmark judgment in the case of Merricks v Mastercard, allowing a collective action on behalf of 46 million UK consumers seeking over £14 billion in damages. The court ruled that the Competition Appeal Tribunal had erred in refusing to certify the mass consumer collective action, setting a precedent for future collective actions in the UK.
4. <https://www.ft.com/content/8a3fcad2-f70f-4764-8669-acaa4164eee8> - Class-action lawsuits, traditionally prevalent in the US, are rapidly increasing in Europe, especially in the UK, driven by legislation such as the 2015 Consumer Rights Act. Landmark cases, including a notable lawsuit against Mastercard, have set precedents, encouraging more class actions against large companies. The EU's 2020 Representative Actions Directive mandates member states to facilitate collective lawsuits for EU law infringements. Law firms are increasingly leveraging technology to manage these complex litigations efficiently, using legal tech for streamlined case management and automation to handle high volumes of claims.
5. <https://www.ft.com/content/08fe784d-18f4-4e25-bcc7-d4f3e771c07a> - The UK has seen a significant increase in mass lawsuits over antitrust breaches, particularly against big tech companies like Amazon and Google. A recent case involves a University of East Anglia law professor who has secured funding for a £2.5 billion lawsuit against Amazon for allegedly exploiting sellers on its platform. Similarly, Google faces a £13.6 billion lawsuit over anti-competitive behavior in online advertising brought by Ad Tech Collective Action. The UK's 'opt-out' regime for class actions, which automatically includes potential recipients unless they choose to opt out, has contributed to the rise in such cases. Though tech is not the largest target sector for class actions in the UK, the number of tech claims is rapidly growing. The trend is also evident in the Netherlands, with significant claims being lodged. Factors driving this surge include the acceptability of third-party funding and strong public enforcement of antitrust regulations. While big tech companies claim these lawsuits primarily benefit lawyers and funders, class actions play a crucial role in enabling victims to seek redress and deterring anti-competitive behavior.
6. <https://cms.law/en/gbr/news-information/opt-out-claims-now-dominate-european-class-actions-cms-report-reveals> - According to global law firm CMS's 2024 European Class Action Report, 2023 marked another year of sustained and significant growth in European class actions. The 133 claims filed represent a 10% increase from 2022 and a staggering 93% increase since 2019. The UK remains the highest-risk jurisdiction for class actions in Europe, with the total claimed value of class actions in the UK – opt-in and opt-out – in the region of EUR 145 billion and competition class actions involving over 540 million class members by the end of 2023. Portugal's class action claims, amounting to EUR 45.85 billion, surpassed those in the Netherlands (EUR 35.33 billion) in 2023. In Portugal, actions seeking monetary payment increased six-fold compared to 2022.
7. <https://iclg.com/news/21166-uk-continues-to-top-europe-s-class-action-league-table> - The latest European Class Action Report from law firm CMS includes some surprising revelations. The United Kingdom continues to find itself at the epicentre of class action risk in Europe, with the total value of claims exceeding an eye-watering GBP 120 billion between 2018 and 2023. The CMS 2024 European Class Action Report reveals that, in the calendar year 2023, competition class actions in the UK included 540 million claimants – an uplift of 200 million from the previous year, while also highlighting a surge in class action claims in the European Union, with a record-breaking 133 claims filed in 2023. For the first time, opt-out class actions outnumbered opt-in actions across the continent.