



06/11/2018

AMENDMENTS: 126

Geoffroy Didier

Representative actions for the protection of the collective interests of consumers

Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

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EUROPEAN PARLIAMENT

Committee on Legal Affairs

06/11/2018

Geoffroy Didier

Representative actions for the protection of the collective interests of consumers

Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 1

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper, Tadeusz Zwiefka

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) The purpose of this Directive is to enable qualified entities, which represent the collective interest of consumers, to seek remedy through representative actions against infringements of provisions of Union law. The qualified entities should be able to ask for stopping or prohibiting an infringement, for confirming that an infringement took place and to seek redress, such as compensation, repair or price reduction as available under national laws.

Amendment

(1) The purpose of this Directive is to enable qualified entities, which represent the collective interest of consumers ***in the cross-border cases***, to seek remedy through representative actions against ***widespread cross-border*** infringements of provisions of Union law, ***which are common to at least 100 consumers in at least 2 Member States***. The qualified entities ***that have received specific and exclusive mandates from consumers*** should be able to ask for stopping or prohibiting an infringement, for confirming that an infringement took place and to seek redress, such as compensation, repair or price reduction as available under national laws.

Or. en

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Amendment 2

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) It is important to ensure the necessary balance between access to justice and procedural safeguards against abusive litigation which could unjustifiably hinder the ability of businesses to operate in the Single Market. To prevent the misuse of representative actions, elements such as punitive damages and the absence of limitations as regards the entitlement to bring an action on behalf of the harmed consumers should be avoided and clear rules on various procedural aspects, such as the designation of qualified entities, the origin of their funds and nature of the information required to support the representative action, should be laid down.

This Directive should not affect national rules concerning the allocation of procedural costs.

Amendment

(4) It is important to ensure the necessary balance between access to justice and procedural safeguards against abusive litigation which could unjustifiably hinder the ability of businesses to operate in the Single Market. To prevent the misuse of representative actions, elements such as punitive damages and the absence of limitations as regards the entitlement to bring an action on behalf of the harmed consumers should be avoided and clear rules on various procedural aspects, such as the designation of qualified entities, the origin of their funds and nature of the information required to support the representative action, should be laid down.

Or. en

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 3

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) The Commission has adopted legislative proposals for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air³⁰ and for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations.³¹ It is therefore appropriate to provide that, *one year* after the entry into force of *this Directive*, the Commission assesses whether the Union rules in the area of air and rail passengers' rights offer an adequate level of protection for consumers, comparable to that provided for in this

Amendment

(7) The Commission has adopted legislative proposals for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air³⁰ and for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations.³¹ It is therefore appropriate to provide that, *two years* after the entry into force of *the mentioned revised regulations*, the Commission assesses whether the Union rules in the area of air and rail passengers' rights offer an adequate level of protection for consumers, comparable to that provided

Directive, and draws any necessary conclusions as regards the scope of this Directive.

³⁰ COM(2013) 130 final.

³¹ COM(2017) 548 final.

for in this Directive, and draws any necessary conclusions as regards the scope of this Directive.

³⁰ COM(2013) 130 final.

³¹ COM(2017) 548 final.

Or. en

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Amendment 4

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) ***Building on Directive 2009/22/EC***, this Directive should cover ***both domestic and*** cross-border infringements, ***in particular*** when consumers concerned by an infringement live in ***one or*** several Member States other than the Member State where the infringing trader is established. It should also cover infringements which ceased before the representative action started or concluded, since it may still be necessary to prevent the repetition of the practice, establish that a given practice constituted an infringement and facilitate consumer redress.

Amendment

(8) This Directive should cover cross-border infringements, when consumers concerned by an infringement live in several Member States other than the Member State where the infringing trader is established. It should also cover infringements which ceased before the representative action started or concluded, since it may still be necessary to prevent the repetition of the practice, establish that a given practice constituted an infringement and facilitate consumer redress.

Or. en

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Amendment 5

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper

Proposal for a directive

Recital 9

Text proposed by the Commission

Amendment

(9) *This Directive should not establish rules of private international law regarding jurisdiction, the recognition and enforcement of judgments or applicable law. The existing Union law instruments apply to the representative actions set out by this Directive.* *deleted*

Or. en

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Amendment 6

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) As only qualified entities can bring the representative actions, to ensure that the collective interests of consumers are adequately represented the qualified entities should comply with the criteria established by this Directive. In particular, they would need to be properly constituted according to the law of a Member State, which could include for example requirements regarding the number of members, the degree of permanence, or transparency requirements on relevant aspects of their structure such as their constitutive statutes, management structure, objectives and working methods. They should also be not for profit and have a legitimate interest in ensuring compliance with the relevant Union law. ***These criteria should apply to both qualified entities designated in advance and to ad hoc qualified entities that are constituted for***

Amendment

(10) As only qualified entities can bring the representative actions, to ensure that the collective interests of consumers are adequately represented the qualified entities should comply with the criteria established by this Directive. In particular, they would need to be properly constituted according to the law of a Member State, which could include for example requirements regarding the number of members, the degree of permanence, or transparency requirements on relevant aspects of their structure such as their constitutive statutes, management structure, objectives and working methods. They should also be not for profit and have a legitimate interest in ensuring compliance with the relevant Union law. ***Furthermore, the qualified entity must be independent of third parties and have sufficient capacity in terms of financial resources, human***

the purpose of a specific action.

resources, and legal expertise to represent multiple consumers acting in their best interest. The qualified entity must also have an established procedure to prevent conflict of interests, and it must publish an annual activity report. In particular, in order to ensure sufficient transparency the annual activity report should include at a minimum information about the number of actions launched and the types of injunctions and redress measures sought, the number of redress decisions in favour of consumers and the trader, and or the actions resolved by settlement, the number of representative actions which have been discontinued and the reasons behind it. Member States may require additional information to be provided in the annual activity report.

Or. en

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Amendment 7

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual, Tadeusz Zwiefka

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Independent public bodies and consumer organisations *in particular should play an active role in ensuring compliance with relevant provisions of Union law and are all well placed* to act as qualified entities. Since these entities have access to different sources of information regarding traders' practices towards consumers and hold different priorities for their activities, Member States should be free to decide on the types of measures that may be sought by each of these qualified entities in representative actions.

Amendment

(11) **Only** independent public bodies and consumer organisations **can be allowed** to act as qualified entities. Since these entities have access to different sources of information regarding traders' practices towards consumers and hold different priorities for their activities, Member States should be free to decide on the types of measures that may be sought by each of these qualified entities in representative actions.

Or. en

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 8

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Injunction orders aim at the protection of the collective interests of consumers ***independently of any actual loss or damage suffered by individual consumers. Injunction orders*** may require traders to take specific action, such as providing consumers with the information previously omitted in violation of legal obligations. Decisions establishing that a practice constitutes an infringement should not depend on whether the practice was committed intentionally or by negligence.

Amendment

(14) Injunction orders aim at the protection of the collective interests of consumers ***and*** may require traders to take specific action, such as providing consumers with the information previously omitted in violation of legal obligations. Decisions establishing that a practice constitutes an infringement should not depend on whether the practice was committed intentionally or by negligence.

Or. en

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Amendment 9

Axel Voss, Eva Maydell, Henna Virkkunen, Markus Pieper, Bendt Bendtsen

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) Member States *may* require qualified entities to provide sufficient information to support a representative action for redress, including a description of the group of consumers concerned by an infringement and the questions of fact and law to be resolved within the representative action. The qualified entity should *not* be required to individually identify all consumers concerned by an infringement in order to initiate the action. In representative actions for redress the court or administrative authority should verify at the earliest possible stage of the proceedings whether the case is suitable for being brought as a representative action, given the nature of the infringement and characteristics of the damages suffered by consumers concerned.

Amendment

(18) Member States *shall* require qualified entities to provide sufficient information to support a representative action for redress, including a description of the group of consumers concerned by an infringement and the questions of fact and law to be resolved within the representative action. The qualified entity should be required to individually identify all consumers concerned by an infringement in order to initiate the action. In representative actions for redress the court or administrative authority should verify at the earliest possible stage of the proceedings whether the case is suitable for being brought as a representative action, given the nature of the infringement and characteristics of the damages suffered by consumers concerned. *In particular, the claims must be ascertainable and uniform and there is a commonality in the measures sought, the action must*

represent at least 100 individual consumers from at least 2 Member States, a representative action must be the most suitable way to bring forward the claims in the interest of multiple consumers, in particular if seeking redress measures by the individual consumers would create a risk of inconsistent decisions, the individual consumers can be identified and informed of the representation action in an adequate way, any third-party funding arrangement of the qualified entity must be suitable and fair, in particular that the remuneration for the funder is clearly stated and is based on the redress effectively paid to consumers and not on the amount claimed or awarded by the court or settlement. Member States shall also ensure that the court or administrative authority has the authority to dismiss manifestly unfounded cases at the earliest possible stage of litigation.

Or. en

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Amendment 10

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) Member States should be allowed to decide whether their court or national authority seized of a representative action for redress may *exceptionally* issue, instead of a redress order, a declaratory decision regarding the liability of the trader towards the consumers harmed by an infringement which could be directly relied upon in subsequent redress actions by individual consumers. This possibility *should be reserved to duly justified* cases where the quantification of the individual redress to be attributed to each of the consumer concerned by the representative action is complex and it would be inefficient to carry it out within the representative action. *Declaratory decisions should not be issued in situations which are not complex and in particular where consumers concerned are identifiable and where the consumers have suffered a comparable harm in*

Amendment

(19) Member States should be allowed to decide whether their court or national authority seized of a representative action for redress may issue, instead of a redress order, a declaratory decision regarding the liability of the trader towards the consumers harmed by an infringement which could be directly relied upon in subsequent redress actions by individual consumers. This possibility *may in particular be applied to* cases where the quantification of the individual redress to be attributed to each of the consumer concerned by the representative action is complex and it would be inefficient to carry it out within the representative action.

relation to a period of time or a purchase. Similarly, declaratory decisions should not be issued where the amount of loss suffered by each of the individual consumers is so small that individual consumers are unlikely to claim for individual redress. The court or the national authority should duly motivate its recourse to a declaratory decision instead of a redress order in a particular case.

