

## 1. MANAGEMENT BOARD REPORT 2025

### 1.1 Introduction

1. Through this board report, the management board (“**Management Board**”) reports on its activities for the year 2025. This report is made available on the website <https://nl.consumercompetitionclaims.com/>.

### 1.2 About CCC

2. Stichting Consumer Competition Claims (“**CCC**” or “**foundation**”) aims to represent the interests of parties who have suffered or will suffer damages as a result of fraudulent, misleading or unfair commercial practices that are unlawful under European or Dutch competition and/or consumer law.<sup>1</sup> CCC has been incorporated on 10 March 2022. Informally, CCC has been operating as a foundation in formation since 2021.
3. CCC endorses the best practice provisions of the Claim Code 2019, and follows the principles therein, as also reflected in its Claim Code Compliance Statement.<sup>2</sup>
4. To achieve its goals, CCC undertakes various activities. For example, it negotiates with and litigates against parties who breach the law, runs information and awareness campaigns, acts as a spokesperson in the media and liaises with other organisations to promote the interests of (European) consumers.
5. CCC is an independent foundation and has no profit motive.

### 1.3 The governance of CCC

6. The foundation has a Management Board and an independent supervisory board (“**Supervisory Board**”), each consisting of three members. The members of these bodies have the specific expertise required to adequately represent the interests as defined in the foundation’s statutory objectives and the Claim Code 2019.

### 1.4 The Management Board: composition and performance of duties

7. The Management Board is responsible for managing the foundation, which includes setting and implementing (financial) policies and developing and implementing the strategy aimed at achieving the statutory objectives of the foundation. The Management Board requires prior written approval from the Supervisory Board for certain material decisions.
8. For most of 2025, the Management Board had as its members: Bert Heikens (chairman), Ariënné Gommers (secretary) and Wim Kraaijeveld (treasurer). At the end of December Wim Kraaijeveld stepped down as a member of the Management Board and Roelof Prins was appointed as a new member replacing Wim Kraaijeveld. The current Management Board is thus Bert Heikens (chairman), Ariënné Gommers (secretary) and Roelof Prins (treasurer). The profiles of the board members can be found on the foundation’s website.<sup>3</sup>
9. In accordance with Principle V of the Claim Code 2019, the Management Board is accountable to the Supervisory Board. The Management Board informs the Supervisory Board about its activities on a frequent basis.

### 1.5 Report on the activities in 2025

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<sup>1</sup> See Article 2.1 Articles of association (the “**Articles**”). The Articles can be found at: <https://www.consumercompetitionclaims.com/documents>.

<sup>2</sup> The most recent Claim Code Compliance Statement can be retrieved from: <https://www.consumercompetitionclaims.com/documents>.

<sup>3</sup> About the board: <https://www.consumercompetitionclaims.com/about-us>.

10. The year 2025 was marked by *inter alia* the following developments:
  - (i) The Dutch Television Claim;
  - (ii) The Booking Claim;
  - (iii) The Gambling Claim;
  - (iv) The Energy Claim;
  - (v) The European Apple Claim;
  - (vi) Preparing new actions;
  - (vii) Other matters.
11. These topics are discussed briefly below.
  - (i) **The Dutch Television Claim – actions against Samsung and LG**
12. On 11 September 2024, LG raised a jurisdictional motion disputing the jurisdiction of the North Holland District Court. A hearing on the motion was held on 21 March 2025. On 16 April 2025 the District Court decided that the LG and Samsung claims are so closely related that the court has jurisdiction in regard to both.
13. In June 2025, the foundation held an information meeting about the Dutch Television Claim. More than six hundred people registered for the meeting. During the meeting, Ariëne Gommers and Wim Kraaijeveld (of the Management Board), Jacqueline Jansen (from the Consumentenbond) and Jan-Willem de Jong (lawyer for the foundation) provided an update on the lawsuit against Samsung and LG. Participants were able to ask questions before and during the meeting.
14. In August 2025 the Rotterdam district court upheld the fine imposed on LG for anti-competitive practices of nearly 8 million euros by the Dutch regulator, the Netherlands Authority for Consumers and Markets. The case provides good support for the collective action as initiated by the Foundation.
  - (ii) **The Booking Claim**
15. The Management Board has investigated a possible collective action and litigation against Booking.com B.V. and affiliated companies (“**Booking.com**”), on behalf of Dutch consumers, in response to Booking.com’s anticompetitive price parity clauses and use of dark patterns (“**Booking Claim**”). After obtaining expert advice, and negotiating with external funders, the foundation secured funding to launch the collective action.
16. On 26 June 2025 CCC published a press release announcing the launch of the Booking Claim. At the same time, bookbuilding for the case started in collaboration with the Consumentenbond. By 4 July 2025, already 200.000 consumers signed up, and by the end of 2025 over 260,000 group members have registered their support for the claim.
17. On 13 November 2025, the writ of summons was filed at the Amsterdam District Court, after negotiations with Booking.com did not (yet) lead to an out-of-court settlement.
  - (iii) **The Gambling Claim**
18. The Management Board has investigated a collective action and litigation against (i) Toto Online B.V., (ii) Holland Casino N.V., (iii) Hillside (New Media Malta) PLC, (iv) Betent B.V., (v) JOI Gaming Limited and (vi) Optdeck Service Limited and/or group companies of such proposed defendants. The collective action is on behalf of consumers that have suffered losses due to *inter alia* the breach of a duty of care and unfair commercial practices by the defendants through their licensed online gambling sites since the legalization of the online

gambling market as of 1 October 2021 (“**Gambling Claim**”). After obtaining expert advice, the foundation decided to initiate a collective action on behalf of the represented group.

