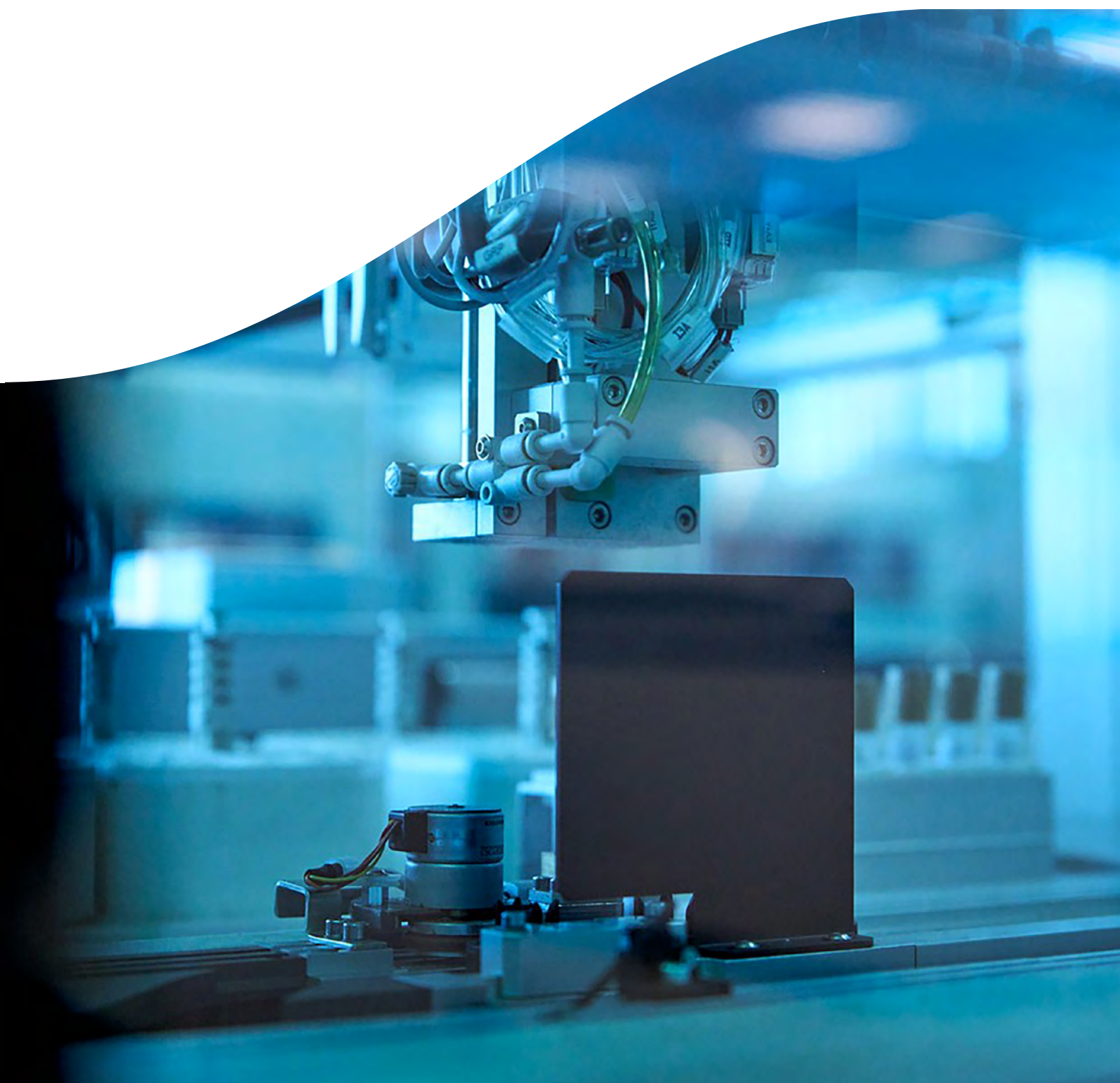


Class actions in the Netherlands



As the class action market becomes more globalized, developments in one jurisdiction quickly impact others. Class actions are no longer just local issues; they have evolved into global risks. Companies must recognize this shift and approach these cases with a broader, international perspective.

