



2018/0089(COD)

23.11.2018

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Legal Affairs

on the 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 (COM(2018)0184 – C8-0149/2018 – 2018/0089(COD))

Rapporteur for opinion: Dennis de Jong

(*) Associated committees – Rule 54 of the Rules of Procedure

PA_Legam

SHORT JUSTIFICATION

The Rapporteur agrees with the underlying principles of the Commission proposal and is of the opinion that the Commission strikes the right balance of facilitating representative actions, without opening the doors to abusive practices. In particular, the Rapporteur considers it vital that only not-for-profit organisations can act as ‘qualified entities’ in the sense of the Directive.

Minimum harmonisation

In Article 1, the current formulation is rather vague. The Rapporteur therefore suggests making it very clear that the Directive aims at minimum harmonisation and that Member States remain free to adopt or maintain provisions that are more favourable to consumers.

Qualified entities and representative measures

Although most Member States have independent bodies dealing with consumer rights, this is not the case in, for example, Germany. This Directive is not the suitable tool to require all Member States to establish such bodies. Hence, the Rapporteur added the words ‘where applicable’ in Article 4.

With respect to Article 5, the launch of representative actions for redress should not have to wait until the final decision establishes that a practice constitutes an infringement of Union law. Otherwise, procedures may take so long that the actual evidence of damage may be lost.

Redress measures

In Article 6, the Rapporteur suggests to limit the possibility for Member States to empower a court or administrative authority to issue a declaratory decision in order to prevent that cases will too easily be marked as complex. Secondly, the Rapporteur proposes to give all consumers the right to receive their compensation, regardless of the amount of loss. A small amount of loss is a subjective term, since a small amount for one consumer can mean a lot for another.

Scope

Although the Rapporteur would not be in favour of taking out passengers’ rights from the scope of the Directive, he refrained from deleting the references to an evaluation of this aspect, as the latest Commission legislative proposals on air and rail passenger rights are still under negotiation. Once these negotiations have been finalised, a more complete picture will emerge. Re-assessment after one year after the entry into force of the Directive, seems too soon, however, to establish whether the new rules on passenger rights offer an adequate level of protection comparable to that provided in the Directive.

In the Annex I the Rapporteur included a number of legislative instruments which have proven to be important for consumers, thus broadening the material scope of the Directive.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) A representative action should offer an effective and efficient way of protecting the collective interests of consumers. It should allow qualified entities to act with the aim of ensuring compliance with relevant provisions of Union law and to overcome the obstacles faced by consumers within individual actions, such as the uncertainty about their rights and available procedural mechanisms, psychological reluctance to take action and the negative balance of the expected costs and benefits of the individual action.

Amendment

(3) A representative action should offer an effective and efficient way of protecting the collective interests of **all** consumers, **without discrimination**. It should allow qualified entities to act with the aim of ensuring compliance with relevant provisions of Union law and to overcome the obstacles faced by consumers within individual actions **with regard to their generally weaker position**, such as the uncertainty about their rights and available procedural mechanisms, psychological reluctance to take action and the negative balance of the expected costs and benefits of the individual action.

Amendment 2

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) This Directive should cover a variety of areas such as data protection, financial services, travel and tourism, energy, telecommunications **and** environment. It should cover infringements of provisions of Union law which protect the interests of consumers, regardless of whether they are referred to as consumers or as travellers, users, customers, retail investors, retail clients or other in the relevant Union law. To ensure adequate response to infringement to Union law, the form and scale of which is quickly

Amendment

(6) This Directive should cover a variety of areas such as data protection, financial services, travel and tourism, energy, telecommunications, environment **and health**. It should cover infringements of provisions of Union law, which protect the **collective** interests of consumers, regardless of whether they are referred to as consumers or as travellers, users, customers, retail investors, retail clients or other in the relevant Union law, **as well as the collective interests of data subjects within the meaning of the GDP**

evolving, it should be considered, each time where a new Union act relevant for the protection of the collective interests of **consumers** is adopted, whether to amend the Annex to the present Directive in order to place it under its scope.

Regulation. To ensure adequate response to infringement to Union law, the form and scale of which is quickly evolving, it should be considered, each time where a new Union act relevant for the protection of the collective interests of **individuals** is adopted, whether to amend the Annex to the present Directive in order to place it under its scope.

Amendment 3

Proposal for a directive Recital 7

Text proposed by the Commission

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

deleted

³⁰ COM(2013) 130 final.

