

Belgium

Trends

- The recent changes to class actions following the law of 21 April 2024 implementing the RAD have not led to a significant increase in the number of class actions so far. In Belgium, the limited 'success' of these is generally attributed to a lack of funding and financial incentives for group representatives to initiate representative actions. However, in the field of data protection, representative actions do seem to be gaining traction.
- There seems to be a sudden surge in class actions relating to data breaches and violations of the General Data Protection Regulation (GDPR), Digital Services Act (DSA) and Digital Markets Act (DMA), as evidenced by the three new claims introduced by the Dutch foundation Nederlandse Stichting Onderzoek Marktinformatie (SOMI) against TikTok, Meta and X. The growing popularity of representative actions in data protection law seems to result from their complementary nature. Representative actions could well develop into a common enforcement method in data protection law within Belgium and the EU, although their actual impact remains to be seen.
- To our knowledge, there are no other new developments in relation to class actions in Belgium. However, we anticipate that investor protection, securities fraud or other financial services infringement will trigger class actions. In addition, we expect ESG-related claims, mainly climate liability actions, to multiply and create new legislative challenges.



Olivier Vanden Berghe

Partner at Liedekerke



Sarah van den Brande

Partner at Liedekerke



Jean Pierre Kesteloot

Counsel at Liedekerke



Recent developments

- **October 2024:** SOMI filed a class action against TikTok at the Brussels Enterprise Court on 31 October 2024, alleging systematic breaches of the GDPR, DSA, DMA and consumer rights, with a focus on inadequate protection for minors. Over 2,533 Belgians joined initially (on 31 October 2024).
- **March 2025 :** Test-Achats launched a class action against Apple. Apple allegedly abused its dominant position via the App Store by imposing commissions of up to 30% on music streaming subscriptions (e.g. Spotify, YouTube Music, Deezer and SoundCloud), raising monthly prices for in-app purchases while exempting its own Apple Music. Apple also prohibited the developers from informing users about cheaper direct subscriptions outside the app service.
- **April 2025:** VW and Test-Achats agreed to implement the Brussels court's 27 July 2023 ruling requiring compensation for Belgian buyers of vehicles fitted with the EA 189 diesel 'defeat device' software. About 320,000 customers in Belgium are estimated to be eligible, with payments equal to 5% of the purchase price (or 5% of the difference between the purchase and resale price if the vehicle was sold).
- **June 2025:** SOMI filed a class action against Meta (Facebook, Instagram) at the Brussels Enterprise Court on 24 June 2025, alleging unlawful data collection violating the GDPR, DSA, DMA and consumer laws.
- **November 2025:** SOMI filed a class action against X (formerly Twitter) at the Brussels Enterprise Court on 5 November 2025. X faces claims alleging violations of the GDPR, DSA and consumer law through multiple data breaches (2022-2023), exposing personal data to the Dark Web. X is also alleged to unlawfully process sensitive data (politics, religion, sexuality) for microtargeted ads without consent, with post-Musk changes amplifying hate speech via reduced moderation, algorithmic biases and reinstated banned accounts.

Class actions

Scope	Breach of contract or infringement of specific legislation regarding e.g. consumer issues, product liability, competition, GDPR and the legislation listed in Annex I RAD.
Access granted to	Qualified entities representing the interests of consumers and SMEs recognised by a competent minister; an entity without ministerial recognition can apply for an ad hoc approval by the court.
Opt-in or opt-out	Opt-in is the rule; parties can agree on opt-out in the amicable settlement. Opt-in is mandatory if the consumers and SMEs do not reside in Belgium, or in the case of physical or moral harm.
Declaratory relief or damages	Damages; no declaratory relief.
Frequently used	No
Regulatory framework	Title 2 of Book XVII of the Belgian Code of Economic Law; Law of 21 April 2024 amending Books I, XV and XVII of the Economic Code and transposing the RAD.
Alternatives used in practice	Actions for the protection of a collective interest; joined actions of multiple claimants.

Class settlements

Binding class members after court approval	The homologation decision binds all group members, pursuant to the exercise of their opt-in right.
Opt-in or opt-out	In principle, opt-in, unless the parties agree to apply opt-out in the collective settlement agreement. Opt-in is mandatory if the consumers and SMEs do not reside in Belgium, or in the case of physical or moral harm.
Regulatory framework	Title 2 of Book XVII of the Belgian Code of Economic Law; Law of 21 April 2024 amending Books I, XV and XVII of the Economic Code and transposing the RAD.

Third party funding

Regulated by law	Only RAD requirements which entail that a condition for being recognised as a qualified entity is being free from external influence, including the third party litigation funder.
Frequently used	No

Trends

- The new unified framework for class actions introduced in 2025 has yet to be fully understood and assimilated by economic operators and other stakeholders. However, the considerably broader scope of this new regime may result in a noticeable increase in such actions in the future. Since class actions are 'opt-in' in nature, it could take some time for the full effects of the new framework to become apparent.
- Nevertheless, whether this anticipated increase will be substantial remains uncertain, as significant barriers persist, including in relation to third party funding.



Dimitri Dimitrov

Partner at Gide



Recent developments

- On **30 April 2025**, the French law implementing the RAD was finally promulgated. Nearly two years after the abandonment of an ambitious first attempt to reform the legal regime for class actions (*actions de groupe*), Law n° 2025-391 of 30 April 2025 successfully transposed the RAD along with various other EU law provisions, thus bringing French class actions law in line with EU law. Of particular note are the provisions enabling qualified entities to initiate cross-border group actions in France in the event of infringement of a limited number of EU law provisions, mainly relating to consumer law.
- While maintaining the opt-in mechanism, the reform replaced the previous sector-based approach with a unified framework common to all contractual, legislative and regulatory breaches.
- As a general rule, a class action may only be brought by a qualified entity approved by the Director General of Competition, Consumer Affairs and Fraud Control, under the conditions laid down in the relevant Decree. However, an exception applies where the class action solely aims to put an end to a breach, in which case the action may be brought by any non-profit association that has been legally registered for two years, carries out an effective and public activity, and has as one of the objects under its articles of association the defence of the interests that have been infringed.
- The reform further introduces a notable change by allowing third party funding, but subject to strict guarantees of independence and transparency of the financed entities.

