

# Public Consultation - Call for evidence on the operation of collective redress arrangements in the Member States of the European Union

Fields marked with \* are mandatory.

## 1. Introduction

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The European Commission is assessing how the Commission Recommendation of 11 June 2013 on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under Union Law is being implemented in practice.

The Recommendation states that all Member States' legal orders should have collective redress mechanisms in areas where EU law grants rights to natural and legal persons. Examples of such areas are consumer protection, competition, environment, passengers rights, financial services, employment, personal data protection, equality and non-discrimination and fundamental rights. The mechanisms should be fair, equitable, timely and not prohibitively expensive. In the Recommendation the Commission put forward standards aimed at easing access to justice in 'mass harm' situations, in particular to obtain compensation for the damage caused by an infringement of EU law ('compensatory collective redress') or to stop infringements of EU law ('injunctive collective redress'). At the same time the Recommendation sought to provide appropriate procedural safeguards to avoid abusive litigation. The Member States were asked to implement the principles in the Recommendation by 26 July 2015.

The Commission undertook to assess practical experience with implementing the Recommendation by 26 July 2017. The assessment should provide an overview of collective redress mechanisms across the EU and evaluate the Recommendation's impact on access to justice, on the right to obtain compensation and on the need to prevent abusive litigation.

This call for evidence will feed into the assessment. This call for evidence focuses therefore exclusively on practical experience with specific collective redress cases and with mass harm situations where collective redress was not available or not used.

## 2. Scope and structure of the consultation

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According to the Recommendation:

(a) 'collective redress' means (i) a legal mechanism that ensures a possibility to claim cessation of illegal behaviour collectively by two or more natural or legal persons or by an entity entitled to bring a

representative action (injunctive collective redress); (ii) a legal mechanism that ensures a possibility to claim compensation collectively by two or more natural or legal persons claiming to have been harmed in a mass harm situation or by an entity entitled to bring a representative action (compensatory collective redress);

(b) 'mass harm situation' means a situation where two or more natural or legal persons claim to have suffered harm causing damage resulting from the same illegal activity of one or more natural or legal persons;

(c) 'action for damages' means an action by which a claim for damages is brought before a national court;

(d) 'representative action' means an action which is brought by a representative entity, an ad-hoc certified entity or a public authority on behalf and in the name of two or more natural or legal persons who claim to be exposed to the risk of suffering harm or to have been harmed in a mass harm situation, whereas those persons are not parties to the proceedings;

(e) 'collective follow-on action' means a collective redress action that is brought after a public authority has adopted a final decision finding that there has been a violation of EU law.

In replying to this questionnaire, please use the above-mentioned terms as defined by the Recommendation to the largest appropriate extent. If you feel it necessary to use different terms and definitions, please provide relevant explanations so that the data collected can be properly compared.

Please note that the meaning of the terms 'claimant', 'defendant' and 'action' as used in this questionnaire is not limited to judicial or other legal proceedings; it also covers out-of-court dispute resolution schemes and settlement negotiations between parties. The term 'claimant' covers person(s) affected/harmed by an infringement of law or entity representing them in the action. The questionnaire has three separate parts: the first concerns actions actually taken; the second and third concern situations in which action might have proven appropriate but has not been taken. Please complete the part appropriate to your case.

The answers you give should apply to up to three cases or situations only. If there are more cases or situations you would like to let us know about, please complete the questionnaire again.

### 3. Information about the respondent (including transparency and confidentiality questions)

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Your contribution may be published on the Commission's website and will include your identity if you have agreed to this.

Please note that regardless of the preference you have indicated, your contribution may be subject to a request for access to documents under Regulation (EC) No 1049/2001 on public access to European Parliament, Council and Commission documents. In such cases the request will be assessed against the conditions set out in the Regulation and in accordance with the applicable data protection rules.

\* Please indicate your preference below:



My contribution may be published under the name indicated; I declare that none of it is subject to copyright restrictions that prevent publication.

- My contribution may be published but should be kept anonymous; I declare that none of it is subject to copyright restrictions that prevent publication

\* Please indicate your name and email address

Ministry of Security and Justice an Ministry of Economic Affairs

\* You are:

- Private individual
- Company
- Consumer association
- Other civil society association/Non-governmental organisation
- Business association
- Judge
- National Ministry
- Enforcement authority (sector-specific or cross sectoral)
- Other public body and institution
- Other

\* Please specify

Ministry of Security and Justice and Ministry of Economic Affairs

\* What is your country of residence? (In the case of legal entities, please select the primary place of business of the entity you represent.)