What are class actions?

A class action is a lawsuit brought by a group of claimants or a single claimant on behalf of multiple claimants who share a common dispute against a defendant. This term broadly encompasses various forms of collective redress or mass claims activity.

Class actions in the Netherlands

The Dutch legal system has become increasingly attractive to claimants due to its relatively low barriers for initiating class actions, the availability of third-party litigation funding, and key features in the new class action regime.

In 2020, the Dutch collective action regime underwent significant modernization with the introduction of the **WAMCA (Wet Afwikkeling Massaschade in Collectieve Actie)**. This legislation applies to collective actions initiated after 1 January 2020, addressing events that occurred on or after 15 November 2016. A key feature of the WAMCA is that it designates the claiming entity as the sole representative of the group, allowing Dutch-domiciled parties to opt out and non-Dutch parties to opt in. The new class action regime also allows for claims for monetary damages, making it more compelling for high-value claims. If such damages are awarded, compensation schemes are created accordingly. Additionally, Dutch courts can enforce mass settlements internationally, reinforcing the Netherlands as a key player in cross-border collective actions.



Another advantage of the Dutch system is that any organization meeting the admissibility threshold can act as a claimant, as there is no system of pre-approved classes or claim organizations in the Netherlands. These factors have drawn the attention of international funders, often backed by US law firms, who have been quick to exploit these favorable conditions. Together with plaintiff firms, they have built a strong lobby that significantly influences the class action landscape. Notably, major US firms have established a strong presence in the Dutch market as a result of these opportunities.

A key advantage for funders in the Netherlands is the allowance for a success fee ranging from 10-25%, leading to significant potential earnings from high-value claims. Unlike lawyers, funders can operate on a no cure, no pay basis, which can create imbalances in the system.

Since these changes took effect, several trends have emerged in the Dutch legal market:



ESG Concerns

Claims addressing human rights and climate impacts are on the rise.



Follow-on Class Actions

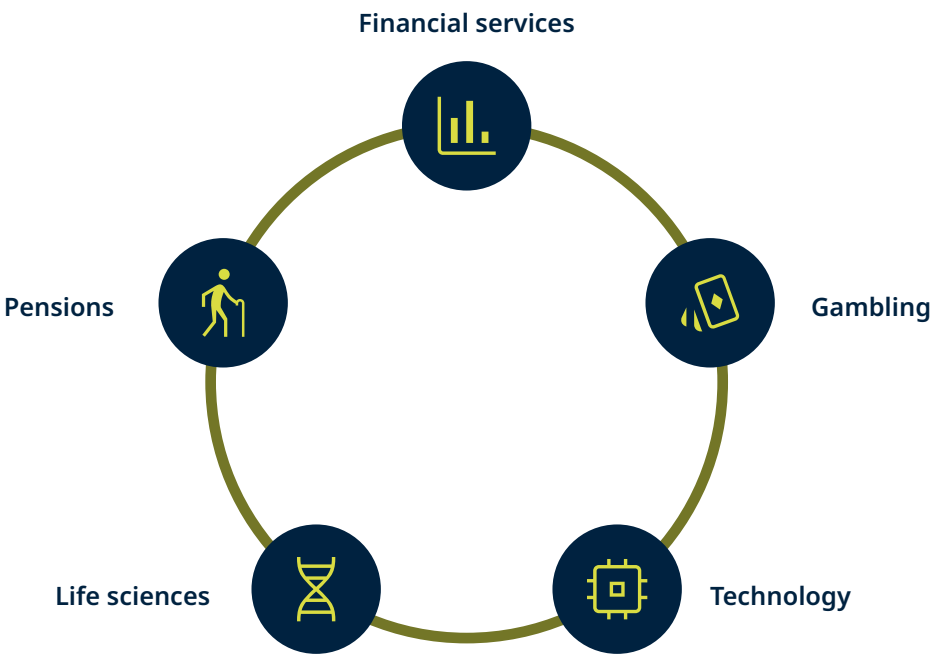
Stricter regulatory oversight is prompting more follow-on actions as companies come under greater scrutiny.



