

Class actions

Abstract

This thesis deals with the regulation of collective proceedings in the Czech Republic, first focusing on the current forms of collective proceedings and then moving on to the draft of the Act on Collective Civil Judicial Proceedings. The aim of the thesis is to contribute to the professional debate on the emerging form of collective proceedings with a mostly practical view of setting specific parameters of the law, to point out some shortcomings of the current proposed bill and to offer its own solutions.

From the methodological point of view, the analytical, normative, comparative and synthetic approaches were used. However, a descriptive approach is also evident in the beginning of the thesis. The analysis was mainly used in the examination of the current draft of the Act on Collective Civil Judicial Proceedings and the Polish legislation. The normative approach is most evident in the critical commentary on the current proposed bill. The thesis offers a comparative examination when comparing the proposed Czech and Polish legislation. The synthesis of the recorded findings is then most influenced by the section dealing with considerations on the future appropriate form of class actions.

From the content point of view, the thesis first offers a theoretical excursus in which it deals with terminology and general issues of collective proceedings. It then moves on to an examination of current instruments in which elements of collective proceedings can be seen. The focus of the thesis is then a critical examination of the current draft of the Act on Collective Civil Judicial Proceedings, which is subjected to a threefold examination. The thesis first confronts the proposal from the perspective of the Directive on representative actions and its practical purpose.

In a separate chapter, the proposal is compared with the Polish regulation, which is the subject of the thesis in a previous and separate chapter. As a result of the critical analysis and comparison, the thesis concludes with recommendations for future legislative changes to the regulation.

Key words: Class action, representative action, collective proceeding, representative proceedings, group proceedings, civil procedure, collective redress, consumer protection, opt-in, opt-out