Or. en

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Amendment 11

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 20

Text proposed by the Commission

Amendment

(20) Where consumers concerned by the same practice are identifiable and they suffered comparable harm in relation to a period of time or a purchase, such as in the case of long-term consumer contracts, the court or administrative authority may clearly define the group of consumers concerned by the infringement in the course of the representative action. In particular, the court or administrative authority could ask the infringing trader to provide relevant information, such as the identity of the consumers concerned and the duration of the practice. For expediency and efficiency reasons, in these cases Member States in accordance with their national laws could consider to provide consumers with the possibility to directly benefit from a redress order after it was issued without being required to give their individual mandate before the

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redress order is issued.

Or. en

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Amendment 12

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 21

Text proposed by the Commission

Amendment

(21) In low-value cases most consumers are unlikely to take action in order to enforce their rights because the efforts would outweigh the individual benefits. However, if the same practice concerns a number of consumers, the aggregated loss may be significant. In such cases, a court or authority may consider that it is disproportionate to distribute the funds back to the consumers concerned, for example because it is too onerous or impracticable. Therefore the funds received as redress through representative actions would better serve the purposes of the protection of collective interests of consumers and should be directed to a relevant public purpose, such as a consumer legal aid fund, awareness campaigns or consumer movements.

deleted

Or. en

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Amendment 13

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper

Proposal for a directive

Recital 24

Text proposed by the Commission

(24) This Directive does not replace existing national collective redress mechanisms. Taking into account their legal traditions, it leaves it to the discretion of the Member States whether to design the representative action set out by this Directive as a part of an existing or future collective redress mechanism or as an alternative to these mechanisms, insofar as the national mechanism complies with the modalities set by this Directive.

Amendment

(24) This Directive ***concerns only cross-border cases and*** does not replace existing national collective redress mechanisms. Taking into account their legal traditions, it leaves it to the discretion of the Member States whether to design the representative action set out by this Directive as a part of an existing or future collective redress mechanism or as an alternative to these mechanisms, insofar as the national mechanism complies with the modalities set by this Directive.

Or. en

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Amendment 14

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) Qualified entities should be fully transparent about the source of funding of their activity in general and regarding the funds supporting a specific representative action for redress in order to enable courts or administrative authorities to assess whether there may be a conflict of interest ***between the third party funder*** and the qualified entity and to avoid risks of abusive litigation as well as to assess whether the ***funding third party*** has sufficient resources in order to meet its financial ***commitments to the qualified entity***. The information provided by the qualified entity to the court or administrative authority overseeing the representative action should enable it to assess whether ***the*** third party may influence procedural decisions of the qualified entity in the context of the representative action, including on

Amendment

(25) Qualified entities should be fully transparent about the source of funding of their activity in general and regarding the funds supporting a specific representative action for redress in order to enable courts or administrative authorities to assess whether there may be a conflict of interest and the qualified entity and to avoid risks of abusive litigation as well as to assess whether the ***qualified entity*** has sufficient resources in order to meet its financial ***obligations should the action fail***. The information provided by the qualified entity ***at the earliest stage of the proceeding*** to the court or administrative authority overseeing the representative action should enable it to assess whether ***any*** third party may influence procedural decisions of the qualified entity ***in general and*** in the context of the representative action, including on settlements and

settlements and whether it provides financing for a representative action for redress against a defendant who is a competitor of the fund provider or against a defendant on whom the fund provider is dependant. If any of these circumstances is confirmed, the court or administrative authority *should* be empowered to require the qualified entity to refuse the relevant funding and, if necessary, reject standing of the qualified entity in a specific case.

whether it provides financing for a representative action for redress against a defendant who is a competitor of the fund provider or against a defendant on whom the fund provider is dependant. If any of these circumstances is confirmed, the court or administrative authority *must* be empowered to require the qualified entity to refuse the relevant funding and, if necessary, reject standing of the qualified entity in a specific case *or stay the proceeding. Member States shall provide that where third party funding is permitted and in order to avoid the risks of abusive litigation Member States may implement a licencing system through a public authority by which third party funders are licensed and subject to strict professional obligations and registered in a public registry for funders. Where such systems exist, Member States shall ensure that third party funders have a legal obligation to act in the best interest of the qualified entity and the consumers it represents (fiduciary duty). Furthermore, Member States shall prohibit third party funders and law firms from establishing qualified entities, law firms from owning third party funders and vice versa, and third party funders from basing remuneration on the settled or awarded compensation.*

Or. en

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Amendment 15

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 27

Text proposed by the Commission

(27) Member States may provide that a qualified entity and a trader who have reached a settlement regarding redress for consumers affected by an allegedly illegal practice of that trader can jointly request a court or administrative authority to approve it. Such request should be admitted by the court or administrative authority only if there is no other ongoing representative action regarding the same practice. A competent court or administrative authority approving such collective settlement must take into consideration the interests and rights of all parties concerned, including individual consumers. ***Individual consumers concerned shall be given the possibility to accept or to refuse to be bound by such a settlement.***

Amendment

(27) Member States may provide that a qualified entity and a trader who have reached a settlement regarding redress for consumers affected by an allegedly illegal practice of that trader can jointly request a court or administrative authority to approve it. Such request should be admitted by the court or administrative authority only if there is no other ongoing representative action regarding the same practice. A competent court or administrative authority approving such collective settlement must take into consideration the interests and rights of all parties concerned, including individual consumers. ***Settlements must be final and binding for all the concerned consumers.***

Or. en

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Amendment 16

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 28

Text proposed by the Commission

(28) The court and administrative authority should have the power to invite the infringing trader and the qualified entity which brought the representative action to enter into negotiations aimed at reaching a settlement on redress to be provided to consumers concerned. The decision of whether to invite the parties to settle a dispute out-of-court should take into account the type of the infringement to which the action relates, the characteristics of the consumers concerned, the possible type of redress to be offered, the willingness of the parties to settle and the expediency of the procedure.

Amendment

(28) The court and administrative authority should have the power to invite the infringing trader and the qualified entity which brought the representative action to enter into negotiations aimed at reaching a settlement on redress to be provided to consumers concerned. The decision of whether to invite the parties to settle a dispute out-of-court should take into account the type of the infringement to which the action relates, the characteristics of the consumers concerned, the possible type of redress to be offered, the willingness of the parties to settle, ***in particular any actions with an impact on the procedural costs and on the legal fees to be borne by the parties, the impact on any funding arrangements and the compensation to be effectively paid to consumers,*** and the expediency of the

procedure.

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Amendment 17

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual, Tadeusz Zwiefka

Proposal for a directive

Recital 30

Text proposed by the Commission

(30) Any out-of-court settlement reached within the context of a representative action or based on a final declaratory decision should be approved by the relevant court or the administrative authority to ensure its legality and fairness, taking into consideration the interests and rights of all parties concerned. Individual consumers ***concerned shall be given the possibility to accept or to refuse to be bound by such a settlement.***

Amendment

(30) Any out-of-court settlement reached within the context of a representative action or based on a final declaratory decision should be approved by the relevant court or the administrative authority to ensure its legality and fairness, taking into consideration the interests and rights of all parties concerned. ***The settlement precludes any additional individual or collective rights for redress of consumers that have specifically and exclusively mandated the collective action.***

Or. en

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Amendment 18

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) Ensuring that consumers are informed about a representative action is crucial for its success. Consumers should be informed of ongoing representative action, the fact that a trader's practice has been considered as a breach of law, their rights following the establishment of an infringement and any subsequent steps to be taken by consumers concerned, particularly for obtaining redress. ***The reputational risks associated with spreading information about the infringement are also important for deterring traders infringing consumer rights.***

Amendment

(31) Ensuring that consumers are informed about a representative action is crucial for its success. Consumers should be informed of ongoing representative action, the fact that a trader's practice has been considered as a breach of law, their rights following the establishment of an infringement and any subsequent steps to be taken by consumers concerned, particularly for obtaining redress.

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Amendment 19

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) To be effective, the information should be adequate and proportional to the circumstances of the case. ***The infringing trader should*** adequately inform all consumers concerned of a final injunction and redress ***orders*** issued within the representative action ***as well as*** of a settlement approved by a court or administrative authority. Such information may be provided for instance on the ***trader's*** website, social media, online market places, or in popular newspapers, including those distributed exclusively by electronic means of communication. ***If possible, consumers should be informed individually through electronic or paper letters.*** This information should be provided in accessible formats for persons with disabilities upon request.

Amendment

(32) To be effective, the information should be adequate and proportional to the circumstances of the case. ***Member States shall ensure that the court or the administrative authority may require the defeated party to*** adequately inform all consumers concerned of a final ***decision concerning*** injunction and redress issued within the representative action, ***and both parties in cases*** of a settlement approved by a court or administrative authority. Such information may be provided for instance on the website, social media, online market places, or in popular newspapers, including those distributed exclusively by electronic means of communication. This information should be provided in accessible formats for persons with disabilities upon request.

