



**2018/0089(COD)**

8.11.2018

# **AMENDMENTS**

## **40 - 339**

**Draft report**

**Geoffroy Didier**

(PE628.647v01-00)

Representative actions for the protection of the collective interests of consumers

Proposal for a directive

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



#### **Amendment 40**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Title 1**

*Text proposed by the Commission*

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

(Text with EEA relevance)

*Amendment*

Proposal for a

DIRECTIVE OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL

on representative actions for the protection  
of collective interests, and repealing  
Directive 2009/22/EC

(Text with EEA relevance)

Or. en

#### **Amendment 41**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital -1 (new)**

*Text proposed by the Commission*

*Amendment*

***(-1) Pursuant to Articles 26, 67 and 114 of the Treaty on the Functioning of the European Union, the Union has the duty to promote respect for human rights, facilitate access to justice and guarantee fundamental rights, and to ensure fair competition and proper functioning of the internal market by enforcing the rights protected by Union legislation. The effective protection of rights, in particular fundamental rights, in case of violations by business entities and holding these entities legally accountable for their actions and omissions, is necessary for a proper functioning of the internal market. On top of this, fair competition also requires comparable exposure to deterrent***

*and corrective actions in all Member States. Furthermore, justice and equality before the law require the protection of all victims of mass harm situations, including by enabling them to join their claims in order to access justice and seek effective remedy.*

Or. en

**Amendment 42**  
**Gilles Lebreton**  
on behalf of the ENF Group

**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 or price reduction as available under national laws. *In order to be able to act, qualified entities ought to obtain a mandate in advance from a minimum number of consumers (opt-in). The minimum number of consumers should be laid down by each Member State.*

Or. fr

**Amendment 43**  
**Heidi Hautala, Julia Reda**  
on behalf of the Verts/ALE Group

**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 **a** collective interest, 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 **as available under national laws**, such as compensation, repair or price reduction **in case of consumers, compensation or reinstatement after unlawful dismissals in case of workers, or compensation or repair of the damage causes in case of environmental damage or violation of fundamental rights**.

Or. en

**Amendment 44**

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

**Proposal for a directive**

**Recital 1**

*Text proposed by the Commission*

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

*Amendment*

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

price reduction as available under national laws.

Or. en

#### **Amendment 45**

**Laura Ferrara, Marco Zullo**

#### **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, ***reimbursement of the price paid***, repair, ***replacement, removal***, price reduction *or contract termination* as available under national laws.

Or. it

#### **Amendment 46**

**Kostas Chrysogonos, Jiří Maštálka**

#### **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

*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 or price reduction as available under national laws.

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.

Or. en

#### **Amendment 47**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### **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 ***or citizens***, 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 ***for the economic and non-economic damage***, such as compensation, repair or price reduction as available under national laws.

Or. en

#### **Amendment 48**

**Daniel Buda**

#### **Proposal for a directive**

##### **Recital 1 a (new)**

###### *Text proposed by the Commission*

###### *Amendment*

***(1a) This Directive contributes to***

*achieving a more effective enforcement system in the European Union, guaranteeing that Member States fully transpose Union law and ensure the implementation thereof by providing adequate redress mechanisms establishing a sound balance between greater consumer confidence in the internal market on the one hand and encouraging compliance by businesses with EU law on the other.*

Or. ro

**Amendment 49**  
**Kostas Chrysogonos, Jiří Maštálka**

**Proposal for a directive**  
**Recital 2**

*Text proposed by the Commission*

(2) Directive 2009/22/EC of the European Parliament and of the Council<sup>29</sup> enabled qualified entities to bring representative actions primarily aimed at stopping and prohibiting infringements of Union law harmful to the collective interests of consumers. However, that Directive did not sufficiently address the challenges for the enforcement of consumer law. To improve the deterrence of unlawful practices and to reduce consumer detriment, it is necessary to strengthen the mechanism for protection of collective interests of consumers. Given the numerous changes, for the sake of clarity it is appropriate to replace Directive 2009/22/EC.

*Amendment*

(2) Directive 2009/22/EC of the European Parliament and of the Council<sup>29</sup> enabled qualified entities to bring representative actions primarily aimed at stopping and prohibiting infringements of Union law harmful to the collective interests of consumers. However, that Directive did not sufficiently address the challenges for the enforcement of consumer law. To improve the deterrence of unlawful practices and to reduce consumer detriment, it is necessary to strengthen the mechanism for protection of collective interests of consumers. Given the numerous changes, for the sake of clarity it is appropriate to replace Directive 2009/22/EC. ***There is a strong need for European intervention, on the basis of Article 114 TFEU, in order to ensure both access to justice and sound administration of justice as it will reduce the costs and burden entailed by individual actions.***

Or. en



## Amendment 50

Mary Honeyball, Lucy Anderson

### Proposal for a directive

#### Recital 2

##### *Text proposed by the Commission*

(2) Directive 2009/22/EC of the European Parliament and of the Council<sup>29</sup> enabled qualified entities to bring representative actions primarily aimed at stopping and prohibiting infringements of Union law harmful to the collective interests of consumers. However, that Directive did not sufficiently address the challenges for the enforcement of consumer law. To improve the deterrence of unlawful practices and to reduce consumer detriment, it is necessary to strengthen the mechanism for protection of collective interests of consumers. Given the numerous changes, for the sake of clarity it is appropriate to replace Directive 2009/22/EC.

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<sup>29</sup> OJ L 110/30, 1.5.2009.

##### *Amendment*

(2) Directive 2009/22/EC of the European Parliament and of the Council<sup>29</sup> enabled qualified entities to bring representative actions primarily aimed at stopping and prohibiting infringements of Union law harmful to the collective interests of consumers. However, that Directive did not sufficiently address the challenges for the enforcement of consumer law. To improve the deterrence of unlawful practices, ***to encourage good and responsible business practices***, and to reduce consumer detriment, it is necessary to strengthen the mechanism for protection of collective interests of consumers. Given the numerous changes, for the sake of clarity it is appropriate to replace Directive 2009/22/EC.

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<sup>29</sup> OJ L 110/30, 1.5.2009.

Or. en

## Amendment 51

Heidi Hautala, Julia Reda

on behalf of the Verts/ALE Group

### Proposal for a directive

#### Recital 2

##### *Text proposed by the Commission*

(2) Directive 2009/22/EC of the European Parliament and of the Council<sup>29</sup> enabled qualified entities to bring representative actions primarily aimed at stopping and prohibiting infringements of

##### *Amendment*

(2) Directive 2009/22/EC of the European Parliament and of the Council<sup>29</sup> enabled qualified entities to bring representative actions primarily aimed at stopping and prohibiting infringements of

Union law harmful to the collective interests of consumers. However, that Directive did not sufficiently address the challenges for the enforcement of consumer law. To improve the deterrence of unlawful practices and to reduce **consumer** detriment, it is necessary to strengthen the mechanism for protection of collective interests of **consumers**. Given the numerous changes, for the sake of clarity it is appropriate to replace Directive 2009/22/EC.

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<sup>29</sup> OJ L 110/30, 1.5.2009.

Union law harmful to the collective interests of consumers. However, that Directive did not sufficiently address the challenges for the enforcement of consumer law. To improve the deterrence of **all** unlawful practices **by traders** and to reduce detriment, it is necessary to strengthen the mechanism for protection of collective interests of **all individuals**. Given the numerous changes, for the sake of clarity it is appropriate to replace Directive 2009/22/EC.

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<sup>29</sup> OJ L 110/30, 1.5.2009.

Or. en

## Amendment 52

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

### Proposal for a directive

#### Recital 2

##### *Text proposed by the Commission*

(2) Directive 2009/22/EC of the European Parliament and of the Council<sup>29</sup> enabled qualified entities to bring representative actions primarily aimed at stopping and prohibiting infringements of Union law harmful to the collective interests of consumers. However, that Directive did not sufficiently address the challenges for the enforcement of **consumer** law. To improve the deterrence of unlawful practices and to reduce consumer detriment, it is necessary to strengthen the mechanism for protection of collective interests of consumers. Given the numerous changes, for the sake of clarity it is appropriate to replace Directive 2009/22/EC.

##### *Amendment*

(2) Directive 2009/22/EC of the European Parliament and of the Council enabled qualified entities to bring representative actions primarily aimed at stopping and prohibiting infringements of Union law harmful to the collective interests of consumers. However, that Directive did not sufficiently address the challenges for the enforcement of **Union** law. To improve the deterrence of unlawful practices and to reduce consumer **or citizen** detriment, it is necessary to strengthen the mechanism for protection of collective interests of consumers **or citizens**. Given the numerous changes, for the sake of clarity it is appropriate to replace Directive 2009/22/EC.

Or. en

## Amendment 53

Heidi Hautala, Julia Reda

on behalf of the Verts/ALE Group

### 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 **and public interests, including inter alia the following grounds: data protection, privacy and confidentiality of communications, public security, public safety, public health, preserving social security systems, the protection of consumers, recipients of services and workers, fairness of trade transactions, combating fraud, the protection of the environment and animal health, the conservation of the national and artistic heritage, social and cultural policy objectives**. 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 **people** 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.

Or. en

## Amendment 54

Daniel Buda

### Proposal for a directive

#### Recital 3

*Text proposed by the Commission*

*Amendment*

(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.

(3) A representative action should offer an effective and efficient way of protecting the collective interests of all consumers ***against both internal and cross-border infringements***. 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, ***previous experience of unsuccessful claims, excessively lengthy proceedings***, psychological reluctance to take action and the negative balance of the expected costs and benefits of the individual action, ***thereby increasing legal certainty for both claimants and defendants, as well as for the legal system***.

Or. ro

#### **Amendment 55**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyn Gebhardt**

#### **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 consumers ***or citizens***. 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 ***or citizens*** 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.

Or. en

**Amendment 56**

**Kostas Chrysogonos, Jiří Maštálka**

**Proposal for a directive**

**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**(3a) Collective redress mechanisms allow individuals to jointly request unlawful practices to be stopped or prevented, or to obtain compensation for the harm caused by them. Allowing individuals to join claims that concern breaches of law that affect identical or similar interests belonging to more than one legal or natural person strengthens the fundamental right to access to justice. Such mechanisms allow multiple claimants to share the cost of judicial proceedings, reducing the financial burden on individuals; and expedite the resolution of their cases. They make remedies more accessible and so help fulfil EU citizens' rights to an effective remedy and to a fair trial – as protected under Article 47 of the Charter of Fundamental Rights of the European Union and Articles 6 and 13 of the European Convention on Human Rights – in practice.**

Or. en

**Amendment 57**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

**Proposal for a directive**

**Recital 4**

*Text proposed by the Commission*

*Amendment*

**(4) It is important to ensure the necessary balance between access to justice**

**(4) It is important to ensure the necessary balance between access to justice**

and procedural safeguards against abusive litigation which could unjustifiably hinder the ability of businesses to operate in the Single Market. To prevent the misuse of representative actions, elements such as punitive damages and the absence of limitations as regards the entitlement to bring an action on behalf of the harmed consumers should be avoided and clear rules on various procedural aspects, such as the designation of qualified entities, the origin of their funds and nature of the information required to support the representative action, should be laid down. This Directive should not affect national rules concerning the allocation of procedural costs.

and procedural safeguards against abusive litigation which could unjustifiably hinder the ability of businesses to operate in the Single Market. To prevent the misuse of representative actions, elements such as punitive damages and the absence of limitations as regards the entitlement to bring an action on behalf of the harmed consumers *or citizens* should be avoided and clear rules on various procedural aspects, such as the designation of qualified entities, the origin of their funds and nature of the information required to support the representative action, should be laid down. ***The unsuccessful party should bear the costs of the proceedings. However, the court or tribunal should not award costs to the unsuccessful party to the extent that they were unnecessarily incurred or are disproportionate to the claim.*** This Directive should not affect *otherwise* national rules concerning the allocation of procedural costs.

Or. en

## **Amendment 58**

**Daniel Buda**

### **Proposal for a directive**

**Recital 4**

#### *Text proposed by the Commission*

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

#### *Amendment*

(4) It is important to ensure the necessary balance between access to justice and procedural safeguards against abusive litigation which could unjustifiably hinder the ability of businesses to operate in the Single Market ***and, by extension, the freedom to conduct a business under Article 16 of the EU Charter of Fundamental Rights.*** To prevent the misuse of representative actions, elements such as punitive damages and the absence of limitations as regards the entitlement to bring an action on behalf of the harmed

origin of their funds and nature of the information required to support the representative action, should be laid down. This Directive should not affect national rules concerning the allocation of procedural costs.

consumers should be avoided and clear ***harmonised*** rules on various procedural aspects, such as the designation of qualified entities, the origin of their funds and nature of the information required to support the representative action, should be laid down, ***taking account of national legal traditions***. This Directive should not affect national rules concerning the allocation of procedural costs.