³¹ COM(2017) 548 final.

Amendment 4

Proposal for a directive Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) This Directive should not affect the application of EU rules on private international law in cross-border cases. 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 (recast - Brussels I), Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) and Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) apply to the representative actions set out by this Directive.

Amendment 5

Proposal for a directive Recital 10

Text proposed by the Commission

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***

(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 ***should be registered in a Member State of the European Union as having been*** properly constituted according to the law of ***that*** Member State. ***In particular,*** they should have a ***non-profit making character and a governance structure*** ensuring that ***no excessive salaries or fees or reimbursement of excessive office costs***

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 the purpose of a specific action.

or other expenses are paid just to fulfil the non-profit criterion.

Amendment 6

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) Independent public bodies, consumer organisations, *and citizens' advice groups* 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 7

Proposal for a directive Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) Qualified entities should have no structural or financial interrelationship with a third person or organisation that financially benefits of the action by providing legal assistance or financial support.

Amendment 8

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) To increase the procedural effectiveness of representative actions, qualified entities should have the possibility to seek different measures within a single representative action or within separate representative actions. These measures should include interim measures for stopping an ongoing practice or prohibiting a practice in case the practice has not been carried out but there is a risk that it would cause serious or irreversible harm to consumers, measures establishing that a given practice constitutes an infringement of law and, if necessary, stopping or prohibiting the practice for the future, as well as measures eliminating the continuing effects of the infringement, including redress. If sought within a single action, qualified entities should be able to seek all relevant measures at the moment of bringing the action *or first seek relevant injunctions order and subsequently and if appropriate redress order.*

Amendment 9

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) Qualified entities should be able to seek measures aimed at eliminating the continuing effects of the infringement. These measures should take the form of a redress order obligating the trader to provide for, inter alia, compensation, repair, replacement, price reduction, contract termination or reimbursement of the price paid, as appropriate and as

Amendment

(13) To increase the procedural effectiveness of representative actions, qualified entities should have the possibility to seek different measures within a single representative action or within separate representative actions. These measures should include interim measures for stopping an ongoing practice or prohibiting a practice in case the practice has not been carried out but there is a risk that it would cause serious or irreversible harm to consumers, measures establishing that a given practice constitutes an infringement of law and, if necessary, stopping or prohibiting the practice for the future, as well as measures eliminating the continuing effects of the infringement, including redress. If sought within a single action, qualified entities should be able to seek all relevant measures at the moment of bringing the action.

Amendment

(16) Qualified entities should be able to seek measures aimed at eliminating the continuing effects of the infringement. These measures should take the form of a redress order *for a material or non-material damage* obligating the trader to provide for, inter alia, compensation, repair, replacement, *removal*, price reduction, contract termination or

available under national laws.

reimbursement of the price paid, as appropriate and as available under national laws.

Amendment 10

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 redress order is issued.

deleted

Amendment 11

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

deleted

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.

Amendment 12

Proposal for a directive Recital 22

Text proposed by the Commission

(22) Measures aimed at eliminating the continuing effects of the infringement may be sought only on the basis of a final decision, establishing an infringement of Union law covered by the scope of this Directive harming collective interest of consumers, including a final injunction order issued within the representative action. In particular, measures eliminating the continuing effects of the infringement may be sought on the basis of final decisions of a court or administrative authority in the context of enforcement activities regulated by Regulation (EU) 2017/2394 of the European Parliament and of the Council *of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004.*³²

Amendment

(22) Measures aimed at eliminating the continuing effects of the infringement may be sought only on the basis of a final decision, establishing an infringement of Union law covered by the scope of this Directive harming collective interest of consumers, including a final ***injunction*** order issued within the representative action. In particular, measures eliminating the continuing effects of the infringement may be sought on the basis of final decisions of a court or administrative authority in the context of enforcement activities regulated by Regulation (EU) 2017/2394 of the European Parliament and of the Council¹. ***However, in order not to prolong procedures and not to increase the risk that consumers may lose evidence which supports their case and may cease to have an interest in the case, the actions for those measures may be launched in parallel with the actions seeking injunction orders and decided upon simultaneously with the decision establishing an infringement of Union law.***

Amendment 13

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 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 *minimum standards established* by this Directive.

Amendment 14

Proposal for a directive Recital 26

Text proposed by the Commission

(26) Collective out-of-court settlements aimed at providing redress to harmed consumers should be encouraged both before the representative action is brought and at any stage of the representative action.