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Amendment 20

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) To enhance legal certainty, avoid inconsistency in the application of Union law and to increase the effectiveness and procedural efficiency of representative actions and of possible follow-on actions for redress, the finding of an infringement established in a final decision, including a final injunction order under this Directive, issued by an administrative authority or a court should not be relitigated in subsequent legal actions related to the same infringement by the same trader as regards the nature of the infringement and its material, personal, temporal and territorial scope as determined by that final decision. Where an action seeking measures eliminating the continuing effects of the infringement, including for redress, is brought in a Member State other than the Member State where a final decision establishing this infringement was issued,

Amendment

(33) To enhance legal certainty, avoid inconsistency in the application of Union law and to increase the effectiveness and procedural efficiency of representative actions and of possible follow-on actions for redress, the finding of an infringement ***or a non-infringement*** established in a final decision, including a final injunction order under this Directive, issued by an administrative authority or a court should not be relitigated in subsequent legal actions related to the same infringement ***or non-infringement*** by the same trader as regards the nature of the infringement ***or non-infringement*** and its material, personal, temporal and territorial scope as determined by that final decision. Where an action seeking measures eliminating the continuing effects of the infringement, including for redress, is brought in a Member State other than the Member State

the decision *should constitute a rebuttable presumption* that the infringement has occurred.

where a final decision establishing this infringement *or non-infringement* was issued, the decision *may be considered as evidence* that the infringement has *or has not* occurred *in related cases*.

Or. en

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 21

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual, Tadeusz Zwiefka

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) Actions for redress based on the establishment of an infringement by a final injunction order or by a final declaratory decision regarding the liability of the trader towards the harmed consumers under this Directive should not be hindered by national rules on limitation periods. The submission of a representative action shall have the effect of suspending or interrupting the limitation periods for any redress actions for the consumers *concerned by this* action.

Amendment

(35) Actions for redress based on the establishment of an infringement by a final injunction order or by a final declaratory decision regarding the liability of the trader towards the harmed consumers under this Directive should not be hindered by national rules on limitation periods. The submission of a representative action shall have the effect of suspending or interrupting the limitation periods for any redress actions for the consumers, *who have given their specific and exclusive mandate to a qualified entity to be represented in such an* action.

Or. en

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 22

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) Evidence is an important element for establishing whether a given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the consumers concerned by an infringement, deciding on redress and adequately informing consumers concerned by a representative action about the ongoing proceedings and its final outcomes. However, ***business-to-consumer relationships are characterised by information asymmetry and*** the necessary information may be held exclusively by the trader, making it inaccessible to the ***qualified entity***. ***Qualified entities*** should therefore be afforded the right to request to the competent court or administrative authority the disclosure by the ***trader of*** evidence relevant to their claim ***or needed for adequately informing consumers***

Amendment

(37) Evidence is an important element for establishing whether a given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the consumers concerned by an infringement, deciding on redress and adequately informing consumers concerned by a representative action about the ongoing proceedings and its final outcomes. However, the necessary information may be held exclusively by ***either*** the trader ***or the qualified entity, or the consumers it represents***, making it inaccessible to the ***other party***. ***The parties*** should therefore be afforded the right to request, ***upon presenting a substantiated explanation*** to the competent court or administrative authority the disclosure by the ***other party of specific and clearly defined*** evidence relevant to their claim. The need, scope and proportionality of

concerned about the representative action, without it being necessary for them to specify individual items of evidence. The need, scope and proportionality of such disclosure should be carefully assessed by the court or administrative authority overseeing the representative action having regard to the protection of legitimate interests of third parties and subject to the applicable Union and national rules on confidentiality.

such disclosure should be carefully assessed by the court or administrative authority overseeing the representative action having regard to the protection of legitimate interests of third parties and subject to the applicable Union and national rules on confidentiality. ***Member States shall ensure that the court or administrative authority verify that the requested evidence is narrowly and precisely circumscribed based on the reasonable and available facts. In particular, the court or the administrative authority shall assess the relationship between the claim or defence and the requested evidence, the scope and cost of the disclosure, and whether the evidence sought contains any confidential or privilege information protected under relevant national laws.***

Or. en

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Amendment 23

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual, Tadeusz Zwiefka

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) Having regard to the fact that representative actions pursue a public interest by protecting the collective interests of consumers, Member States should ensure that qualified entities are not prevented from bringing representative actions under this Directive because of the costs involved with the procedures.

Amendment

(39) Having regard to the fact that representative actions pursue a public interest by protecting the collective interests of consumers, Member States should ensure that qualified entities are not prevented from bringing representative actions under this Directive because of the costs involved with the procedures.

However, subject to the relevant conditions under national provisions, this should be without prejudice to the fact that the party that loses a representative action reimburses necessary legal costs borne by the winning party ('loser pays principle'). The unsuccessful party shall bear the costs of the proceedings.

However, the court or administrative authority shall not award costs to the successful party to the extent that they were unnecessarily incurred or are

disproportionate to the claim.

Or. en

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 24

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 39 a (new)

Text proposed by the Commission

Amendment

(39 a) Member States should ensure that contingency fees are avoided and lawyers' remuneration and the method by which it is calculated do not create any incentive to litigation that is unnecessary from the point of view of the interest of consumers or any of the parties concerned and could prevent consumers to fully benefit from the representative action. The Member States that allow for contingency fees shall ensure that such fees do not prevent obtaining full compensation by consumers.

Or. en

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 25

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Recital 41

Text proposed by the Commission

(41) In order to effectively tackle infringements with cross-border implications the mutual recognition of the legal standing of qualified entities designated in advance in one Member State to seek representative action in another Member State should be ensured. Furthermore, qualified entities from different Member States should be able to join forces within a single representative action in front of a single forum, subject to relevant rules on competent jurisdiction. For reasons of efficiency and effectiveness, one qualified entity should be able to bring a representative action in the name of other qualified entities representing consumers from different Member States.

Amendment

(41) In order to effectively tackle infringements with cross-border implications the mutual recognition of the legal standing of qualified entities designated in advance in one Member State to seek representative action in another Member State should be ensured, ***provided the qualified entities can demonstrate the relevant accreditation of their standing issued in the country of their domicile.*** Furthermore, qualified entities from different Member States should be able to join forces within a single representative action in front of a single forum, subject to relevant rules on competent jurisdiction. For reasons of efficiency and effectiveness, one qualified entity should be able to bring a representative action in the name of other qualified entities representing consumers from different Member States ***that have given a specific and exclusive mandate for***

bringing the specific action.

Or. en

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 26

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive sets out rules enabling qualified entities to seek representative actions *aimed at the protection of the* collective interests of consumers, while ensuring appropriate safeguards to avoid abusive litigation.

Amendment

1. This Directive sets out rules enabling qualified entities to seek representative actions collective interests of consumers, while *at the same time* ensuring appropriate safeguards to avoid abusive litigation.

Or. en

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 27

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive shall not prevent Member States from adopting or maintaining in force provisions designed to grant qualified entities or any other persons concerned other procedural means to bring actions aimed at the protection of the collective interests of consumers at national level.

Amendment

2. This Directive shall not prevent Member States from adopting or maintaining in force provisions designed to grant qualified entities or any other persons concerned other procedural means to bring actions aimed at the protection of the collective interests of consumers at national level, ***provided that these procedural means contain at least equivalent binding safeguards and mechanisms as those set out in this directive.***

Or. en

Justification

The Commission's proposal introduces a new European system, which would - at least in some Member States - coexist and overlap with the already existing national collective redress systems. In Germany, consumers could - for instance - use the national declaratory system ('Musterfeststellungsklage') or they could use this directive and its different possible actions listed in Article 5 and 6. The resulting multiplicity will lead to conflicting law, longer processes

and higher costs. To avoid this scenario, the current version of paragraph 2 has to be changed. As it stands, it would enable Member States to adopt this proposal with all related safeguards (= as European system) but at the same time to have also a separate mechanism that lacks those very same safeguards (= their national system). The proposed addition is therefore an important restriction to avoid “forum shopping” between Member States across the European Union.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 28

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper

Proposal for a directive

Article 2 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply to representative actions brought against infringements by traders of provisions of the Union law listed in Annex I that harm or may harm the collective interests of consumers. It shall apply to **domestic and** cross-border infringements, including where those infringements have ceased before the representative action has started or before the representative action has been concluded.

Amendment

1. This Directive shall apply to representative actions brought against **widespread** infringements by traders of provisions of the Union law listed in Annex I that harm or may harm the collective interests of consumers. It shall apply to cross-border infringements, including where those infringements have ceased before the representative action has started or before the representative action has been concluded.

Or. en

Justification

Like parallel EU legislation (e.g. CPC regulation), the legal base and the justification for this proposal is the harmonization of laws under Article 114 TFEU. Besides using the same legal base, the proposal has also the same purpose (= strengthening the legal means of consumers) and uses the same terminology. Nevertheless, with its current wording it would be the only of these EU-legislations that can be also applied to purely domestic consumer cases without any European dimension. This logical mistake would disturb the whole European consumer protection law, causing overlapping legislation, enabling 'Forum Shopping' and leading to

complicating class action for consumers, qualified entities, courts and administrative authorities. This would severely worsen the protection of consumers across Europe. Therefore, this proposal must be limited to cross-border cases only, since the respective national system is already applied for domestic cases. This crucial change would allow Member States to keep their specific national system for all of their domestic cases. Scandinavian countries could - for instance - continue to use their Ombudsman system for their domestic cases without an overlapping, interfering European collective redress system.

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Amendment 29

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper

Proposal for a directive

Article 2 – paragraph 3

Text proposed by the Commission

3. ***This Directive is without prejudice to the Union rules on private international law, in particular rules related to court jurisdiction and applicable law.***

Amendment

3. ***Pursuant to Article 4(1) of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, for actions taken pursuant to this Directive, traders domiciled in a Member State shall, wherever the infringement took place, be sued in the courts of that Member State.***

Or. en

Justification

As the JURI committee study clearly underlines, the relation of this proposal to Brussels Ia Regulation and ROME I is highly problematic. In cross-border cases with multiple consumers or representative entities from multiple Member States pursuing claims against multiple entities under multiple different national laws, it is not clear at all which place of jurisdiction should be chosen. One possible result is that, for a widespread infringement, all Member States could have jurisdiction simultaneously. This could lead to multiple overlapping claims, parallel litigation and a risk of irreconcilable decisions. This problem has to be solved before this proposal can

come into effect. Brussels Ia indicated that the domicile of the Defendant should determine jurisdiction in most cases. There are some exceptions, though these exceptions are ill-suited to collective cases, and so these exceptions should not apply when the mechanisms of this Directive are being used. In particular, Brussels Ia allows an individual consumer to sue in his/her place of residence. However, this exists to redress a perceived imbalance of power (consumer-v-Defendant) which does not exist when cases are taken not by individual consumers, but by qualified entities.