Netherlands

## Part 1: Your experience on the implementation of collective redress mechanisms in EU Member States

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Question 1: Are you aware of an action that has been brought or settled in an EU Member State since the adoption of the Recommendation?

- Yes
- No

Question 2: Are/were you or the entity that you represent participating in the action?

- Yes

No

Please provide additional information if needed

In the Netherlands since July 2013 more than 60 judgments have been given in collective actions (article 305a of Book 3 Dutch Civil Code) and many are still pending, but may not be known to us as we do not (yet) have a register of pending collective actions. There also have been two cases under the Dutch Collective Settlement Act ("WCAM"), leading to one collective settlement being declared binding for all injured persons (DSB-collective settlement) and one judgment denying such declaration on the ground that the collective settlement is not YET reasonable in all respects and inviting the parties to make some modifications to that end (Fortis-collective settlement). Hereafter we have included a list of those cases with a hyperlink to the judgments. There have been many collective settlements, some of which are publicly known through websites or information in the press, We have listed just a few of them we know of. PLEASE, SEE UNDER QUESTION 13 AND 16 because of lack of space.

Question 3: Please name the parties to the action:

Members of the group of claimants .....

An entity representing the claimants .....

Defendant(s)  
.....

Question 4: Area of law concerned:

- Consumer protection
- Competition
- Environment
- Passenger rights
- Financial services
- Employment
- Personal data protection
- Equality and non-discrimination
- Fundamental rights (please specify)
- Other (please specify)

Question 5: National or cross-border nature

The action was taken in:

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

Please specify if any of the below information applies:

- All claimants were from the same Member State
- The claimants were from two or more Member States
- The defendant was from the same Member State as all the claimants
- The defendant was from another Member State than all or some of the claimants
- The defendant was from another Member State than the entity representing the claimants
- The action was carried out in the Member State in which the claimants were domiciled
- The action was carried out in the Member State in which the defendant was domiciled
- The action was carried out by the representative entity from one Member State in another Member State

Please describe any other cross-border elements of the action

Some of the actions were purely national cases, others were cross border in various forms. The representative body initiating the action may have been Dutch, but the persons for whom the action was brought were in some cases completely or partly from another state (sometimes MS sometimes third state). Defendants sometimes from another state.

Question 6: How was the action funded?

- Claimants' own funds
- Funds of the entity representing the claimants
- Lawyers working for contingency/success fee
- Legal expenses insurance
- Third-party financing (loan)
- Legal aid scheme
- Public entity budget (e.g. Ombudsman)
- Other public budget source(s) (please specify)
- Other (please specify)

Question 7: How much did the action cost? (if unknown, please provide an estimate)

Please provide a cost breakdown, stating the amount and currency each time (if unknown, please provide an estimate):

	Cost + Currency
Cost of preparing the case	
Court/administrative fee	
Lawyer's fees	
Reimbursement of costs of other party in case of loss	
Reimbursement of lawyers' fees of other party in case of loss	
Other costs relating to the action	
Other financial risks relating to the action	

Please provide an explanation of the above and/or any other costs incurred

Question 8: How was the information on the action disseminated to the claimants?

Who disseminated the information?

- Claimants
- Court
- Public authority
- Entity representing people affected
- Law firm
- No information disseminated
- Other (please specify)

Where was information disseminated?

- Website
- Press
- TV/radio
- Direct mailing
- Other (please specify)

Question 9: Duration of the action (if possible please provide specific dates)

If applicable, please specify the length of action in each instance

	Date	Remarks
When did the event giving rise to the action take place?		
When was the action brought?		
When was the final decision issued?		

Question 10: Were interim measures used in the action?

- Yes
- No

Question 11: Was the action preceded by a judicial or administrative decision establishing an infringement of law, e.g. by a decision of a court or of a consumer protection, competition or environmental enforcement authority (follow-on action)?

- Yes
- No

Question 12: What was the aim of the action?

- Putting an end to an illegal practice (injunctive collective redress)
- Seeking compensation for the people affected (compensatory collective redress)

Question 13: Please describe the facts that gave rise to the action

LIST OF CASES (SEE ALSO Q16)

1) Judgments on collective actions based on article 3:305a Dutch Civil Code. In these actions collective damages CANNOT be claimed. Therefore, these actions were for injunctive collective redress/declaratory judgments.

