



## Trends

- Even with a decrease in filings compared to 2024, Portugal remains at the forefront of the class action landscape, driven by a unique 'pro-claimant' environment: an opt-out regime, exemption from judicial fees, and a now-regulated funding market.
- Portugal continues to see a steady flow of class actions in the following areas: data Protection – in 2025, three actions were filed against Meta and Google for the alleged unlawful collection and processing of personal data; automotive – after a post-2020 lull, several new actions were recently filed against manufacturers regarding the use of illegal 'defeat devices'; consumer compliance – high activity persists in cases involving electronic complaint books, product warranties, unsolicited services and misleading advertising; competition – focused on anti-competitive practices. There is also a rising trend of actions filed specifically to obtain documents to support future claims for damages.
- In the coming years, we expect the focus to broaden to include the following: ESG – claims related to pollution control, environmental accidents, climate change obligations, and civil and human rights; product Liability – a wave of claims is expected with the implementation of the new EU Product Liability Directive.



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## Recent developments

- **Competition Court:** in 2024, several class actions were brought against ten banks on behalf of (i) consumers, (ii) small and medium-sized enterprises (SMEs), and (iii) consumers who purchased from SMEs that had obtained credit in Portugal between 2002 and 2013. Although public enforcement proceedings became time-barred in February 2025, the private class actions proceeded, leading to several noteworthy decisions: 1. claims for damages filed on behalf of SMEs were dismissed for a lack of commonality; 2. claims filed on behalf of consumers who purchased from those SMEs were dismissed based on the inability to define the class; and 3. the court decided to bifurcate one of the cases, holding an evidentiary hearing on the claimant's legitimacy. The court ultimately ruled that the standing requirements provided by law were satisfied, while simultaneously referring preliminary questions to the CJEU regarding third party funding.
- **Access to evidence:** in 2021, following the European Commission's decision to fine Meliá, a legal action was brought seeking a court order for access to documents in Meliá's possession. The Supreme Court of Justice (STJ) submitted a preliminary reference to the CJEU regarding the application of Directive 2014/104/EU to requests for evidence made before the filing of an action for damages. In June 2025, the Advocate General issued his opinion, maintaining that: (i) a decision identifying an infringement of competition law is not sufficient to establish the plausibility of a claim for damages; and (ii) the criterion laid down in Article 5(1) requires a lower degree of plausibility than the "more likely than not" standard.
- **Electronic complaints book:** over the last few years, marketplaces and digital platforms have faced multiple class actions regarding the absence of an electronic complaints book. While early rulings often favoured the defendants, a recent decision by the STJ led to a request for a preliminary ruling from the CJEU. Following this development, claimants are now seeking stays of proceedings at the first-instance level.

## Class actions | Popular action | Representative actions (RAD)

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Scope	Class actions: various interests such as the consumption of goods and services; securities law; competition law; data protection; representative actions RAD: consumer law - Annex I of the RAD.
Access granted to	Class actions: citizens, associations, foundations, local authorities or the public prosecutor; representative actions RAD: associations, foundations and local authorities.
Opt-in or opt-out	Class actions: opt-out; representative actions RAD: opt-out, but beneficiaries outside Portugal must opt in.
Declaratory relief or damages	Both
Frequently used	Very frequently, but the number of actions brought decreased compared to 2024.
Regulatory framework	Class actions: Constitution of the Portuguese Republic (Article 52), Class Action Act (Law no. 83/95, of 31 August), and specific laws such as Consumer Protection Act (Law no. 24/1996 of 31 July) or the Private Enforcement Law (Law no. 23/2018 of 5 June; representative actions: Decree-Law no. 114-A/2023, of 5 December).
Alternatives used in practice	Litigation by mandate, assignment of claims, joinder of parties and joinder of actions.

## Class settlements

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Binding class members after court approval	Yes
Opt-in or opt-out	Opt-out
Regulatory framework	General requirements in Civil Code of Procedure.

## Third party funding

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Regulated by law	Class actions: No; representative actions: for damages actions.
Frequently used	No, but frequency is increasing.

