

STICHTING  
**VOLKSWAGEN CAR CLAIM**

**Annual Report 2019**

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# Report of the Supervisory Board

## ***Performance***

During the financial year 2019, the Supervisory Board monitored the foundation's governance, financial policy, legal strategy, and general affairs. The Supervisory Board has provided its findings to the Management Board and the legal advisors of the foundation. These findings particularly concerned the following subjects:

- Governance
  - o appointment Supervisory Board members;
  - o amendment articles of association;
  - o remuneration schemes of the Management Board and Supervisory Board;
- Financial policy
  - o the funding (structure) of the foundation;
- Legal strategy
  - o legal proceedings both in and outside the Netherlands;
  - o other legal endeavours in and out of court;
- Political strategy
- Media policy
- Other endeavours (to be) initiated by the foundation

## ***Composition and compliance***

During the financial year 2019, the foundation welcomed Mr Jan Zielonka as a Supervisory Board member. Mr Zielonka has been appointed on 7 February 2019. His main areas of expertise are in Comparative Politics, Ethics, International Relations and Political Theory. Before accepting his position as a Professor of European Politics at the University of Oxford, Mr Zielonka was employed at the University of Warsaw, Leiden and the European University in Florence.

With the appointment of Mr Zielonka, the Supervisory Board of the foundation consists of three members: Mr Oosting, Mr De Savornin Lohman, and Mr Zielonka. This composition is in compliance with the articles of association of the foundation and with the Claim Code 2019.

## ***Meetings***

Joint meetings with the Management Board were held on 5 February 2019, 25 June 2019 and on 12 November 2019. The Supervisory Board, the Management Board and the legal advisors of the foundation also consulted each other via (conference) calls and email on multiple occasions. The meetings, conversations and messages focused on the general course of affairs, the foundation's financial position, operational strategy, organisational changes and the findings as mentioned in this annual report.

The Supervisory Board recognises the achievements of the foundation's management and legal counsel in 2019 and hereby expresses its appreciation to them.

Rotterdam, June 23<sup>rd</sup>, 2020

w.g.

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Mr Marten Oosting  
Chairman

w.g.

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Mr Hans de Savornin Lohman

w.g.

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Mr Jan Zielonka

## Directors' Statement

### **Mission**

Stichting Volkswagen Car Claim is a non-profit organisation, which is duly incorporated under Dutch law on 2 October 2015. It has its registered seat in Rotterdam, the Netherlands.

### Representation

The foundation represents the interests of European Volkswagen Group car owners, such as consumers and (leasing) companies, whose cars are being equipped with defeat devices and in a later stage were (and possibly will be) provided with insufficient updates.

### Objective and approach

The objective of the foundation is to determine and investigate the financial consequences of 'Dieselgate' for the car owners involved, including a possible right to dissolve purchase and/or lease agreements and to compensation. The foundation is committed to both private and business car owners, and to first-hand and second-hand car buyers as well as lease drivers.

The foundation aims to achieve recovery for the damages suffered by the aforementioned car owners from *inter alia* Volkswagen Group, its (former) directors, its Dutch local dealers, its Dutch importer PON's Automobielhandel B.V. and software supplier Robert Bosch GmbH.

The articles of the foundation are drafted in light of the principle to reach a fair and reasonable solution for all the parties that are involved in the scandal. The boards of the foundation have instructed their legal counsel to work with the abovementioned parties in a spirit of mutual respect in order to find a reasonable and fair solution to this multifaceted and multinational problem. This primarily implies negotiations that ultimately could result in entering in a voluntary settlement. Such a solution should further entail that affected European car owners can continue to make use of their cars without any risk or damage.

Unfortunately, none of the parties did not accept the invitations of the foundation to enter into amicable settlement negotiations. Therefore, the boards of the foundation have instructed their legal counsel to initiate litigation against the aforementioned parties (reference is made to the paragraph "*Actions of the foundation*" of this Annual Report).