Or. ro

#### **Amendment 59**

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

#### **Proposal for a directive**

##### **Recital 4**

##### *Text proposed by the Commission*

(4) It is important to ensure the necessary balance between access to justice and procedural safeguards against abusive litigation which could unjustifiably hinder the ability of businesses to operate in the Single Market. To prevent the misuse of representative actions, elements such as punitive damages and the absence of limitations as regards the entitlement to bring an action on behalf of the harmed consumers should be avoided and clear rules on various procedural aspects, such as the designation of qualified entities, the origin of their funds and nature of the information required to support the representative action, should be laid down. ***This Directive should not affect national rules concerning the allocation of procedural costs.***

##### *Amendment*

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

Or. en

#### **Amendment 60**

**Heidi Hautala, Julia Reda**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

(4) It is important to ensure the necessary balance between access to justice and procedural safeguards against abusive litigation which could unjustifiably hinder the ability of businesses to operate in the Single Market. To prevent the misuse of representative actions, elements such as punitive damages and the absence of limitations as regards the entitlement to bring an action on behalf of the harmed **consumers** should be avoided and clear rules on various procedural aspects, such as the designation of qualified entities, the origin of their funds and nature of the information required to support the representative action, should be laid down. This Directive should not affect national rules concerning the allocation of procedural costs.

*Amendment*

(4) It is important to ensure the necessary balance between access to justice and procedural safeguards against abusive litigation which could unjustifiably hinder the ability of businesses to operate in the Single Market. To prevent the misuse of representative actions, elements such as punitive damages and the absence of limitations as regards the entitlement to bring an action on behalf of the harmed **individuals** should be avoided and clear rules on various procedural aspects, such as the designation of qualified entities, the origin of their funds and nature of the information required to support the representative action, should be laid down. This Directive should not affect national rules concerning the allocation of procedural costs.

Or. en

**Amendment 61**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyn Gebhardt**

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

(5) Infringements that affect the collective interests of consumers often have cross-border implications. More effective and efficient representative actions available across the Union should boost consumer confidence in the internal market and empower consumers to exercise their rights.

*Amendment*

(5) Infringements that affect the collective interests of consumers **or citizens** often have cross-border implications. More effective and efficient representative actions available across the Union should boost consumer confidence in the internal market and empower consumers to exercise their rights.



*Moreover, it should enhance the efficiency of the Member States' justice systems.*

Or. en

## **Amendment 62**

**Daniel Buda**

### **Proposal for a directive**

#### **Recital 5**

##### *Text proposed by the Commission*

(5) Infringements that affect the collective interests of consumers often have cross-border implications. More effective and efficient representative actions available across the Union should boost consumer confidence in the internal market and empower consumers to exercise their rights.

##### *Amendment*

(5) Infringements that affect the collective interests of consumers often have cross-border implications. More effective and efficient representative actions available across the Union should boost consumer confidence in the internal market and empower consumers to exercise their rights, *while at the same time guaranteeing a high level of protection for the rights of traders.*

Or. ro

## **Amendment 63**

**Gilles Lebreton**

on behalf of the ENF Group

### **Proposal for a directive**

#### **Recital 5**

##### *Text proposed by the Commission*

(5) Infringements that affect the collective interests of consumers often have cross-border implications. More effective and efficient representative actions available across the Union should boost consumer confidence in the internal market and empower consumers to exercise their rights.

##### *Amendment*

*(Does not affect the English version.)*

## Amendment 64

Heidi Hautala, Julia Reda

on behalf of the Verts/ALE Group

### Proposal for a directive

#### Recital 5

#### *Text proposed by the Commission*

(5) Infringements that affect *the* collective interests *of consumers* often have cross-border implications. More effective and efficient representative actions available across the Union should boost *consumer* confidence in the internal market and empower *consumers* to exercise their rights.

#### *Amendment*

(5) Infringements *by traders* that affect collective interests often have cross-border implications. More effective and efficient representative actions available across the Union should boost confidence in the internal market and empower *people* to exercise their rights.

Or. en

## Amendment 65

Mary Honeyball, Lucy Anderson

### 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 evolving, it should be considered, each time where a new Union act relevant for the protection of the collective interests of

#### *Amendment*

(6) This Directive should cover a variety of *consumer law and related* areas *in line in particular with Article 169 TFEU and Article 47 of the Charter of Fundamental Rights of the European Union. These rights should include* data protection, financial services, travel and tourism, energy, telecommunications, *equality and non-discrimination*, environment *or any other relevant area*. 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

consumers is adopted, whether to amend the Annex to the present Directive in order to place it under its scope.

other in the relevant Union law. 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 consumers is adopted, whether to amend the Annex to the present Directive in order to place it under its scope.

Or. en

#### **Amendment 66**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyn Gebhardt**

#### **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 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.

###### *Amendment*

(6) This Directive should cover a variety of areas such as data protection, financial services, travel and tourism, energy, telecommunications, **competition** and environment. **Therefore, Member States should ensure that organisations representing all these subject areas can be designated as qualified entities. The Directive** should cover infringements of provisions of Union law which protect the interests of consumers **and citizens**, regardless of whether they are referred to as consumers or **citizens** 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 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.

Or. en

## Amendment 67

Heidi Hautala, Julia Reda

on behalf of the Verts/ALE Group

### 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 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.

*Amendment*

(6) This Directive should cover a variety of **areas** such as data protection, **non-discrimination, the protection of workers' rights, the protection of the environment, health, competition, consumer protection including regarding** financial services, travel and tourism, energy **and** telecommunications. It should cover infringements of provisions of Union law **including the Charter of Fundamental Rights**, which protect the interests of **individuals**, regardless of **the capacity in which** they are referred to in the relevant Union law. 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.

Or. en

## Amendment 68

Kostas Chrysogonos, Jiří Maštálka

### 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,

*Amendment*

(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 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.

**labour**, 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 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.

Or. en

#### **Amendment 69**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **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 air<sup>30</sup> and for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations.<sup>31</sup> 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**

**deleted**

*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.*

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<sup>30</sup> COM(2013) 130 final.

<sup>31</sup> COM(2017) 548 final.

Or. en

**Amendment 70**  
**Kostas Chrysogonos**

**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 air<sup>30</sup> and for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations.<sup>31</sup> 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*

Or. en

## **Amendment 71**

**Mary Honeyball, Lucy Anderson**

### **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 air<sup>30</sup> and for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations.<sup>31</sup> 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*

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<sup>30</sup> COM(2013) 130 final.

<sup>31</sup> COM(2017) 548 final.

Or. en

## **Amendment 72**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

### **Proposal for a directive**

#### **Recital 7**

**(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 air<sup>30</sup> and for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations.<sup>31</sup> 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**

Or. en

### **Amendment 73**

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

#### **Proposal for a directive Recital 7**

(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

(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 air<sup>30</sup> and for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations.<sup>31</sup> 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.

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<sup>30</sup> COM(2013) 130 final.

<sup>31</sup> COM(2017) 548 final.

Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air<sup>30</sup> and for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations.<sup>31</sup> It is therefore appropriate to provide that, *two years* after the entry into force of *the mentioned revised regulations*, the Commission assesses whether the Union rules in the area of air and rail passengers' rights offer an adequate level of protection for consumers, comparable to that provided for in this Directive, and draws any necessary conclusions as regards the scope of this Directive.

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<sup>30</sup> COM(2013) 130 final.

<sup>31</sup> COM(2017) 548 final.

Or. en

#### **Amendment 74**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

#### **Proposal for a directive**

##### **Recital 7**

###### *Text proposed by the Commission*

(7) The Commission has adopted legislative proposals for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air<sup>30</sup> and for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations.<sup>31</sup> It is therefore appropriate to provide that, *one year* after the entry into force of this

###### *Amendment*

(7) The Commission has adopted legislative proposals for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air<sup>30</sup> and for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations.<sup>31</sup> It is therefore appropriate to provide that, *three years* 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.

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<sup>30</sup> COM(2013) 130 final.

<sup>31</sup> COM(2017) 548 final.

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.

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<sup>30</sup> COM(2013) 130 final.

<sup>31</sup> COM(2017) 548 final.

Or. en

#### **Amendment 75**

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

#### **Proposal for a directive Recital 8**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

#### **Amendment 76**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

**Proposal for a directive**  
**Recital 8**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 77**  
**Heidi Hautala, Julia Reda**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 8**

*Text proposed by the Commission*

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

*Amendment*

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

redress.

Or. en

#### **Amendment 78**

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

#### **Proposal for a directive**

##### **Recital 9**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 79**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### **Proposal for a directive**

##### **Recital 9**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

#### **Amendment 80**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

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

*Amendment*

(10) As only qualified entities can bring the representative actions, to ensure that the collective interests of consumers are adequately represented the qualified entities should comply with the criteria established by this Directive. In particular, they would need to be properly constituted according to the law of a Member State, which could include for example requirements regarding the number of members, the degree of permanence, or transparency requirements on relevant aspects of their structure such as their constitutive statutes, management structure, objectives and working methods. They should also be not for profit and have a legitimate interest in ensuring compliance with the relevant Union law. ***Furthermore, the qualified entity must be independent of third parties and have sufficient capacity in terms of financial resources, human resources, and legal expertise to represent multiple consumers acting in their best interest. The qualified entity must also have an established procedure to prevent conflict of interests, and it must publish an annual activity report. In particular, in order to ensure sufficient transparency the annual activity report should include at a minimum information about the number of actions launched and the types of injunctions and redress measures sought, the number of redress decisions in favour of consumers and the trader, and or the actions resolved by settlement, the number of representative actions which have been discontinued and the reasons behind it. Member States may require additional information to be provided in the annual activity report.***

**Amendment 81****Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

**Proposal for a directive****Recital 10***Text proposed by the Commission*

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

*Amendment*

(10) As only qualified entities can bring the representative actions, to ensure that the collective interests 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, be not for profit and have a legitimate interest in ensuring compliance with the relevant Union law. ***Member States shall not impose criteria that go beyond those established in this Directive.*** 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.

**Amendment 82****Gilles Lebreton**

on behalf of the ENF Group

**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 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.

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

Or. fr

## **Amendment 83**

**Daniel Buda**

### **Proposal for a directive**

#### **Recital 10**

##### *Text proposed by the Commission*

(10) As only qualified entities can bring the representative actions, to ensure that the collective interests of consumers are adequately represented the qualified entities should comply with the criteria established by this Directive. In particular, they would need to be properly constituted according to the law of a Member State, which could include for example requirements regarding the number of

##### *Amendment*

(10) As only qualified entities can bring the representative actions, to ensure that the collective interests of consumers are adequately represented the qualified entities should comply with the criteria established by this Directive. In particular, they would need to be properly constituted according to the law of a Member State, which could include for example requirements regarding the number of

members, the degree of permanence, or transparency requirements on relevant aspects of their structure such as their constitutive statutes, management structure, objectives and working methods. They should also be not for profit and have a legitimate interest in ensuring compliance with the relevant Union law. ***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.***

members, the degree of permanence, or transparency requirements on relevant aspects of their structure such as their constitutive statutes, management structure, objectives and working methods. They should also be not for profit and have a legitimate interest in ensuring compliance with the relevant Union law.

Or. ro

#### **Amendment 84**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

#### **Proposal for a directive Recital 10**

##### *Text proposed by the Commission*

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

##### *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 ***national law***, which could include for example requirements regarding the number of members, the degree of permanence, or transparency requirements on relevant aspects of their structure such as their constitutive statutes, management structure, objectives and working methods. They should also be not for profit and have a legitimate interest in ensuring compliance with the relevant Union law.

Or. en



## Amendment 85

Kostas Chrysogonos, Jiří Maštálka

### Proposal for a directive

#### Recital 10

*Text proposed by the Commission*

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

*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 requirements regarding the number of members, the degree of permanence, or transparency requirements on relevant aspects of their structure such as their constitutive statutes, management structure, objectives and working methods *in full compliance in particular with the principle of proportionality and the fundamental right to access to justice*. 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. en

## Amendment 86

Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt

### 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 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.

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

Or. en

#### **Amendment 87**

**Mary Honeyball, Lucy Anderson**

#### **Proposal for a directive**

##### **Recital 10**

###### *Text proposed by the Commission*

(10) As only qualified entities can bring the representative actions, to ensure that the collective interests of consumers are adequately represented the qualified entities should comply with the criteria established by this Directive. In particular, they would need to be properly constituted according to the law of a Member State, which could include for example requirements regarding **the number of members**, the degree of permanence, or transparency requirements on relevant aspects of their structure such as their constitutive statutes, management

###### *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 degree of permanence, or transparency requirements on relevant aspects of their structure such as their constitutive statutes, management structure, objectives and working methods.

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.

