



26.11.2018

OPINION

of the Committee on Transport and Tourism

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: Georg Mayer

PA_Legam

SHORT JUSTIFICATION

The rapporteur welcomes the Commission's proposed directive on representative actions, which should ensure that Member States fully apply, implement and enforce EU law and provide adequate redress for citizens.

The Representative Actions Directive does not intervene in existing mechanisms to improve or amend the directives referred to in Annex 1 through transport operators or tour operators in situ; it should rather be seen as an instrument for the consumer-friendly application of existing law. In the event of a dispute, the admissibility of a representative action falls within the jurisdiction of the Member State concerned (jurisdiction is determined by Regulation (EC) No 44/2001 - Brussels I).

The specific characteristics of the sectors in the area of transport and tourism concerned, such as air, rail, sea and package travel, are taken into account in the sector-specific directives to which the possibility of conducting a representative action will apply.

The rapporteur believes that, in the interest of holistic consumer protection, there is an urgent need for sector-specific directives to be overhauled, updated and brought into line with market developments. This is particularly true in the case of the Air Passenger Rights Directive. The Representative Actions Directive must not divert attention away from the fact that a revision of passenger rights is long overdue. However, at present it is too soon to say whether there will be a recast a year after the Representative Actions Directive has come into force, so that the deadline proposed by the Commission for the evaluation of continued retention in Annex 1 would seem to be of little value.

Collective redress procedures should not be used to carry out public service tasks such as prosecuting conduct which results in damage. Such tasks should not be contracted out to private bodies whereby private entities are provided with exclusive access to the corresponding procedures.

The Directive does not consider the possibility of competing procedures which have a blocking effect on subsequent representative actions. In this case there is a need for detailed analysis and regulation if an excessive number of procedures, to the detriment of the courts, consumers and businesses, is to be avoided.

There must be no incentive to bring arbitrary, blackmailing actions against businesses, which could develop into a profitable business model.

In addition, the rapporteur sees a need for further improvement on the following points:

1. Definition of qualified entities: The prerequisite conditions need to be more tightly defined and all conditions must be sound in the relevant qualified entities for the duration of the representative action.
2. Opt-in regime: The rapporteur rejects representative actions under private law with no mandate from the consumers concerned, as a move away from this opt-in regime is not in line with our European legal tradition. A prerequisite for collective remedies must be the agreement of consumers that their claims be sustained. However, we must assume that the application of an opt-in regime in 'small' disputes would meet with little overall agreement among the putative injured persons, since any potential compensation would not benefit them directly.

3. Funding of qualified entities: Qualified entities should under no circumstances be funded with government support. The principle of equality must apply to complainants and defendants in this matter. Neither side may be given preferential treatment.
4. Lawyers' fees: Representative actions should not provide an incentive for disputes which are unnecessary for the parties concerned. The Member States should ensure that there is no possibility for contingency fees.
5. Penal process: The amount of any potential compensation should not be greater than the extent of the remedy which might have been obtained in individual litigation.

AMENDMENTS

The Committee on Transport and Tourism 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 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, 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, ***replacement, removal*** or price reduction, ***contract termination or reimbursement of the price paid*** as available under national laws.

Amendment 2

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) ***The Commission has adopted legislative proposals for a Regulation of***

Amendment

deleted

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.

³⁰ COM(2013) 130 final.

³¹ COM(2017) 548 final.

Amendment 3

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 available under national laws.

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 obligating the trader to provide for, inter alia, compensation, repair, replacement, **removal**, price reduction, contract termination or reimbursement of the price paid, as appropriate and as available under national laws.

Amendment 4

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 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 be required to individually identify all consumers concerned by an infringement, **and to obtain their prior consent to be involved in the representative action**, 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 5

Proposal for a directive Recital 20

Text proposed by the Commission

(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

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.

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 *providing* consumers with the possibility *of* directly *benefiting* from a redress order after it was issued, *requiring them* to give their individual mandate before the redress order is issued.

Amendment 6

Proposal for a directive

Recital 21

Text proposed by the Commission

(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.

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, ***notwithstanding the right of individual consumers to claim compensation***, 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. ***The funds should not be assigned to the qualified entity having brought the action, to avoid conflicts of interest.***

Amendment 7

Proposal for a directive

Recital 23

(23) This Directive provides for a procedural mechanism, which does not affect the rules establishing substantive rights of consumers to contractual and non-contractual remedies in case their interests have been harmed by an infringement, such as the right to compensation for damages, contract termination, reimbursement, replacement, repair or price reduction. A representative action seeking redress under this Directive can only be brought where Union or national law provides for such substantive rights.

