

Courtesy translation



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC

11TH TERM

473th

RESOLUTION OF THE SENATE

Delivered on the 16th session held on 19th July 2018

**Proposal for a Directive of the European Parliament and of the Council
on representative actions for the protection of the collective interests of
consumers, and repealing Directive 2009/22/EC
(Senate Print no. N 122/11, COM(2018) 184)**

The Senate

I.

1. Supports

in general terms, the introduction of an effective remedy for consumers to seek a representative action, that is the possibility for a large group of consumers to file a claim for stopping an illegal practice and for damages arising from such practice in a single proceeding;

2. Appreciates

that the proposal makes as much as possible an effort to respect and maintain various legal orders in the Member States and does not provide for a single exclusive model which would have to be adopted by all Member States;

3. Considers

however, the mixing of mechanisms of private and public law in the Proposal, in particular in Articles 6 and 15, to be highly disputable;

4. Rejects

the idea of Article 6 of the Proposal, according to which, in case of minor claims, the redress should be directed to a public purpose, because such a rule negates the essence of compensation of damage as a legal institution;

5. Proposes instead

to direct to a public purpose only the part of the redress that has not been withdrawn by the concerned consumers included in the collective redress to a certain date;

6. Is of the opinion

that a consumer should have the option to step out from the ongoing proceeding, if the consumer's participation in the proceeding was not subject to his or her consent;

II.

1. Requests

the Government to inform the Senate about the way this resolution was taken into account and about further development of negotiations once the political agreement of the required number of Member States on the main elements of the proposal is reached, or at an earlier time, should the results of negotiations in the Council begin to depart considerably from the position of the Czech Republic expressed in the General Position of the Government;

2. Authorises

the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch
sign manual
President of the Senate

Michael Canov
sign manual
Senate Verifier