Class actions | *Actions de groupe* (following RAD transposition)

Scope	Breach of any legal or contractual obligations, committed by a person acting in the exercise or on the occasion of their professional activity.
Access granted to	Approved associations or trade unions only, except where the action solely seeks to end a breach, in which case it may be brought by any non-profit association registered for two years, engaged in effective public activity, and whose objects include defending the infringed interests.
Opt-in or opt-out	Opt-in
Declaratory relief or damages	Damages; no declaratory relief.
Frequently used	No, although the new regime has yet to be assimilated by economic operators and other stakeholders.
Regulatory framework	Law n° 2025-391 of 30 April 2025 adapting French law to EU requirements on economics, finance, environment, energy, transport, health and movement of persons; Decree No. 2025-1191 of 10 December 2025 governing approval of associations and entities for national and cross-border class actions and regulating funding disclosure.
Alternatives used in practice	Joined actions of multiple claimants; assignment of claims.

Class settlements

Binding class members after court approval	The homologation decision binds all group members that have opted in to the class action after a first decision on the defendant's liability and delineation of the scope of persons eligible for compensation.
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Third party funding

Regulated by law	A qualified entity needs to be free from any external influence, including from the third party litigation funder.
Frequently used	No, although the new regime has yet to be assimilated by economic operators and other stakeholders.

Germany

Trends

- Germany's action for redress is starting to become a relevant tool in the field of consumer rights enforcement. Actions for redress against Amazon and Vodafone relating to adjustments of prices and terms for consumers show one recurring issue. Other actions address alleged infringements of the GDPR, AI Act or DSA.
- There is a clearly growing international dimension, with foreign qualified entities becoming active in Germany. Despite limitations in funding, this shows trust in the German judicial system and reliance on a large consumer market.
- A further trend to watch out for is the combination of different means of collective redress by different players, with one association filing a model declaratory action and another following suit with a claim for monetary relief or even an action for disgorgement of profits.
- We also see a large number of actions for injunctive relief covering a very broad spectrum of issues, as apparent from their publication in a register.
- The details of the German assignment model are still open to debate. While the CJEU made clear in ASG 2 that this model might be an option, national boundaries can persist unless they prevent access to justice.



Henner Schläfke

Partner at Noerr



Tobias Lühmann

Associated Partner at Noerr

Recent developments

- A noteworthy development is an action for disgorgement of profits announced by the Saxony Consumer Association against Amazon in relation to its Prime streaming service. The German *Bundesjustizamt* has approved litigation funding by Burford for up to EUR 2 billion claim represented by Hausfeld. This exemplifies a model that allows for investable claims based on Germany's very large consumer market. The claimant argues that the opt-in rate in a parallel action for redress (123,000 out of 2.1 million consumers) is insufficient to rectify the harm done. If the claim succeeds, the profits will be payable to the German Federal Budget.
- Dutch qualified entity SOMI has brought actions against TikTok and X based on alleged infringements of the GDPR, AI Act and DSA. Another action has been filed by an Austrian entity claiming damages from Meta for alleged GDPR infringements by Meta Business Tools – with a contingency fee of 9.5%.
- The District Court of Dortmund dismissed a claim based on the assignment model after reviewing the SPV's multi-layered structure and funding. The court found the assignments void on the grounds of a violation of bona fides, as the model aimed to deprive the defendants of their potential claims for adverse costs.
- A decision by the Federal Court of Justice on the assignment model in cartel damages claims is imminent, with the court hearing the second appeal on the landmark claim by Financialright Claims in the *Trucks* case (AT.39824) at the end of 2025.

Class actions | VDuG (*Abhilfeklage* and *Musterfeststellungsklage*) | KapMuG

Scope	VDuG (<i>Abhilfeklage</i> and MFK): all civil law matters involving consumers and small enterprises as class members; KapMuG: factual and legal questions pertaining to securities claims.
Access granted to	VDuG (<i>Abhilfeklage</i> and MFK): qualified entities; KapMuG: capital investors.
Opt-in or opt-out	All: opt-in.
Declaratory relief or damages	VDuG: both. KapMuG: declaratory relief.
Frequently used	VDuG: yes, but not as often as expected (11 actions since implementation of the RAD); KapMuG: yes.
Regulatory framework	<i>Verbraucherrecht durchsetzungsgesetz</i> (VDuG); <i>Kapitalanleger-Musterverfahrensgesetz</i> (KapMuG).
Alternatives used in practice	Assignment of claims and representation by means of mandates.

Class settlements

Binding class members after court approval	Yes, in VDuG actions (<i>Abhilfeklage</i> and MFK) and KapMuG actions.
Opt-in or opt-out	All: opt-out.
Regulatory framework	VDuG (<i>Abhilfeklage</i> and MFK); KapMuG.

Third party funding

Regulated by law	No, but qualified organisations under the VDuG may not receive more than 5% of their funds from corporate entities. In VDuG actions, the funder's share is capped at 10% of the consumers' proceeds.
Frequently used	No, but increasingly seen; Germany has a long history of funding firms, but funding became more visible in litigation only recently. So far there has only been one VDuG action with third party funding.