(23) This Directive provides for a procedural mechanism, which does not affect the rules establishing substantive rights of consumers to contractual and non-contractual remedies in case their interests have been harmed by an infringement, such as the right to compensation for damages, contract termination, reimbursement, replacement, **removal**, repair or price reduction. A representative action seeking redress under this Directive can only be brought where Union or national law provides for such substantive rights.

Amendment 8

Proposal for a directive Recital 25

(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 settlements and whether it provides financing for a representative action for redress against a defendant who is a

(25) Qualified entities should, ***throughout each phase of the process***, 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 settlements and whether it provides financing for a representative action for

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.

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.

Amendment 9

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

Amendment 10

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 **in case of mass harm**, while ensuring appropriate safeguards to avoid abusive litigation.

Amendment 11

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 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 12

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 infringements by traders of provisions of the Union law listed in Annex I that ***does or is likely to do mass harm to*** the collective interests of consumers. It shall apply to infringements ***with a Union dimension***, including where those infringements have ceased before the representative action has started or before the representative action has been concluded.

Amendment 13

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

Text proposed by the Commission

Amendment

1a. The representative action shall not replace the right of consumer to

receive individual compensation, provided by specific Union law, in case of infringement by traders of provisions of Union law.

Amendment 14

Proposal for a directive Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. This Directive shall not apply to Union law under revision as listed in Annex III (new).

Amendment 15

Proposal for a directive Article 3 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

(6a) ‘mass harm’ means a widespread infringement with a Union dimension by traders of provisions of the Union law listed in Annex I that harm or may harm the collective interest of a considerable number of consumers;

Amendment 16

Proposal for a directive Article 3 – paragraph 1 – point 6 b (new)

Text proposed by the Commission

Amendment

(6b) ‘widespread infringement with a Union dimension’ means a widespread infringement that has done, does or is likely to do harm to the collective interests of consumers in at least two-thirds of the Member States, accounting, together, for at least two-thirds of the population of the Union.

Amendment 17

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 constituted according to the law of a Member State **and is registered on a list at the competent ministry of the company's Member State;**

Amendment 18

Proposal for a directive

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

Text proposed by the Commission

Amendment

(aa) it has been established for at least three years and has been active continuously over the preceding three years;

Amendment 19

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ca) Member States communicate to the Commission the list of qualified entities and any updates.

Amendment 20

Proposal for a directive

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

Text proposed by the Commission

Amendment

(cb) it has sufficient capacity in terms of financial resources, human resources and legal expertise to represent multiple claimants acting in their best interest.

Amendment 21

Proposal for a directive

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

Text proposed by the Commission

Amendment

(cc) there should be a direct relationship between the main objectives of the entities and the rights granted under Union law that are claimed to have been violated and in respect of which the action is brought;

Amendment 22

Proposal for a directive

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

Text proposed by the Commission

Amendment

(cd) it serves a public benefit purpose.

Amendment 23

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

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.

3. Member States shall ensure that **established or ad-hoc organisations defending a public interest**, in particular consumer organisations and independent public bodies are eligible for the status of qualified entity. Member States may designate as qualified entities organisations that represent members from more than one Member State.

Amendment 24

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 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 25

**Proposal for a directive
Article 5 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. A redress order, 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.

Amendment 26

**Proposal for a directive
Article 6 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

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. A Member State **may** require the mandate of the individual consumers concerned before a declaratory decision is made or a redress order is issued.

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, **removal**, price reduction, contract termination or reimbursement of the price paid, as appropriate. A Member State **shall** require the mandate of the individual consumers concerned before a declaratory decision is made or a redress order is issued.

Amendment 27

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 **must** 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 **and a demonstration that the claim procedure has been exhausted where consumers rights are protected by pre-defined claim-based regulations.**

Amendment 28

Proposal for a directive

Article 6 – paragraph 2

Text proposed by the Commission

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.***

Amendment

2. Member States ***shall ensure that qualified entities can only lawfully receive the mandate from an individual consumer, after the qualified entity has fully informed those individual consumers in writing about: (i) all relevant aspects of the collective procedure; (ii) the possibility for consumers to first claim directly with the trader without intervention of the qualified entity or represented by their lawyer or another representative allowed by national law; and (iii) any available options for individual recourse, including those under Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution.***

Amendment 29

Proposal for a directive

Article 6 – paragraph 3 – point a

(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;

deleted

Amendment 30

Proposal for a directive

Article 6 – paragraph 3 – point b

(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.