Pursuant to its articles of association, the foundation cannot initiate legal proceedings on behalf of foreign car owners. Foreign car owners who want to litigate can be brought into contact with parties with whom the foundation cooperates in their respective jurisdictions. The foundation does not act as a representative of aggrieved foreign car owners in foreign (collective) proceedings.

## **Governance**

### Management Board

The foundation is governed and represented by a professional Management Board. The Management Board is responsible for the strategy, financial policy and day-to-day business of the foundation. The Management Board is appointed by the Supervisory Board.

In 2019, the Management Board consisted of Mr Fausto Pocar (former president of the International Criminal Tribunal for the former Yugoslavia (ICTY)), Mr Guido van Woerkom (former president of the Royal Dutch Touring Club (ANWB)), and Mr Arie van der Steen (accountant and former CFO of various private companies).

### Supervisory Board

The foundation's Supervisory Board advises and supervises the foundation's Management Board and the general course of affairs and business of the foundation. This includes, but is not limited to the supervision of the foundation's strategy, the foundation's financial affairs and the realisation of the foundation's objectives. The members of the Supervisory Board perform their duties independently.

In 2019, the Supervisory board consisted of Mr Marten Oosting, Mr Hans de Savornin Lohman, and Mr Jan Zielonka (appointed as per 7 February 2019).

## **Annual report 2018**

The annual report over the financial year 2018 has been adopted on 25 June 2019.

## **Claim Code 2019**

The foundation complies with the rules of the so-called Claim Code. The Claim Code is a code of conduct drawn up by experts operating in the Dutch collective redress market and was first published in 2011. In March 2019, the Claim Code was amended.

An explanatory notice of compliance is included in the Annual Report (page 19 et seq.). The notice of compliance provides specific insights on the foundation's compliance with the Claim Code 2019.

## **Actions of the foundation**

Over the last years, the foundation has sent multiple letters to Volkswagen Group. In these letters, the foundation extensively set out the impact of the (continuing) scandal for the affected car owners, the role and responsibility of Volkswagen and the legal rights of the affected car owners towards Volkswagen in this respect. The foundation also repeated its preferred scenario to discuss a fair and reasonable settlement in the interest of the affected car owners.

The foundation also sent letters to Robert Bosch GmbH, Pon's Automobielhandel, the Dutch local traders of the Volkswagen Group, Mr Winterkorn and Mr Müller. In all of these letters, the foundation provided the abovementioned parties with an overview of the Diesel emission scandal, discussed the responsibility of each party and invited all parties to discuss the possibility to reach a fair and reasonable settlement for the car owners that are affected by the scandal.

Unfortunately, the claim letters and multiple other attempts to communicate with Volkswagen and the other parties remained without a positive answer. In the absence of Volkswagen's cooperation, it became clear that further action was required to bring the company to justice. Therefore, the foundation decided to start legal proceedings in the Netherlands.

**Dutch Proceedings** – the foundation has initiated litigation on behalf of approximately 170,000 Dutch car owners against the following parties:

- Volkswagen AG
- Audi AG
- Škoda a.s.
- SEAT S.A.
- Robert Bosch GmbH
- Martin Winterkorn
- Matthias Müller
- Pon's Automobielhandel B.V.
- Volkswagen Group's Dutch local traders

In its writ of summons, the foundation (*inter alia*) seeks a declaratory judgment that Volkswagen Group, its Dutch local traders, Pon's Automobielhandel and Bosch have acted wrongfully towards the aggrieved car owners. It also seeks a declaratory judgment that the affected vehicles do not comply with the purchase/lease agreements and that the aggrieved car owners are therefore in principle entitled to terminate and/or annul their respective agreements without the deduction of a usage fee. The foundation also asks for a declaration that the defendants (jointly) acted unlawfully towards the Dutch car owners because of their part and involvement in the scandal.

Since the declaratory proceedings only relate to issues of liability, no actual damage amounts will be claimed by the foundation in this first stage of litigation.

### Status

The writ of summons has been served on the defendants in December 2017. The legal proceedings have been filed with the Amsterdam District Court. All of the mentioned defendants have appeared in the litigation proceedings.