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Amendment 30

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper

Proposal for a directive

Article 3 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

(3) ‘collective interests of consumers’ means the interests of **a number of** consumers;

(3) ‘collective interests of consumers’ means the **common** interests of **at least 100** consumers **in at least 2 Member States**;

Or. en

Justification

The term “collective interests of consumers” is not defined in the article or in the related recitals. A narrow understanding would mean that a case of 2 consumers is already covered by this directive - no matter if their interest are the same, are different or are even opposing each other. This would lead to overburdening the courts and make it almost impossible for the court to determine whether a 'collective interest' exists and if it is harmed. A clear definition in Nr 3 and Nr 3a (new) with strict requirements (see also Article 4a) is therefore very much needed in order to effectively enforce consumer rights. To ensure that the infringement was occurring multiple times, does adversely affect the interest of consumers and bearing in mind the negative effects of class action to the concerned company, at least 100 consumers in at least 2 Member States should be affected.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 31

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper

Proposal for a directive

Article 3 – paragraph 1 – point 3 a (new)

Text proposed by the Commission

Amendment

(3 a) ‘widespread infringement’ means any acts or omissions contrary to Union laws that protect consumers’ interests that have done, do or are likely to do harm to the collective interests of consumers and that have common features, including the same unlawful practice, the same interest being infringed and that are occurring concurrently, and are committed by the same trader;

Or. en

Justification

Based on the changes in Article 2. This definition is based on the Regulation 2017/2394 (CPC) and helps to make this proposal more precise by adding the so far missing - but crucial - explanation what an infringement is. It will help consumers to get their rights in a quicker and easier way, by remedying legal uncertainty based on imprecise legal wording.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 32

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper, Tadeusz Zwiefka

Proposal for a directive

Article 3 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘representative action’ means an action for the protection of the collective interests of consumers to which the consumers concerned are not parties;

Amendment

(4) ‘representative action’ means an action for the protection of the collective interests of consumers to which the consumers concerned are not parties ***and to which they gave the qualified entity their specific and exclusive mandates;***

Or. en

Justification

This change is necessary to make this proposal coherent with the 2013 European Commission’s recommendation for an “opt-in-principle”.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 33

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that representative actions can be brought by qualified entities **designated**, at their request, by the Member States in advance for this purpose and placed in a publicly available list.

Amendment

Member States shall ensure that representative actions can **only** be brought by qualified entities **that have been granted accreditation**, at their request, by the Member States in advance for this purpose and placed in a publicly available list.

Or. en

Justification

With the current text, entities with their own commercial or individual interests (e.g. promoting their organisation over others), a strong dependence on third-party-funding (e.g. entities funded by law-firms and hedge funds) or any other forms of own profit-making or self-advancement ambitions (e.g. the need to pay high salaries to employees or high payments for consultants) would be able to represent consumers in collective redress cases. Naturally, those actors would mainly represent their own interests and would try to maximise their interests. To this end, the representative action would be just a useful means - those actors may not be interested in the collective interest of consumers at all. Even scenarios such as politically or commercially motivated cases or attacks from non-European enterprises or non-European states are thinkable with the current criteria. The proposed changes guarantee that only entities that genuinely

represent the interest of consumers - and not their own interest - may pursue damages claims. Moreover, they determine that only those, which have the capacity, knowledge, experience, ability and the governance to effectively help consumers, have the right to take representative actions. Member States should introduce an effective system of accreditation that clearly determines which entities fulfil these criteria.

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Amendment 34

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

Member States shall designate an entity as qualified entity if it complies with the following criteria:

Amendment

Member States shall designate an entity as qualified entity if it complies with ***all of*** the following criteria:

Or. en

Justification

See justification for Article 4 – paragraph 1 – subparagraph 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 35

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

(a) it is properly *constituted* according to the law of a Member State;

Amendment

(a) it is properly *accredited* according to the law of a Member State *and exists for more than 4 years*;

Or. en

Justification

See justification for Article 4 – paragraph 1 – subparagraph 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 36

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

(b) it has a legitimate interest in ensuring that provisions of Union law covered by this Directive are complied with;

Amendment

(b) ***its statutes, objectives, governance and history of protecting consumers demonstrate that*** it has a legitimate interest in ensuring that provisions of Union law covered by this Directive are complied with;

Or. en

Justification

See justification for Article 4 – paragraph 1 – subparagraph 1.

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Amendment 37

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

(c) it *has a non-profit* making character.

Amendment

(c) it is *financially and functionally autonomous, has anon-profit* making character *and has no structural or contractual links with lawyers, funders, or other private entities that may benefit financially from any actions it may pursue;*

Or. en

Justification

See justification for Article 4 – paragraph 1 – subparagraph 1.

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Amendment 38

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) it has established internal procedures to prevent a conflict of interest between itself and its funders and the consumers it represents;

Or. en

Justification

See justification for Article 4 – paragraph 1 – subparagraph 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 39

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(c b) it has sufficient capacities in terms of financial resources, human resources, and legal expertise to represent multiple consumers acting in their best interest;

Or. en

Justification

See justification for Article 4 – paragraph 1 – subparagraph 1.

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Amendment 40

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 2 – point c c (new)

Text proposed by the Commission

Amendment

(c c) it has at least 10 member associations with the same area of interest or at least 350 natural person as members.

Or. en

Justification

See justification for Article 4 – paragraph 1 – subparagraph 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 41

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Member States shall assess on a regular basis whether a qualified entity continues to comply with these criteria. Member States shall ensure that the qualified entity loses its status under this Directive if it no longer complies with **one or more** of the criteria listed in the first subparagraph.

Amendment

Member States shall assess on a regular basis whether a qualified entity continues to comply with these criteria. Member States shall ensure that the qualified entity **submit an annual activity report, and that the entity** loses its status under this Directive if it no longer complies with **any** of the criteria listed in the first subparagraph.

Or. en

Justification

See justification for Article 4 – paragraph 1 – subparagraph 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 42

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may designate a qualified entity on an ad hoc basis for a particular representative action, at its request, if it complies with the criteria referred to in paragraph 1.

deleted

Or. en

Justification

Any ad-hoc entities should be deleted from this directive, as these constructions facilitate various forms of abusive representative actions. Law firms could, for instance, team up with litigation funders and form an ad-hoc-entity that exists just during their representative actions. It would be a very rewarding business model with almost no risks but without any advantages for consumers.

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Amendment 43

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States shall communicate the name and purpose of these designated entities to the European Commission. The Commission will draw up a list of the qualified entities referred to in paragraph 1 and publish it in the Official Journal of the European Union.

Or. en

Justification

There should be a public register for qualified entities in order to promote transparency and to prevent abuses. As qualified entities could have an enormous impact on consumers and business, the register should be managed by a neutral actor such as the European Commission. The proposed wording follows the provisions in the ADR directive.

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Amendment 44

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that *in particular* consumer organisations and independent public bodies are eligible for the status of qualified entity. Member States may designate as qualified entities consumer organisations that represent members from more than one Member State.

Amendment

3. Member States shall ensure that *only* consumer organisations and independent public bodies *meeting the criteria listed in paragraph 1* are eligible for the status of qualified entity. Member States may designate as qualified entities consumer organisations that represent members from more than one Member State.

Or. en

Justification

Only recognised consumer organisations and independent public bodies should be able to become qualified entities as those bodies have the experience and independence to defend consumer interest in a fair, transparent and effective way. This limitation would also help to prevent abuses and manipulations.

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06/11/2018

Geoffroy Didier

Representative actions for the protection of the collective interests of consumers

Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 45

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 4 – paragraph 5

Text proposed by the Commission

5. The compliance by a qualified entity with the criteria referred to in paragraph 1 **is without prejudice to the right of** the court or administrative authority **to** examine whether the purpose of the qualified entity justifies its taking action in a specific case in accordance with Article 5(1).

Amendment

5. **Without prejudice to** the compliance by a qualified entity with the criteria referred to in paragraph 1, the court or administrative authority **shall** examine whether the purpose of the qualified entity justifies its taking action in a specific case in accordance with Article **4a(new) and** 5(1).

Or. en

Justification

The court or administrative authority should always examine if the purpose of the entity justifies its action in accordance with Article 4(a) and 5(1) in order to prevent abuses, to stop representative actions without reasonable chances and to avoid clogging up courts.

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Representative actions for the protection of the collective interests of consumers

Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 46

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper

Proposal for a directive

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4 a

Admissibility

Member States shall ensure that the court or administrative authority verify at the earliest possible stage of the proceedings that the representative action fulfils the following criteria:

(a) the action is the most suitable way to resolve the claims of multiple consumers;

(b) the claims are ascertainable and uniform and there is a commonality in the measures sought;

(c) at least 100 consumers in 2 Member States are affected and have provided their specific and exclusive mandate;

(d) the individual consumers can be identified and informed of the representative action in an adequate way;

(e) the funding arrangements of the qualified entity are suitable;

(f) no other action has been brought before a court or administrative authority regarding the same practice, the same trader and the same consumers.

Member States shall ensure that the court or administrative authority have the authority to dismiss manifestly unfounded cases at the earliest possible stage of litigation.

