



The European Law Students' Association  
THE NETHERLANDS

# Answers to Clarification Questions

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Case written by Prof. Giorgio Monti

National Moot Court Competition

[competitions@nl.elsa.org](mailto:competitions@nl.elsa.org)

## Witte Tanden v. Consumentenbond

Dear participants,

Please find below the answers to the submitted clarification questions regarding the case of Witte Tanden v. Consumerbond. There was a total of 5 (five) clarification questions, the wording of which has been transposed *verbatim* below. Please note that according to Article 5.2.2 of the Rules of the Competition, the author may refuse to answer clarification questions if they are deemed to be unrealistic or irrelevant or dealing with matters which teams may reasonably be expected to work out for themselves in the context of the Competition. In such scenario, N/A would indicate that the Author has decided not to answer this question, rest assured that all information necessary to develop valid arguments are contained in the case facts.

### **1. At what time did the Consumerbond file the collective action?**

The collective action by Consumerbond was filed in September, 2023.

### **2. Is there any statistical data available to support the undertakings' estimation of 50% reduction in pollution, through their change of ingredients in production of chewing gum?**

There is a study by the firms reported at paragraph 2. However, participants should note that at paragraph 10 of the moot problem it becomes clear that the judge accepted that there will be a positive effect on reducing pollution. Participants can thus work on the assumption that these findings are final.

### **3. Are the other companies party to the agreement also being sued?**

No.

**4. Do we know how much the price of gum by Witte Tanden specifically has risen?**

No. This is not being litigated at this stage. Naturally, there would be a discussion of quantification of damages if the case is successful. What is relevant here, however, is that the parties admitted prices will rise, see paragraphs 2 and 11.

**5. Is there existing evidence of the effect the RPM entered into between Witte Tanden and the supermarkets had on trade?**

No evidence was presented to support this claim except what can be read in the moot problem.