On 2 May 2018, the foundation submitted the writ of summons with the District Court of Amsterdam. In view of the number of parties involved, the foundation requested the court for a pretrial hearing, in order to establish procedural arrangements. This request was granted.

The pretrial hearing took place on 6 November 2018. The aim was to establish a procedural order to ensure that unnecessary delays are avoided. The court has divided the proceedings

into three phases:

1. Jurisdiction of the Dutch court;
2. Preliminary defenses (applicable law, admissibility of the claim, representativeness of the foundation etc.);
3. Merits of the claims.

#### *First phase – Jurisdiction of the Dutch Court*

During the first phase, only the former CEOs of Volkswagen objected to the jurisdiction of the Amsterdam Court. Volkswagen and the other defendants have accepted the jurisdiction of the Amsterdam Court. Because the proceedings against all defendants are dealt with at the same time, the proceedings against the former CEOs would unnecessarily delay the progress of the proceedings against Volkswagen and the other defendants. The foundation finds this undesirable. To speed up the proceedings, the foundation has therefore decided to remove the former CEOs from the current proceedings. In this way, the second phase could be started immediately, in which the Amsterdam Court will address preliminary defenses and possible interim proceedings. The former CEOs of Volkswagen could still be involved in separate legal proceedings.

#### *Second phase – Preliminary defenses*

The oral pleadings in the second phase took place on 7 October 2019. The oral pleadings involved various legal questions, like (i) whether the foundation is authorized to act in the interest of the aggrieved Dutch car owners in these legal proceedings and (ii) which law would be applicable to the foundation's claims against Volkswagen Group and Bosch.

On 20 November 2020, the court ruled that the foundation is admissible to institute collective claims in the interest of aggrieved Dutch car owners against all defendants. The court has found that the foundation properly safeguards the interests of the aggrieved Dutch car owners and meets the high quality requirements in this respect.

The court also held that all claims of the foundation against Volkswagen Group, Pon's Automobielhandel and Bosch are suitable for a collective action procedure. This also applies to the Foundation's main claims against the Dutch local traders (i.e. the possibility for certain car owners to annul and/or terminate their agreements due to error or non-conformity). The question whether a usage fee could be deducted in such case must be assessed on an individual basis.

The foundation's claims against Volkswagen Group, Pon's Automobielhandel and the Dutch local dealers will be subject to Dutch law. Dutch law also applies to part of the foundation's claims against Bosch. Another part will be assessed under German law.

All other defenses raised by the defendants in the second phase have been dismissed by the court.

### *Phase 3 – Merits of the claims*

The judgment in phase 2 marks the start of the final stage of the proceedings, which focuses on the merits of the claims. The court did not allow the possibility of an interim appeal against the interim judgment and gave the parties the opportunity to respond substantively to a number of questions from the court. The foundation did so on 18 December 2019.

The oral pleadings in phase 3 would originally take place at the end of May 2020, but have been postponed due to measures taken in light of COVID-19.

**WOB-requests** – In order to obtain further information, which could be relevant for the pending legal proceedings, the foundation filed multiple WOB requests (requests to a governmental body to disclose information). Multiple WOB requests have already resulted in additional insight and information about the scandal. Other WOB requests and additional requests are currently pending.

### Status

The foundation has received (part of) the requested documents from the Dutch type approval authority (RDW) but these documents are almost completely blackened. The foundation raised its objections against the blackening of the documents in (objection) proceedings under administrative law. This objection was only honored to a very limited extent. Therefore, the foundation has lodged an appeal against the decisions of the RDW. The court will shortly announce the date for the obligatory hearing in this case.

The second request to the RDW concerns, in short, particular data of diesel drivers in The Netherlands so that the foundation could actively inform all aggrieved car owners about the shortcomings of the update performed on affected vehicles and the possibility to join the foundation to claim compensation for damages suffered. This request has been rejected. The foundation raised its objections against this rejection in (objection) proceedings under administrative law, but the RDW again rejected the request of the foundation. The foundation has therefore lodged an appeal against aforementioned decisions of the RDW. The court will shortly announce the date for the obligatory hearing in this case.

