



EUROPEAN COMMISSION

Brussels, 29/04/2009  
C/2009/3114

Dear Mr President,

The Commission welcomes your contribution to the Green Paper on Consumer Collective Redress (COM (2008)794).

The Commission is pleased that the German Bundesrat welcomes its initiative to provide options for closing any gaps to effective redress for consumers in mass claim situations. The Commission considers the views of the national Parliaments representing the different legal traditions in the Member States of great importance and therefore appreciates that the Bundesrat shares its very detailed and balanced opinion with it. The Bundesrat conveys a considerable amount of comments and suggestions which will be helpful for the Commission's decision-making process.

The Commission wishes to reassure the Bundesrat that EU legislation in the area of mass claims would only be envisaged, if sound evidence would show that there is a real need for European intervention. This is reflected in the wide range of the proposed options which include the option of no immediate EU action favoured by the Bundesrat. Any future initiative will need a solid legal base and will be thoroughly assessed in the light of the principles of proportionality and subsidiarity.

The Commission welcomes the Bundesrat's detailed comments on the options and their different elements and will reflect on the explanations and suggestions when it comes to deciding on any future action. As emphasised in the Green Paper the Commission is fully aware of the risks associated with mechanisms encouraging a litigation culture which exist in some non-European countries. The Commission will ensure in any future initiative that it does not lay ground for the development of a litigation industry.

***Herrn Peter Müller***  
***Präsident des Bundesrates***  
***Bundesrat***  
***D- 11055 Berlin***

With regard to the Bundesrat's request for a thorough analysis of the defects of the collective redress mechanisms already existing in 13 Member States, the Commission indicates that it had commissioned an extensive study on the evaluation of the effectiveness and efficiency of collective redress mechanisms in the EU. The results of this study are summarised in the Green Paper (paragraphs 12-15). Whereas there might be a need for further monitoring of the existing national collective redress systems as outlined in option 1 of the Green Paper, the Commission wishes to emphasise that an in-depth analysis has already been carried out.

On the scope of the Green Paper the Commission wishes to explain that the problems identified do not only relate to very small and small mass claims, but also to medium and large scale mass claim cases. Therefore the Green Paper in option 3 suggests other possible solutions outside judicial collective redress mechanisms, such as the cooperation between national public enforcement authorities (paragraphs 33-36).

The Commission informs the Bundesrat that it will publish all contributions to the Green Paper and a feedback statement in due course. Any possible future initiative will be based on the thorough assessment of the consultation's outcome.

Yours sincerely

Margot WALLSTRÖM  
Vice-President of the European Commission