

Stichting Diesel Emissions Justice
Amsterdam

Annual report 2024

BOARD REPORT ON 2023

Introduction

1. The Foundation was established in the Summer of 2019 in response to the Diesel Emissions Scandal. Public indignation arose due to the circumvention by several car manufacturers, including Volkswagen AG, Daimler/ Mercedes Benz, and Fiat Chrysler (currently named Stellantis NV) of the intensified EU-emission standards, primarily by using cheat devices to falsify test results, with all the associated consequences for the environment, public health and the (financial) harm caused to parties who bought the vehicles in question. The Foundation's aim is to support the interests of the Affected Owners in both the Netherlands and abroad in their quest for compensation for damages resulting from this behaviour.
2. By making this sixth report ('bestuursverslag') on the Foundation's activities available on its website, Foundation's board (the Board) fulfils its obligation to comply with Sec. 3:305(2)(d)(4) of the Dutch Civil Code. This report covers (i) the Foundation's functioning, (ii) its activities and (iii) its 2024 financial statements. For a description of the Foundation's governance and compliance with the Dutch Claim Code 2019, we refer to the Claim Code Compliance report | Foundation's Governance Statement 2024 that can be downloaded from the Foundation's website.

The Foundation's functioning

3. The Board and Supervisory Board have each held frequent board meetings as well as combined meetings via conference calls to discuss the Foundation's strategy and operational activities, as well as in-person meetings. Regarding specific topics, frequent email correspondence and bilateral calls took place between Board members, and the Foundation's advisors, such as local counsel. Individual board members also attended miscellaneous court hearings.

Activities

4. The Foundation has investigated the Diesel Emissions Scandal in detail by, among other things, holding exploratory talks with parties involved in proceedings against one or more Vehicle Manufacturers in Germany, the Czech Republic and the United Kingdom; it also has provided and continues providing funding for research / technical evidence on how the manipulation system(s) in the various cases operate(s).
5. In 2020, the Foundation has brought three separate collective proceedings before the District Court of Amsterdam after having sent notification of liability/ demand letters to various responsible parties. The first writ of summons was filed on 13 March against Volkswagen AG, Audi AG, Seat SA, Skoda Auto AS, Dr. Ing. H.c.
6. Currently the foundation pursues several cases before the Dutch courts against the following manufacturers each of which the foundation believes and in a number of cases has proved to have used manipulation devices. Proceedings instigated by the Foundation are against the aforementioned Volkswagen Group, the Daimler/Mercedes Group, the Renault Group, The PSA Opel Group, now part of the Stellantis Group, and the Stellantis Group covering its Italian and US brands, as well as in each of these cases against a large number of dealers.
7. The Foundation pursues all of these proceedings under the Dutch Act on redress of mass damages in a collective action, effective as of 1 January 2020. This (WAMCA-) legislation provides for a unique and efficient mechanism for collective redress.
8. The Foundation has requested the Amsterdam District Court in all three proceedings be appointed as Lead Plaintiff in order to lead the litigation against defendants mentioned above. All defendants have appeared before the Dutch Court and are vigorously defending themselves against the claims brought.

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9. At the end of 2020, the Foundation entered into a Cooperation Agreement with the Portuguese Consumer Association lus Omnibus. In close collaboration with the Foundation, lus Omnibus filed two opt-out actions ('Popular Actions') in Portugal in the first half of 2021, representing all consumers who purchased Mercedes and Fiat Dieselgate-affected cars in Portugal.
10. Simultaneously, the Foundation continues to participate in the public debate. It has drawn significant attention, in the Netherlands, Belgium and France, to the position of the car owners in the Diesel Emissions Scandal and the need to come up with a solution for all affected owners. This has yielded meaningful media coverage in the Netherlands, Belgium, France, and across the EU.

Financial year 2024

11. During the course of the year the Foundation continued to prosecute its claims against all of the aforementioned Manufacturers and dealers, and both its counsel and members of the two Boards attended various interim procedural hearings in the Amsterdam District Court and the Amsterdam Court of Appeal. In addition, the Foundation's experts continued to investigate and amass evidence in respect of miscellaneous engines of the aforementioned manufacturers. The Foundation continues to work in this respect with two other Dutch Foundations which have also brought a number of similar claims and with colleagues prosecuting similar claims in other jurisdictions.
12. As regards funding for the separate actions, the Foundation decided to raise funds with an external litigation funder and concluded with Consumer Justice Network B.V.
13. The Foundation's expenditure over 2024 concerns legal costs as instructing -and taking legal advice from legal Counsel in The Netherlands, Belgium, France and other jurisdictions, book building efforts, claim verification costs, PR-costs with a view to raising public awareness regarding the Diesel Emissions Scandal and the Foundation's actions for full compensation of those affected in particular.

Conclusion

The Board takes the view that the Foundation's activities in 2024 and the resulting (interim) rulings have further strengthened the interests of its constituency.

The Board will keep a close eye on developments around other Car Manufacturers who seem to have been engaging in similar unlawful behaviour as regards emission-standards, and will assess potential next steps in accordance with the Foundation's purpose.

Based upon the Financial Statements, we are happy to state that the financial position of the Foundation is solid and healthy, and forms a sound basis for the Foundation's future efforts to protect all affected by Dieselgate across Europe.

Amsterdam, 30 June 2025

Andrew Goodman, Chairman
M.J. Azar-Baud
L.J. Tiesinga