Amendment

(26) Collective out-of-court settlements, *such as mediation*, aimed at providing redress to harmed consumers should be encouraged both before the representative action is brought and at any stage of the representative action.

Amendment 15

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

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. Individual consumers concerned shall be given the possibility to accept or to refuse to be bound by such a settlement.

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 ***and file or pursue their corresponding individual action.***

Amendment 16

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) In order to facilitate redress for individual consumers sought on the basis of final declaratory decisions regarding the liability of the trader towards the consumers harmed by an infringement issued within representative actions, the court or administrative authority that issued the decision should be empowered to request the qualified entity and the trader to reach a collective settlement.

Amendment

deleted

Amendment 17

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

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. The reputational risks *associated with* spreading information about *the* infringement *are also important for deterring traders infringing consumer rights*.

Amendment 18

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 19

Proposal for a directive Recital 33

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 ***presumption of innocence principle and*** reputational risks ***related to*** spreading information about ***a potential*** infringement ***should be taken into account***.

Amendment

(32) To be effective, the information should be adequate and proportional to the circumstances of the case. The infringing trader should adequately inform all ***individuals*** concerned ***as well as the general public*** 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, ***individuals*** should be informed individually through electronic or paper letters. This information should be provided in accessible formats for persons with disabilities upon request.

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

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

Amendment 20

**Proposal for a directive
Recital 34 a (new)**

Text proposed by the Commission

Amendment

(34 a) Members States should ensure that individuals are allowed to apply for a suspension of their own action for redress until the final decision of a corresponding representative action.

Amendment 21

**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 aimed at the protection of the collective interests of consumers, ***thus achieving a high level of consumer protection and, in particular, of access to justice***, while ensuring appropriate safeguards ***at EU and Member State level and their consistent EU-wide application*** to avoid abusive litigation.

Amendment 22

**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 ***aims at minimum harmonisation and shall therefore*** not prevent Member States from adopting or maintaining in force provisions designed to ***ensure a higher level of consumer protection and 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 ***than those provided for in the Directive***.

Amendment 23

**Proposal for a directive
Article 2 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1 a. This Directive shall not prevent Member States from adopting or maintaining additional areas of consumer protection than those to which this Directive shall apply.

Amendment 24

Proposal for a directive Article 2 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. *The Commission shall be empowered to adopt delegated acts in accordance with Article 17a to amend Annex I for the purposes of adding to it provisions of the Union law to which article 2(1) refers.*

Amendment 25

Proposal for a directive Article 3 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

(1) ‘consumer’ means any natural person who is acting for purposes which are outside their trade, business, craft or profession;

(1) ‘consumer’ means any natural person who is acting for purposes which are **mainly** outside their trade, business, craft or profession;

Amendment 26

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 interests of a number of consumers **or of data subjects as defined in Regulation(EU)2016/679 (General Data Protection Regulation)**;

Amendment 27

Proposal for a directive Article 4 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

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

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

Amendment 28

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

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

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

Amendment 29

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

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

(b) **its statute or another relevant governance document demonstrates its** legitimate interest in ensuring that provisions of Union law covered by this Directive are complied with;

Amendment 30

Proposal for a directive

Article 4 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

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

(c) it has a non-profit making character **and a governance structure ensuring the non-profit criterion;**

Amendment 31

Proposal for a directive

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

Text proposed by the Commission

Amendment

(c a) it is, at all times, fully transparent about the source of funding of its activity in general and the funds that it uses to support the action;

Amendment 32

Proposal for a directive

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

Text proposed by the Commission

Amendment

(c b) it has in place due procedures to identify, prevent and resolve conflicts of interest;

Amendment 33

Proposal for a directive

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

Text proposed by the Commission

Amendment

(c c) it has a proper communication policy in place, through which it informs consumers in a general manner of costs and risks that could arise from a collective action;

Amendment 34

Proposal for a directive

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

Text proposed by the Commission

Amendment

(c d) it has no structural or financial interrelationship with a third person or organisation that financially benefits of the action by providing legal assistance or

financial support.

Amendment 35

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 consumer organisations and, ***where applicable***, 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 36

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 ***according to Article I*** can be brought before national courts or administrative authorities by qualified entities.

Amendment 37

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

Amendment

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).