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. en

#### **Amendment 88**

**Jens Rohde, Jean-Marie Cavada**

#### **Proposal for a directive**

##### **Recital 11**

*Text proposed by the Commission*

*Amendment*

***(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.***

***deleted***

Or. en

#### **Amendment 89**

**Kostas Chrysogonos**

#### **Proposal for a directive**

##### **Recital 11**

*Text proposed by the Commission*

*Amendment*

**(11) Independent public bodies and consumer organisations in particular**

**(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.***

should play an active role in ensuring compliance with relevant provisions of Union law and are all well placed to act as qualified entities.

Or. en

**Amendment 90**  
**Mary Honeyball, Lucy Anderson**

**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 ***or those with specific relevant statutory responsibilities*** 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.

Or. en

**Amendment 91**  
**Heidi Hautala, Julia Reda**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 11**

(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.***

(11) Independent public bodies, ***where they exist, organisations defending a public interest*** and consumer organisations, ***environmental organisations, human rights and equality organisations and trade unions*** 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.

Or. en

#### **Amendment 92**

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

#### **Proposal for a directive**

#### **Recital 11**

(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.

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

Or. en

#### **Amendment 93**

**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, environmental organisations and human rights*** 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 ***or citizens*** and hold different priorities for their activities, Member States should be free to decide on the types of measures that may be sought by each of these qualified entities in representative actions.

Or. en

**Amendment 94**  
**Gilles Lebreton**  
on behalf of the ENF Group

**Proposal for a directive**  
**Recital 12**

*Text proposed by the Commission*

(12) Since both judicial and administrative procedures may effectively and efficiently serve the protection of the collective interests of consumers it is left to the discretion of the Member States whether the representative action can be brought in judicial or administrative proceedings, or both, depending on the relevant area of law or relevant economic sector. This shall be without prejudice to the right to an effective remedy under Article 47 of the Charter of Fundamental

*Amendment*

(12) Since both judicial and administrative procedures may effectively and efficiently serve the protection of the collective interests of consumers it is left to the discretion of the Member States whether the representative action can be brought in judicial or administrative proceedings, or both, depending on the relevant area of law or relevant economic sector. ***It is also left to the discretion of Member States whether the representative action can or must be preceded by***

Rights of the European Union, whereby Member States shall ensure that consumers and businesses have the right to an effective remedy before a court or tribunal, against any administrative decision taken pursuant to national provisions implementing this Directive. This shall include the possibility for the parties to obtain a decision granting suspension of enforcement of the disputed decision, in accordance with national law.

***conciliation or mediation.*** This shall be without prejudice to the right to an effective remedy under Article 47 of the Charter of Fundamental Rights of the European Union, whereby Member States shall ensure that consumers and businesses have the right to an effective remedy before a court or tribunal, against any administrative decision taken pursuant to national provisions implementing this Directive. This shall include the possibility for the parties to obtain a decision granting suspension of enforcement of the disputed decision, in accordance with national law.

Or. fr

#### **Amendment 95**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### **Proposal for a directive**

##### **Recital 12**

###### *Text proposed by the Commission*

(12) Since both judicial and administrative procedures may effectively and efficiently serve the protection of the collective interests of consumers it is left to the discretion of the Member States whether the representative action can be brought in judicial or administrative proceedings, or both, depending on the relevant area of law or relevant economic sector. This shall be without prejudice to the right to an effective remedy under Article 47 of the Charter of Fundamental Rights of the European Union, whereby Member States shall ensure that consumers and businesses have the right to an effective remedy before a court or tribunal, against any administrative decision taken pursuant to national provisions implementing this Directive. This shall include the possibility for the parties to obtain a decision granting suspension of

###### *Amendment*

(12) Since both judicial and administrative procedures may effectively and efficiently serve the protection of the collective interests of consumers ***or citizens*** it is left to the discretion of the Member States whether the representative action can be brought in judicial or administrative proceedings, or both, depending on the relevant area of law or relevant economic sector. This shall be without prejudice to the right to an effective remedy under Article 47 of the Charter of Fundamental Rights of the European Union, whereby Member States shall ensure that consumers, ***citizens*** and businesses have the right to an effective remedy before a court or tribunal, against any administrative decision taken pursuant to national provisions implementing this Directive. This shall include the possibility for the parties to obtain a decision granting

enforcement of the disputed decision, in accordance with national law.

suspension of enforcement of the disputed decision, in accordance with national law.

Or. en

#### **Amendment 96**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 12**

###### *Text proposed by the Commission*

(12) Since both judicial and administrative procedures may effectively and efficiently serve the protection of *the* collective interests *of consumers* it is left to the discretion of the Member States whether the representative action can be brought in judicial or administrative proceedings, or both, depending on the relevant area of law or relevant economic sector. This shall be without prejudice to the right to an effective remedy under Article 47 of the Charter of Fundamental Rights of the European Union, whereby Member States shall ensure that *consumers* and businesses have the right to an effective remedy before a court or tribunal, against any administrative decision taken pursuant to national provisions implementing this Directive. This shall include the possibility for the parties to obtain a decision granting suspension of enforcement of the disputed decision, in accordance with national law.

###### *Amendment*

(12) Since both judicial and administrative procedures may effectively and efficiently serve the protection of collective interests it is left to the discretion of the Member States whether the representative action can be brought in judicial or administrative proceedings, or both, depending on the relevant area of law or relevant economic sector. This shall be without prejudice to the right to an effective remedy under Article 47 of the Charter of Fundamental Rights of the European Union, whereby Member States shall ensure that *individuals* and businesses have the right to an effective remedy before a court or tribunal, against any administrative decision taken pursuant to national provisions implementing this Directive. This shall include the possibility for the parties to obtain a decision granting suspension of enforcement of the disputed decision, in accordance with national law.

Or. en

#### **Amendment 97**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### **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*

(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. If sought within a single action, qualified entities should be able to seek all relevant measures at the moment of bringing the action.

Or. en

## Amendment 98

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

### **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

### *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 or first seek relevant injunctions order and subsequently and if appropriate redress order.

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, 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.

Or. en

#### **Amendment 99**

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

#### **Proposal for a directive**

##### **Recital 14**

###### *Text proposed by the Commission*

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

###### *Amendment*

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

Or. en

#### **Amendment 100**

**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 101**  
**Heidi Hautala, Julia Reda**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 102**  
**Laura Ferrara, Marco Zullo**

**Proposal for a directive**  
**Recital 15**

*Text proposed by the Commission*

(15) The qualified entity initiating the representative action under this Directive should be a party to the proceedings. Consumers concerned by the infringement should have adequate opportunities to benefit from the relevant outcomes of the representative action. Injunction orders issued under this Directive should be without prejudice to individual actions brought by consumers harmed by the practice subject to the injunction order.

*Amendment*

(15) The qualified entity initiating the representative action under this Directive should be a party to the proceedings. Consumers concerned by the infringement should have adequate opportunities to ***influence the selection of the lawyers who will represent them in court, to assess their independence and to*** benefit from the relevant outcomes of the representative action. Injunction orders issued under this Directive should be without prejudice to individual actions brought by consumers harmed by the practice subject to the injunction order.

Or. it

**Amendment 103**  
**Daniel Buda**

**Proposal for a directive**  
**Recital 15**

*Text proposed by the Commission*

(15) The qualified entity initiating the representative action under this Directive should be a party to the proceedings. Consumers concerned by the infringement should have adequate ***opportunities to benefit from*** the relevant outcomes of the representative action. Injunction orders issued under this Directive should be without prejudice to individual actions brought by consumers harmed by the practice subject to the injunction order.

*Amendment*

(15) The qualified entity initiating the representative action under this Directive should be a party to the proceedings. Consumers concerned by the infringement should have adequate ***information regarding*** the relevant outcomes of the representative action ***and how they can benefit from them***. Injunction orders issued under this Directive should be without prejudice to individual actions brought by consumers harmed by the practice subject to the injunction order.

#### Amendment 104

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### Proposal for a directive

##### Recital 15

###### *Text proposed by the Commission*

(15) The qualified entity initiating the representative action under this Directive should be a party to the proceedings. Consumers concerned by the infringement should have adequate opportunities to benefit from the relevant outcomes of the representative action. Injunction orders issued under this Directive should be without prejudice to individual actions brought by consumers harmed by the practice subject to the injunction order.

###### *Amendment*

(15) The qualified entity initiating the representative action under this Directive should be a party to the proceedings. Consumers ***or citizens*** concerned by the infringement should have adequate opportunities to benefit from the relevant outcomes of the representative action. Injunction orders issued under this Directive should be without prejudice to individual actions brought by consumers ***or citizens*** harmed by the practice subject to the injunction order.

Or. en

#### Amendment 105

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### Proposal for a directive

##### Recital 15

###### *Text proposed by the Commission*

(15) The qualified entity initiating the representative action under this Directive should be a party to the proceedings. ***Consumers*** concerned by the infringement should have adequate opportunities to benefit from the relevant outcomes of the representative action. Injunction orders issued under this Directive should be without prejudice to individual actions brought by ***consumers*** harmed by the

###### *Amendment*

(15) The qualified entity initiating the representative action under this Directive should be a party to the proceedings. ***Individuals*** concerned by the infringement should have adequate opportunities to benefit from the relevant outcomes of the representative action. Injunction orders issued under this Directive should be without prejudice to individual actions brought by ***those*** harmed by the practice

practice subject to the injunction order.

subject to the injunction order.

Or. en

#### **Amendment 106**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **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 ***for a material or non-material damage*** obligating the trader to provide for, inter alia, ***in case of consumers***, compensation, repair, replacement, price reduction, contract termination or reimbursement of the price paid, ***in case of workers, compensation or reinstatement after unlawful dismissals, or in case of environmental damage or violation of fundamental rights, compensation or repair of the damage causes***, as appropriate and as available under national laws.

Or. en

#### **Amendment 107**

**Laura Ferrara, Marco Zullo**

#### **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

###### *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, price reduction, contract termination or reimbursement of the price paid, as appropriate and as available under national laws.

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.

Or. it

#### **Amendment 108**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### **Proposal for a directive**

##### **Recital 17**

###### *Text proposed by the Commission*

(17) The compensation awarded to consumers harmed in a mass harm situation should not exceed the amount owed by the trader in accordance with the applicable national or Union Law in order to cover the actual harm suffered by them. In particular, punitive damages, leading to overcompensation in favour of the claimant party of the damage suffered, should be avoided.

###### *Amendment*

(17) The compensation awarded to consumers **or citizens** harmed in a mass harm situation should not exceed the amount owed by the trader in accordance with the applicable national or Union Law in order to cover the actual harm suffered by them. In particular, punitive damages, leading to overcompensation in favour of the claimant party of the damage suffered, should be avoided.

Or. en

#### **Amendment 109**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 17**

###### *Text proposed by the Commission*

(17) The compensation awarded to **consumers** harmed in a mass harm situation should not exceed the amount owed by the trader in accordance with the

###### *Amendment*

(17) The compensation awarded to **individuals** harmed in a mass harm situation should not exceed the amount owed by the trader in accordance with the

applicable national or Union Law in order to cover the actual harm suffered by them. In particular, punitive damages, leading to overcompensation in favour of the claimant party of the damage suffered, should be avoided.

applicable national or Union Law in order to cover the actual harm suffered by them. In particular, punitive damages, leading to overcompensation in favour of the claimant party of the damage suffered, should be avoided.

Or. en

## Amendment 110

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

### Proposal for a directive

#### Recital 18

##### *Text proposed by the Commission*

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

##### *Amendment*

(18) Member States **should** require qualified entities to provide sufficient information to support a representative action for redress, including a description of the group of consumers concerned by an infringement and the questions of fact and law to be resolved within the representative action. The qualified entity should be required to individually identify all consumers concerned by an infringement in order to initiate the action. In representative actions for redress the court or administrative authority should verify at the earliest possible stage of the proceedings whether the case is suitable for being brought as a representative action, given the nature of the infringement and characteristics of the damages suffered by consumers concerned. ***In particular, the claims should be ascertainable and uniform and there should be a commonality in the measures sought, the action should represent at least 100 individual consumers from at least two Member States, a representative action should be the most suitable way to bring forward the claims in the interest of multiple consumers, in particular if seeking redress measures by the individual consumers would create a risk***



*of inconsistent decisions, individual consumers should be able to be identified and informed of the representation action in an adequate way, any third-party funding arrangement of the qualified entity should be suitable and fair, in particular the remuneration for the funder should be clearly stated and based on the redress effectively paid to consumers and not on the amount claimed or awarded by the court or settlement. Member States should also ensure that the court or administrative authority has the authority to dismiss manifestly unfounded cases at the earliest possible stage of litigation.*

Or. en

#### **Amendment 111**

**Jens Rohde, Jean-Marie Cavada**

#### **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. 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 112****Stefano Maullu****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 not be required to individually identify all consumers concerned by an infringement in order to initiate the action. ***Member States should provide for verification at the earliest possible stage of litigation so that cases in which conditions for collective actions are not met, and manifestly unfounded cases, are not continued***

**Amendment 113****Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt****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

*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 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.

of the group of consumers **or citizens** 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 **or citizens** 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 **or citizens** concerned.

