



The Dutch Collective Settlements Act and Private International Law: Aspecten van Internationaal Privaatrecht in de WCAM

Helene van Lith

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This book analyzes the relationship between private international law and collective settlements concluded for the benefit of foreign-interested parties under the 2005 Dutch Collective Settlements Act, or WCAM. It examines aspects of international jurisdiction, cross-border notification, representation of foreign-interested parties, international recognition, and applicable law. The principal object of this study is to assess the suitability of existing private international law instruments at the national, European, and international levels, for the application of WCAM in transnational mass damage cases. The WCAM provides for collective redress in mass damages, on the basis of a settlement agreement concluded between one or more representative organizations and one or more allegedly liable parties, for the benefit of a group of affected persons to whom damage was allegedly caused. When a WCAM collective settlement is concluded by representative organizations for the benefit of foreign interested parties, various aspects of private international law come into play. These include aspects of international jurisdiction, cross-border notification, recognition, applicable law, and representation of foreign interested parties. The book analyzes all of these matters, but focuses on the applicability of WCAM settlements to transnational mass damage cases involving interested parties domiciled outside the Netherlands. It includes comparative observations in relation to jurisdictions, such as the US and Canada, that are familiar with collective or group actions based on an opt-out mechanism like the WCAM procedure.

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