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 *point b of* paragraph 2. ***Although the decision on these representative actions can only be taken after it has been formally established that a practice constitutes an infringement of Union law, however, in order not to prolong procedures, the actions can be launched in parallel with the actions for injunction orders referred to in paragraph 2 or as part of a single representative action in accordance with national law.***

Amendment 38

Proposal for a directive Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. Without prejudice to Article 4(4), Member States shall ensure that qualified entities are able to seek the measures eliminating the continuing effects of the infringement together with measures referred to in paragraph 2 within a single representative action.

deleted

Amendment 39

Proposal for a directive Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Member States shall ensure that the 'loser pays' principle applies for all types of representative actions.

Justification

The 2013 Commission Recommendation stipulates that the party that loses a collective

redress action reimburses necessary legal costs borne by the winning party.

Amendment 40

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 ***for the economic and non-economic damages***, which obligates the trader to provide for, inter alia, compensation, repair, replacement, ***removal***, price reduction, contract termination or reimbursement of the price paid, as appropriate. ***Moreover, Member States may ensure that, in strictly exceptional, duly justified cases, qualified entities can seek a declaratory decision instead of a redress order.***

A Member State may require the mandate of the individual consumers concerned before a declaratory decision is made or a redress order is issued, ***including, where applicable, on the type of remedies sought. Other affected consumers, including those who are not habitually resident in the Member State where the action occurs, shall be able to join the representative action seeking a declaratory decision or a redress order.***

Amendment 41

Proposal for a directive

Article 6 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The redress resulting from a representative action shall normally be allocated to affected consumers.

Amendment 42

Proposal for a directive Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. *By derogation to paragraph 1, Member States may empower a court or administrative authority to issue, instead of a redress order, a declaratory decision regarding the liability of the trader towards the consumers harmed by an infringement of Union law listed in Annex I, in duly justified cases where, due to the characteristics of the individual harm to the consumers concerned the quantification of individual redress is complex.* **deleted**

Amendment 43

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.

Amendment 44

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 **paragraph 1** shall be without prejudice to any additional rights to redress that the consumers concerned may have under Union or national law.

Amendment 45

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. The qualified entity seeking a redress order as referred in Article 6(1) shall declare **in detail at the stage of admissibility** of the action the source of the funds used for its activity in general and the funds that it uses to support the action. **This may include a guarantee or indemnity from a third party subject also to the provisions of paragraphs 2 and 3 of this Article.**

Amendment 46

Proposal for a directive Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The unsuccessful party shall bear the costs of the proceedings subject to the

conditions provided for in the relevant national law.

Amendment 47

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 ensure that in cases where a representative action for redress is funded by a third party, ***transparency as to the origin of the funds is ensured and that*** it is prohibited for the third party:

Amendment 48

Proposal for a directive

Article 7 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

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

Amendment 49

Proposal for a directive

Article 7 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) to receive any direct or indirect financial benefit through the litigation process or decision;

Amendment 50

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 51

**Proposal for a directive
Article 8 – paragraph 6**

Text proposed by the Commission

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.

Amendment 52

**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

Amendment

3. Member States shall ensure that courts and administrative authorities 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

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 **and file or pursue their corresponding individual action**. 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.

Amendment

1. Member States shall ensure that the court or administrative authority shall require the infringing trader to inform affected **in particular consumers and workers, as well as the general public** 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

appropriate, through notifying all consumers concerned individually.

the case and within specified time limits, including, where appropriate, through notifying all consumers concerned individually. ***In addition to the channels of the trader who committed the infringement, this information may also be provided via relevant public authority channels or through the channels of designated qualified entities, in every case at the expense of the trader who committed the infringement.***

Justification

The channels of the party who committed the infringement may not be regarded by the injured party as worthy of confidence. It would therefore be appropriate for consumers to be informed through channels perceived as reliable.

Amendment 53

Proposal for a directive Article 9 – paragraph 2

Text proposed by the Commission

2. The information referred to in paragraph 1 shall include in intelligible language an explanation of the subject-matter of the representative action, its legal consequences and, if relevant, the subsequent steps to be taken by the consumers concerned.

Amendment

2. The information referred to in paragraph 1 shall include in intelligible language an explanation of the subject-matter of the representative action, its legal consequences and, if relevant, the subsequent steps to be taken by the consumers concerned. ***The modalities and timeframe of the information shall be designed in agreement with the court or administrative authority.***

Amendment 54

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

Amendment

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.

considered by their national courts or administrative authorities **at least** as a rebuttable presumption that an infringement has occurred.

