

Andreas Mom

Kollektiver Rechtsschutz in den Niederlanden

[Collective Redress in the Netherlands.]



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For a comparative approach in the field of private enforcement, Dutch law offers an interesting variety of legal instruments. The Netherlands not only has the right of collective action in civil law, but also a recent regulation concerning collective redress in mass tort cases. Andreas Mom analyzes the legislation of collective action and the corresponding jurisprudence and examines the similarities and the differences between the Dutch and the German solutions. Of special interest is the Act on Collective Settlement of Mass Damages of 2005, which for the first time provides a judicial collective procedure in order to rationalize and economize mass claims. In addition to the details of the provisions and the first experiences with this procedure, the author deals in particular with the »opt-out« mechanism chosen by the legislator and the international aspects of the bill. In conclusion, he summarizes the main results of his research by giving an outlook on the further development of collection action and mass litigation in Germany.

Andreas Mom Geboren 1975; Studium der Rechtswissenschaft an den Universitäten Konstanz und Poitiers; 2009 Promotion; z.Zt. Referent im Bundesministerium des Innern, Berlin.

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