### Political strategy

A last element of the foundation's strategy is to further mobilize political support for the foundation's endeavour. The foundation has retained the services of a political consultant in Brussels who assists us by collecting the required support.

The political advisors of the foundation presented an opportunity to participate in the European Parliament multi-stakeholder conference '*Dieseldate, what next?*' held on 27 June 2018. During this conference, multiple stakeholder groups agreed to join forces to ensure that finally a fair and reasonable settlement is reached with the European car industry, similar to the U.S. model. Mr Oosting, on behalf of the foundation, attended the conference in order to represent the united voice of the European consumer and to create further awareness with

regard to the negative consequences that car owners of affected diesel vehicles are facing because of Volkswagen's diesel scandal. The Foundation is involved in communication with NGO's, local communities and European politicians to operate such strategy and is happy to contribute in that respect.

It is envisaged that a next high-level conference within the European Parliament will be organized in the course of 2020. The foundation will once again be invited to speak during this occasion.

## ***Financials***

### *Funding*

The foundation follows a strict "no-cure-no-pay" arrangement with its participants. Car owners can join the foundation completely free of charge. All costs (including legal costs) are borne by the foundation, for which we have obtained external funding. Only in the event that the foundation is successful in its endeavours (i.e. because of a settlement or through successful litigation) it will seek no more than eighteen to twenty-five percent of any financial recovery achieved through a (collective) settlement or litigation (dependent on the number of participants included in such resolution), which shall be paid to its funders.

The initial funding of the foundation was provided by two third-party funders. With the preparation and start of the Dutch litigation proceedings, it was projected that the foundation would require additional funding.

The foundation ultimately selected a professional litigation funder from the UK to provide the required funding. One of the initial funders will stay on board as funder and partner in the project. The other funder has withdrawn as a funder.

### *Tax authorities*

The foundation has regularly corresponded with the tax authorities regarding its tax obligations. So far, the tax authorities concluded that the Foundation is not liable to pay any taxes.

### *Administration*

Mr Van der Steen – being the treasurer of the foundation – took care of the day-to-day financial administration of the foundation.

## ***Meetings***

Joint meetings with the Supervisory Board and legal counsel of the foundation were held on 5 February 2019, 25 June 2019 and on 12 November 2019. The Management Board, the Supervisory Board and the legal advisors of the foundation also consulted each other via (conference) calls and email on multiple occasions and on a regular basis.

## ***Communication and media***

The foundation also keeps its participants informed on any developments through periodical newsletters, press releases and updates via its websites.

Dutch participants have been kept informed via the website [www.derclaim.com](http://www.derclaim.com). On this website, Dutch car owners can also register with the foundation, after which they receive a personal account. This allows registered participants to provide basic input on their ideal settlement, change their personal information, and keep in touch with the foundation through frequent notifications.

Car owners from other European jurisdictions can register with the foundation via the website [www.stichtingvolkswagencarclaim.com](http://www.stichtingvolkswagencarclaim.com). The international website is meant to (i) inform non-Dutch car owners about its endeavor on a European level, (ii) invite these car owners to register with the Foundation, and (iii) redirect participants who want to litigate to its partners in the respective jurisdictions.

### *Q&A interview*

During 2019, the foundation expanded its online Q&A interview with Mr Guido van Woerkom. In the interview, Mr Van Woerkom addresses the most frequently asked questions of the constituents of the foundation on video. The foundation received very positive responses from its constituents on the Q&A interview. It was therefore decided to use this means more often.

The endeavours of the foundation have had broad exposure in the media, under which [NRC](#), [Dutch Financial Times](#), [NPO 1](#), [BNR](#) and [Rechtenuis.nl](#)

## ***Cooperation with other initiatives***

On 2 April 2019, the foundation publicized that the Dutch claim initiative 'VWAudicclaim' joined forces with the foundation.

VWAudicclaim was created shortly after Dieselgate broke out. It filed a preliminary request with the Amsterdam District Court in 2016 to hear multiple individuals within Volkswagen Group as a witness. This request was eventually denied, but gained a lot of support from aggrieved Dutch car owners.

