**District Court of The Hague**

Case number: C/09/571932 2019/379 **STATEMENT ON THE RECORD OF**

 **SUBMISSION OF ADDITIONAL EXHIBIT**

Date: 11 December 2020 in the matter of:

 1. **Vereniging Milieudefensie**

 both on its own behalf, and in its capacity of representative ad litem and representative of the co-claimants who are listed on **Annex A**, which annex is attached to the summons and forms part thereof,

 having its registered office in Amsterdam, the Netherlands;

 2. **Stichting Greenpeace Nederland,**

 having its registered office in Amsterdam, the Netherlands;

 3. **Landelijke Vereniging tot Behoud van de Waddenzee**,

 having its registered office in Harlingen, the Netherlands;

 4. **Stichting ter bevordering van de Fossielvrij-beweging**,

 having its registered office in Amsterdam, the Netherlands;

 5. **Stichting Both ENDS**,

 having its registered office in Amsterdam, the Netherlands;

 6. **Jongeren Milieu Actief**,

 having its registered office in Amsterdam, the Netherlands;

 7. **Stichting ActionAid**,

 having its registered office in Amsterdam, the Netherlands

 Claimants

 Hereinafter also called: "Milieudefensie et al.”

 Counsel: R.H.J. Cox, D.M.J. Dexters, A.J.M. van Diem and S.J. Keuls

 Versus

 **Royal Dutch Shell plc**

 Having its registered office in The Hague, the Netherlands

 Defendant

 Counsel: J. de Bie Leuveling Tjeenk, N.H. van den Biggelaar and D. Horeman

1. To substantiate its assertions Milieudefensie et al. is submitting the following additional exhibit into the proceedings, as attached in the annex to this statement on the record:

**Exhibit 337**: Review of Mulder et al. 2020, by Peter Erickson, Senior Scientist, Stockholm Environment Institute (U.S. Center), December 10, 2020 (including Peter Erickson's CV)

2. On 30 October 2020 Royal Dutch Shell plc (hereinafter also: RDS) submitted the "Mulder report" as additional exhibit RK-35. This is a 99-page Policy Paper which was prepared by Machiel Mulder et al. (see page 2 of the Mulder report) on the request of De Brauw Blackstone Westbroek N.V. and with the financial support of RDS.

3. Following the Mulder report, Peter Erickson presented a brief response in the form of an expert statement, which Milieudefensie et al. is hereby submitting into the proceedings as Exhibit 337. Peter Erickson is a researcher with the Stockholm Environment Institute, which is one of the institutes which together with UNEP wrote the Production Gap report which Milieudefensie et al. submitted as Exhibit 276. See also the curriculum vitae of Peter Erickson which was submitted together with Exhibit 337.

4. The expert statement was published on 10 December 2020 (Milieudefensie et al. received it on 10 December 2020 at 22:52 hours), which is why Milieudefensie et al. could not submit it into the proceedings at an earlier time.

5. In addition, the expert statement is limited in size (only 4 pages) and the findings of Erickson align with the assertions and exhibits which Milieudefensie et al. have previously presented in the proceedings. This is thus not new information as such. During the session days on 15 and/or 17 December 2020 Milieudefensie et al. will cite from Erickson's expert statement. By submitting the short report now, RDS will have sufficient opportunity to become familiar with this report and to prepare itself, so that it will be able to adequately respond during the sessions on 15 and/or 17 December 2020. The principle that both sides must be heard has therefore been safeguarded.

6. For the above-mentioned reasons it is justified to submit this additional exhibit at this time and there is no conflict with proper procedural order.

7. Milieudefensie et al. feel they have satisfactorily and sufficiently substantiated their arguments by means of this submitted (documentary) evidence but they hereby explicitly offer again to further substantiate their arguments - in so far as they are obliged to do so under Article 150 of the Dutch Code of Civil Procedure - by presenting additional documents, including, but not limited to, submitting additional scientific evidence about the causes and consequences of climate change for (the goals of) Milieudefensie et al., as well as evidence regarding the need to take the necessary reduction measures and the reduction order which is being claimed, as well as by hearing relevant expert witnesses. This in any event includes evidence in the form of documents and/or expert witnesses from the Stockholm Environment Institute, in particular also with regard to the issue of causality.

8. In addition to the above, Milieudefensie et al. is offering, on the request of the District Court, to (digitally) present the literature and jurisprudence to which it refers in these proceedings.

Let this be entered in the record!

Counsel,

(signature)