19. On 21 November 2025 the foundation launched the Gambling Claim (*‘Kansspel Claim’*). The foundation is currently in discussions with several of the defendants.
20. Since the launch of the Gambling Claim, the Management Board has actively participated in public discourse, inter alia appearing at the *Nationaal Gokschade Congres* and commenting in the press.

#### **(iv) The Energy Claim**

21. The Management Board investigated a possible collective claim against six energy suppliers, Budget Thuis, Eneco, Energiedirect, Essent, Greenchoice and Vattenfall, on behalf of Dutch consumers. These energy suppliers have significantly increased energy tariffs on the basis of a modification clause in their general terms and conditions for variable contracts. Courts have already ruled that this modification clause is unfair (“**Energy Claim**”).
22. On 30 September 2025 the collective claim was filed at the Amsterdam District Court. In the Energy Claim, CCC is collaborating with the Consumentenbond and the Vereniging Eigen Huis. As of 13 October 2025, more than 250.000 consumers supported the collective action brought by CCC. At the time of writing of this report, the defendants have filed preliminary motions. A hearing is scheduled to take place on 15 September 2026.

#### **(v) The European Apple Claim**

23. On 14 March 2025, the Supreme Court confirmed that the earlier judgement of the Amsterdam District Court, which declared CCC’s claim inadmissible. This means that CCC will not return as party in the WAMCA-proceedings against Apple. CCC is investigating how she can best safeguard the interests of the constituents.

#### **(vi) Preparing new actions**

24. CCC is continuously assessing areas in which it might be necessary to act and defend the rights of consumers and injured parties. For this purpose, CCC speaks with several parties and experts, frequents seminars and conferences and discusses potential cases on a regular basis.

#### **(vii) Other matters**

25. In April 2025 CCC was designated by the Ministry of Justice and Security as a competent authority for bringing cross-border representative actions on behalf of consumers within the European Union. This designation serves as a recognition that CCC can be deemed a representative of Dutch and European consumers. As a recognized representative, CCC can initiate collective actions on behalf of consumers not only in the Netherlands but also in other EU Member States. Only pre-designated organizations may conduct these cross-border collective actions. Following this designation, courts in all EU Member States will recognize CCC as a representative of consumer interests. This means that the foundation can now work even more effectively on behalf of consumers.
26. CCC has engaged with several experts and advisors. In 2025 the foundation worked with *inter alia* the lawyers at Lindenbaum, the lawyers at Scott+Scott, the Consumentenbond, and several economic experts.
27. CCC has liaised with its constituents on a frequent basis, e.g. by means of information meetings and Q&A sessions regarding specific collective actions. In 2025, the foundation posted several news items and updates in four languages (French, German, English and Dutch) on its website. CCC also posted updates on social media (Facebook and LinkedIn). In addition,

under the instruction of the Management Board newsletters in four languages were sent periodically to participants and other interested parties.

28. Over the last year, the Management Board members frequented several seminars and conferences, such as several VEMCA (the Dutch association on mass damages and collective actions) meetings, meetings of the competition law association, the congress developments competition law 2025 and webinars organised by the European Commission DG Justice for qualified entities. Further, the board frequented a training mass damage specialists (CPO Nijmegen) and spoke at the Nationaal Gokschade Congres in connection with the Kansspel Claim.

## 2. FINANCIALS 2025

29. CCC is a not-for-profit foundation. It is funded through so called third party litigation funders. The foundation has chosen to fund its activities through such non-recourse funding, to ensure that the consumers do not need to pre-fund the collective actions undertaken on their behalf.
30. For the purpose of the European Apple Claim, CCC entered into a litigation funding agreement with Hereford Litigation Finance 4 Limited ("**Hereford**"). For the purpose of the proceedings against Samsung and LG, the foundation entered into a litigation funding agreement with Taupe, an entity ultimately owned by funds and managed accounts that are ultimately managed by affiliates of Fortress Investment Group ("**Fortress**"). For the purpose of the Gambling Claim, CCC entered into a litigation funding agreement with Erso Capital ("**Erso**"). For the purpose of the Booking Claim CCC entered into a litigation funding agreement with Bidwell Investments LLC ("**Bidwell**"), a company controlled by Burford Capital LLC ("**Burford**"). For the purpose of the Energy Claim CCC entered into a litigation funding agreement with Breuckelen Partners, L.P. ("**Breuckelen**").
31. The foundation also entered into a litigation funding agreement with another funder for the purpose of the proceedings against the parties in a new case. Further information about the funder will be disclosed after the collective action is launched.
32. CCC decides the strategy of its cases on an independent basis. The Management Board upholds a good and independent relationship with its funders. In 2025 the Management Board and its advisors had several (online or physical) meetings with the funders.
33. The Management Board confirms that the financial position of the foundation is healthy, with sufficient funds available for all current and planned proceedings.
34. The annual financial report will be audited by an accountant, as in previous years. This Management Board Report is adopted on a provisional basis and will be definitively adopted together with the annual financial statements of 2025 in June 2026.

Utrecht, 10 April 2026

Bert Heikens (chairman)

Ariënne Gommers (secretary)

Roelof Prins (treasurer)