Amendment 55

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

In accordance with national law, 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 56

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 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 that such evidence be presented by the defendant. ***This decision should be based on an assessment of the need, scope and proportionality of the requested disclosure, in accordance with national procedural rules, and*** subject to the applicable Union and national rules on confidentiality.

Amendment 57

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 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, **in particular** 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 58

Proposal for a directive Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall take the necessary measures to ensure that in cases where the qualified entities are required to inform consumers concerned about the ongoing representative action the related cost may be recovered from the trader if the action is successful.

Amendment

2. Member States shall take the necessary measures to ensure that ***the party that loses a collective redress action reimburses necessary legal costs borne by the winning party, subject to the conditions provided for in the relevant national law.*** In cases where the qualified entities are required to inform consumers concerned about the ongoing representative action the related cost may be recovered from the trader if the action is successful.

Amendment 59

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

Amendment

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 60

Proposal for a directive Article 16 a (new)

Text proposed by the Commission

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.

Amendment

Article 16 a

In order to make the possibility of cross-border injunctions more visible, Member States shall ensure that the relevant domestic administrative authorities set up a registry of unlawful acts which have been subject to injunction orders in order to provide a basis for best practice and information to other Member State authorities.

Amendment 61

Proposal for a directive Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17 a

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts***

referred to in Article 2 shall be conferred on the Commission for five years from ... [insert the date of entry into force of this Directive]. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 2 maybe revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 2 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 62

Proposal for a directive Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. No later than one year after the entry into force of this Directive, the

deleted

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 63

**Proposal for a directive
Annex I – point 59 a (new)**

Text proposed by the Commission

Amendment

(59 a) Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union Text with EEA relevance (OJ L 349, 5.12.2014, p. 1).

Amendment 64

**Proposal for a directive
Annex I – point 59 b (new)**

Text proposed by the Commission

Amendment

(59 b) Regulation [...] of the European Parliament and of the Council concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications).

Amendment 65

Proposal for a directive Annex I – point 59 c (new)

Text proposed by the Commission

Amendment

(59 c) Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).

Amendment 66

Proposal for a directive Annex I – point 59 d (new)

Text proposed by the Commission

Amendment

(59 d) Directive [...] of the European Parliament and of the Council establishing the European electronic communications code (recast).

Amendment 67

Proposal for a directive Annex I – point 59 e (new)

Text proposed by the Commission

Amendment

(59 e) Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (OJ L 96, 29.3.2014, p. 357).

Amendment 68

Proposal for a directive Annex I – point 59 f (new)

Text proposed by the Commission

Amendment

(59 f) Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24).

Amendment 69

**Proposal for a directive
Annex I – point 59 g (new)**

Text proposed by the Commission

Amendment

(59 g) Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC (OJ L 81, 31.3.2016, p. 51).

Amendment 70

**Proposal for a directive
Annex I – point 59 h (new)**

Text proposed by the Commission

Amendment

(59 h) Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5).

Amendment 71

**Proposal for a directive
Annex I – point 59 i (new)**

Text proposed by the Commission

Amendment

(59 i) Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts (OJ L 96, 29.3.2014, p. 251).

Amendment 72

**Proposal for a directive
Annex I – point 59 j (new)**

Text proposed by the Commission

Amendment

(59 j) Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments (OJ L 96, 29.3.2014, p. 107).

Amendment 73

**Proposal for a directive
Annex I – point 59 k (new)**

Text proposed by the Commission

Amendment

(59 k) Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (OJ L 178, 28.6.2013, p. 27).

Amendment 74

**Proposal for a directive
Annex I – point 59 l (new)**

Text proposed by the Commission

Amendment

(59 l) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Amendment 75

**Proposal for a directive
Annex I – point 59 m (new)**

Text proposed by the Commission

Amendment

(59 m) Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).

Amendment 76

**Proposal for a directive
Annex I – point 59 n (new)**

Text proposed by the Commission

Amendment

(59n) Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1).

Amendment 77

**Proposal for a directive
Annex I – point 59 o (new)**

Text proposed by the Commission

Amendment

(59 o) Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC(OJ L 338, 13.11.2004, p. 14).

Amendment 78

**Proposal for a directive
Annex I – point 59 p (new)**

Text proposed by the Commission

Amendment

(59 p) Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).

