

## **Diesel Emissions Justice Foundation summoned Volkswagen et al. to appear before Amsterdam District Court**

- *Proceedings under new Dutch WAMCA law increases pressure on Volkswagen*
- *DEJF requests to be appointed as Exclusive Representative Organisation by the Amsterdam Court*

**Amsterdam, March 16, 2020** – The Dutch Diesel Emissions Justice Foundation (DEJF) has issued its writ of summons on Friday March 13 against Volkswagen AG, Audi AG SEAT SA, Škoda Auto AS, Dr. Ing. H.c. F. Porsche AG, Robert Bosch GmbH, Pon's Automobielenhandel BV and individual Dutch dealers for damages caused to its constituency as a result of what is popularly called Dieseldgate. The writ is the start of a new legal procedure against Volkswagen and the other abovementioned parties.

DEJF is the first party in proceedings regarding Dieseldgate to use the new Act on the Collective Damages Claims (*Wet Collectieve Afwikkeling Massaschade*) – WAMCA. This bill came into force on January 1<sup>st</sup>, 2020 and provides a unique and efficient mechanism for collective redress.

Femke Hendriks, Managing Director of the Diesel Emissions Justice Foundation: “This law offers *access* to justice for millions of injured consumers, both within and outside The Netherlands. WAMCA facilitates the collective damages claims and therefore puts extra pressure on Volkswagen. Volkswagen has rejected our invitation to engage in negotiations, which compels us to go all the way. With Dieseldgate, Volkswagen has caused tremendous harm to consumers, the environment and to public health. It is time for Volkswagen to be presented with the bill for its fraudulent actions in Europe.”

The Diesel Emissions Justice Foundation has requested the Amsterdam District Court be appointed as the Lead plaintiff, in order to lead the proceedings against Volkswagen et al. on behalf of all affected Dutch and European car owners as described in the writ of summons. The - not for profit - Diesel Emissions Justice Foundation meets the strict admissibility requirements of the new law and the Claim Code 2019 and is ideally suited to serve the interests of all those affected and left empty-handed.

As successor of the initiative of Corpocon BV, which had its genesis in 2015, the DEJF is well-prepared for the long litigation road ahead through its board, supervisory board, chosen counsel and management, all highly experienced international experts in the field of mass claims.

The writ of summons was preceded by a letter, dated January 23, 2020, in which the Foundation held Volkswagen and the other responsible parties to account for all harm done to its constituency, the Dutch and European (former) owners of the “rigged cars”

containing cheat devices. These vehicles, produced by Volkswagen, Audi, SEAT, Škoda and Porsche in the period 2009 – until at least 2016, are equipped with software that systematically and fraudulently circumvented legal emissions standards in order to increase its market share. In real driving conditions, these cars emitted 10 to 40 times more NOx (nitrogen) than in test situations. The car owners and authorities were deliberately misled to believe that the cars in question were clean so that VW could sell more vehicles to consumers across Europe. Volkswagen has already paid billions in damages and fines as a result of legal proceedings in the US, Australia, Canada and South-Korea.

By commencing this legal action in The Netherlands, the DEJF is taking the next step in a long-term effort. Femke Hendriks: “Although Volkswagen already admitted in October 2015 that it was ashamed of its own behaviour and promised to resolve the problems for each affected customer, we have to conclude that Volkswagen has not fulfilled this promise and that it has left its European customers out in the cold. The foundation is determined to change this. Recent developments in Germany are hopeful in this regard; it is the first time that Volkswagen has taken responsibility for its actions in Europe and is attempting to dispel the past, although only for a small part of affected consumers and for relatively small amounts.”

#### ***About the Diesel Emissions Justice Foundation***

*The Diesel Emissions Justice Foundation is an independent non-profit organization, based in the Netherlands, representing the interests of current and former owners of European vehicles, affected by Dieselgate and produced and sold between 2009 and 2016.*

*For more information about the foundation, visit: <https://www.emissionsjustice.com>. This website contains information about, amongst other things, the governance structure, participant conditions and the fee that our financiers will charge in case of success.*

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