Or. en

Justification

So far the proposal does not have adequate admissibility standards, which could lead to a situation, where numerous representative actions are tabled by qualified entities but which do not have any chance of success. In order to minimize costs, to minimize any unjustified damage to the reputation of the trader, to speed up representative actions and to strengthen consumer protection, I propose to add clear admissibility standards. The court or administrative authority should evaluate in each case if those standards are being met and - otherwise - dismiss the case at the outset.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 47

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that representative actions can be brought before national courts or administrative authorities by qualified entities provided that there is a direct relationship between the main objectives of the entity and the rights granted under Union law that are claimed to have been violated in respect of which the action is brought.

Amendment

1. Member States shall ensure that representative actions can be brought before national courts or administrative authorities **only** by qualified entities **accredited in accordance with Article 4(1) and** provided that there is a direct relationship between the main objectives of the entity and the rights granted under Union law that are claimed to have been violated in respect of which the action is brought.

Or. en

Justification

It is necessary to underline that not only a direct relationship between the main objective of the entity and the violated rights has to exist but also that the qualified entity is accredited (= fulfilment of the criteria of Article 4(1)).

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Representative actions for the protection of the collective interests of consumers

Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 48

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 5 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Member States shall ensure that qualified entities are entitled to bring representative actions seeking the following measures:

Amendment

Member States shall ensure that qualified entities are entitled to bring representative actions seeking the following measures *if necessary to avoid serious and irreparable harm:*

Or. en

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 49

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 5 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) an injunction order as an interim measure for stopping *the* practice or, if the practice has not yet been carried out but is imminent, prohibiting the practice;

Amendment

(a) an injunction order as an interim measure for stopping *illegal* practice or, if the practice has not yet been carried out but is imminent, prohibiting the *illegal* practice;

Or. en

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 50

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper

Proposal for a directive

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

In order to seek injunction orders, qualified entities shall ***not have to obtain the mandate of the individual consumers concerned or*** provide proof ***of actual loss or damage on the part of the consumers concerned or of*** intention ***or*** negligence on the part of the trader.

Amendment

In order to seek injunction orders, qualified entities shall provide proof ***that a widespread infringement has occurred or*** of the intention ***to infringe or of*** negligence on the part of the trader.

Or. en

Justification

The procedure of seeking an injunction order also has to respect fundamental principles of civil procedures, meaning that there need to be a proof that the law is broken or is about to be broken.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 51

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper

Proposal for a directive

Article 5 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that qualified entities are entitled to bring representative actions seeking ***measures eliminating the continuing effects*** of the infringement. These measures shall be sought on the basis of any final decision establishing that a practice constitutes an infringement of Union law listed in Annex I harming collective interests of consumers, ***including*** a final injunction order referred to in paragraph (2)(b).

Amendment

3. Member States shall ensure that qualified entities are entitled to bring representative actions seeking ***a declaratory decision regarding the liability of the trader towards the consumers harmed by an infringement of Union law listed in Annex I*** of the infringement. These measures shall be sought on the basis of any final decision establishing that a practice constitutes an infringement of Union law listed in Annex I harming collective interests of consumers, ***after the adoption of*** a final injunction order referred to in paragraph (2)(b).

Or. en

Justification

To avoid overlaps with paragraph 2, it also needs to be clarified that paragraph 3 is not another form of injunction, but is a declaratory order based on a prior final decision based on Article 5(2b).

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 52

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper

Proposal for a directive

Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purposes of Article 5(3), Member States shall ensure that qualified entities are entitled to bring representative actions seeking a redress order, which obligates the trader to provide for, inter alia, compensation, repair, replacement, price reduction, contract termination or reimbursement of the price paid, as appropriate. A Member *State may* require the mandate of *the* individual consumers concerned before *a declaratory decision is made or* a redress order *is issued*.

Amendment

For the purposes of Article 5(3), Member States shall ensure that qualified entities are entitled to bring representative actions seeking a redress order, which obligates the trader to provide for, inter alia, compensation, repair, replacement, price reduction, contract termination or reimbursement of the price paid, as appropriate. ***In all such cases*** Member ***States shall*** require the ***specific and exclusive*** mandate of ***at least 100*** individual consumers concerned ***in at least 2 member states*** before ***an action seeking*** a redress order ***may be initiated, and others joining the action may do so only upon presentation of an exclusive mandate, and up to the point of the first hearing of the substantive issue at the latest.***

Or. en

Justification

In line with the 2013 Recommendation and in order to assure that the claim is justified, qualified entities always need to obtain the specific and exclusive mandates of all involved consumers before they start with representative actions (opt-in-principle). Otherwise, the defendant would have no chance to assess the possible payments and the number of involved consumer, while he is also unable to fulfil certain duties (e.g. Information duties based on Art. 9). The consumer, at the same time, could be involved in a representative action with personal legal consequences without or against his will and without direct and independent access to the court. So far, the proposed paragraph violates the right of a fair trial (consumer+trader), the right to be heard (consumer) as well as the principle of party disposition (consumer+trader), i.a. Article 41 Charter of Fundamental Rights of the European Union. Not only has the European Commission abandoned this crucial principle, it has proposed to make it a legal requirement for Member States not to follow it. There is no similar system in the EU, in the US or in any other developed country in the world. As a result of the proposed Article 6 by the Commission, Many Member States would be forced to change their current legal praxis.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 53

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper

Proposal for a directive

Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The qualified entity shall provide sufficient **information** as required under national law to support the action, including a **description** of the consumers **concerned by** the action and the questions of fact and law to be resolved.

Amendment

The qualified entity shall provide sufficient **evidence and facts** as required under national law to support the action, including a **list** of the consumers **mandating** the action and the questions of fact and law to be resolved.

Or. en

Justification

See justification for Article 6 - paragraph 1 - subparagraph 1

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 54

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Paragraph 2 shall not apply in the cases where: *deleted*

(a) consumers concerned by the infringement are identifiable and suffered comparable harm caused by the same practice in relation to a period of time or a purchase. In such cases the requirement of the mandate of the individual consumers concerned shall not constitute a condition to initiate the action. The redress shall be directed to the consumers concerned;

(b) consumers have suffered a small amount of loss and it would be disproportionate to distribute the redress to them. In such cases, Member States shall ensure that the mandate of the individual consumers concerned is not required. The redress shall be directed to a public purpose serving the collective

interests of consumers.

Or. en

Justification

First of all, an opt-out-system and the attempt to compare very different levels of harm would lead to enormous legal uncertainty and risks for all involved parties. If it is up to the qualified entity to decide whether to start a representative action, profit could be the incentive rather than the collective interest of consumers. Secondly, the proposals in cases of small amounts of losses are highly unreasonable and would enable various possibilities of abuses. The definition of “the interests of a number of consumers” is very vague, which makes it possible that those interests are eventually not even related to the subject matter of the claim and that the money could find its way into the pocket of the qualified entity / third party funder. Moreover, the aim to punish the defendant as well as the legal concept of “punitive damages” are not compatible with the national law systems of many Member States. Lastly, the fact that the individual consumer could on top bring forward additional claims for damages, is a violation of the legal principle “ne bis in idem”.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 55

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 6 – paragraph 4

Text proposed by the Commission

4. The redress obtained through a final decision in accordance with paragraphs **1, 2 and 3** shall ***be without prejudice to*** any additional rights to redress that the consumers concerned may have under Union or national law.

Amendment

4. The redress obtained through a final decision in accordance with paragraphs **2** shall ***exclude*** any additional rights to redress that the consumers concerned may have under Union or national law ***regarding the same trader and regarding the same infringement.***

Or. en

Justification

The European Commission's proposal violates the "ne bis in idem" / res judicata principle as no one should be able to demand redress for the same infringement more than once.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 56

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The damages should be restitution in nature. The redress awarded should not exceed the compensation that would have been awarded if the representative action had been pursued by means of individual action. In particular, Member States should prohibit any form of punitive damages that lead to the overcompensation of the consumer in relation to the damage actually suffered.

Or. en

Justification

In line with the 2013 Recommendation (31) and Recital 17 of this Directive, it should be pointed out that punitive damages are not allowed.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 57

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 7 – title

Text proposed by the Commission

Amendment

7 Funding

Funding, *Fees for Lawyers and Intermediaries and Costs*

Or. en

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 58

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. The qualified entity seeking a redress order as referred in Article 6(1) shall ***declare at an early*** stage of the action ***the source of the*** funds used for its activity in general and the funds that it uses to support the action. It shall demonstrate that it has sufficient financial resources to represent the best interests of the consumers concerned and to meet any adverse costs should the action fail.

Amendment

1. ***In accordance with Article 4(1)***, the qualified entity seeking a redress order as referred in Article 6(1) shall ***submit to the court or administrative authority at the earliest*** stage of the action ***a complete financial overview, listing all sources of*** funds used for its activity in general and the funds that it uses to support the action. It shall demonstrate that it has sufficient financial resources to represent the best interests of the consumers concerned and to meet any adverse costs should the action fail.

Or. en

Justification

As explained for Article 4(1), this directive should guarantee that only entities that genuinely represent the interest of consumers - and not their own interest - may pursue damages claims. The duty to hand in a complete financial overview and thus, the necessity for qualified entities to be transparent regarding their funds and structure are important elements in order to prevent

abuses at the expense of consumers.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 59

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall ***ensure that in cases where a representative action for redress is funded by a third party, it is prohibited for the*** third party:

Amendment

2. Member States shall ***prohibit qualified entities from receiving any part of the financing of the actions foreseen by Articles 5 and 6 from commercial*** third party ***funders.***

Or. en

Justification

The fundamental driver of abuses in class action cases is the possibility for external parties to reap profit from consumers' grievances. Given the chance, those actors will try to generate fees and take the highest share they can get from the damages. Therefore, each entity should be independent of third party interest and all forms of external influence on qualified entities should be prevented from the very beginning. Entities with solely commercial interest (e.g. weakening the business competition), with dependence on third-party-funds (e.g. law-firms funded by hedge funds as in the USA) or any other forms of own profit-making ambition (e.g. the need to pay high salaries to employees or high payments for consultants) should be excluded from the scope of this proposal. Moreover, one should also prevent scenarios such as politically or commercially motivated cases, or attacks from non-European enterprises or non-European states.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 60

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 7 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) to influence decisions of the qualified entity in the context of a representative action, including on settlements;

deleted

Or. en

Justification

Based on changes in Article 7 - paragraph 2 - introductory part.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 61

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 7 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) to provide financing for a collective action against a defendant who is a competitor of the fund provider or against a defendant on whom the fund provider is dependant;

deleted

Or. en

Justification

Based on changes in Article 7 - paragraph 2 - introductory part.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 62

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that courts and administrative authorities are empowered to assess *the circumstances referred to* in paragraph 2 and *accordingly require the qualified entity to refuse the relevant funding* and, if necessary, reject the standing of the qualified entity in a specific case.

