

## 1. MANAGEMENT BOARD REPORT 2024

### A. Introduction

- 1.1 Through this board report, the management board (the “**Management Board**”) reports on its activities for the year 2024. This report is made available on the website <https://nl.consumercompetitionclaims.com/>.

### B. About CCC

- 1.2 Stichting Consumer Competition Claims (“**CCC**”) 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>
- 1.3 CCC was formally established on 10 March 2022. Informally, CCC had already been operating as a foundation in formation since 2021.
- 1.4 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.
- 1.5 CCC is an independent foundation and has no profit motive.

### C. The governance of CCC

- 1.6 The foundation has a Management Board and an independent supervisory board (the “**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.
- 1.7 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>

### D. The Management Board: composition and performance of duties

- 1.8 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.
- 1.9 The Board consists of three members: Bert Heikens (chairman), Ariënné Gommers (secretary) and Wim Kraaijeveld (treasurer). The profiles of the board members are available on CCC’s website.<sup>3</sup> During the year 2024, no mutations in board composition took place.
- 1.10 During the year 2024, formal Management Board meetings were held on 16 February and 14 June 2024. Joint meetings with the Supervisory Board took place on 11 March and 14 June,

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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>.

11 July and 5 September. In addition to these formal meetings, the Management Board had frequent (informal) meetings to discuss ongoing and potential new matters and determine the strategy, through conference or telephone calls and through physical meetings.

- 1.11 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, at least once a month.

## **E. Report on the activities in 2024**

- 1.12 The year 2024 was marked by the following events:

- (i.) The European Apple Claim
- (ii.) The Dutch Television Claim
- (iii.) Preparations of new actions
- (iv.) Assessment of other potential cases
- (v.) Other matters

### **I. The European Apple Claim**

- 1.13 In 2022, CCC filed a lawsuit against Apple for its abuse of market power regarding the Apple App Store. So far, tens of thousands of (European) consumers have signed up to support the action.<sup>4</sup>
- 1.14 At the Amsterdam District Court, CCC's claim was declared inadmissible. On 15 November 2023, CCC's cassation lawyer (BarentsKrans) lodged cassation proceedings with the Dutch Supreme Court.
- 1.15 On 19 April 2024, all parties in the cassation appeal filed written explanations on their positions, and subsequently, replies and rejoinders (*re- en dupliek*) in response to the initial written submissions.
- 1.16 The Procurator-General rendered his opinion on 8 November 2024. The procurator advised the Supreme Court to uphold the decision of the Amsterdam District Court, in which CCC was declared inadmissible. The opinion of the Procurator-General is non-binding.
- 1.17 The Supreme Court has ruled on the matter on 14 March 2025 and did not overturn the judgement of the Amsterdam District Court. This means that CCC will not return as party in the WAMCA-proceedings against Apple. CCC is now investigating how she can best safeguard the interests of the constituents.

### **II. The Dutch Television Claim**

#### *Action against Samsung*

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<sup>4</sup> Read more about the European Apple Claim on: <https://www.consumercompetitionclaims.com/collective-actions>. See also Management Board reports of 2022 and 2023.

- 1.18 In December 2023, the Dutch Television Claim was initiated with a writ of summons being served upon Samsung. The Dutch Television Claim relates to a decision of September 2021 by the Authority Consumer & Market (the “**ACM**”), which fined Samsung for vertical price coordination in relation to the sale of television sets in the Netherlands from 2013 to 2018. Because of the infringement of competition law, televisions were sold at unfairly high prices. Consumers who bought televisions from Dutch retail companies suffered damages as a result. CCC claims damages on behalf of consumers who bought a Samsung television set or a television set of another brand during the period 2013 to 2018.
- 1.19 For the purpose of the action against Samsung, CCC has partnered with the Consumentenbond, the largest and most renowned consumer organisation in the Netherlands. External funding was obtained from CF Taupe LTD (“**Taupe**”).
- 1.20 On 4 June 2024, Samsung filed a motion with the Haarlem District Court with a request to stay the proceedings pending the administrative appeal against the ACM decision it has lodged before the Trade and Industry Appeals Tribunal (*College van Beroep voor het Bedrijfsleven*). It also requested leave to summon three retailers to commence contribution proceedings (*vrijwaringsprocedure*). After having heard all parties, the court dismissed the motions raised by Samsung and ordered continuation of the proceedings on the merits. The request for contribution proceedings will be addressed at a later stage.
- 1.21 Samsung filed a statement of defence on the merits on 23 October 2024.
- 1.22 Initially the Haarlem District Court had scheduled a hearing for March 2025 but in December 2024, the court decided to stay the case against the background of the motions raised in the LG proceedings (see hereafter). The court prefers to run the Samsung and LG cases in parallel as much as possible, which is why it has now stayed the Samsung case until a decision on the motions is given.

