

Netherlands **Predictions 2026**

Mass claims will gain momentum

The Dutch Civil Code allows claims for collective redress. They can then be presented to the courts, often with the help of a special legal entity. This provision has been active for several years but has recently gained momentum. In 2025 a large data breach at a Dutch laboratory, with allegedly almost a million people involved, triggered widespread public interest in this provision. With a million people claiming compensation in a case like this (say €1,000 per head) there is huge exposure. Insurers need to consider policy cover and how they may want to mitigate their exposure.

Expect more from the Dutch Supreme Court on climate related claims

Dutch organisation Milieudefensie has an ongoing case against Shell. They won that case at first instance but lost on appeal. It is now with the Dutch Supreme Court in The Hague, with the verdict expected in 2026. Milieudefensie in the meantime says it is preparing a new case, to prevent Shell activating new oil and gas fields, both in and outside of the Netherlands. The Dutch government is working on the introduction into Dutch legislation of the Corporate Sustainability Due Diligence Directive (2024/1760). In the meantime, Dutch law on civil liability can be used to demand specific action on climate change from individual corporations.

(Online) consumer protection will increasingly attract attention

Dutch courts are showing a willingness to protect consumers. This is triggered by European law and seen across the legal landscape where disputes with consumers are involved. Often it concerns online transactions: travel, energy contracts, purchases etc. Caselaw shows this trend is also present in real estate where homes are rented out. Claims, or defences, that are based on general terms and conditions get the full attention of the courts. They are, as a matter of course, checked by the courts as to their fairness to the consumer.

The new Dutch pension system will attract claims

The Netherlands is changing its pension system. All pension funds must have adapted to the new rules by January 2028. In the run-up to the new system, existing pension entitlements and rights will be converted into reserved personal pension assets. The new rules attracted many questions in parliament and are complex. Some will benefit, others may feel they are losing out, and most rules will remain incomprehensible to many. Claims will be lodged and advice will be sought.

There will be more cross border activity in 2026

In the Dutch market we expect more activity across borders, both inbound and outbound. For incoming insurers, the Dutch market can be used to further expand in Europe. We also see foreign managing general agents (MGAs) entering the Dutch market and/or existing MGAs expanding. Some local insurers are using the MGA model themselves to expand cross border into neighbouring markets, using existing local knowledge and distribution channels. Belgium and Germany are countries that are often chosen for cross border activities.



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