Amendment

3. Member States shall ensure that courts and administrative authorities are empowered *and obliged* to assess *whether the provisions* in paragraph 2 and *4 are being met and review the proportionality and fairness to consumers of any compensation paid to third parties, lawyers* and, if necessary, reject the standing of the qualified entity in a specific case.

Or. en

Justification

Due to the importance of third-party-funding, courts and administrative authorities should be obliged to assess whether the qualified entity and the third party have followed the provisions in Article 7(2) and (4). If not, standing should be refused.

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Amendment 63

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Neither lawyers nor other parties assisting or representing qualified entities, or assisting consumers as intermediaries, shall charge fees based on a proportion of any award or settlement amount.

Or. en

Justification

The 2013 Recommendation clearly stated that contingency fees present profound risks. As already stated in paragraph 2, it would give actors - just pursuing their own financial interests - an important incentive. The money spend on contingency fees will be subtracted from the amount paid out to consumers. As those kind of fees and awards are thus severely harming the consumer interest and are reducing the redress the consumers would receive, they should be prohibited.

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Amendment 64

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 7 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. Member States shall ensure that where adverse costs are awarded against a party, any third parties that have supported the action shall also be responsible for those costs on a joint and several basis.

Or. en

Justification

Third party funders and other intermediaries who sponsor litigation should also be obliged to pay adverse costs.

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Amendment 65

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

1. Member States may provide that a qualified entity and a trader who have reached a settlement regarding redress for consumers affected by an allegedly illegal practice of that trader can jointly request a court or administrative authority to approve it. ***Such a request should be admitted by the court or administrative authority only if there is no other ongoing representative action in front of the court or administrative authority of the same Member State*** regarding the same trader and regarding the same practice.

Amendment

1. Member States may provide that a qualified entity and a trader who have reached a settlement regarding redress for consumers ***who have chosen to be represented in the action and who have been*** affected by an allegedly illegal practice of that trader can jointly request a court or administrative authority to approve it. ***Once approved, the settlement reached is binding and precludes any additional individual or collective rights for redress of consumers that have specifically and exclusively mandated the collective*** action regarding the same trader and regarding the same practice.

Or. en

Justification

After reaching a settlement, it has to be clear that this decision is binding. If further legal action is possible, there is almost no incentive to reach a settlement in the first place. However, the

settlement must only apply for the involved parties and do not have any effects on other parties.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 66

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 8 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the court or administrative authority that ***issued the final*** declaratory decision referred to in Article 6(2) is empowered to request the parties to the representative action to reach within a reasonable set time limit a settlement regarding the redress to be provided to consumers ***on the basis of this final decision.***

Amendment

3. Member States shall ensure that the court or administrative authority that ***issues the*** declaratory decision referred to in Article 6(1) is empowered to request the parties to the representative action to reach within a reasonable set time limit ***and before a final decision is taken*** a settlement regarding the redress to be provided to consumers ***that have specifically and exclusively mandated the collective action.***

Or. en

Justification

A different wording is needed to clarify that a settlement is not possible after a final decision and to clarify to whom the redress is provided.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 67

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 8 – paragraph 6

Text proposed by the Commission

Amendment

6. Individual consumers concerned shall be given the possibility to accept or to refuse to be bound by settlements referred to in paragraphs 1, 2 and 3. The redress obtained through an approved settlement in accordance with paragraph 4 shall be without prejudice to any additional rights to redress that the consumers concerned may have under Union or national law.

deleted

Or. en

Justification

If this directive requires the specific and exclusive mandate from all consumers that are being represented by the qualified entity (opt-in-system), those qualified entities have to fulfil the strict criteria in Art 4 and adhere the provisions in Art 4a, 6 and 7. By doing this, it can be guaranteed that those entities will do everything to make a sound and well-balanced decision in the name of the represented consumers. Their decision (=the settlement) will be also checked by the court or administrative authority to prevent any unfair or illegal decisions. Giving consumers the chance to opt-out from an already opted-in-procedure is thus not needed but would only complicate and

prolong an already difficult procedure.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 68

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the court or administrative authority *shall* require the *infringing trader to inform affected consumers* at its expense *about* the final decisions providing for measures referred to in Articles 5 and 6, and the approved settlements referred to in Article 8, by means appropriate to the circumstance of the case and within specified time limits, *including, where appropriate, through notifying all consumers concerned individually.*

Amendment

1. *Where a settlement or final decision may benefit consumers who may be unaware of it*, Member States shall ensure that the court or administrative authority *may* require the *defeated party or both parties in case of a settlement, to publish* at its expense the final decisions providing for measures referred to in Articles 5 and 6, and the approved settlements referred to in Article 8, by means appropriate to the circumstance of the case and within specified time limits.

Or. en

Justification

In opt-in systems, consumers do actively participate. Therefore, public communications ordered by a court or administrative authority should not be needed. Only if a decision or settlement includes others who have not opted in (e.g. in an opt-out system), consumers will not be aware. In this case public communication is needed and should be subject to court / administrative authority supervision.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 69

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States shall ensure that public communications by qualified entities about claims are factual and take into account both the right for consumers to receive information and Defendants' reputational rights and rights to business secrecy.

Or. en

Justification

The right of information of the consumer as well as the means of information have to be balanced with all negative effects for the defendant.

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Committee on Legal Affairs

06/11/2018

Geoffroy Didier

Representative actions for the protection of the collective interests of consumers

Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 70

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that ***an infringement harming collective interests of consumers established in*** a final decision of an administrative authority or a court, including a final injunction order referred to in Article 5(2)(b), is deemed as irrefutably establishing the existence of that infringement for the purposes of any other actions seeking redress before their national courts against the same trader for the same ***infringement***.

Amendment

1. Member States shall ensure that a final decision of an administrative authority or a court, including a final injunction order referred to in Article 5(2)(b), is deemed as irrefutably establishing the existence ***or non-existence*** of that infringement for the purposes of any other actions seeking redress before their national courts against the same trader for the same ***facts***.

Or. en

Justification

A court can also determine that there was no infringement. The directive should mention both possibilities to demonstrate that it is not biased.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 71

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that a final decision referred to in paragraph 1, taken in another Member State *is considered* by their national courts or administrative authorities *as a rebuttable presumption that an infringement has occurred*.

Amendment

2. Member States shall ensure that a final decision referred to in paragraph 1, taken in another Member State *should be included in the file for relevant cases* by their national courts or administrative authorities. *It may be considered as evidence in related cases*.

Or. en

Justification

The current wording encourages forum shopping and goes against fundamental principles of national civil procedures. Although national courts or administrative authorities of a Member State should be able to consider final decisions from another Member State, these decision should not constitute a rebuttable presumption.

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Geoffroy Didier

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 72

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Member States shall ensure that the submission of a representative action as referred to in Articles 5 and 6 shall have the effect of suspending or interrupting limitation periods applicable to any redress actions for the consumers **concerned**, if the relevant rights are subject to a limitation period under Union or national law.

Amendment

Member States shall ensure that the submission of a representative action as referred to in Articles 5 and 6 shall have the effect of suspending or interrupting limitation periods applicable to any redress actions for the consumers, **who have given a specific and exclusive mandate to a qualified entity to be represented in such an action**, if the relevant rights are subject to a limitation period under Union or national law.

Or. en

Justification

This suspension combined with an opt-out system would increase the risk of a multiplicity of overlapping and competing claims. As it will be impossible to know which consumers are implicated by which claims, it will become impossible to know which limitation periods will apply to which consumers, or when any claim is finally extinguished. Therefore, one should at least determine that the suspension of limitation periods is just applicable to those consumers who have opted-in.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 73

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

Member States shall ensure that, at the request of *a qualified entity* that has presented reasonably available facts *and evidence* sufficient to support *the representative action*, and has indicated further evidence which lies in the control of the *defendant*, the court or administrative authority may order, in accordance with national procedural rules, that such evidence be presented by *the defendant*, subject to the applicable Union and national rules on confidentiality.

Amendment

Member States shall ensure that, at the request of *one of the parties* that has presented reasonably available facts, sufficient *evidence and a substantive explanation* to support *its views*, and has indicated further *specific and clear defined* evidence which lies in the control of the *other party*, the court or administrative authority may order, in accordance with national procedural rules, that such evidence be presented by *this party*, subject to the applicable Union and national rules on confidentiality.

Or. en

Justification

See Justification for new paragraph 2.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 74

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

2. Member States shall ensure that the court or administrative authority verify that the evidence requested is circumscribed as precisely and as narrowly as possible on the basis of reasonable available facts and that the disclosure is limited to what can be seen as proportionate. In determining whether any disclosure requested by a party is proportionate, courts or administrative authorities shall consider the legitimate interest of all parties, including all third parties concerned. In particular, they shall consider:

(a) the extent to which the claim or defence is supported by available facts and evidence justifying the request to disclose evidence;

(b) the scope and the cost of disclosure, especially for any third parties concerned,

including preventing non-specific searches for information, which are unlikely to be of relevance for the parties in the procedure;

(c) whether the evidence sought contains confidential information, especially concerning any third parties, and what arrangements are in place for protecting such confidential information.