# 🇳🇱 The Netherlands

## Trends

- Mass claims are set to increase in all areas of law and against all types of defendants.
- In particular, ESG mass claims are likely to accelerate. Claim foundations will target corporates for alleged greenwashing, supply-chain due diligence failures, modern slavery and environmental harm. Also, climate-focused actions against the Dutch State will test the boundaries of the duty of care, including in areas such as nitrogen emissions and PFAS.
- Following the Amsterdam Court of Appeal's *TikTok* ruling, in which a claim for non-material damage of a class was deemed admissible, a rise in mass claims for non-material damage might be expected, especially in data protection, consumer protection, and cases against big tech (DSA/DMA Regulation).
- The availability of third party litigation funding will remain an important factor in larger, cross-border mass claims. In parallel, claimants are increasingly pursuing alternative procedural routes (e.g. test cases or joinder) to sidestep stringent class action admissibility and representativeness hurdles.
- Supreme Court guidance will further refine key aspects of the class action framework
  - admissibility criteria, including the representativeness requirement, aggregation and class definition, settlement approval criteria, and damages assessment – thus reducing uncertainty.



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## Recent developments

- **February 2025:** Milieudefensie appealed the Court of Appeal's November 2024 decision against Shell before the Supreme Court.
- **July 2025:** in *Amazon*, the Rotterdam District Court referred preliminary questions to the CJEU on how Article 80 GDPR relates to the Dutch opt-out class action regime (WAMCA).
- **September 2025:** opt-in settlement reached between Volkswagen, Audi, SEAT and Škoda and three claim organisations for more than 100,000 owners and financial lessees of vehicles with an EA 189 diesel engine. The amount of compensation is up to EUR 2,500 per claim. The proceedings continue with regard to other diesel engines.
- **October 2025:** in *TikTok*, the Amsterdam Court of Appeal quashed the decision that the non-material damage claims could not be decided in a class action. If upheld, this decision will pave the way for a multibillion Euro claim against TikTok and other big tech companies.
- **October 2025:** the Amsterdam preliminary relief judge issued the first class action judgment under the DSA. Meta is required to adjust Facebook's and Instagram's settings.
- **December 2025:** in response to preliminary questions referred by the Rotterdam District Court in *Apple*, the CJEU provided further guidance on jurisdiction in damages class actions for infringements of competition law. It accepted centralisation of the class action before a single Dutch court based on the place where the harmful event occurred.
- **December 2025:** the Amsterdam District Court denied all damages claims in the class action against Allergan and AbbVie regarding product liability for breast implants.
- **December 2025:** the Hague Court of Appeal found a claim organisation to lack standing in its shareholders' class action against Airbus, as it lacked sufficient control over the litigation due to the funder's influence.
- Meanwhile, the WAMCA has been evaluated. The findings have been sent to the Dutch parliament.

## Class actions | Collectieve acties (including RAD)

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Scope	General
Access granted to	Foundation or association with full legal capacity.
Opt-in or opt-out	Since the Act on Redress of Mass Damages in a Collective Action ( <i>Wet afwikkeling massaschade in een collectieve actie</i> , WAMCA): opt-out, but opt-in for beneficiaries residing outside NL unless the court decides that an opt-out regime applies. This exception does not apply to collective actions under the RAD. Prior to WAMCA, neither opt-in nor opt-out mechanisms were in place.
Declaratory relief or damages	Since WAMCA: both. Prior to this, no damages could be claimed.
Frequently used	Yes
Regulatory framework	Articles 3:305a-3:305e Dutch Civil Code; Articles 1018b-1018o Code of Civil Procedure.
Alternatives used in practice	Assignment of claims and representation by mandate.

## Class settlements

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Binding class members after court approval	Yes, settlements under the Act on Class Settlement of Mass Damages ( <i>Wet collectieve afwikkeling massaschade</i> , WCAM) and WAMCA.
Opt-in or opt-out	WCAM: opt-out. WAMCA: opt-out.
Regulatory framework	WCAM: Articles 7:907-7:910 Dutch Civil Code, Articles 1013-1018a Code of Civil Procedure. WAMCA: Articles 1018g-1018h Code of Civil Procedure.

## Third party funding

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Regulated by law	Article 3:305a (2)(c) (indirectly) and (2)(f) (for collective actions under the RAD) Dutch Civil Code; Claim Code 2019 (a body of soft law).
Frequently used	Yes, in damages class actions.