Employment:

ECLI:NL:RBROT:2014:7049 Rechtbank Rotterdam, 23-07-2014, C/10/420793 / HA ZA 13-321

ECLI:NL:RBROT:2015:3783 Rechtbank Rotterdam, 22-04-2015, C/10/420793 / HA ZA 13-321

ECLI:NL:RBMNE:2015:4232 Rechtbank Midden-Nederland, 10-06-2015, C/16/393917 / KG ZA / 15-403 LH/1040

ECLI:NL:RBGEL:2016:4140 Rechtbank Gelderland, 25-03-2016, 4929105

ECLI:NL:RBMNE:2016:1899 Rechtbank Midden-Nederland, 04-04-2016, C/16/412890/KG ZA 16/246 LH/1040

ECLI:NL:RBGEL:2016:4141 Rechtbank Gelderland, 29-07-2016, 4929105

Consumer law (financial):

ECLI:NL:RBAMS:2013:5910 Rechtbank Amsterdam, 18-09-2013, 511177 HA ZA 12-223

ECLI:NL:GHAMS:2014:581 Gerechtshof Amsterdam, 04-03-2014, 106.005.089/02

ECLI:NL:GHAMS:2015:1229 Gerechtshof Amsterdam, 07-04-2015, 106.005.089/02

ECLI:NL:GHAMS:2015:1384 Gerechtshof Amsterdam, 14-04-2015, 106.002.753-02

ECLI:NL:HR:2015:3018 Hoge Raad, 09-10-2015, 15/00378

ECLI:NL:RBDHA:2015:12213 Rechtbank Den Haag, 28-10-2015, C-09-474064-HA ZA 14-1101

ECLI:NL:GHAMS:2016:702 Gerechtshof Amsterdam, 01-03-2016, 106.002.753/02

ECLI:NL:RBDHA:2017:7072 Rechtbank Den Haag, 28-06-2017, C-09-474064-HA ZA 14-1101

ECLI:NL:RBROT:2017:5654 Rechtbank Rotterdam, 19-07-2017, C/10/462533 / HA ZA 14-1092

Consumer law (other):

ECLI:NL:GHAMS:2014:496 Gerechtshof Amsterdam, 25-02-2014, 200.128.455/01

ECLI:NL:RBOBR:2016:2425 Rechtbank Oost-Brabant, 13-05-2016, C/01/306767 / KG ZA 16-189

ECLI:NL:GHAMS:2017:210 Gerechtshof Amsterdam, 31-01-2017, 200.196.900/01 (about the tasks of the board of a legal entity under article 3:305a)

Financial services/shareholder actions:

ECLI:NL:RBAMS:2014:489 Rechtbank Amsterdam, 15-01-2014, C/13/510440 / HA ZA 12-189

ECLI:NL:GHDHA:2014:996 Gerechtshof Den Haag, 18-03-2014, 200.100.878-01

ECLI:NL:HR:2014:766 Hoge Raad, 28-03-2014, 13/04530

ECLI:NL:GHAMS:2014:3005 Gerechtshof Amsterdam, 29-07-2014, 200.095.240/01

ECLI:NL:RBAMS:2014:7689 Rechtbank Amsterdam, 22-10-2014, C-13-555974 - HA ZA 13-1827

ECLI:NL:RBAMS:2015:7848 Rechtbank Amsterdam, 11-11-2015, C/13/547469 / HA ZA 13-831 en C/13/547735 / HA ZA 13-846

ECLI:NL:HR:2015:3399 Hoge Raad, 27-11-2015, 14/03217



ECLI:NL:GHAMS:2016:501 Gerechtshof Amsterdam, 16-02-2016, 200.152.046/01  
ECLI:NL:PHR:2016:163 Parket bij de Hoge Raad, 25-03-2016, 14/05660  
ECLI:NL:RBOBR:2016:3383 Rechtbank Oost-Brabant, 29-06-2016, C/01/296520 / HA ZA 15-531  
ECLI:NL:RBAMS:2016:6593 Rechtbank Amsterdam, 28-09-2016, C/13/589073 / HA ZA 15-573  
ECLI:NL:HR:2016:2629 Hoge Raad, 18-11-2016, 15/04202  
ECLI:NL:RBAMS:2016:7841 Rechtbank Amsterdam, 30-11-2016, C/13/581973 / HA ZA 15-195