Collaboration with VWAudicclaim enables the foundation to consistently inform Dutch car owners about the developments around Dieselgate. It also ensures clarity and recognisability toward the Dutch car owners, which the foundation considers of paramount importance.

Rotterdam, June 23<sup>rd</sup>, 2020

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Mr. Fausto Pocar  
Chairman

## **Annual Accounts 2019**

## A. Balance Sheet

	<u>31.12.2018</u>	<u>31.12.2019</u>
<b><u>FIXED ASSETS</u></b>		
Intangible fixed assets	--	--
Tangible fixed assets	--	--
<b><u>CURRENT ASSETS</u></b>		
Inventories	--	--
Receivables	€ 32,378	€ 14,341
Cash and bank balances	€ 1,682	€ 18,837
<b><u>CURRENT LIABILITIES</u></b>		
Creditors	--	--
Accrued liabilities	€ 20,060	€ 20,067
Advance Media budget	€ 14,000	€ 13,111
Current assets minus current liabilities	€ 0	€ 0
Assets minus current liabilities	€ 0	€ 0
<b><u>EQUITY</u></b>	€ 0	€ 0

## B. Statement of Income and Expenses

	<u>2018</u>	<u>2019</u>
<b><u>INCOME</u></b>		
Third Party Funding	€ 169,211	€ 186,131
<b>Total</b>	<b>€ 169,211</b>	<b>€ 186,131</b>
<b><u>EXPENSES</u></b>		
Notary	€ 1,416	€ --
ICT	€ 534	€ 386
Call Center	€ 387	€ --
D&O Insurance	€ 1,331	€ 1,333
Management/Remuneration Fees	€ 23,783	€ 17,960
Supervisory board	€ 7,683	€ 10,502
Back office	€ 133,952	€ 118,873
Database	€ -	€ 36,930
Other	€ 125	€ 147
<b>Total</b>	<b>€ 169,211</b>	<b>€ 186,131</b>
<b>Operating Income</b>	<b>--</b>	<b>--</b>
<b>Non-operating income</b>	<b>--</b>	<b>--</b>
<b><u>NET INCOME</u></b>	<b>€ 0</b>	<b>€ 0</b>

## **Notes to the Annual Accounts 2019**

## **A. Notes to the Balance Sheet**

### **BALANCE SHEET VALUATION POLICIES**

#### **General**

Valuation of assets and liabilities and determination of the result take place under the historical cost convention.

Unless mentioned otherwise at the relevant principle for the specific balance sheet item, assets and liabilities are presented at face value.

#### **Receivables**

Upon initial recognition the receivables are recorded at the fair value and subsequently valued at the amortized cost. The fair value and amortized cost equal the face value. Provisions deemed necessary for doubtful accounts are deducted. These provisions are determined by individual assessment of the receivables.

#### **Cash and cash equivalents**

Cash and cash equivalents are valued at nominal value and, insofar as not stated otherwise, are at the free disposal of the company.

#### **Current liabilities**

Current liabilities concern debts with a term of less than one year. Upon initial recognition the current liabilities are recorded at the fair value and subsequently valued at the amortized cost.

## **B. Notes to the Statement of Income and Expenses**

### **PRINCIPLES FOR THE DETERMINATION OF INCOME AND EXPENSES**

#### **Income**

Net income represents amounts invoiced for services rendered during the financial year reported on, net of discounts and value added taxes.

#### **Expenses**

Expenses are attributed to the financial year to which they relate.

### **LEGAL FEES**

The foundation is funded by third party funders. The third party funders pay the operational expenses of the foundation. The fees of the legal counsel of the foundation are directly paid by the third party funders without involvement of the foundation.

Parts of the legal costs over the financial year 2018 that was due and unpaid have been fully paid for in the financial year 2019.