deleted

Amendment 31

Proposal for a directive

Article 6 – paragraph 3 a (new)

3a. The information to be provided by the qualified entities further to article 6.2.ii shall include the following: (i) the identity of the qualified entity and its legitimate interest in the relevant provisions of Union law; (ii) all possible steps of the collective procedure and their expected duration; (iii) ways or the lack thereof for the involved consumers to influence the decisions of the qualified

entity with regard to the collective procedure individually or collectively; (iv) clear information on any costs related to the collective procedure which may be charged to or withheld in any way from the individual consumers, including a calculation example of how such costs may impact the possible compensation or other form of redress which individual consumers may receive; and (v) detailed information on how and when the individual consumers will receive their compensation or other form of redress in case the collective procedure proves to be successful.

Amendment 32
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 33
Proposal for a directive
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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 **throughout the whole procedure**. It shall demonstrate **in a transparent way** that it has sufficient resources to represent the best interests of the consumers concerned and to meet any adverse costs should the action fail.

Amendment

(3a) Member States shall ensure that any compensation owed by a company following a successful outcome in a representative action goes only to the consumers involved; any staff costs or legal costs incurred may be deducted if these are not refunded to the qualified

entity by other means.

Amendment 34

Proposal for a directive Article 7 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

(3b) The costs incurred in an unsuccessful representative action must be borne by the qualified entity.

Amendment 35

Proposal for a directive Article 9 – paragraph 1

Text proposed by the Commission

Amendment

(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.

(1) Member States shall ensure that the court or administrative authority shall 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 36

Proposal for a directive Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that information is provided to the public in an accessible way on upcoming, ongoing and closed collective action, i.e. on a public website.

Amendment 37

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 order shall 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 38

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, such as limiting applicable court or administrative fees, granting them access to legal aid where necessary.

Amendment 39

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 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.*

deleted

Amendment 40

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

Amendment 41

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*

deleted

315, 3.12.2007, p. 14).

Amendment 42

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*

Amendment 43

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*

Amendment 44

Proposal for a directive Annex II a (new) - title

Text proposed by the Commission

Amendment

**ANNEX III LIST OF UNION LAW
REFERRED TO IN ARTICLE 2(4)**

Amendment 45

Proposal for a directive Annex II a (new) - point 1

(1) 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. I).

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	TRAN 31.5.2018
Rapporteur Date appointed	Georg Mayer 23.5.2018
Discussed in committee	9.10.2018
Date adopted	22.11.2018
Result of final vote	+: 21 –: 14 0: 1
Members present for the final vote	Daniela Aiuto, Lucy Anderson, Marie-Christine Arnautu, Inés Ayala Sender, Georges Bach, Deirdre Clune, Michael Cramer, Luis de Grandes Pascual, Andor Deli, Isabella De Monte, Jacqueline Foster, Innocenzo Leontini, Peter Lundgren, Elżbieta Katarzyna Łukacijewska, Marian-Jean Marinescu, Gesine Meissner, Markus Pieper, Gabriele Preuß, Franck Proust, Christine Revault d'Allonnes Bonnefoy, Massimiliano Salini, Claudia Țapardel, Keith Taylor, Pavel Telička, István Ujhelyi, Marita Ulvskog, Wim van de Camp, Janusz Zemke, Roberts Zīle
Substitutes present for the final vote	Jakop Dalunde, Mark Demesmaecker, Anders Sellström, Henna Virkkunen
Substitutes under Rule 200(2) present for the final vote	Michael Gahler, Clare Moody, Flavio Zanonato

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

21	+
ALDE	Gesine Meissner, Pavel Telička
ECR	Mark Demesmaecker, Jacqueline Foster, Peter Lundgren, Roberts Zīle
ENF	Marie-Christine Arnautu
PPE	Georges Bach, Deirdre Clune, Andor Deli, Michael Gahler, Innocenzo Leontini, Elżbieta Katarzyna Łukacijewska,,Marian-Jean Marinescu, Markus Pieper, Franck Proust, Massimiliano Salini, Anders Sellström, Henna Virkkunen, Luis de Grandes Pascual, Wim van de Camp

14	-
S&D	Lucy Anderson, Inés Ayala Sender, De Monte, Clare Moody, Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Claudia Țapardel, István Ujhelyi, Marita Ulvskog, Flavio Zanonato, Janusz Zemke
VERTS/ALE	Michael Cramer, Jakop Dalunde, Keith Taylor

1	0
EFDD	Daniela Aiuto

	Corrections to vote
+	
-	
0	

Key to symbols:

+ : in favour

- : against