Competition law:

ECLI:NL:GHAMS:2015:3006 Gerechtshof Amsterdam, 21-07-2015, 200.156.295/01

Privacy:

ECLI:NL:HR:2015:1296 Hoge Raad, 22-05-2015, 14/02737

ECLI:NL:RBOBR:2016:3892 Rechtbank Oost-Brabant, 20-07-2016, C/01/293016 / HA ZA 15-306

Other:

ECLI:NL:GHDHA:2013:5388 Gerechtshof Den Haag, 05-11-2013, 200.127.563/01

ECLI:NL:RBNNE:2013:6761 Rechtbank Noord-Nederland, 06-11-2013, C-17-124916 - HA ZA 13-40

ECLI:NL:RBDHA:2014:8966 Rechtbank Den Haag, 23-07-2014, C/09/455237 / HA ZA 13-1325

ECLI:NL:RBGEL:2014:5645 Rechtbank Gelderland, 03-09-2014, C-05-248895 - HZ ZA 13-158

ECLI:NL:RBGEL:2015:2832 Rechtbank Gelderland, 29-04-2015, : C/05/260488 / HZ ZA 14-89

ECLI:NL:RBROT:2015:6050 Rechtbank Rotterdam, 26-08-2015, C/10/447660 / HA ZA 14-345

ECLI:NL:RBOBR:2015:5069 Rechtbank Oost-Brabant, 26-08-2015, C/01/281999 / HA ZA 14-556

ECLI:NL:RBNNE:2015:4185 Rechtbank Noord-Nederland, 02-09-2015, C/19/103209 / HA ZA 14-029 en C/19/107616 / HA ZA 14-234

ECLI:NL:HR:2016:1049 Hoge Raad, 03-06-2016, 14/06007

ECLI:NL:GHARL:2016:6311 Gerechtshof Arnhem-Leeuwarden, 02-08-2016, 200.190.372 /01

Please specify:

The number of people affected (if unknown, please provide an estimate)

Were these people identifiable?

- Yes  
 No

Did damage occur?

- Yes

No

Question 14: Type of action undertaken

- Direct settlement negotiation (no third-party involvement)
- Out-of-court dispute resolution scheme
- Administrative proceedings
- Court proceedings

Question 15: Outcome of the action:

In the case of compensatory collective redress:

- No compensation awarded
- Partial compensation awarded but not received
- Partial compensation awarded and received
- Full compensation awarded but not received
- Full compensation awarded and received
- Compensation was awarded and received, but it was not distributed to all or some of the people affected
- Case still pending

In the case of injunctive collective redress:

- Illegal practice was not established
- Illegal practice was established but not stopped
- Illegal practice was established and stopped
- Illegal practice was established, stopped and further prohibited
- Case still pending
- Other

Please specify the exact effect of the action on the people affected and/or the other people not involved in the action. In particular, did the action prevent any harm? If so, what is the estimated amount of the harm prevented?

Question 16: Please provide your opinion on the effectiveness of the action:

- Very good
- Good
- Neutral
- Poor
- Very poor

If you wish to add any further relevant information, including aspects of the action that, in your view, have been particularly effective, please do so here

LIST OF CASES (CONTINUED FROM Q13)

2) Judgments under the Dutch Collective Settlements Act (WCAM) (compensatory

collective redress):

ECLI:NL:GHAMS:2013:3918 Gerechtshof Amsterdam, 12-11-2013, 200.127.525/01  
(preliminary judgment DSB-settlement)

ECLI:NL:GHAMS:2014:1690 Gerechtshof Amsterdam, 13-05-2014, 200.127.525/01  
(preliminary judgment DSB-settlement)

ECLI:NL:GHAMS:2014:4560 Gerechtshof Amsterdam, 04-11-2014, 200.127.525/01  
(final decision DSB-settlement)

ECLI:NL:HR:2016:2825 Hoge Raad, 09-12-2016, 15/02223 (decision on the potential  
scope of WCAM-settlements)

ECLI:NL:GHAMS:2017:2257 Gerechtshof Amsterdam, 16-06-2017, 200.191.713/01  
(Fortis-settlement)

3) Publicly known Collective Settlements:

2014 VDM-settlement between VEB and Van der Moolen

2014 Imtech- settlement between VEB and Imtech/KPMG accountant

2016 Landis- settlement between VEB and (Stichting VEB-Actie Landis) Landis  
Groep

Information to be found via <https://www.veb.net/artikel/06238/veb-actie-update>.