Amendment 79

**Proposal for a directive
Annex I – point 59 q (new)**

Text proposed by the Commission

Amendment

(59 q) Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

Amendment 80

**Proposal for a directive
Annex I – point 59 r (new)**

Text proposed by the Commission

Amendment

(59 r) Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

Amendment 81

**Proposal for a directive
Annex I – point 59 s (new)**

Text proposed by the Commission

Amendment

(59 s) Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L136, 30.4.2004, p. 1).

Amendment 82

**Proposal for a directive
Annex I – point 59 t (new)**

Text proposed by the Commission

Amendment

(59 t) Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 263, 9.10.2007, p. 1).

Amendment 83

Proposal for a directive Annex I – point 59 u (new)

Text proposed by the Commission

Amendment

(59 u) Regulation (EC) 1924/2006 of 20 December 2006 on nutrition and health claims made on foods (OJ L 404, 30.12.2006, p. 9).

Amendment 84

Proposal for a directive Annex I – point 59 v (new)

Text proposed by the Commission

Amendment

(59 v) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

Entity and/or person
BEUC (European Consumers Organisation) Ursula Pachl (Deputy Director) Augusta Maciuleviciuté (Senior Legal Officer)
MKB Nederland (Dutch Association of Small and Medium Enterprises) Fried Kaanen (Vice Chair) Egbert Roozen (Vice chair)
VNO-NCW (Dutch Confederation of Netherlands Industry and Employers)
BUSINESSEUROPE Winand Quaedvlieg (Head Brussels' Office)
VZBV (Federatin of German Consumer Organisation) Otmar Lell (Team leader Legal Affairs and Trade) Isabelle Buscke (Leader Team Brussels) Julian Gallash (Policy Officer Team Legal Affairs and Trade) Christiane Seidel (Policy Officer Team Brussels)
ETNO-GSMA Pierantonio Rizzo Malte Firlus Kristina Olausson
BitKom Torben David

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Representative actions for the protection of the collective interests of consumers		
References	COM(2018)0184 – C8-0149/2018 – 2018/0089(COD)		
Committee responsible Date announced in plenary	JURI 2.5.2018		
Opinion by Date announced in plenary	IMCO 2.5.2018		
Associated committees - date announced in plenary	13.9.2018		
Rapporteur Date appointed	Dennis de Jong 16.5.2018		
Discussed in committee	24.9.2018	10.10.2018	21.11.2018
Date adopted	22.11.2018		
Result of final vote	+: –: 0:	18 10 3	
Members present for the final vote	Carlos Coelho, Sergio Gaetano Cofferati, Daniel Dalton, Nicola Danti, Dennis de Jong, Evelyne Gebhardt, Maria Grapini, Robert Jarosław Iwaszkiewicz, Liisa Jaakonsaari, Philippe Juvin, Antonio López-Istúriz White, Morten Løkkegaard, Eva Maydell, Virginie Rozière, Christel Schaldemose, Olga Sehnalová, Jasenko Selimovic, Ivan Štefanec, Catherine Stihler, Anneleen Van Bossuyt, Marco Zullo		
Substitutes present for the final vote	Birgit Collin-Langen, Julia Reda, Adam Szejnfeld, Marc Tarabella, Sabine Verheyen		
Substitutes under Rule 200(2) present for the final vote	Salvatore Cicu, Mady Delvaux, Czesław Hoc, Jean Lambert, Anne-Marie Mineur		

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

18	+
ALDE	Morten Løkkegaard, Jasenko Selimovic
ECR	Anneleen Van Bossuyt
GUE/NGL	Anne-Marie Mineur, Dennis de Jong
S&D	Sergio Gaetano Cofferati, Nicola Danti, Mady Delvaux, Evelyne Gebhardt, Maria Grapini, Liisa Jaakonsaari, Virginie Rozière, Christel Schaldemose, Olga Sehnalová, Catherine Stihler, Marc Tarabella
Verts/ALE	Jean Lambert, Julia Reda

10	-
ECR	Daniel Dalton, Czesław Hoc
PPE	Salvatore Cicu, Birgit Collin-Langen, Philippe Juvin, Antonio López-Istúriz White, Eva Maydell, Ivan Štefanec, Adam Szejnfeld, Sabine Verheyen

3	0
EFDD	Robert Jarosław Iwaszkiewicz, Marco Zullo
PPE	Carlos Coelho

Key to symbols:

+ : in favour

- : against

0 : abstention