US Claimant Firms

Well-capitalized US firms have set up shop in the Netherlands and are backing plaintiffs to target large corporates.

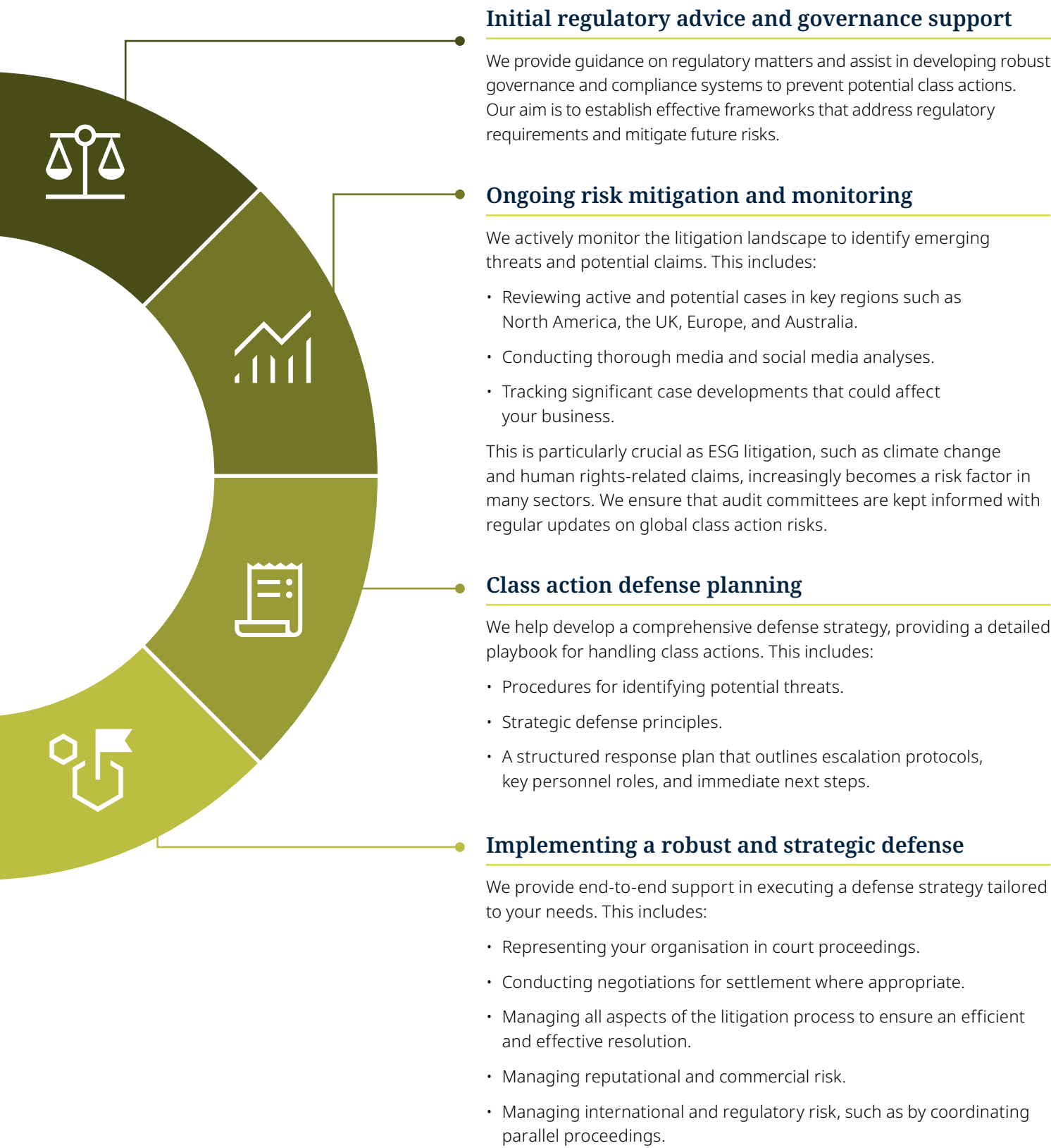
Frequently targeted sectors



DLA Piper is the world’s largest class action defense firm, uniquely positioned to protect companies. Our dedicated team in the Netherlands provides comprehensive legal solutions, leveraging a global perspective to anticipate and address the challenges our clients face.