The following costs and (legal) fees have been invoiced to the foundation in the financial year 2019 (2018):

#### **Legal costs** (*directly related to Dutch legal Proceedings*)

- EUR 663,971.53 (85,149.96)

**Running Costs** (*legal fees and other costs related to the foundation's activities, excluding Dutch legal proceedings, including costs related to political endeavors, marketing and media, including third party expenses*)

- EUR 361,795.88 (616,754.61)

# COMPLIANCE OVERVIEW CLAIM CODE 2019

## Introduction

The foundation was established in October 2015 and is an interest organization within the meaning of article 3:305a Dutch Civil Code ('**DCC**'). Currently, the foundation has a management board ('**MB**') consisting of three members and a supervisory board ('**SB**') also consisting of three members.

The foundation fully commits to the Claim Code that came into force on 1 July 2011 and was recently amended in March 2019 ('**Claim Code**'). The Claim Code is a private initiative that currently consists of seven principles ('**Principles**') that are accepted general guidelines and views on the way interest organizations such as the foundation should represent collective interests. The Principles contain a set of standards for the founders, board members, supervisory board members, consultants and advisors engaged by the interest organization.

With this underlying document, the MB provides a high-level explanation of the foundation's compliance to the Claim Code (in conformity with Principle I, elaboration 1 of the Claim Code).

## Principle I: Compliance with the Claim Code 2019

The governance structure of the foundation is set up in accordance with the principles of the Claim Code. The articles of association of the foundation ('**Articles**') determine that the MB and SB together are responsible for the compliance of that governance.

The compliance of the foundation to the Claim Code will be discussed annually within the (joint) MB and SB meeting. If the MB wishes to deviate from the Claim Code, it will need prior written approval of the SB as set out in clause 6.5 of the Articles.

This document is a document as set out in clause 6.4 of the Articles and elaboration 1 of Principle I of the Claim code and will be published together with the Annual Report on the Foundation's websites [www.derclaim.nl](http://www.derclaim.nl) and [www.stichtingvolkswagencarclaim.com](http://www.stichtingvolkswagencarclaim.com).

## Principle II: Protecting collective interests on a non-profit basis

The foundation is a non-profit organization that represents the interests of all private and corporate owners of vehicles from one of the brands carried by *inter alia* Volkswagen AG, Audi AG, SEAT S.A. and/or Škoda a.s. ('**Volkswagen c.s.**'), which have been delivered with an engine affected by the Volkswagen diesel-emissions-scandal.

The Articles of the foundation provide important safeguards, which prevent that any natural or legal person can – directly or indirectly – dispose of the capital or income of the foundation (within the meaning of elaboration 1, Principle II of the Claim Code). As a result, the risk of inappropriate use of the foundation's funds – for which the Claim Code provides important safeguards, is absent. The foundation also does not generate revenues. Participants are not

required to pay a registration fee. This further reduces the risk of inappropriate use of the foundation's funds.

In conformity with elaboration 3 of Principle II of the Claim Code, the Articles determine that the MB shall, subject to approval from the SB and with due observance of the interests of the participants of the foundation, determine the appropriation of the surplus after dissolution. The appropriation will have to approach the objects of the foundation as closely as possible and shall be distributed to the participants or an organization within the meaning of Section 6.33 paragraph 1 section b of the Income Tax Act 2001.

### **Principle III:**

The foundation entered into a funding agreement with Vannin Capital PCC ('**Vannin**'), with its registered office in Jersey, to provide funding to the foundation in order to pursue its statutory objects.

Vannin Capital is a pioneer of the rapidly evolving market of legal finance. Its businesses include litigation finance and risk management, asset recovery and a wide range of legal finance and advisory activities, providing tailored funding solutions and expert support to corporations and law firms involved in high value, commercial disputes.

Vannin works with law firms and clients around the world, combining global resources and local expertise from its offices in London, Jersey, Paris, New York, Washington, Sydney, Melbourne and Bonn. For more information about Vannin: [www.vannin.com](http://www.vannin.com).

The members of the MB, SB and the lawyers of the foundation are fully independent from the funder. The funding conditions also do not conflict with the collective interests within the meaning of the statutory objects of the foundation. In return for the funding costs and the risk incurred, the funder receives a premium, which is 18% to 25% of any financial recovery achieved through a (collective) settlement or litigation (dependent on the number of participants included in such resolution).

