

## 1. SUPERVISORY BOARD REPORT 2022

### A. Introduction

- 1.1 The Stichting Consumenten Competition Claims (the “**Foundation**”) was incorporated on 10 March 2022. The objective of the Foundation is to represent the interests of victims who have suffered damages as a result of fraudulent, misleading or unfair commercial practices, including – but not limited to – violations of competition law or consumer law. The Foundations Articles of Association (the “**Articles**”) can be found on the Foundation’s website: <https://www.consumercompetitionclaims.com/>
- 1.2 The Foundation has both a board of directors (the “**Management Board**”) and a supervisory board (the “**Supervisory Board**”), each consisting of three members.
- 1.3 Pursuant to Article 11.6 of the Articles, Section 3:305a par. 2(d) sub 3 DCC and Elaboration 8 of Principle VII of the Dutch Claim Code (the “**Claim Code**”)¹, the Supervisory Board is required to draw up an annual supervisory board report, in which it accounts for its supervision during that year.

### B. Composition and tasks of the Supervisory Board

- 1.4 Members of the Foundation’s Supervisory Board include Giorgio Monti, Inge-Lisa Toxopeus and Hans de Savornin Lohman. The profiles of the Supervisory Board members are available on the Foundation’s website.²
- 1.5 The role of the Supervisory Board is, firstly, to oversee the policies and strategy of the Management Board and, secondly, to oversee the general affairs of the Foundation. This also includes financial supervision and exercising the duties and powers assigned to the Supervisory Board in the Foundations Articles and the 2019 Dutch Claim Code. The Supervisory Board provides solicited and unsolicited advice to the Management Board on all important matters. In fulfilling its duties, it acts in accordance with the objectives of the Foundation, as defined in the Articles.

### C. Supervision in 2022

- 1.6 In 2022, the Supervisory Board held meetings on 8 July 2022, 22 September 2022, and 9 December 2022. The meetings on 22 September 2022 and 9 December 2022 were combined with the Management Board. The Supervisory Board has had continuous access to the Foundation’s documentation and has also received monthly updates from the Management Board. The board adequately kept the Supervisory Board informed of all activities.
- 1.7 During the meetings with the Management Board, Foundation strategy and policies were discussed in detail. In addition to this, the members of the Supervisory Board stayed in contact with one another regarding their work for the Foundation, if necessary.
- 1.8 Important topics in 2022 were: (i) the Foundation’s governance; (ii) financial policies; (iii) remuneration of Management Board and Supervisory Board; (iv) the claim and proceedings

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¹ A copy of the Claim Code can be found on the Foundation’s website. See <https://www.consumercompetitionclaims.com/documents>

² About the Supervisory Board: <https://www.consumercompetitionclaims.com/about-us>.

against Apple; (v) the claim against Samsung and (vi) other endeavours undertaken by the Foundation.

- 1.9 It is worth mentioning that Mrs. Karin Koppers resigned as a member of the Management Board in 2022 for personal reasons. Through this report, the Supervisory Board once again thanks Mrs. Koppers for her commitment to the Foundation. After a round of applications, the Supervisory Board found a highly suitable candidate to take over Mrs. Koppers' role on the Management Board. On 18 August 2022, the Supervisory Board appointed Mr. Wim Kraaijeveld as a new Management Board member.

#### **D. Conclusion**

- 1.10 The Supervisory Board acknowledges the dedication of the Foundation's Management Board in protecting competition and consumer interests. The Supervisory Board is very pleased with the start-up of the foundation, the progress of the European Apple Claim and the Foundation's pursuit of other activities in 2022. The Foundation has acted in accordance with its strategy and statutory objective in 2022 and the Supervisory Board expresses its confidence in the Management Board moving forward in 2023.
- 1.11 The Supervisory Board has approved the contents of this report and has requested the Management Board to publish this report on the Foundation's website.

Amsterdam, 28 February 2023

Giorgio Monti (chairman)

Inge-Lisa Toxopeus

Hans de Savornin Lohman