How we help

We offer a holistic approach to class actions, ensuring skilled handling at every stage. By integrating these services, we provide a proactive and effective strategy to managing class actions, tailored to meet your organization’s needs.



Why DLA Piper

DLA Piper delivers a 360-degree perspective on managing class actions. Here’s why you should partner with us:



Track record

We have a proven track record of handling complex and high-stakes class action proceedings. Here are some notable examples of our recent work:

- We are defending **AbbVie** and its group companies in a significant collective action in the Netherlands. This case, brought by the women’s legal aid foundation Bureau Clara Wichmann (BCW), involves 60,000 women who claim that AbbVie’s breast implants caused serious health complications. The proceedings are highly contentious, with approximately EUR2 billion at stake.
- We are representing **Bayer** as defense counsel in multiple cross-border court proceedings, as well as in highly sensitive and market-significant class action proceedings in the Netherlands, initiated by 30,000 female claimants who assert the birth control device ‘Essure’ caused serious health complications. DLA Piper is the global coordination counsel to Bayer on this significant litigation, also involving teams in the US, UK, Germany, Australia, Italy and Portugal.
- We act for several operators in the **gambling sector**, in class actions that are announced against them in the Netherlands.
- DLA Piper represented **Christo Wiese** and his investment vehicles in several high-profile, multijurisdictional cases related to the 2017 **Steinhoff Group** accounting scandal, involving litigation in the Netherlands and South Africa. We also defended Wiese and his son Jacob in multi-billion euro class actions by former shareholders in the Netherlands, with a global settlement being negotiated.
- We successfully defended the former CEO of **Royal Imtech N.V.** in litigation following Imtech’s bankruptcy, the largest in Dutch post-war history. The court dismissed group claims by investors alleging that the CEO was liable for the damage caused by the bankruptcy. Additionally, a EUR1.5 billion claim against him and other former directors was settled in 2023 without admission of liability.
- We acted for 15 former Executive Board members of **SNS Reaal** and **SNS Bank**, defending them in high-profile director liability cases following the bank’s nationalisation in 2013. In 2021, the enterprise chamber ruled that the Dutch State must pay over 800 million euros to former SNS Reaal investors, a decision confirmed by the Dutch Supreme Court in 2023. Additionally, in 2022, the enterprise chamber ruled that SNS Reaal had not been mismanaged, confirming our clients acted in the company’s interest.
- We advise **a large Dutch bank** on class actions proceedings threatened against it. A claim vehicle purports to represent hundreds of investors in gold who were duped by a ponzi scheme resulting in damage of over EUR50 million. Our client is being held liable for those damages on the ground of on alleged violation of a duty of care.
- We represent **a large international retailer** in class action proceedings threatened against it for allegedly violating mandatory consumer protection regulations.
- Advising a **multi-national transportation company** in relation to its UK Supreme Court appeal concerning worker rights and follow-on contentious issues.
- Advising a **global pharmaceutical company** facing potential mass claims in relation to a well-known drug.
- Advising a global science and technology company in their Europe-wide defence of **competition enforcement action** followed by anti-trust class actions relating to “pay for delay” allegations concerning anti-depressant drugs.
- Advising an **IT software provider** on prospective damages claim and/or specific performance injunction relating to an abuse of dominance by unlawful refusal to supply.

Dedicated team

Contact us today to learn how we can help you build a global defense strategy. We are here to help.



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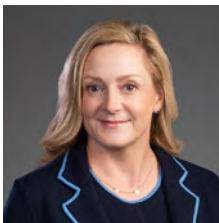


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