Or. en

#### **Amendment 114**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **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 **individuals** 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 **persons** 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 **individuals** concerned.

**Amendment 115**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

**Proposal for a directive****Recital 19**

*Text proposed by the Commission*

*Amendment*

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

**Amendment 116**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Recital 19**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 117**  
**Heidi Hautala, Julia Reda**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 19**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 118**  
**Laura Ferrara, Marco Zullo**

**Proposal for a directive**  
**Recital 19**

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

(19) Member States should be allowed to decide whether their court or national authority seized of a representative action for redress may exceptionally issue, instead of a redress order, a declaratory decision regarding the liability of the trader towards the consumers harmed by an infringement which could be directly relied upon in subsequent redress actions by individual consumers. The court or the national authority should duly motivate its recourse to a declaratory decision instead of a redress order in a particular case.

Or. it

*Justification*

*The most complex cases are precisely the types of cases in which consumers do not seek individual redress. The provision allowing Member States to derogate from the proposal in cases of complex quantification of the harm, leaving consumers no option other than that of acting individually, should therefore be deleted.*

**Amendment 119**

**Mary Honeyball, Lucy Anderson**

**Proposal for a directive**  
**Recital 19**

*Text proposed by the Commission*

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

*Amendment*

(19) Member States should *ensure that qualified entities are entitled to bring representative actions seeking, in addition to injunction orders, either a redress order, or a declaratory decision, or both. A declaratory decision may, for example, be appropriate where individual consumers have suffered negligible or unquantifiable loss but it is nevertheless in the public interest to hold the trader formally to account for the breach of Union law concerned. However, a declaratory decision should not be made instead of a redress order that was sought unless the mandate of the individual consumers concerned is obtained.*

Or. en

**Amendment 120**

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

**Proposal for a directive**  
**Recital 19**



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

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

Or. en

## **Amendment 121**

**Gilles Lebreton**

on behalf of the ENF Group

## **Proposal for a directive**

### **Recital 19**

(19) Member States should be allowed

(19) Member States should be allowed

to decide whether their court or national authority seized of a representative action for redress may exceptionally issue, instead of a redress order, a declaratory decision regarding the liability of the trader towards the consumers harmed by an infringement which could be directly relied upon in subsequent redress actions by individual consumers. This possibility should be reserved to duly justified cases *where the quantification of the individual redress to be attributed to each of the consumer concerned by the representative action is complex and it would be inefficient to carry it out within the representative action. Declaratory decisions should not be issued in situations which are not complex and in particular where consumers concerned are identifiable and where the consumers have suffered a comparable harm in relation to a period of time or a purchase. Similarly, declaratory decisions should not be issued where the amount of loss suffered by each of the individual consumers is so small that individual consumers are unlikely to claim for individual redress. The court or the national authority should duly motivate its recourse to a declaratory decision instead of a redress order in a particular case.*

to decide whether their court or national authority seized of a representative action for redress may exceptionally issue, instead of a redress order, a declaratory decision regarding the liability of the trader towards the consumers harmed by an infringement which could be directly relied upon in subsequent redress actions by individual consumers. This possibility should be reserved to *exceptional and* duly justified cases. *Courts or national authorities could have recourse to declaratory decisions, as a result of which there is a risk that proceedings would be extended, only on the basis of a reasoned decision. The following should be excluded from this exceptional derogation: (i) straightforward situations in which the consumers concerned are identifiable and have suffered comparable harm; (ii) situations in which the amount of loss suffered by each of the individual consumers is so small that individual consumers are unlikely to claim for individual redress.*

Or. fr

## Amendment 122

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

## Proposal for a directive

### Recital 20

*Text proposed by the Commission*

*(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,*

*Amendment*

*deleted*

*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.*

Or. en

#### **Amendment 123**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### **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 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

##### *Amendment*

(20) Where consumers ***or citizens*** 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 ***or citizens*** 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 ***or citizens*** 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

benefit from a redress order after it was issued without being required to give their individual mandate before the redress order is issued.

provide consumers **or citizens** 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.

Or. en

#### **Amendment 124**

**Gilles Lebreton**

on behalf of the ENF Group

#### **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 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.

###### *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 ***trader suspected of having committed an infringement*** 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, ***if expressly requested, of*** directly ***benefiting*** from a redress order after it was issued without being required to give their individual mandate before the redress order is issued.

Or. fr

#### **Amendment 125**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

## 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 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.

*Amendment*

(20) Where **individuals** concerned by the same practice are identifiable and they suffered comparable harm in relation to a period of time, **a practice** or a purchase, such as in the case of long-term consumer contracts, the court or administrative authority may clearly define the group of **individuals** 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 **or workers** 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 **the individuals** 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.

Or. en

## Amendment 126

Jens Rohde

## 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***

*Amendment*

***deleted***

*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.*

Or. en

#### **Amendment 127**

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

#### **Proposal for a directive Recital 21**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

**Amendment 128**  
**Mary Honeyball, Lucy Anderson**

**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.

Or. en

**Amendment 129**  
**Laura Ferrara, Marco Zullo**

**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***

*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. ***Consumers should therefore in every case obtain the compensation due and the charges for the***

*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.*

*redistribution of funds to the consumers concerned should be borne by the traders who committed the infringement.*

Or. it

#### *Justification*

*Consumers who have become victims of fraud should always be able to obtain the compensation to which they are entitled.*

#### **Amendment 130**

**Gilles Lebreton**

on behalf of the ENF Group

#### **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, a court or *authority should be competent to rule on the use of the funds resulting from an aggregate loss and to assess the need to assign them for protecting the collective interests of consumers in an appropriate and proportionate manner.*



**Amendment 131****Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

**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, ***where the damage suffered can be easily expressed as monetary value, individuals may decide not*** 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 ***individuals***, the aggregated loss may be significant. In such cases ***and upon the agreement of the individuals concerned***, a court or authority may consider that it is disproportionate to distribute the funds back to the ***individuals*** concerned, for example because it is too onerous or impracticable. Therefore the funds received as redress through representative actions ***could*** serve the purposes of the protection of collective interests. ***In such cases, such funds*** should be directed to a relevant public purpose, such as a legal aid ***fund or a representative actions*** fund, awareness campaigns or ***relevant civil society*** movements.

Or. en

**Amendment 132****Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt****Proposal for a directive****Recital 21***Text proposed by the Commission**Amendment*

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

(21) In low-value cases most consumers **or citizens** 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 **or citizens**, 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 **or citizens** 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 **or citizens** and should be directed to **this** relevant purpose, such as a consumer **or citizens** legal aid fund, awareness campaigns or consumer movements.

Or. en

## **Amendment 133**

### **Daniel Buda**

#### **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**

##### *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 those cases, **where consumers fail to act within a reasonable time or where they do not agree to receive individually the share of the funds to which they are entitled, Member States should allow the court or authority to decide on the use of funds received as redress through representative actions taking into account that they should be**

*consumers and should be directed to a relevant public purpose, such as a consumer legal aid fund, awareness campaigns or consumer movements.*

*used to protect the collective interest of consumers. Member States should decide on the reasonable period of time during which the consumers may take action.*

Or. ro

#### **Amendment 134**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 22**

*Text proposed by the Commission*

*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 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.<sup>32</sup>*

*deleted*

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<sup>32</sup> OJ L 345, 27.12.2017.

Or. en

#### **Amendment 135**

**Laura Ferrara, Marco Zullo**

**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<sup>32</sup>.

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<sup>32</sup> OJ L 345, 27.12.2017.

*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 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<sup>32</sup>.

*Although the decision on representative actions can be taken after having established that a practice constitutes a violation of Union law, nonetheless 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, actions can also be initiated before a final decision is handed down by a court or administrative authority.*

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<sup>32</sup> OJ L 345, 27.12.2017.

Or. it

**Amendment 136**  
**Mary Honeyball, Lucy Anderson**

**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.<sup>32</sup>

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<sup>32</sup> OJ L 345, 27.12.2017.

### *Amendment*

(22) 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.<sup>32</sup>

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<sup>32</sup> OJ L 345, 27.12.2017.

Or. en

## Amendment 137

Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt

### 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***

### *Amendment*

(22) Measures aimed at eliminating the continuing effects of the infringement may be sought ***for*** an infringement of Union law covered by the scope of this Directive harming collective interest of consumers ***or citizens. For example,*** measures eliminating the continuing effects of the infringement may be sought on the basis of

**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.<sup>32</sup>

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<sup>32</sup> OJ L 345, 27.12.2017.

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.<sup>32</sup>

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<sup>32</sup> OJ L 345, 27.12.2017.

Or. en

## Amendment 138

**Gilles Lebreton**

on behalf of the ENF Group

### 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<sup>32</sup>.

##### *Amendment*

(22) Measures aimed at eliminating the continuing effects of the infringement may be sought only on the basis of a final, ***reasoned*** decision ***not or no longer*** ***appealable before the courts***, 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<sup>32</sup>.

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<sup>32</sup> OJ L 345, 27.12.2017.

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<sup>32</sup> OJ L 345, 27.12.2017.

Or. fr

#### **Amendment 139**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 23**

###### *Text proposed by the Commission*

(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.

###### *Amendment*

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

Or. en

#### **Amendment 140**

**Daniel Buda**

#### **Proposal for a directive**

##### **Recital 23**

*Text proposed by the Commission*

(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.

*Amendment*

(23) This Directive provides for a ***standard*** procedural mechanism ***that is harmonised at European level***, 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.

Or. ro

**Amendment 141**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

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

Or. en

**Amendment 142**

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



**Proposal for a directive**  
**Recital 24**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 143**  
**Laura Ferrara, Marco Zullo**

**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.

Or. it

## Justification

*Member States in which representative actions for the protection of the collective interests of consumers work well must not be compelled to harmonise their procedures so as to make them worse.*

### Amendment 144

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

### Proposal for a directive

#### Recital 25

#### *Text proposed by the Commission*

(25) Qualified entities should be fully transparent about the source of funding of their activity in general and regarding the funds supporting a specific representative action for redress in order to enable courts or administrative authorities to assess whether there may be a conflict of interest ***between the third party funder*** and the qualified entity and to avoid risks of abusive litigation as well as to assess whether the ***funding third party*** has sufficient resources in order to meet its financial ***commitments to the qualified entity***. The information provided by the qualified entity to the court or administrative authority overseeing the representative action should enable it to assess whether ***the*** third party may influence procedural decisions of the qualified entity in the context of the representative action, including on settlements and whether it provides financing for a representative action for redress against a defendant who is a competitor of the fund provider or against a defendant on whom the fund provider is dependant. If any of these circumstances is confirmed, the court or administrative authority ***should*** be empowered to require the qualified entity to refuse the relevant funding and, if necessary, reject standing of the qualified entity in a specific case.

#### *Amendment*

(25) Qualified entities should be fully transparent about the source of funding of their activity in general and regarding the funds supporting a specific representative action for redress in order to enable courts or administrative authorities to assess whether there may be a conflict of interest and the qualified entity and to avoid risks of abusive litigation as well as to assess whether the ***qualified entity*** has sufficient resources in order to meet its financial ***obligations should the action fail***. The information provided by the qualified entity ***at the earliest stage of the proceeding*** to the court or administrative authority overseeing the representative action should enable it to assess whether ***any*** third party may influence procedural decisions of the qualified entity ***in general and*** in the context of the representative action, including on settlements and whether it provides financing for a representative action for redress against a defendant who is a competitor of the fund provider or against a defendant on whom the fund provider is dependant. If any of these circumstances is confirmed, the court or administrative authority ***must*** be empowered to require the qualified entity to refuse the relevant funding and, if necessary, reject standing of the qualified entity in a specific case ***or stay***

*proceedings. Member States should provide that where third party funding is permitted and in order to avoid the risks of abusive litigation Member States should be able to implement a licencing system through a public authority by which third party funders are licensed and subject to strict professional obligations and registered in a public registry for funders. Where such systems exist, Member States should ensure that third party funders have a legal obligation to act in the best interest of the qualified entity and the consumers it represents (fiduciary duty). Furthermore, Member States should prohibit third party funders and law firms from establishing qualified entities, law firms from owning third party funders and vice versa, and third party funders from basing remuneration on the settled or awarded compensation.*

Or. en

**Amendment 145**  
**Daniel Buda**

**Proposal for a directive**  
**Recital 25**

*Text proposed by the Commission*

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

*Amendment*

(25) Qualified entities should be fully transparent about the source of funding of their activity in general and regarding the funds supporting a specific representative action for redress in order to enable courts or administrative authorities to assess whether there may be a conflict of interest and to avoid risks of abusive litigation as well as to assess whether ***the qualified entity*** has sufficient resources in order to ***represent the best interests of the consumers concerned and to support all necessary legal costs should it lose the redress action. To ensure that the rights of the trader are fully respected, the***

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 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.