Member States shall ensure that national courts give full effect to applicable legal professional privilege under Union or national law when ordering the disclosure of evidence. Member States shall ensure that those from whom disclosure is sought, are provided with an opportunity to be heard before a national court that orders the disclosure under this Article.

Or. en

Justification

The obligation to provide evidence and information is strongly redolent of the so-called “discovery approach” within the USA - a method, which is very costly and prone to abuses. Qualified entities could use this tool in very high numbers to pressure the defendant and/or to spy on the business activities of the defendant. The entity could also use accidental discoveries or even business secrets to make profits or to weaken the competition (especially relevant if there is a third-party-funding by other businesses). Moreover, it is very problematic to demand the defendant to prove something that the other side is claiming. This approach would change the burden of proof and is thus violating the right to a fair trial. Overall, the proposed article is very biased, is incompatible with the legal standards within the European Union, contradicts the EU Data Protection Rules and violates Article 6 ECHR as well as Article 47 of the Fundamental Rights Charter. The whole approach is not only one-sided and causes huge costs; it would also significantly prolong the process, which means that the consumers would have to wait much longer for their redress. A fairer approach, which is also in line with our legal traditions, would be an alignment with the safeguarded disclosure system in the 2014 Competition Damages Directive.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 75

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ***lay down the rules on penalties applicable to non-compliance with the final decisions issued within the representative action and shall take all necessary measures to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.***

Amendment

1. Member States shall ensure that ***the party that loses a collective redress action reimburses necessary legal costs borne by the winning party ('loser pays principle'), subject to the conditions provided for in the relevant national law.***

Or. en

Justification

Rulings from courts and public authorities are already enforceable by national measures, in cases a party does not comply with the decision. Therefore, there is no need for any additional sanctions in this directive. In line with the 2013 Recommendation (point 13), it should be made very clear that the defeated party bears all the costs. Otherwise, there would not be any financial risks for a qualified entity in filing actions against traders, which would foster abuses and set the wrong incentives (profit instead of helping consumers!).

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 76

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. *Member States shall ensure that penalties may take the form of fines.* *deleted*

Or. en

Justification

See Justification for Article 14 - paragraph 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 77

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

3. When deciding about the allocation of revenues from fines Member States shall take into account the collective interests of consumers.

deleted

Or. en

Justification

See Justification for Article 14 - paragraph 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 78

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive

Article 14 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall notify provisions referred to in paragraph 1 to the Commission by [date for transposition of the Directive] at the latest and shall notify it without delay of any subsequent amendment affecting them.

deleted

Or. en

Justification

See Justification for Article 14 - paragraph 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 79

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that procedural costs related to representative actions do not constitute financial obstacles for qualified entities to effectively exercise the right to seek the measures referred to in Articles 5 and 6, such as limiting applicable court or administrative fees, granting them access to legal aid where necessary, or by providing them with public funding for this purpose.

Amendment

1. Member States shall ***be encouraged - in line with Article 7(1) - to ensure that qualified entities have sufficient funds available for representative actions. They may*** take the necessary measures to ensure that procedural costs related to ***specific*** representative actions do not constitute financial obstacles for qualified entities to effectively exercise the right to seek the measures referred to in Articles 5 and 6, such as limiting applicable court or administrative fees, granting them access to legal aid where necessary, or by providing them with public funding for this purpose. ***In any case, qualified entities shall bear a reasonably high share of resulting costs.***

Or. en

Justification

In line with Article 7(1) and based on the 'loser-pays-principle', it is important to mention that the qualified entity has to have sufficient funds. This specification is crucial for preventing qualified entities from bringing cases to court that have no chance of success. Even when financial support is granted, the qualified entity needs to bear a reasonably high amount of costs.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 80

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

1. Member States shall take the measures necessary to ensure that any qualified entity ***designated*** in advance in one Member State in accordance with Article 4(1) may apply to the courts or administrative authorities of another Member State upon the presentation of the publicly available list referred to in that Article. The courts or administrative authorities shall ***accept this list as proof of*** the legal standing of the qualified entity ***without prejudice to their right to examine*** whether the purpose of the qualified entity justifies its taking action in a specific case.

Amendment

1. Member States shall take the measures necessary to ensure that any qualified entity ***accredited*** in advance in one Member State in accordance with Article 4(1) may apply to the courts or administrative authorities of another Member State upon the presentation of the publicly available list referred to in that Article. ***However,*** the courts or administrative authorities shall ***review*** the legal standing of the qualified entity ***by examining*** whether the purpose of the qualified entity justifies its taking action in a specific case.

Or. en

Justification

To avoid forum shopping, courts or administrative authorities should always review the direct relationship between the main objectives of the qualified entity and the intended purpose of the action, which is in line with the 2013 Recommendation by the Commission.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 81

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive

Article 16 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that where the infringement affects or is likely to affect consumers from different Member States the representative action may be brought to the competent court or administrative authority of a Member State by several qualified entities from different Member States, acting jointly or represented by a single qualified entity, for the protection of the collective interest of consumers from different Member States.

Amendment

2. Member States shall ensure that where the infringement affects or is likely to affect consumers from different Member States the representative action may be brought to the competent court or administrative authority of a Member State by several qualified entities from different Member States, acting jointly or represented by a single qualified entity, for the protection of the collective interest of consumers from different Member States, ***who have given a specific and exclusive mandate to a qualified entity to be included in such an action. In such circumstances, a consolidated list of all consumers who have given such a specific and exclusive mandate and who are presented will be provided to the court or administrative authority and the defendant at the beginning of an action.***

Justification

In order to prevent 'Forum Shopping' and due to the fact that consumer protection differs significantly between EU Member States, one has to make sure that representative action is addressed in the Member State, where the infringement has taken place. Based on the proposed changes in Article 6, it should also be underlined in Article 16(2) that only consumers who have opted-in can be part of a joint action of several qualified entities or can be consolidated in a single qualified entity in case consumers from several Member States are affected by an infringement from the same trader. Only if each qualified entity discloses the opted-in consumers it represents at the very beginning, one can avoid multiple overlapping claims.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 82

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 16 – paragraph 3

Text proposed by the Commission

Amendment

3. For the purposes of cross-border representative actions, and without prejudice to the rights granted to other entities under national legislation, the Member States shall communicate to the Commission the list of qualified entities designated in advance. Member States shall inform the Commission of the name and purpose of these qualified entities. The Commission shall make this information publicly available and keep it up to date.

deleted

Or. en

Justification

Deletion due to the proposed addition in Article 4 as new paragraph 2a, which takes a very similar direction but makes much more sense in Article 4 from a legal and systematic point of view (especially if this directive is only applicable to cases of widespread infringement).

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 83

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual

Proposal for a directive
Article 16 – paragraph 4

Text proposed by the Commission

4. If a Member State *or* the Commission raises concerns regarding the compliance by a qualified entity with the criteria laid down in Article 4(1), the Member State that designated that entity shall investigate the concerns and, where appropriate, revoke the designation if one or more of the criteria are not complied with.

Amendment

4. If a Member State, the Commission *or the trader* raises concerns regarding the compliance by a qualified entity with the criteria laid down in Article 4(1), the Member State that designated that entity shall investigate the concerns and, where appropriate, revoke the designation if one or more of the criteria are not complied with.

Or. en

Justification

The defendant should also have the right to flag concerns regarding the compliance by a qualified entity with the criteria laid down in Article 4(1). If a qualified entity does not fulfil them, it should not have the right to represent consumers. Thereby, it does not matter who pointed to the non-fulfilment as only the court or the administrative authority will assess the situation and make the decision.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 84

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper

Proposal for a directive

Article 16 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Qualified entities shall be required to be accredited in the Member State of their principal place of business and activity. Furthermore, Member States shall facilitate the transfer of accreditations where appropriate, subject always to compliance with any criteria applicable in the Member State to which the qualified entity transfers.

Or. en

Justification

This is a necessary addition in order to determine where qualified entities shall be accredited and whether accreditations can be transferred to other Member States.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 85

Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper

Proposal for a directive

Article 16 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. To avoid parallel actions or actions risking irreconcilable judgments, pursuant to Article 30 of Regulation (EU) No 1215/2012 of the European Parliament and of the Council, where related actions are pending in the courts of different Member States, any court other than the court first seized may stay its proceedings.

Or. en

Justification

It is possible for actions pending before the courts of different Member States to be considered as related within the meaning of Article 30 of Brussels 1a. Under that Article, national courts - other than that first seized - may stay proceedings or, under certain circumstances, may decline jurisdiction where another court is already considering a substantially related case. While reliance on Article 30 will not solve the jurisdictional issues, it may at least help to limit parallel actions by guiding courts towards taking this approach wherever possible.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 86

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive

Article 18 – paragraph 2

Text proposed by the Commission

2. *No later than one year* after the entry into force of *this Directive, the Commission shall assess whether the* rules on air and rail passenger rights offer a level of protection of the rights of consumers comparable to that provided for under this Directive. Where that is the case, the Commission *intends* to make appropriate proposals, which may consist in particular in *removing* the acts referred to *in points 10 and 15 of Annex I from the scope of application* of this Directive as defined in Article 2.

Amendment

2. *After two years* after the entry into force of *the revised* rules on air and rail passenger rights *the Commission shall assess whether they* offer a level of protection of the rights of consumers comparable to that provided for under this Directive. Where that is *not* the case, the Commission *shall evaluate the necessity* to make appropriate proposals, which may consist in particular in *introducing* the acts referred to *above in the* Annex I of this Directive as defined in Article 2.

No later than one year after the entry into force of this Directive, the Commission shall assess whether the rules concerning the rights of passengers in bus and coach transport and of passengers when travelling by sea and inland waterway offer a level of protection of the rights of

consumers comparable to that provided for under this Directive. Where that is not the case, the Commission shall evaluate the necessity to make appropriate proposals, which may consist in particular in introducing the acts referred to above in the Annex I of this Directive as defined in Article 2.