#### *Action against LG*

- 1.23 CCC has filed an action against LG. LG was fined by the ACM in September 2023 for behaviour similar to Samsung. Therefore, CCC has decided to include LG in the ongoing Dutch Television Claim. Consumentenbond has committed its support for the action against LG, and Taupe provided funding.
- 1.24 In March 2024 this action was launched by the issuance of a writ of summons against LG. This action has attracted media attention.<sup>5</sup>
- 1.25 Although the claim against LG is part of the Dutch Television Claim, the proceedings against Samsung and LG are formally two separate proceedings. The court prefers to handle both in parallel as much as possible.
- 1.26 On 11 September 2024, LG raised a jurisdiction motion disputing the competence of the Haarlem District Court. A hearing on the motions was held on 21 March 2025. The District Court ruled on the matter on 16 April 2025 and decided to have jurisdiction to rule on the matters

<sup>5</sup> See amongst others: ‘Massaclaim tegen LG: Consumenten betaalden te veel voor televisies’, *BNNVara* 20 maart 2024, <https://www.bnnvara.nl/kassa/artikelen/massaclaim-tegen-lg-consumenten-betaalden-te-veel-voor-televisies>, ‘Nederlandse stichting start massaclaim tegen LG voor te dure televisies’, *Tweakers* 19 maart 2024, <https://tweakers.net/nieuws/219908/nederlandse-stichting-start-massaclaim-tegen-lg-voor-te-dure-televisies.html>, ‘Massaclaim tegen LG om te dure televisies’, *Emerce* 20 maart 2024, <https://www.emerce.nl/nieuws/massaclaim-tegen-lg-om-dure-televisies>, ‘Massaclaim tegen LG om prijsafspraken over televisies’, *Reformatisch Dagblad* 19 maart 2024, <https://www.rd.nl/artikel/1056962-massaclaim-tegen-lg-om-prijsafspraken-over-televisies>.

against LG. LG will now have to submit its statement of defence on 16 July 2025 regarding the admissibility of CCC and EP&M. After this submission the proceedings are in the same phase as the proceedings against Samsung and both cases can be dealt with together.

### **III. Preparations of new actions**

- 1.27 The Management Board has examined several cases and decided together with the Supervisory Board to proceed in two cases. The defendants in both cases have harmed and continue to harm the rights of consumers in the Netherlands. Action is needed to compensate the consumers, and to protect consumers for harm in the future. It is anticipated that both cases will be filed in 2025.

### **IV. Assessment of potential cases**

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

### **V. Other matters**

- 1.29 CCC works with several experts and advisors. In 2024 the foundation has worked with the lawyers of Scott+Scott, the lawyers of Lindenbaum, and the Consumentenbond. CCC liaises with its constituents on a frequent basis. In 2024, 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, newsletters in four languages were sent periodically to participants and other interested parties.
- 1.30 The Management Board works continuously on its professionalism. The members frequented in 2024 several seminars and conferences and have become members of the Vereniging voor Massaschade en Collectieve Actie ("**VEMCA**").

### **F. Financials 2024**

- 1.31 CCC has a non-profit motive. All costs are borne by CCC. CCC does not request participants for a financial contribution.
- 1.32 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**"). 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 upon the start of the new case. The fundings in all cases are provided on a *no cure, no pay basis*. This means the respective funder will only receive compensation if the action is successful. CCC runs no financial risk of its own.
- 1.33 CCC decides the strategy of its cases on an independent basis. The Management Board upholds a good and independent relationship with its funders. In 2024 the Management Board and its advisors had several (online or physical) meetings with the funders.

- 1.34 The Management Board confirms that the financial position of the foundation is healthy, with sufficient funds available for the proceedings against Apple, Samsung and LG and its other activities.
- 1.35 The annual financial report will be audited by an accountant, as in previous years.

Amsterdam, 27 June 2025,

Bert Heikens (chairman)

Ariënne Gommers (secretary)

Wim Kraaijeveld (treasurer)