*financing of collective redress litigation against a trader by an individual contribution from one of its competitors should be avoided.* The information provided by the qualified entity to the court or administrative authority overseeing the representative action should enable it to assess whether *a* 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 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.

Or. ro

#### **Amendment 146**

**Gilles Lebreton**

on behalf of the ENF Group

#### **Proposal for a directive**

##### **Recital 25**

###### *Text proposed by the Commission*

(25) Qualified entities should be fully transparent about the source of funding of their activity in general and regarding the funds supporting a specific representative action for redress in order to enable courts or administrative authorities to assess whether there may be a conflict of interest between the third party funder and the qualified entity and to avoid risks of abusive litigation as well as to assess whether the funding third party has sufficient resources in order to meet its financial commitments to the qualified

###### *Amendment*

(25) Qualified entities should be ***independent and*** 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 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.

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 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.

Or. fr

#### **Amendment 147**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### **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 aimed at providing redress to harmed consumers ***or citizens*** should be encouraged both before the representative action is brought and at any stage of the representative action. ***This possibility should under no circumstances jeopardize the right to access to justice.***

Or. en

#### **Amendment 148**

**Gilles Lebreton**

on behalf of the ENF Group

**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, ***mediation and/or conciliation***, 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.

Or. fr

**Amendment 149**  
**Heidi Hautala, Julia Reda**  
on behalf of the Verts/ALE Group

**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 aimed at providing redress to harmed ***individuals*** should be encouraged both before the representative action is brought and at any stage of the representative action.

Or. en

**Amendment 150**  
**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

**Proposal for a directive**  
**Recital 27**

*Text proposed by the Commission*

(27) Member States may provide that a qualified entity and a trader who have reached a settlement regarding redress for consumers affected by an allegedly illegal

*Amendment*

(27) Member States may provide that a qualified entity and a trader who have reached a settlement regarding redress for consumers ***or citizens*** affected by an

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.

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

Or. en

#### **Amendment 151**

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

#### **Proposal for a directive**

##### **Recital 27**

###### *Text proposed by the Commission*

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

###### *Amendment*

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

Or. en

## Amendment 152

Heidi Hautala, Julia Reda

on behalf of the Verts/ALE Group

### Proposal for a directive

#### Recital 27

##### *Text proposed by the Commission*

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

##### *Amendment*

(27) Member States may provide that a qualified entity and a trader who have reached a settlement regarding redress for **individuals** 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. **Each of the individuals** concerned shall be given the possibility to accept or to refuse to be bound by such a settlement.

Or. en

## Amendment 153

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

### Proposal for a directive

#### Recital 28

##### *Text proposed by the Commission*

(28) The court and administrative authority should have the power to invite the infringing trader and the qualified entity which brought the representative action to enter into negotiations aimed at reaching a settlement on redress to be

##### *Amendment*

(28) The court and administrative authority should have the power to invite the infringing trader and the qualified entity which brought the representative action to enter into negotiations aimed at reaching a settlement on redress to be



provided to consumers concerned. The decision of whether to invite the parties to settle a dispute out-of-court should take into account the type of the infringement to which the action relates, the characteristics of the consumers concerned, the possible type of redress to be offered, the willingness of the parties to settle and the expediency of the procedure.

provided to consumers concerned. The decision of whether to invite the parties to settle a dispute out-of-court should take into account the type of the infringement to which the action relates, the characteristics of the consumers concerned, the possible type of redress to be offered, the willingness of the parties to settle, ***in particular any actions with an impact on the procedural costs and on the legal fees to be borne by the parties, the impact on any funding arrangements and the compensation to be effectively paid to consumers***, and the expediency of the procedure.

Or. en

#### **Amendment 154**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### **Proposal for a directive Recital 28**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

## **Amendment 155**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

### **Proposal for a directive**

#### **Recital 28**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## **Amendment 156**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

### **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 157

Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt

## 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*

(29) In order to facilitate redress for individual consumers **or citizens** 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.

Or. en

# Amendment 158

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

## Proposal for a directive

### Recital 30

#### *Text proposed by the Commission*

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

#### *Amendment*

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

#### Amendment 159

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### Proposal for a directive

##### Recital 30

###### *Text proposed by the Commission*

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

###### *Amendment*

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

#### Amendment 160

**Heidi Hautala, Julia Reda**  
on behalf of the Verts/ALE Group

#### Proposal for a directive

##### Recital 30

###### *Text proposed by the Commission*

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

###### *Amendment*

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

**Amendment 161****Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

**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 **individuals and the general public** are informed about a representative action is crucial for its success. **Individuals and the general public** 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 **individuals** concerned, particularly for obtaining redress. The reputational risks associated with spreading information about the infringement are also important for deterring traders infringing rights.

**Amendment 162****Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual****Proposal for a directive****Recital 31***Text proposed by the Commission*

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

*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.***

be taken by consumers concerned, particularly for obtaining redress.

Or. en

**Amendment 163**  
**Daniel Buda**

**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 ***and for their rights to be upheld.*** 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, ***the way in which they could afterwards benefit*** and any subsequent steps to be taken by consumers concerned, particularly for obtaining redress.

Or. ro

**Amendment 164**  
**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

**Proposal for a directive**  
**Recital 31**

*Text proposed by the Commission*

*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.

(31) Ensuring that consumers **or citizens** are informed about a representative action is crucial for its success. Consumers **or citizens** 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 **or citizens** concerned, particularly for obtaining redress. The reputational risks associated with spreading information about the infringement are also important for deterring traders infringing consumer **or citizens'** rights.

Or. en

#### **Amendment 165**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 32**

###### *Text proposed by the Commission*

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

###### *Amendment*

(32) To be effective, the information should be **accessible**, 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, **the individuals concerned** should be informed individually through electronic or paper letters. This information should be provided in accessible formats for persons with disabilities.

**Amendment 166**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

**Proposal for a directive****Recital 32***Text proposed by the Commission*

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

*Amendment*

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

**Amendment 167**

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

**Proposal for a directive****Recital 32***Text proposed by the Commission*

(32) To be effective, the information should be adequate and proportional to the circumstances of the case. ***The infringing trader should*** adequately inform all

*Amendment*

(32) To be effective, the information should be adequate and proportional to the circumstances of the case. ***Member States should ensure that the court or the***



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.

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

Or. en

#### **Amendment 168**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

#### **Proposal for a directive**

#### **Recital 32 a (new)**

*Text proposed by the Commission*

*Amendment*

**(32a) Member States should be encouraged to set up a national register for representative actions free of charge, which could further enhance the transparency obligations.**

Or. en

#### **Amendment 169**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

#### **Proposal for a directive**

#### **Recital 33**

*Text proposed by the Commission*

*Amendment*

(33) To enhance legal certainty, avoid inconsistency in the application of Union law and to increase the effectiveness and

(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.

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 *be binding upon all parties, which participated in the representative action. The final decision should be without prejudice to any additional rights to redress that the consumers concerned may have under Union or national law. The redress obtained through the settlement should also be binding upon cases involving the same practice, the same trader and the same consumer*. 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.

Or. en

#### **Amendment 170**

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

#### **Proposal for a directive Recital 33**

##### *Text proposed by the Commission*

(33) To enhance legal certainty, avoid inconsistency in the application of Union law and to increase the effectiveness and procedural efficiency of representative actions and of possible follow-on actions for redress, the finding of an infringement established in a final decision, including a final injunction order under this Directive, issued by an administrative authority or a court should not be relitigated in

##### *Amendment*

(33) To enhance legal certainty, avoid inconsistency in the application of Union law and to increase the effectiveness and procedural efficiency of representative actions and of possible follow-on actions for redress, the finding of an infringement *or a non-infringement* established in a final decision, including a final injunction order under this Directive, issued by an administrative authority or a court should

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.

not be relitigated in subsequent legal actions related to the same infringement ***or non-infringement*** by the same trader as regards the nature of the infringement ***or non-infringement*** and its material, personal, temporal and territorial scope as determined by that final decision. Where an action seeking measures eliminating the continuing effects of the infringement, including for redress, is brought in a Member State other than the Member State where a final decision establishing this infringement ***or non-infringement*** was issued, the decision ***may be considered as evidence*** that the infringement has ***or has not*** occurred ***in related cases***.

Or. en

#### **Amendment 171**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 34**

*Text proposed by the Commission*

***(34) Member States should ensure that individual actions for redress may be based on a final declaratory decision issued within a representative action. Such actions should be available through expedient and simplified procedures.***

*Amendment*

***deleted***

Or. en

#### **Amendment 172**

**Gilles Lebreton**

on behalf of the ENF Group

#### **Proposal for a directive**

##### **Recital 34**

*Text proposed by the Commission*

(34) Member States should ensure that individual actions for redress may be based on a final declaratory decision issued within a representative action. Such actions should be available through expedient and simplified procedures.

*Amendment*

(34) Member States should ensure that individual actions for redress may be based on a final, ***reasoned decision or, exceptionally, on a final, reasoned*** declaratory decision issued within a representative action. Such actions should be available through expedient and simplified procedures.

Or. fr

**Amendment 173**

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

**Proposal for a directive**

**Recital 35**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 174**

**Gilles Lebreton**

on behalf of the ENF Group

**Proposal for a directive**

**Recital 35**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 175**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyn Gebhardt**

**Proposal for a directive**

**Recital 35**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 176**

**Heidi Hautala, Julia Reda**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 35**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 177**  
**Gilles Lebreton**  
on behalf of the ENF Group

**Proposal for a directive**  
**Recital 36**

*Text proposed by the Commission*

(36) Representative actions for injunction orders *should* be treated with due procedural expediency. Injunction orders with interim effect should always be treated by way of an accelerated procedure in order to prevent any or further harm caused by the infringement.

*Amendment*

(36) Representative actions for injunction orders *ought to* be treated with due procedural expediency. Injunction orders with interim effect should always be treated by way of an accelerated procedure in order to prevent any or further harm caused by the infringement.

Or. fr

**Amendment 178**  
**Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual**

**Proposal for a directive**

## Recital 37

### *Text proposed by the Commission*

(37) Evidence is an important element for establishing whether a given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the consumers concerned by an infringement, deciding on redress and adequately informing consumers concerned by a representative action about the ongoing proceedings and its final outcomes. However, ***business-to-consumer relationships are characterised by information asymmetry and the necessary information may be held exclusively by the trader, making it inaccessible to the *qualified entity*.*** ***Qualified entities*** should therefore be afforded the right to request to the competent court or administrative authority the disclosure by the ***trader of*** evidence relevant to their claim ***or needed for adequately informing consumers concerned about the representative action, without it being necessary for them to specify individual items of evidence.*** The need, scope and proportionality of such disclosure should be carefully assessed by the court or administrative authority overseeing the representative action having regard to the protection of legitimate interests of third parties and subject to the applicable Union and national rules on confidentiality.

### *Amendment*

(37) Evidence is an important element for establishing whether a given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the consumers concerned by an infringement, deciding on redress and adequately informing consumers concerned by a representative action about the ongoing proceedings and its final outcomes. However, the necessary information may be held exclusively by ***either the trader or the qualified entity, or the consumers it represents***, making it inaccessible to the ***other party***. ***The parties*** should therefore be afforded the right to request, ***upon presenting a substantiated explanation*** to the competent court or administrative authority the disclosure by the ***other party of specific and clearly defined*** evidence relevant to their claim. The need, scope and proportionality of such disclosure should be carefully assessed by the court or administrative authority overseeing the representative action having regard to the protection of legitimate interests of third parties and subject to the applicable Union and national rules on confidentiality. ***Member States should ensure that the court or administrative authority verify that the requested evidence is narrowly and precisely circumscribed based on reasonable and available facts. In particular, the court or the administrative authority should assess the relationship between the claim or defence and the requested evidence, the scope and cost of the disclosure, and whether the evidence sought contains any confidential or privilege information protected under relevant national laws.***

Or. en

## Amendment 179

Heidi Hautala, Julia Reda

on behalf of the Verts/ALE Group

### Proposal for a directive

#### Recital 37

##### *Text proposed by the Commission*

(37) Evidence is an important element for establishing whether a given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the **consumers** concerned by an infringement, deciding on redress and adequately informing **consumers** concerned by a representative action about the ongoing proceedings and its final outcomes. However, ***business-to-consumer relationships are characterised by information asymmetry*** and the necessary information may be held exclusively by the trader, making it inaccessible to the qualified entity. Qualified entities should therefore be afforded the right to request to the competent court or administrative authority the disclosure by the trader of evidence relevant to their claim or needed for adequately informing **consumers** concerned about the representative action, without it being necessary for them to specify individual items of evidence. The need, scope and proportionality of such disclosure should be carefully assessed by the court or administrative authority overseeing the representative action having regard to the protection of legitimate interests of third parties and subject to the applicable Union and national rules on confidentiality.