Or. en

Justification

The rail and air passenger rights Regulations and their ongoing review could considerably strengthen the enforcement mechanism and the way passenger's complaints are being handled. Those regulations already foresee comprehensive individual redress mechanisms. If such a mechanism does exist, there is no requirement for the inclusion of point 10, 15, 31 and 32 in this proposal as the individual redress mechanism is faster, cheaper and easier for the customer. Therefore, one should give the revised regulations at least a chance to demonstrate if they improve the ability to deal with passengers' claims. The European Commission should then assess whether there is an additional need for collective redress mechanism. If they come to the conclusion that it is needed, point 10, 15, 31 and 32 shall be included to the Annex of this proposal.

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Amendment 87

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – title

Text proposed by the Commission

Amendment

Or. en

Justification

Despite its 'Better Regulation' agenda and the REFIT program, the European Commission did not make an impact assessment to determine whether there is need for additional protection of consumer interests for each of the listed legislative measures in Annex I. Moreover, it generates a situation of legal uncertainty as the proposed directive overlaps with specific EU and national law, with unknown effects on other fields of law. Eventually, the listed instruments have completely different objectives. There are: (a) legislation that does not offer individual rights to consumers (e.g. Solvency II Directive), (b) legislation that can be hardly applied to representative actions (e.g. ADR-Directive), (c) legislation that targets individual interest such as the 'Product Liability Directive' (85/374/EEC). Thereby, it does not prohibit certain behaviour but describes cases, in which compensation must be paid to individual consumers for damages by a defective product (= no direct infringement). In addition, it demands that the individual consumer needs to show its specific personal injury / property damage due to the defect. Since there are almost no identical cases, it is hard to understand how a representative action under 85/374/EEC can protect the "collective interest of consumers", (d) legislation of very specific and little-harmonised sectors such as health.

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Amendment 88

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – subheading 1

Text proposed by the Commission

Amendment

LIST OF PROVISIONS OF UNION LAW
REFERRED TO IN ARTICLE 2(1)

LIST OF PROVISIONS OF UNION LAW
REFERRED TO IN ARTICLE 2(1)

Or. en

Justification

Therefore, I propose to only add those legislative acts that are also listed in the Annex of the CPC Regulation as this legislative act covers the core of consumer protection law. For the CPC Regulation, the Commission made proper impact assessments for all acts listed in its ANNEX and it has checked that each act has a proper legal base to sue in front of courts for the respective right. As a matter of principle, I find it very strange that the CPC ANNEX to which everyone agreed just a year ago and for which a proper impact assessment was undertaken needs to be extended so strongly so shortly after.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 89

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive

Annex I – point 1

Text proposed by the Commission

Amendment

(1) *Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ L 210 , 07.08.1985, p. 29 –33)³⁷ .*

deleted

³⁷ *The said Directive was amended by Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999 amending Council Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ L 141, 04.06.1999, p. 20 - 21).*

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 90

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 7

Text proposed by the Commission

Amendment

(7) *Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ L 108, 24.4.2002, p. 51–77).*

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 91

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 10

Text proposed by the Commission

Amendment

(10) Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1).

deleted

Or. en

Justification

See Justification for Article 18(2).

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 92

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 13

Text proposed by the Commission

Amendment

(13) Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (OJ L 376, 27.12.2006, p. 21): Article 1, point (c) of Article 2 and Articles 4 to 8.

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

EUROPEAN PARLIAMENT

Committee on Legal Affairs

06/11/2018

Geoffroy Didier

Representative actions for the protection of the collective interests of consumers

Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 93

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 15

Text proposed by the Commission

Amendment

(15) *Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).* *deleted*

Or. en

Justification

See Justification for Article 18(2).

EUROPEAN PARLIAMENT

Committee on Legal Affairs

06/11/2018

Geoffroy Didier

Representative actions for the protection of the collective interests of consumers

Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 94

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 18

Text proposed by the Commission

Amendment

(18) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1–1355). *deleted*

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Geoffroy Didier

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 95

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 20

Text proposed by the Commission

Amendment

(20) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55–93).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Geoffroy Didier

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 96

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 21

Text proposed by the Commission

Amendment

(21) Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94–136).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 97

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 22

Text proposed by the Commission

Amendment

(22) Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 302, 17.11.2009, p. 32–96).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 98

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 23

Text proposed by the Commission

Amendment

(23) Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (OJ L 266, 9.10.2009, p. 11–18).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 99

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 24

Text proposed by the Commission

Amendment

(24) Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7–17).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 100

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 25

Text proposed by the Commission

Amendment

(25) Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10–35).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Geoffroy Didier

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 101

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 26

Text proposed by the Commission

Amendment

(26) Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46–58). *deleted*

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 102

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 27

Text proposed by the Commission

Amendment

(27) *Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1–155): Articles 183, 184, 185 and 186.*

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 103

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 29

Text proposed by the Commission

Amendment

*(29) Directive 2010/31/EU of the
European Parliament and of the Council
of 19 May 2010 on the energy
performance of buildings (OJ L 153,
18.6.2010, p. 13–35).*

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 104

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 30

Text proposed by the Commission

Amendment

(30) Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1–19). *deleted*

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 105

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 31

Text proposed by the Commission

Amendment

(31) Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1). *deleted*

Or. en

Justification

See Justification for Article 18(2).

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Geoffroy Didier

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 106

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 32

Text proposed by the Commission

Amendment

(32) Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).

deleted

Or. en

Justification

See Justification for Article 18(2).

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 107

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 33

Text proposed by the Commission

Amendment

(33) *Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45–65).*

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 108

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 34

Text proposed by the Commission

Amendment

(34) Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174, 1.7.2011, p. 1–73).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Geoffroy Didier

Representative actions for the protection of the collective interests of consumers

Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 109

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 36

Text proposed by the Commission

Amendment

(36) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18–63).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and

ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 110

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 37

Text proposed by the Commission

Amendment

(37) Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22–37).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 111

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 38

Text proposed by the Commission

Amendment

(38) Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union (OJ L 172, 30.6.2012, p. 10–35).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 112

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 39

Text proposed by the Commission

Amendment

(39) *Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1–56).*

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 113

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 42

Text proposed by the Commission

Amendment

(42) Regulation (EU) No 345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds (OJ L 115, 25.4.2013, p. 1–17).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 114

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 43

Text proposed by the Commission

Amendment

(43) Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds (OJ L 115, 25.4.2013, p. 18–38).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 115

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 45

Text proposed by the Commission

Amendment

(45) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349–496).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 116

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 48

Text proposed by the Commission

Amendment

(48) Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs) (OJ L 352, 9.12.2014, p. 1–23). *deleted*

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 117

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 49

Text proposed by the Commission

Amendment

(49) Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds (OJ L 123, 19.5.2015, p. 98–121).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 118

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 50

Text proposed by the Commission

Amendment

(50) Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35–127).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 119

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 51

Text proposed by the Commission

Amendment

(51) Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L 310, 26.11.2015, p. 1–18).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 120

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 52

Text proposed by the Commission

Amendment

(52) Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ L 26, 2.2.2016, p. 19–59).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

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Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 121

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 53

Text proposed by the Commission

Amendment

(53) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1–88).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1. Moreover, the GDPR's inclusion to the proposal's scope is particularly concerning, as it may only serve to undermine and confuse the GDPR's application. The GDPR does not only offer regulators greater powers to both enforce and clarify data protection rights, it already introduces the use of representative bodies to exercise those rights. Certain GDPR-provisions cannot effectively be enforced on behalf of collective interests, as certain claims are clearly targeted at individual interests. Those will require specific pleading to their facts and cannot be remedied by any aggregate model of damages. For instance, emotional

distress is a common ground to launch claims under GDPR. Because these rights are of utmost importance, the determination of compensation should be driven by a careful individual analysis of the claim and the actual loss suffered by the consumers. Therefore, it would be beneficial from a legal certainty perspective to both businesses and consumers, if data protection authorities (DPAs) continue to lead the enforcement priorities and objectives in this area. Lastly, further clarity is needed as to how Article 80 GDPR interrelates with the proposal.

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Amendment 122

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 54

Text proposed by the Commission

Amendment

(54) Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (OJ L 354, 23.12.2016, p. 37–85).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

EUROPEAN PARLIAMENT

Committee on Legal Affairs

06/11/2018

Geoffroy Didier

Representative actions for the protection of the collective interests of consumers

Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 123

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 56

Text proposed by the Commission

Amendment

(56) Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 30.6.2017, p. 12–82).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

EUROPEAN PARLIAMENT

Committee on Legal Affairs

06/11/2018

Geoffroy Didier

Representative actions for the protection of the collective interests of consumers

Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 124

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 57

Text proposed by the Commission

Amendment

(57) Regulation (EU) 2017/1131 of the European Parliament and of the Council of 14 June 2017 on money market funds (OJ L 169, 30.6.2017, p. 8–45).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

EUROPEAN PARLIAMENT

Committee on Legal Affairs

06/11/2018

Geoffroy Didier

Representative actions for the protection of the collective interests of consumers

Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 125

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 58

Text proposed by the Commission

Amendment

(58) Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1–23).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.

EUROPEAN PARLIAMENT

Committee on Legal Affairs

06/11/2018

Geoffroy Didier

Representative actions for the protection of the collective interests of consumers

Proposal for a directive COM(2018)0184 - C8-0149/2018 – 2018/0089(COD)

Amendment 126

Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Luis de Grandes Pascual, Markus Pieper

Proposal for a directive
Annex I – point 59

Text proposed by the Commission

Amendment

(59) Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (OJ L 60, 02.03.2018, p. 1).

deleted

Or. en

Justification

Not listed in the Annex of the CPC Regulation. See also justification for ANNEX I - title and ANNEX I - subheading 1.