

Abstract

Class Actions in Selected Legal Systems from a Consumer Protection Perspective

The thesis is dedicated to the topic of collective actions in the new legislation at the EU level (contained in Directive 2020/1828 on representative actions¹) and in the national legislation in selected EU Member States - the Czech Republic, Poland and Portugal. The aim of the thesis is to examine and evaluate which legislation on collective actions for damages is the most favourable for consumers in the selected EU Member States and thus provides the greatest level of legal protection for consumers. In the case of the Czech Republic, the legislation under examination is that contained in the Draft Act on collective proceedings,² which has not yet been enacted into law. At the same time, the thesis examines whether the Directive on representative actions at all provides EU Member States with a legal framework allowing them to set up national legislation on collective actions in the most consumer-friendly way.

The structure of the thesis is divided into 9 chapters. The Introduction is followed by Chapter 2, which starts by introducing some basic terms in the field of collective actions, such as collective action, opt-in and opt-out systems, etc., of which the understanding is essential for the following chapters.

Chapter 3 outlines the research methodology for the legal regulation of collective actions at EU level as well as in selected EU Member States. In particular, it selects and describes the appropriate evaluation criteria against which the selected legal systems of collective actions are subsequently assessed in the thesis. Several aspects relate, for example, to the creation of a supportive financial environment for consumer associations to bring collective actions. Other examples include the way in which consumers can join a collective action or the possibility for a consumer association to represent consumers in collective proceedings.

Chapters 4-8 are the focus of this thesis. Chapter 4 examines the legal regulation of selected aspects of collective actions at EU level itself. Chapters 5-7 analyse the specific legal regulation of

¹ Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC [2020] OJ L 409/1 [cit. 2023-03-13]. Available from: <https://eur-lex.europa.eu/legal-content/CS/TXT/PDF/?uri=CELEX:32020L1828&from=cs>.

² Draft Act on collective proceedings. In: *odok* [online]. December 2022 [cit. 2023-03-13]. Available from: <https://odok.cz/portal/veklep/material/KORNCMALVTYM/>.

selected aspects of collective actions in selected EU Member States. Each Chapter 4-7 concludes with a brief summary and assessment of the legal status of the institution of collective actions in private law enforcement in terms of consumer friendliness.

A comprehensive summary and evaluation of the partial conclusions is contained in Chapter 8. The last chapter, Chapter 9, contains the Conclusion, which summarises the results of the research carried out and provides a critical assessment of the current state of selected legal systems in the field of collective actions for damages in terms of consumer friendliness.

Key Words:

collective redress in EU, collective actions, consumer protection