2017 Staatloterij-settlement between Stichting Loterijverlies and Staatsloterij  
(Dutch National Lottery)

4) Publicly known Pending Collective Actions:

VEB v. LCI

VEB v. LCI

VEB v. Ahold/Deloitte

VEB v. BP

VEB v. Volkswagen

Actions by several different entities against Volkswagen in preparation.

5) Many actions with multiple claimants either by assignment of claims or  
bundling of individual claims in all fields of law

Question 17: Please provide your opinion on the efficiency of the action

- Very good  
 Good  
 Poor  
 Very poor

If you wish to add any further relevant information, including aspects of the action that, in your view, have been particularly efficient, please do so here:

In the Netherlands the collective action under national law seems to be particularly effective for injunctive relief for violations of both national and EU law (competition law, consumer law, environmental law)

Question 18: Please provide information on any major problems you faced in the course of the action. Please focus in particular on those that created difficulties in gaining access to justice, affected the parties' procedural rights or allowed for frivolous litigation

Where such problems existed, please specify whether they mainly related to:

- Rules on legal standing
- Rules on joining the action
- Rules on admissibility of the action
- Rules on evidence
- Excessive costs
- Complexity of procedure
- Length of procedure
- Difficulties in identifying the people affected
- Difficulties in distributing the received compensation

Please give details of the above or other problems

Under the currently existing system no compensatory relief can be sought. Therefore, in November 2016, a bill introducing a collective damages action has been submitted to Parliament. Parliament has prepared a report which had yet to be answered by the government. The main features of the new bill are:

- The proposal intends to make collective settlements more attractive for all parties involved.
- It aims to improve the quality of representative organisations, to coordinate the collective (damages) procedures and to offer more finality.
- The proposal creates one single regime for collective actions, regardless of whether it is an action for damages or not.
- The bill introduces stricter requirements for standing of representative organisations as regards their governance, financing and as to whether the organisation is representative for the group of persons it claims to represent. An exception applies where these requirements would be disproportionate given the nature of the claim. Any collective claim must have a close connection to the Netherlands.
- The Dutch Court of Amsterdam will deal with all collective actions brought under this bill. The bill also introduces a register for collective actions in which any collective action brought will be noted.
- If several collective claims are brought against the same defendant with regard to the same harmful event, the court can appoint the most suited representative organisation as the Exclusive Representative Organisation for the collective claim. The other representative organisations which have brought a collective claim for the same event will still be a party in the collective procedure.
- After the appointment of the Exclusive Representative Organisation a victim can use his right to opt out of the collective procedure.
- The judgement of the court is binding, except for those victims who have opted out.
- Any collective settlement reached throughout the collective procedure must be approved by the court.

Background:

This Bill implements a motion of the Parliament from 2011 ("motion Dijksma") to provide for a collective damages action. A draft Bill was consulted on the Internet in 2014. In the second half of 2015 a group of lawyers-stakeholders

prepared a set of Recommendations which were endorsed in a stakeholders meeting held in November 2015.. In June 2016, a revised draft Bill was sent to the Council of State for advice.

Dutch Bill on a Collective Damages Action:

Further information on the Bill can be found via <https://www.rijksoverheid.nl/documenten/kamerstukken/2016/11/16/wetsvoorstel-afwikkeling-van-massaschade-in-een-collectieve-actie> (text of the Bill as submitted to Parliament)

<https://www.rijksoverheid.nl/documenten/kamerstukken/2016/11/16/memorie-van-toelichting-afwikkeling-van-massaschade-in-een-collectieve-actie> (explanatory note).

<https://zoek.officielebekendmakingen.nl/kst-34608-5.html> (report by Parliament)

**Do you want to report another case?**

- Yes  
 No

## Part II - Your experience on missed opportunities for injunctive collective redress

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Question 19: Are you aware of any illegal practice that affected large numbers of people but where no collective injunction action was taken to stop it?

