

Class Action: Bulk Mail Claim

There is currently a £1.2bn class action claim accusing the owner of Royal Mail of abusing its “dominant position” in the market for sending bulk mail. Collective actions in respect of competition law involve a claim being brought by a class representative on behalf of a group of persons who are alleged to have suffered loss as a result of that breach of competition law. It has just won clearance to proceed with its legal challenge from the Competition Appeal Tribunal (CAT).

A six-week trial has been set to begin 24 April 2028. Class actions are often settled before they get to trial, so it is possible that this is resolved before 2028. However, Royal Mail have expressed that they think the claim is “without merit” and that they will “defend it robustly”. In the event the claim goes to trial and wins, anyone who believes they have been affected will be able to file for a portion of the settlement by submitting evidence of their bulk mail costs between 2014 and 2024. Based on available information, we would expect this process to commence from June 2028. Because the class is automatically enrolled, it is possible that some PPA members stand to gain from the lawsuit if it is won. **Due to the nature of the suit, no action is required until the outcome of the claim has been announced.**

Context

In the Bulk Mail market, the collecting and sorting of mail is done by a number of businesses, meaning these areas have competition. However, Royal Mail have the monopoly over final mile delivery and charge an ‘access fee’ to businesses that need to deliver mail after it has been collected and sorted, meaning that this part of the chain is not competitive.

Prior to 2012, Whistl were working as a Downstream Access Provider, meaning they did everything apart from final mile delivery, which they paid Royal Mail a flat fee for. Around 2012, Whistl sought to become an end-to-end delivery company, covering final mile delivery as well as collecting and sorting mail, for a lower cost than Royal Mail was offering. They planned to deliver in cities and then pay Royal Mail’s access fee for delivery in more remote areas.

Royal Mail changed their access fee model in 2014 so that any company doing their own delivery would be charged a higher access fee by Royal Mail. Effectively charging a higher fee to companies like Whistl that sought to compete with it. Whistl shut down its final mile delivery operation within a year of this being implemented.

In 2018, Ofcom fined Royal Mail for illegal competition activity. In 2019, Royal Mail appealed to the Competition Appeal Tribunal (CAT) but was unsuccessful. In 2021, Royal

Mail appealed to the Court of Appeal, who also dismissed the appeal, meaning there is a binding finding that Royal Mail broke competition law.

In 2018, Whistl filed a separate claim, stating that Royal Mail's illegal activity had put them out of the final delivery business and caused them a loss of profits. Royal Mail settled the case in February 2025.

About the Claim

The class for this Claim includes any individual, business, charity or other body that was domiciled in the UK on 29 May 2024 and that purchased or paid for Bulk Mail Retail Services between 10 January 2014 and 29 May 2024.

The current Claim is based on Ofcom's finding that Royal Mail acted illegally. It argues that these users have been overcharged by Royal Mail from the point of the differential price announcement.

The Claim models what prices businesses **have been paying** versus what they **would have been paying** if competition law hadn't been breached. They have specifically modelled what would have happened to the market if, as the Claim states, Whistl hadn't been illegally put out of the final mile delivery business. The modelling suggests that prices would be lower if Whistl hadn't been forced out of the final mile delivery market, as Royal Mail would have had to lower its delivery prices to compete.

Royal Mail's defence is that breaking the law didn't make prices higher and that Whistl would have failed at final mile delivery regardless. They will put forward their own modelling to make this case.

What action is required?

Because the legal fees are covered and enrolment is automatic, **no action is required to stand to benefit from the Claim being won.**

This Claim is brought on an opt-out basis for individuals and entities domiciled in the UK, meaning that anyone who falls within the class definition is automatically included in the suit. Under the opt-out model, individuals, businesses, charities and other bodies that were domiciled in the UK on 29 May 2024 and purchased or paid for Bulk Mail Retail Services between 10 January 2014 and 29 May 2024 are automatically included. **If the case is successful, members of the class would need to make sure they have evidence of their Bulk Mail expenditure between these dates. For anyone who thinks they are eligible, it may be useful to have this information ready in advance, to ensure timeliness should there be a pot of winnings to claim from.**

If individuals, businesses, charities and other bodies didn't want to be included, they needed to have opted out before 5 June 2025. Any eligible individual or organisation that did not opt before this date will be eligible for some of the winnings if the Claim is won.

The six-week trial has been set for **24 April 2028**. If the Claim is won, the money will go into an escrow account. At this point, anyone who falls within the class would need to show what they spent on Bulk Mail between 2014 and 2024. This would then be modelled to assess damages owed. There is a [registration form](#) on the website to stay updated on the status of the claim.

Class Members Customer Group

An advisory body established to support Bulk Mail Claim Limited in its Claim. The group will play a role in ensuring the interests of all class members are fairly and adequately represented throughout the legal process. Applications to join the Customer Group are still active, so anyone who meets the eligibility criteria is [free to apply to join](#).