Elaboration 2 of Principle III of the Claim Code provides that the funding agreement should *inter alia* contain (i) a provision that Dutch law is applicable and (ii) choice of competent jurisdiction for the Dutch court or a Dutch arbitral tribunal. The funding agreement deviates from this elaboration, as the funding agreement was concluded before new Principle III of the Claim Code (2019) was published.

The funding agreement determines that any dispute between the foundation and the funder will be handled through mediation or arbitration in Rotterdam, the Netherlands.

### **Principle IV: Independency and avoiding conflict of interests**

In accordance with elaboration 1 of Principle IV of the Claim Code, any apparent conflict of interest between the foundation's MB, SB, the external funder and the engaged advisors should be avoided (see for instance clause 5.3, 8.14, 10.3 and 12.12 of the Articles). If a(n)

(in)direct conflict of interest should exist, the relevant member of the SB/MB will not take part in the deliberations and decision-making process (clause 8.14 (MB) and 12.12 (SB) of the Articles).

In accordance with elaboration 3 of Principle IV of the Claim Code, the Articles of the foundation do not allow the foundation to enter into agreements with a legal entity or natural person or other entities, whereby a MB or SB member – whether or not through a relationship within the meaning of elaboration 1 of Principle IV of the Claim Code - in the capacity of board member, founder, shareholder, supervisor or employee (clause 6.3 of the Articles).

#### **Principle V: Composition of the MB**

In conformity with elaboration 1 of Principle V of the Claim Code, the MB currently consists of three natural persons: Messrs. **Fausto Pocar** (former president of the International Criminal Tribunal for the former Yugoslavia (ICTY)), **Guido van Woerkom** (former president of the Royal Dutch Touring Club (ANWB) and **Arie van der Steen** (accountant and former CFO of a number of private companies).

With these members, the MB has sufficient legal and financial expertise (within the meaning of elaborations 3 and 4 of Principle V of the Claim Code) to successfully pursue the statutory purpose of the foundation.

#### **Principle VI: Remuneration of the members of the MB**

The members of the MB receive a management fee for their services to the foundation. For meetings of the MB or joint meetings with the supervisory board, members of the MB are compensated a remuneration of EUR 1,000 (excluding VAT) per day attended.

For additional services related to the activities of the foundation, members of the MB are entitled to a service fee of EUR 150 per hour excluding VAT. Given the experience of the MB members, this is a very modest hourly rate.

The total amount received by the members of the MB in 2019 amounts to EUR 17,960 (including VAT).

#### **Principle VII:**

In conformity with elaboration 1 of Principle V of the Claim Code, the SB currently consists of three natural persons: Messrs. **Marten Oosting** (former National Ombudsman, former Member of the Council of State), **Hans de Savornin Lohman** (Attorney-at law with more than 25 years of litigation experience, as well as judge at the Court of Appeal in The Hague) and **Jan Zielonka** (professor of European Politics at Oxford University with his main areas of expertise in Comparative Politics, Ethics, International Relations and Political Theory).

With these members, the SB has sufficient legal and financial expertise and experience (in accordance with elaborations 4 and 5 of Principle VII of the Claim Code) to successfully pursue

the statutory purpose of the foundation.

The total amount received by the members of the SB in 2019 amounts to EUR 10,502 (including VAT), consisting of (i) reimbursement of reasonable expenses and (ii) so-called *vacatiegeld* for meetings of the SB or joint meetings with the MB of EUR 1,000 (excluding VAT) per day attended.

Rotterdam, June 23<sup>rd</sup>, 2020

**Management Board**

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\_\_\_\_\_  
Mr Fausto Pocar  
Chairman

w.g.

\_\_\_\_\_  
Mr Arie van der Steen

w.g.

\_\_\_\_\_  
Mr Guido van Woerkom

**Supervisory Board**

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Mr Marten Oosting  
Chairman

w.g.

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Mr Hans de Savornin Lohman

w.g.

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Mr Jan Zielonka