##### *Amendment*

(37) Evidence is an important element for establishing whether a given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the **individuals** concerned by an infringement, deciding on redress and adequately informing **individuals** concerned by a representative action ***as well as the general public*** about the ongoing proceedings and its final outcomes. However, the necessary information may be held exclusively by the trader, ***for example due to business-to-consumer or employer-worker relationships being characterised by information asymmetry***, making it inaccessible to the qualified entity. Qualified entities should therefore be afforded the right to request to the competent court or administrative authority the disclosure by the trader of evidence relevant to their claim or needed for adequately informing **individuals** concerned about the representative action, without it being necessary for them to specify individual items of evidence. The need, scope and proportionality of such disclosure should be carefully assessed by the court or administrative authority overseeing the representative action having regard to the protection of legitimate interests of third parties and subject to the applicable Union and national rules on confidentiality.

Or. en

## Amendment 180



**Proposal for a directive**  
**Recital 37**

*Text proposed by the Commission*

(37) Evidence is an important element for establishing whether a given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the consumers concerned by an infringement, deciding on redress and adequately informing consumers concerned by a representative action about the ongoing proceedings and its final outcomes. However, business-to-consumer relationships are characterised by information asymmetry and the necessary information may be held exclusively by the trader, making it inaccessible to the qualified entity. Qualified entities should therefore be afforded the right to request to the competent court or administrative authority the disclosure by the trader of evidence relevant to their claim or needed for adequately informing consumers concerned about the representative action, without it being necessary for them to specify individual items of evidence. The need, scope and proportionality of such disclosure should be carefully assessed by the court or administrative authority overseeing the representative action having regard to the protection of legitimate interests of third parties and subject to the applicable Union and national rules on confidentiality.

*Amendment*

(37) Evidence is an important element for establishing whether a given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the consumers **or citizens** concerned by an infringement, deciding on redress and adequately informing consumers **or citizens** concerned by a representative action about the ongoing proceedings and its final outcomes. However, business-to-consumer **or business-to-citizens** relationships are characterised by information asymmetry and the necessary information may be held exclusively by the trader, making it inaccessible to the qualified entity. Qualified entities should therefore be afforded the right to request to the competent court or administrative authority the disclosure by the trader of evidence relevant to their claim or needed for adequately informing consumers **or citizens** concerned about the representative action, without it being necessary for them to specify individual items of evidence. The need, scope and proportionality of such disclosure should be carefully assessed by the court or administrative authority overseeing the representative action having regard to the protection of legitimate interests of third parties and subject to the applicable Union and national rules on confidentiality.

Or. en

**Amendment 181**  
**Daniel Buda**

**Proposal for a directive**  
**Recital 37**

*Text proposed by the Commission*

(37) Evidence is an important element for establishing whether a given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the consumers concerned by an infringement, deciding on redress and adequately informing consumers concerned by a representative action about the ongoing proceedings and its final outcomes. However, business-to-consumer relationships are characterised by information asymmetry and the necessary information may be held exclusively by the trader, making it inaccessible to the qualified entity. Qualified entities should therefore be afforded the right to request to the competent court or administrative authority the disclosure by the trader of evidence relevant to their claim or needed for adequately informing consumers concerned about the representative action, ***without it being necessary for them to specify individual items of evidence***. The need, scope and proportionality of such disclosure should be carefully assessed by the court or administrative authority overseeing the representative action having regard to the protection of legitimate interests of third parties and subject to the applicable Union and national rules on confidentiality.

*Amendment*

(37) Evidence is an important element for establishing whether a given practice constitutes an infringement of law, whether there is a risk of its repetition, for determining the consumers concerned by an infringement, deciding on redress and adequately informing consumers concerned by a representative action about the ongoing proceedings and its final outcomes. However, business-to-consumer relationships are characterised by information asymmetry and the necessary information may be held exclusively by the trader, making it inaccessible to the qualified entity. Qualified entities should therefore be afforded the right to request to the competent court or administrative authority the disclosure by the trader of evidence relevant to their claim or needed for adequately informing consumers concerned about the representative action. The need, scope and proportionality of such disclosure should be carefully assessed by the court or administrative authority overseeing the representative action having regard to ***the protection of legitimate interests relating to confidentiality and professional and trade secrecy and*** the protection of legitimate interests of third parties and subject to the applicable Union and national rules on confidentiality.

Or. ro

**Amendment 182**  
**Gilles Lebreton**  
on behalf of the ENF Group

**Proposal for a directive**  
**Recital 38**

*Text proposed by the Commission*

(38) In order to ensure the effectiveness of the representative actions ***infringing traders*** should face effective, dissuasive and proportionate penalties for non-compliance with a final decision issued within the representative action.

*Amendment*

(38) In order to ensure the effectiveness of the representative actions, ***traders found by a final decision to have committed an infringement*** should face effective, dissuasive and proportionate penalties for non-compliance with a final decision issued within the representative action.

Or. fr

**Amendment 183**

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

**Proposal for a directive**

**Recital 39**

*Text proposed by the Commission*

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

*Amendment*

(39) Having regard to the fact that representative actions pursue a public interest by protecting the collective interests of consumers, Member States should ensure that qualified entities are not prevented from bringing representative actions under this Directive because of the costs involved with the procedures.  
***However, subject to the relevant conditions under national provisions, this should be without prejudice to the fact that the party that loses a representative action reimburses necessary legal costs borne by the winning party ('loser pays principle'). The unsuccessful party should bear the costs of the proceedings. However, the court or administrative authority should not award costs to the successful party to the extent that they were unnecessarily incurred or are disproportionate to the claim.***

Or. en

#### **Amendment 184**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### **Proposal for a directive**

##### **Recital 39**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### **Amendment 185**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 39**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### **Amendment 186**

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

**Proposal for a directive**  
**Recital 39 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 187**  
**Jens Rohde, Jean-Marie Cavada**

**Proposal for a directive**  
**Recital 39 a (new)**

*Text proposed by the Commission*

*Amendment*

***(39a) In order to apply the "loser pays principle", Member States should foresee that the party that loses a collective redress action reimburses the necessary legal costs borne by the winning party.***

Or. en

**Amendment 188**  
**Jens Rohde, António Marinho e Pinto**

**Proposal for a directive**  
**Recital 39 b (new)**

*Text proposed by the Commission*

*Amendment*

**(39b) *In order to avoid creating incentives to litigation, Member States should prohibit contingency fees and success-based boni for lawyers and/or other legal representatives.***

Or. en

**Amendment 189**  
**Daniel Buda**

**Proposal for a directive**  
**Recital 40**

*Text proposed by the Commission*

(40) Cooperation and exchange of information between qualified entities from different Member States have proven to be useful in addressing cross-border infringements. There is a need for continuing and expanding the capacity-building and cooperation measures to a larger number of qualified entities across the Union in order to increase the use of representative actions with cross-border implications.

*Amendment*

(40) Cooperation and exchange of information, ***good practices and experience*** between qualified entities from different Member States have proven to be useful in addressing cross-border infringements. There is a need for continuing and expanding the capacity-building and cooperation measures to a larger number of qualified entities across the Union in order to increase the use of representative actions with cross-border implications.

Or. ro

**Amendment 190**  
**Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual**

**Proposal for a directive**  
**Recital 41**

*Text proposed by the Commission*

(41) In order to effectively tackle infringements with cross-border implications the mutual recognition of the legal standing of qualified entities designated in advance in one Member State

*Amendment*

(41) In order to effectively tackle infringements with cross-border implications the mutual recognition of the legal standing of qualified entities designated in advance in one Member State

to seek representative action in another Member State should be ensured. Furthermore, qualified entities from different Member States should be able to join forces within a single representative action in front of a single forum, subject to relevant rules on competent jurisdiction. For reasons of efficiency and effectiveness, one qualified entity should be able to bring a representative action in the name of other qualified entities representing consumers from different Member States.

to seek representative action in another Member State should be ensured, ***provided that qualified entities can demonstrate the relevant accreditation of their standing issued in the country of their domicile.*** Furthermore, qualified entities from different Member States should be able to join forces within a single representative action in front of a single forum, subject to relevant rules on competent jurisdiction. For reasons of efficiency and effectiveness, one qualified entity should be able to bring a representative action in the name of other qualified entities representing consumers from different Member States ***that have given a specific and exclusive mandate for bringing the specific action.***

Or. en

#### **Amendment 191**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### **Proposal for a directive**

##### **Recital 41**

###### *Text proposed by the Commission*

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

###### *Amendment*

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

**Amendment 192**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Recital 41**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 193**

**Gilles Lebreton**

on behalf of the ENF Group

**Proposal for a directive**

**Recital 41**

*Text proposed by the Commission*

(41) In order to effectively tackle infringements with cross-border implications the mutual recognition of the legal standing of qualified entities designated in advance in one Member State to seek representative action in another

*Amendment*

*(Does not affect the English version.)*



Member State should be ensured.  
Furthermore, qualified entities from different Member States should be able to join forces within a single representative action in front of a single forum, subject to relevant rules on competent jurisdiction. For reasons of efficiency and effectiveness, one qualified entity should be able to bring a representative action in the name of other qualified entities representing consumers from different Member States.

Or. fr

#### **Amendment 194**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

#### **Proposal for a directive**

#### **Recital 41 a (new)**

*Text proposed by the Commission*

*Amendment*

***(41a) In order to explore the possibility of having a procedure at Union level for cross-border representative actions, the Commission should assess the possibility of establishing a European Ombudsman for collective redress.***

Or. en

#### **Amendment 195**

**Daniel Buda**

#### **Proposal for a directive**

#### **Recital 42**

*Text proposed by the Commission*

*Amendment*

(42) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. Accordingly, this Directive should be interpreted and applied in accordance

(42) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. Accordingly, this Directive should be interpreted and applied in accordance

with those rights and principles, ***including*** those related to the right to an effective remedy and to a fair trial, as well as the right of defence.

with those rights and principles, ***especially*** those related to ***ensuring a high level of consumer protection and the right to conduct a business***, the right to an effective remedy and to a fair trial, as well as the right of defence.

Or. ro

#### **Amendment 196**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyn Gebhardt**

#### **Proposal for a directive Recital 44**

##### *Text proposed by the Commission*

(44) The objectives of this Directive, namely establishing a representative action mechanism for the protection of the collective interests of consumers in order to ensure a high level of consumer protection across the Union and the proper functioning of the internal market, cannot be sufficiently achieved by actions taken exclusively by Member States, but can rather, due to cross-border implications of representative actions, be better achieved at Union level. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

##### *Amendment*

(44) The objectives of this Directive, namely establishing a representative action mechanism for the protection of the collective interests of consumers ***or citizens*** in order to ensure a high level of consumer ***or citizens*** protection across the Union and the proper functioning of the internal market, cannot be sufficiently achieved by actions taken exclusively by Member States, but can rather, due to cross-border implications of representative actions, be better achieved at Union level. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

Or. en

#### **Amendment 197 Daniel Buda**

#### **Proposal for a directive**

## Recital 44

### *Text proposed by the Commission*

(44) The objectives of this Directive, namely establishing a representative action mechanism for the protection of the collective interests of consumers in order to ensure a high level of consumer protection across the Union and the proper functioning of the internal market, cannot be sufficiently achieved by actions taken exclusively by Member States, but can rather, due to cross-border implications of representative actions, be better achieved at Union level. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

### *Amendment*

(44) The objectives of this Directive, namely establishing a representative action mechanism for the protection of the collective interests of consumers in order to ensure a ***uniformly*** high level of consumer protection across the Union and the proper functioning of the internal market, cannot be sufficiently achieved by actions taken exclusively by Member States, but can rather, due to cross-border implications of representative actions, be better achieved at Union level. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

Or. ro

## Amendment 198

**Gilles Lebreton**

on behalf of the ENF Group

### Proposal for a directive

#### Recital 44

### *Text proposed by the Commission*

(44) The objectives of this Directive, namely establishing a representative action mechanism for the protection of the collective interests of consumers in order to ensure a high level of consumer protection across the Union and the proper functioning of the internal market, cannot be sufficiently achieved by actions taken exclusively by Member States, but can rather, due to cross-border implications of representative actions, be better achieved at

### *Amendment*

*(Does not affect the English version.)*

Union level. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

Or. fr

#### **Amendment 199**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Recital 44**

###### *Text proposed by the Commission*

(44) The objectives of this Directive, namely establishing a representative action mechanism for the protection of *the* collective interests *of consumers* in order to ensure a high level of *consumer* protection across the Union and the proper functioning of the internal market, cannot be sufficiently achieved by actions taken exclusively by Member States, but can rather, due to cross-border implications of representative actions, be better achieved at Union level. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

###### *Amendment*

(44) The objectives of this Directive, namely establishing a representative action mechanism for the protection of collective interests in order to *protect public interest* *and* ensure a high level of protection across the Union and the proper functioning of the internal market, cannot be sufficiently achieved by actions taken exclusively by Member States, but can rather, due to cross-border implications of representative actions, be better achieved at Union level. The Union may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

Or. en

#### **Amendment 200**

**Heidi Hautala, Julia Reda**  
on behalf of the Verts/ALE Group

**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 **individuals and thereby in particular achieve and enforce a high level of protection and access to justice**, while ensuring appropriate safeguards to avoid abusive litigation.

Or. en

**Amendment 201**  
**Stefano Maullu**

**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.

Or. en

**Amendment 202**  
**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyn Gebhardt**

**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 **or citizens**, while ensuring appropriate safeguards to avoid abusive litigation.

Or. en

**Amendment 203**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

**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 **representative** entities to seek representative actions aimed at the protection of the collective interests of consumers, while ensuring appropriate safeguards to avoid abusive litigation.

Or. en

*Justification*

*The term 'representative entity' is already used in the 2013 Commission Recommendation on Collective Redress and should be used as well in this Directive for consistency reasons. This amendment would affect the whole text.*

**Amendment 204**

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

**Proposal for a directive**

**Article 1 – paragraph 1**

*Text proposed by the Commission*

1. This Directive sets out rules enabling qualified entities to seek

*Amendment*

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.

representative actions collective interests of consumers, while ***at the same time*** ensuring appropriate safeguards to avoid abusive litigation.

Or. en

**Amendment 205**  
**Kostas Chrysogonos**

**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, ***provided that these provisions ensure equivalent or higher degree of protection of the collective interests of the consumers.***

Or. en

**Amendment 206**  
**Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Luis de Grandes Pascual**

**Proposal for a directive**  
**Article 1 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

collective interests of consumers at national level.

collective interests of consumers at national level, ***provided that these procedural means contain at least equivalent binding safeguards and mechanisms as those set out in this Directive.***

Or. en

#### *Justification*

*The Commission's proposal introduces a new European system, which would - at least in some Member States - coexist and overlap with the already existing national collective redress systems. In Germany, consumers could - for instance - use the national declaratory system ('Musterfeststellungsklage') or they could use this directive and its different possible actions listed in Article 5 and 6. The resulting multiplicity will lead to conflicting law, longer processes and higher costs. To avoid this scenario, the current version of paragraph 2 has to be changed. As it stands, it would enable Member States to adopt this proposal with all related safeguards (= as European system) but at the same time to have also a separate mechanism that lacks those very same safeguards (= their national system). The proposed addition is therefore an important restriction to avoid "forum shopping" between Member States across the European Union.*

#### **Amendment 207**

**Daniel Buda**

#### **Proposal for a directive Article 1 – paragraph 2**

##### *Text proposed by the Commission*

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

##### *Amendment*

2. This Directive shall not prevent Member States from adopting or maintaining in force provisions designed to grant qualified entities or any other persons concerned comparable procedural means to bring actions aimed at the protection of the collective interests of consumers at national level. ***The representation mechanism shall meet the criteria of independence, impartiality and transparency set out in Article 4(1) of this Directive.***

Or. ro



#### Amendment 208

Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt

#### 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 grant qualified entities or any other persons concerned other procedural means to bring actions aimed at the protection of the collective interests of consumers ***or citizens*** at national level.

Or. en

#### Amendment 209

Heidi Hautala, Julia Reda

on behalf of the Verts/ALE Group

#### Proposal for a directive

#### Article 1 – paragraph 2

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

#### Amendment 210

Laura Ferrara, Marco Zullo

**Proposal for a directive**  
**Article 1 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. it

*Justification*

*Member States in which representative actions for the protection of the collective interests of consumers work well must not be compelled to harmonise their procedures so as to make them worse.*

**Amendment 211**  
**Mary Honeyball, Lucy Anderson**

**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. Member States ***may adopt or maintain*** in force ***more stringent*** provisions aimed at the protection of the collective interests of consumers at national level, ***and the implementation of this Directive shall under no circumstances constitute grounds for the reduction of protection for consumers in fields covered by the scope of Union law.***

Or. en

**Amendment 212**  
**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

**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 ***including those*** listed in Annex I that harm or may harm the collective interests of consumers ***or citizens. Such interests may consist in, but are not limited to, the enforcement of rules of consumer protection, competition, environment protection, protection of personal data, protection in energy and telecommunications markets, passenger rights, product and food safety and information, health and medical services, financial services and investor protection.*** 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.

Or. en

**Amendment 213**  
**Mary Honeyball, Lucy Anderson**

**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

*Amendment*

1. This Directive shall apply to representative actions brought against infringements by traders of provisions of the Union law, ***including but not limited to those*** listed in Annex I that harm or may harm the collective interests of consumers ***in the fields of data protection, financial services, travel and tourism, energy, telecommunications, equality and non-***

or before the representative action has been concluded.

***discrimination, environment or any other relevant area.*** 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.

Or. en

#### **Amendment 214**

**Gilles Lebreton**

on behalf of the ENF Group

#### **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 harm or may harm the collective interests of consumers. ***Those infringements are marked by their impact on a significant number of consumers under comparable conditions. This Directive*** 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.

Or. fr

#### **Amendment 215**

**Kostas Chrysogonos, Jiří Maštálka**

#### **Proposal for a directive**

#### **Article 2 – paragraph 1**

##### *Text proposed by the Commission*

1. This Directive shall apply to

##### *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 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.

representative actions brought against infringements by traders of provisions of the Union law **indicatively** listed in Annex I that harm or may harm collective interests of consumers **in a variety of sectors such as financial services, energy, labour, telecommunications, health and the environment**. 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.

Or. en

**Amendment 216**  
**Angelika Niebler**

**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 **protect** the collective interests of consumers **and where no other Union or national means of protection of the consumers' collective interests are available**. 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.

Or. en

**Amendment 217**  
**Stefano Maullu**

**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 or may harm **to** 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.

Or. en

**Amendment 218**

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

**Proposal for a directive**

**Article 2 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*Like parallel EU legislation (e.g. CPC regulation), the legal base and the justification for this proposal is the harmonization of laws under Article 114 TFEU. Besides using the same legal base, the proposal has also the same purpose (= strengthening the legal means of consumers) and uses the same terminology. Nevertheless, with its current wording it would be the only of these EU-legislations that can be also applied to purely domestic consumer cases without any*

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

#### **Amendment 219**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **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 that harm or may harm collective interests ***or any public interest***. 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.

Or. en

#### **Amendment 220**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### **Proposal for a directive**

##### **Article 2 – paragraph 2**

###### *Text proposed by the Commission*

2. This Directive shall not affect rules establishing contractual and non-contractual remedies available to consumers for such infringements under

###### *Amendment*

2. This Directive shall not affect rules establishing contractual and non-contractual remedies available to consumers ***or citizens*** for such

Union or national law.

infringements under Union or national law.

Or. en

#### **Amendment 221**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

##### **Article 2 – paragraph 2**

*Text proposed by the Commission*

2. This Directive shall not affect rules establishing contractual and non-contractual remedies available **to consumers** for such infringements under Union or national law.

*Amendment*

2. This Directive shall not affect rules establishing contractual and non-contractual remedies available for such infringements under Union or national law.

Or. en

#### **Amendment 222**

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

#### **Proposal for a directive**

##### **Article 2 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en



## *Justification*

*As the JURI committee study clearly underlines, the relation of this proposal to Brussels Ia Regulation and ROME I is highly problematic. In cross-border cases with multiple consumers or representative entities from multiple Member States pursuing claims against multiple entities under multiple different national laws, it is not clear at all which place of jurisdiction should be chosen. One possible result is that, for a widespread infringement, all Member States could have jurisdiction simultaneously. This could lead to multiple overlapping claims, parallel litigation and a risk of irreconcilable decisions. This problem has to be solved before this proposal can come into effect. Brussels Ia indicated that the domicile of the Defendant should determine jurisdiction in most cases. There are some exceptions, though these exceptions are ill-suited to collective cases, and so these exceptions should not apply when the mechanisms of this Directive are being used. In particular, Brussels Ia allows an individual consumer to sue in his/her place of residence. However, this exists to redress a perceived imbalance of power (consumer-v- Defendant) which does not exist when cases are taken not by individual consumers, but by qualified entities.*

### **Amendment 223**

**Kostas Chrysogonos, Jiří Maštálka**

#### **Proposal for a directive**

#### **Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. This Directive respects the fundamental rights, and observes the principles, recognised by the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights, and in particular the right to a fair and impartial trial and the right to an effective remedy.**

Or. en

### **Amendment 224**

**Angelika Niebler**

#### **Proposal for a directive**

#### **Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. In order to avoid the uncertainties resulting from various models of**

*assigning claims to various legal vehicles, Member States will ensure a legally safe solution exists for their citizens by involving the respective national CPC entities.*

Or. en

**Amendment 225**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 3 – paragraph 1 – point 1**

*Text proposed by the Commission*

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

*Amendment*

(1) ‘*individual*’ means any natural person;

Or. en

**Amendment 226**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

*(1a) ‘citizen’ means any natural person holding the nationality of a Member State or habitually residing in a Member State in which the person concerned has the habitual centre of his interests.*

Or. en

**Amendment 227**

**Kostas Chrysogonos, Jiří Maštálka**

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

*Text proposed by the Commission*

*Amendment*

**(1a) ‘consumer organisation’ means any group that seeks to protect consumers' interests from illegal acts or omissions committed by traders.**

Or. en

**Amendment 228**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point 2**

*Text proposed by the Commission*

*Amendment*

(2) ‘trader’ means any natural person or any legal person, irrespective of whether privately or publicly owned, who is acting, including through any other person acting in their name or on their behalf, for purposes relating to their trade, business, craft or profession;

(2) ‘trader’ means any natural person or any legal person, irrespective of whether privately or publicly owned, who is acting ***in a civil capacity under the rules of civil law***, including through any other person acting in their name or on their behalf, for purposes relating to their trade, business, craft or profession;

Or. en

**Amendment 229**  
**Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## *Justification*

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

### **Amendment 230**

**Gilles Lebreton**

on behalf of the ENF Group

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point 3**

##### *Text proposed by the Commission*

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

##### *Amendment*

(3) ‘collective interests of consumers’ means the interests of a **significant** number of consumers **in comparable situations that is laid down by each Member State in the light of the circumstances concerned;**

Or. fr

### **Amendment 231**

**Angelika Niebler**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point 3**

##### *Text proposed by the Commission*

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

##### *Amendment*

(3) ‘collective interests of consumers’ means the **general** interests of **consumers independent of the** number of consumers **concerned by the case in question;**

Or. en

## Amendment 232

Daniel Buda

### Proposal for a directive

#### Article 3 – paragraph 1 – point 3

*Text proposed by the Commission*

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

*Amendment*

(3) ‘collective **interest** of consumers’ means the interests of **at least 25** consumers;

Or. ro

## Amendment 233

Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt

### Proposal for a directive

#### Article 3 – paragraph 1 – point 3

*Text proposed by the Commission*

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

*Amendment*

(3) ‘collective interests of consumers’ means the interests of **two or more** consumers;

Or. en

## Amendment 234

Heidi Hautala, Julia Reda

on behalf of the Verts/ALE Group

### Proposal for a directive

#### Article 3 – paragraph 1 – point 3

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### **Amendment 235**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### **Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

**(3a) ‘collective interests of citizens’ means the interests of two or more citizens;**

Or. en

#### **Amendment 236**

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

#### **Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### *Justification*

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

#### **Amendment 237**

**Gilles Lebreton**

on behalf of the ENF Group

**Proposal for a directive**

**Article 3 – paragraph 1 – point 4**

*Text proposed by the Commission*

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

*Amendment*

(4) ‘representative action’ means an action for the protection of the collective interests of consumers to which the consumers concerned are not parties, ***but for which a significant number of consumers in comparable situations have given a mandate to bring (opt-in);***

Or. fr

**Amendment 238**

**Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Bendt Bendtsen, Markus Pieper, Tadeusz Zwiefka**

**Proposal for a directive**

**Article 3 – paragraph 1 – point 4**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

**Amendment 239**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyn Gebhardt**

**Proposal for a directive**

**Article 3 – paragraph 1 – point 4**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 240**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 3 – paragraph 1 – point 4**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 241**

**Gilles Lebreton**

on behalf of the ENF Group

**Proposal for a directive**

**Article 3 – paragraph 1 – point 6**

*Text proposed by the Commission*

(6) ‘final decision’ means a decision by a Member State's court that cannot or can no longer be appealed or a decision by an administrative authority that can no longer be subject to judicial review.

*Amendment*

(6) ‘final decision’ means a ***reasoned*** decision by a Member State's court that cannot or can no longer be appealed or a ***reasoned*** decision by an administrative authority that can no longer be subject to judicial review.

Or. fr



**Amendment 242**  
**Daniel Buda**

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

*Text proposed by the Commission*

*Amendment*

**(6a) 'CPC entity' shall refer to the 'competent authority' as defined by Regulation (EU) 2017/2394 of the European Parliament and Council on cooperation between national authorities responsible for the enforcement of consumer protection laws <sup>1a</sup>.**

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**<sup>1a</sup> 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, OJ L 345, 27.12.2017.**

Or. ro

**Amendment 243**  
**Angelika Niebler**

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

*Text proposed by the Commission*

*Amendment*

**(6a) 'competent authorities', 'single liason office' and 'designated body' shall have the meanings ascribed to those terms by Regulation (EU) 2017/2394 which collectively, for the purposes of this Directive, shall be referred to as 'CPC entities' or 'CPC entity'.**

Or. en

**Amendment 244**  
**Stefano Maullu**

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

*Text proposed by the Commission*

*Amendment*

**(6a) ‘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;**

Or. en

**Amendment 245**  
**Stefano Maullu**

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

*Text proposed by the Commission*

*Amendment*

**(6b) '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.**

Or. en

**Amendment 246**  
**Kostas Chrysogonos, Jiří Maštálka**

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

*Text proposed by the Commission*

*Amendment*

**(6a) "consumer law" means Union and national law adopted to protect**

*consumers;*

Or. en

**Amendment 247**

**Angelika Niebler**

**Proposal for a directive**

**Article 4 – title**

*Text proposed by the Commission*

*Amendment*

Qualified entities

Qualified *and redress* entities

Or. en

**Amendment 248**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

**Proposal for a directive**

**Article 4 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

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

Member States shall *designate within their respective territory* representative entities *for the purpose of representative actions within in meaning of Article 3 (4)*. The Member States *shall make a list of representative entities* publicly available *and communicate this list to the Commission, updated where necessary*.

Or. en

**Amendment 249**

**Angelika Niebler**

**Proposal for a directive**

**Article 4 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

#### Amendment 250

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

#### Proposal for a directive

#### Article 4 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

##### *Justification*

*With the current text, entities with their own commercial or individual interests (e.g. promoting their organisation over others), a strong dependence on third-party-funding (e.g. entities funded by law-firms and hedge funds) or any other forms of own profit-making or self-advancement ambitions (e.g. the need to pay high salaries to employees or high payments for consultants) would be able to represent consumers in collective redress cases. Naturally, those actors would mainly represent their own interests and would try to maximise their interests. To this end, the representative action would be just a useful means - those actors may not be interested in the collective interest of consumers at all. Even scenarios such as politically or commercially motivated cases or attacks from non-European enterprises or non-European states are thinkable with the current criteria. The proposed changes guarantee that only entities that genuinely represent the interest of consumers - and not their own interest - may pursue damages claims. Moreover, they determine that only those, which have the capacity, knowledge, experience, ability and the governance to effectively help consumers, have the right to take representative actions. Member States should introduce an effective system of accreditation that clearly determines which entities fulfil these criteria.*

**Amendment 251**

**Daniel Buda**

**Proposal for a directive**

**Article 4 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. ro

**Amendment 252**

**Kostas Chrysogonos, Jiří Maštálka**

**Proposal for a directive**

**Article 4 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 253**

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

**Proposal for a directive**

**Article 4 – paragraph 1 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

Member States shall designate an entity as

*Amendment*

Member States shall designate an entity as

qualified entity if it complies with the following criteria:

qualified entity if it complies with **all of** the following criteria:

Or. en

*Justification*

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

**Amendment 254**

**Angelika Niebler**

**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 **may** designate an entity as **a** qualified entity if it complies with the following criteria:

Or. en

**Amendment 255**

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

**Proposal for a directive**

**Article 4 – paragraph 1 – subparagraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

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

**Amendment 256**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

**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 according to ***national law***;

Or. en

**Amendment 257**

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

**Proposal for a directive**

**Article 4 – paragraph 1 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

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

**Amendment 258**

**Angelika Niebler**

**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 statutes, governance and track record demonstrate its*** legitimate interest in ***protecting consumers and*** ensuring that provisions of Union law covered by this

Directive are complied with;

Or. en

#### **Amendment 259**

**Daniel Buda**

#### **Proposal for a directive**

#### **Article 4 – paragraph 1 – subparagraph 2 – point b**

*Text proposed by the Commission*

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

*Amendment*

(b) it has a legitimate interest in ensuring that provisions of Union law covered by this Directive are complied with ***as reflected by its mission, goals and statute;***

Or. ro

#### **Amendment 260**

**Kostas Chrysogonos, Jiří Maštálka**

#### **Proposal for a directive**

#### **Article 4 – paragraph 1 – subparagraph 2 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### **Amendment 261**

**Angelika Niebler**

#### **Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*



*(ba) it has sufficient capacity in terms of human resources and legal expertise to represent multiple claimants acting in their best legal interest;*

Or. en

## **Amendment 262**

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

### **Proposal for a directive**

#### **Article 4 – paragraph 1 – subparagraph 2 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

## **Amendment 263**

**Angelika Niebler**

### **Proposal for a directive**

#### **Article 4 – paragraph 1 – subparagraph 2 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) it has a non-profit making character *and a governance structure providing complete independence from third parties, ensuring it is not a vehicle for pursuing litigation for the benefit or profit of others but the claimants.*

**Amendment 264**

**Gilles Lebreton**

on behalf of the ENF Group

**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 ***is independent and*** has a non-profit making character.

Or. fr

**Amendment 265**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

***(ca) it has an organisational structure ensuring its independence from other entities or persons other than consumers or citizens who might have an interest in the outcome of the representative actions.***

Or. en

**Amendment 266**

**Daniel Buda**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

***(ca) it has an organisational structure that ensures its independence from other entities or persons other than consumers,***

*who may have an interest in the outcome  
of the representative action;*

Or. ro

**Amendment 267**

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

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

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

**Amendment 268**

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

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

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

**Amendment 269**

**Kostas Chrysogonos, Jiří Maštálka**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

***(ca) it demonstrates sufficient and legal financial resources to represent the best interests of its members concerned and to meet any adverse costs should the action fail.***

Or. en

**Amendment 270**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

***(ca) it is either organised as an independent public body or it demonstrates full transparency as regards its financial capacities.***

Or. en

**Amendment 271**

**Laura Ferrara, Marco Zullo**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

***(ca) it publishes in detail the provenance of the funds it receives and the representative actions that it pursues.***

Or. it

**Amendment 272**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

*(cb) it discloses publicly by any appropriate means, in particular on its website, in plain, intelligible language the information on the way it is financed, its organisational and management structure, its remuneration policy, its policy to promote gender balance, its objective and its working methods as well as its activities.*

Or. en

**Amendment 273**

**Daniel Buda**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

*(cb) it publicly discloses by any appropriate means, in particular on its website, in plain and intelligible language, information regarding its funding, organisational and management structure, objectives, working methods and activities;*

Or. ro

**Amendment 274**

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

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

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

**Amendment 275**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 4 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

**Amendment 276**

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

**Proposal for a directive**

**Article 4 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

Member States shall assess on a regular

Member States shall assess on a regular

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

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

Or. en

#### *Justification*

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

#### **Amendment 277** **Angelika Niebler**

#### **Proposal for a directive** **Article 4 – paragraph 1 – subparagraph 3**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

#### **Amendment 278** **Daniel Buda**

#### **Proposal for a directive** **Article 4 – paragraph 1 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

- 1a. Member States shall ensure that qualified entities:**
- (a) regularly update their websites,**

*facilitating quick access to information regarding the procedure to initiate a representative action;*

*(b) on request, provide consumers with the information referred to in point (a) on a durable medium;*

*(c) where appropriate, allow consumers to file complaints online or offline;*

*(d) when dealing with disputes covered by this Directive take the necessary measures to ensure that the processing of personal data complies with the rules on the protection of personal data laid down in the national legislation implementing the general Data Protection Regulation<sup>2a</sup>.*

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<sup>2A</sup> *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) (OJ L 119, 4.5.2016)*

Or. ro

#### **Amendment 279**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

#### **Proposal for a directive**

#### **Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. Member States may provide that representative entities already designated before the entry into force of this Regulation according to national law shall remain eligible for the status of representative entity within the meaning*



*of this Article.*

Or. en

**Amendment 280**

**Daniel Buda**

**Proposal for a directive**

**Article 4 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Member States shall ensure that natural persons in charge of preparing representative actions to be introduced by the qualified entity have the necessary expertise and are independent and impartial. This shall be guaranteed by ensuring that they:***

***(a) possess the necessary knowledge, experience and skills in the field of consumer disputes as well as a general understanding of the law;***

***(b) are appointed for a term of office of sufficient duration to ensure the independence of their actions and are not liable to be relieved from their duties without just cause;***

***(c) shall not accept any instructions from either Party or their representatives;***

***(d) are remunerated in a way unconnected with the outcome of the procedure;***

***(e) disclose without delay to the qualified entity any circumstances that may or could be likely to affect their independence and impartiality or that give rise to a conflict of interest with any of the parties to the dispute. The obligation to disclose such circumstances shall continue to apply throughout the procedure.***

Or. ro

**Amendment 281**

**Daniel Buda**

**Proposal for a directive**

**Article 4 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

Or. ro

**Amendment 282**

**Angelika Niebler**

**Proposal for a directive**

**Article 4 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 283**

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

**Proposal for a directive**

**Article 4 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Member States may designate a qualified entity on an ad hoc basis for a particular representative action, at its** *deleted*

*request, if it complies with the criteria referred to in paragraph 1.*

Or. en

*Justification*

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

**Amendment 284**

**Jens Rohde, António Marinho e Pinto**

**Proposal for a directive**

**Article 4 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 285**

**Gilles Lebreton**

on behalf of the ENF Group

**Proposal for a directive**

**Article 4 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

**2. Member States may designate a qualified entity on an ad hoc basis for a particular representative action, at its request, if it complies with the criteria referred to in paragraph 1. *In that instance, an enhanced licence, in line with the relevant national legislation, shall make it possible to prevent the involvement of ad***

*hoc associations that have been set up as a delaying tactic.*

Or. fr

**Amendment 286**

**Mary Honeyball, Lucy Anderson**

**Proposal for a directive**

**Article 4 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 287**

**Jean-Marie Cavada**

**Proposal for a directive**

**Article 4 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 288**

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

**Proposal for a directive**

**Article 4 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

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

#### **Amendment 289**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

#### **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, **environmental organisations, human rights and equality organisations and trade unions, and, where applicable**, independent public bodies are eligible for the status of qualified entity. Member States may designate as qualified entities organisations that represent **individuals** from more than one Member State.

Or. en

#### **Amendment 290**

Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyn Gebhardt

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

Or. en

**Amendment 291**  
**Mary Honeyball, Lucy Anderson**

**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 in particular consumer organisations, **as well as** independent public bodies **and those with specific relevant legal responsibilities** are eligible for the status of qualified entity. Member States may designate as qualified entities consumer organisations that represent members from more than one Member State.

Or. en

**Amendment 292**  
**Axel Voss, Eva Maydell, Henna Virkkunen, Pilar del Castillo Vera, Markus Pieper, Luis de Grandes Pascual**

**Proposal for a directive**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

**Amendment 293**  
**Kostas Chrysogonos**

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

Or. en

**Amendment 294**

Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada

**Proposal for a directive**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 295**  
**Mary Honeyball, Lucy Anderson**

**Proposal for a directive**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

4. ***Member States may set out rules specifying which qualified entities may seek all of the measures referred to in Articles 5 and 6, and which qualified entities may seek only one or more of these measures.***

*Amendment*

***deleted***

Or. en

**Amendment 296**  
**Jens Rohde, Jean-Marie Cavada**

**Proposal for a directive**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

4. ***Member States may set out rules specifying which qualified entities may seek all of the measures referred to in***

*Amendment*

***deleted***



*Articles 5 and 6, and which qualified entities may seek only one or more of these measures.*

Or. en

**Amendment 297**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Member States may set out rules specifying which qualified entities may seek all of the measures referred to in Articles 5 and 6, and which qualified entities may seek only one or more of these measures.** **deleted**

Or. en

**Amendment 298**  
**Kostas Chrysogonos**

**Proposal for a directive**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Member States may set out rules specifying which qualified entities may seek all of the measures referred to in Articles 5 and 6, and which qualified entities may seek only one or more of these measures.** **deleted**

Or. en

**Amendment 299**  
**Heidi Hautala, