

The Netherlands: a forum conveniens for collective redress?

An online seminar on February 5th. 2021 from 10:30-16:00

On 5 February 2021 a group of renowned experts will discuss the (comparative) position of Dutch courts in the settlement of complex private transnational disputes in light of recent Dutch and European legislation.

The starting point for this event is the observation that a number of complex multijurisdictional cases find their way to the Dutch courts. Notorious examples of past and pending collective redress cases include the Shell Nigeria (environmental claims), Libor (market manipulation claims), Petrobras (investor claims) and the “truck cartel” (competition claims) cases.

This “Dutch-bound” trend raises questions about the adequacy of the legal framework for such complex cases, in particular with regard to the international jurisdiction of the Dutch courts, the scope of application of the new law on collective redress, the domestic and international coordination of proceedings, the available (extraterritorial) remedies, etc.

Furthermore, this trend begs a more fundamental question about the position of the Dutch courts in a fragmented legal landscape. The broad application of the Law on Collective Settlements and the more restrictive scope of the new law on collective action, illustrate some of these controversies. Should The Netherlands remain an international dispute settlement hub (forum conveniens) for such disputes?

Dutch and international academic experts, practitioners and policy-makers will lead the discussion from a legal, political and societal perspective. Please save the date and join us for an in-depth reflection on how to tackle such collective redress cases.

Programme

10:30 Opening and welcome

Panel 1: The attractiveness of Dutch courts in the international scene.

Proposition: The instruments of European private international law (Brussels I, Rome II) are in need of specific rules for collective action and collective settlements.

Panel 2: The attraction of the Dutch remedies.

Proposition: The admissibility requirement in the new Dutch law on collective action (under which the claim should have a sufficient link to the Netherlands) is both undesirable, and possibly in breach of EU law.

12:15 One hour break

Panel 3: Squaring the circle: EU law and Dutch actions.

Proposition: The limitation on standing (to pre-approved entities) in the new EU Directive is a threat to Dutch cross-border (consumer?) actions.

Panel 4: The market for mass litigation.

Proposition: The position of The Netherlands is reinforced in a fragmented international legal landscape (in post-Brexit times).

15:00 Concluding remarks

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More information can be found here:

<https://www.maastrichtuniversity.nl/events/hybrid-seminar-netherlands-forum-conveniens-collective-redress>

The participation fee is free for academic participants from the participating Universities and other Universities in The Netherlands and abroad. For others € 300,-

Contact: chantal.meertens@maastrichtuniversity.nl

Maastricht University

Faculty of Law, Research Support Office

T: +31(0)43 388 3060 E: lawsupport@maastrichtuniversity.nl



www.maastrichtuniversity.nl/law

