

Stichting Essure Claims

Report of the management board for the period 1 January - 31 December 2022

INTRODUCTION

Stichting Essure Claims (the “**Foundation**”) acts on behalf of all women in the Netherlands who had the device Essure implanted in their oviducts (“**Aggrieved Parties**”). The management board (the “**Board**”) of the Foundation is in charge of the Foundation’s policy and the day-to-day running of the Foundation.

As per 1 January 2022 the Board consists of three directors:

1. Mrs. Antoinette Colligon (chairperson),
2. Mr. Jules Schagen van Leeuwen,
3. Mr. Guido Rooijackers

REPORT OF THE BOARD

Activities

In 2022, the activities of the Board have focused on preparing legal proceedings against Bayer B.V., Bayer AG, Bayer Essure Inc. and Bayer Healthcare LLC (together “**Bayer**”) before the District Court of Midden-Nederland (the “**Court**”). Several versions of a draft writ were reviewed by the Board. The medical aspects of the writ, as well as relevant scientific medical publications, were reviewed by Board member Jules Schagen van Leeuwen.

The board held various consultations with its attorney, Mr. M.N. van Dam at Lemstra Van der Korst. On 29 August 2022 a combined meeting took place between the Board and the Supervisory Board members Gemma Kenter, Kim Smit and Karl Peter Puzskajler. Another combined meeting took place on 18 October 2022.

Financial Statements 2022

The Foundation obtained a bank account, appointed an auditor to compile its financial statements (Vanderlaan Accountants) and obtained a directors’ and officers’ liability insurance.

Furthermore, the Foundation has entered into a funding agreement with a new funder Financiering Essure Claims C.V. Financiering Essure Claims C.V. finances the activities of the Foundation for the benefit of the Aggrieved Parties. In exchange, it is entitled to a specific percentage of the recovery obtained on behalf of the Aggrieved Parties of 25% of the awarded damages plus a reimbursement of costs capped at 5% of the awarded damages. This will never result in the Aggrieved Parties having to contribute more than 30% of the damages awarded to them.

The Foundation’s day-to-day costs mainly comprise the board and supervisory board members’ remuneration and attorney fees. Each of the board and supervisory board members invoices the

foundation in accordance with the applicable engagement agreement between the Foundation and each of the board and supervisory board members.

Claim Code Compliance

The Foundation endorses the Claim Code that came into force on July 1, 2011 as amended on March 4, 2019. The Foundation complies with the applicable Claim Code. This is further elaborated on in the Claim Code compliance reports the Foundation publishes on its website on a yearly basis.

Outlook

On 3 April 2023, the Foundation filed a writ against Bayer before the Court under the Dutch Act for collective legal redress, Wet afwikkeling massaschade in collectieve actie, in order to, amongst others, obtain a declaratory judgment and damages for the Aggrieved Parties. Subsequently, the Foundation and Bayer have agreed to procedural arrangements with the Court.