- Yes  
 No

Question 20: If you answered 'yes' to the previous question, please name or describe

The alleged author of the illegal practice

The people affected by the illegal practice

Question 21: Area of law concerned:

- Consumer protection  
 Competition  
 Environmental  
 Passenger rights  
 Financial services  
 Employment

- Personal data protection
- Equality and non-discrimination
- Fundamental rights (please specify)
- Other (please specify)

Question 22: National or cross-border nature

The illegal practice took place in:

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

Please specify

- All people affected were from the same Member State
- The people affected were from two or more Member States
- The alleged author of the illegal practice/damage was from the same Member State as all the people affected
- The alleged author of the illegal practice/damage was from another Member State than all or some of the people affected

Please describe any cross-border elements of the case

Question 23: Please describe the circumstances of the case, if possible specifying the following:

Number of people affected (if unknown, please provide an estimate)

Were these people identifiable?

- Yes
- No

Did damage occur?

- Yes
- No

Circumstances of the case

Question 24: What were the reasons for not bringing an action?

- No availability of injunctive collective redress
- Difficulties in identifying the people affected
- Difficult access to evidence
- Excessive costs
- Restrictive procedural rules on legal standing
- Restrictive procedural rules on admissibility of the action
- The action would have had to be taken in another Member State
- Possible benefits stemming from the action would have not outweighed the time and costs involved in taking it
- Overall complexity of the procedure
- Overall length of the procedure
- Compensatory collective redress was taken instead
- Individual actions were taken instead

Please give details of the above or other problems

\* Do you want to report another case

- Yes  
 No

## Part III - Your experience on missed opportunities for compensatory collective redress

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Question 25: Are you aware of any mass harm situation that affected large numbers of people but against which no compensatory collective redress action was taken?

- Yes  
 No

Question 26: If you answered 'yes' to the previous question, please describe or name:  
The alleged author of the mass harm

In none of the collective actions in the Netherlands compensatory relief could be granted. In many cases parties have reached a collective settlement after the injunctive relief or declaratory statement was given by the court. However, for some cases a further incentive is needed. This is why a bill introducing a collective damages action was submitted to Parliament in November 2016.

The people harmed

Question 27: Area of law concerned:

- Consumer protection  
 Competition  
 Environment  
 Passenger rights  
 Financial services  
 Employment  
 Personal data protection  
 Equality and non-discrimination  
 Fundamental rights (please specify)  
 Other (please specify)

Question 28: National or cross-border nature

The mass harm situation happened in:

- Austria  
 Belgium



- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

Please specify

- All people harmed were from the same Member State
- The people harmed were from two or more Member States
- The alleged author of mass harm was from the same Member State as people harmed
- The alleged author of mass harm was from another Member State than all or some of the people harmed

Please describe in detail the above or other cross-border elements of the case

Question 29: Please describe the circumstances of the case

Please specify:

The number of people affected (if unknown, please provide an estimate)

Were these people identifiable?

- Yes
- No

Did damage occur?

- Yes
- No

Circumstances of the case

Question 30: What were the reasons for not bringing an action?

- No availability of compensatory collective redress
- Difficulties in identifying the people harmed
- Lack of interest of the people harmed
- Difficulties in joining the action
- Difficult access to evidence
- Excessive costs
- Restrictive rules on legal standing
- Restrictive procedural rules on admissibility of the action
- The action would have had to be taken in another Member State
- Possible benefits stemming from the action would have not outweighed the time and costs involved in taking it
- Overall complexity of the procedure
- Overall length of the procedure
- Injunctive collective redress was taken instead
- Individual actions were taken instead
- The distribution of compensation would have been excessively difficult or costly
- Other (please specify)

\* Do you want to report another case

- Yes
- No

Part IV - Feedback on this public consultation

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\* Question 31: Did you find this questionnaire clear enough?

- Yes
- No

If you answered no, please state what could have been improved:

- Some questions could have been better drafted
- The entire questionnaire could have been better drafted
- Other

Please specify

- very detailed information per case is asked but very little space is left to give information
- the questionnaire does not seem to have taken into account the possibility of large numbers of cases to be reported as is the case for the Netherlands

\* Question 32: What is your opinion about the layout of the questionnaire?

- Easy to understand and user friendly
- Could be improved

Please specify

- the questionnaire does not allow for using boldtype etc. which would help to make the answers easier to read

THANK YOU FOR YOUR INPUT

## Contact

just-a1-civil-justice@ec.europa.eu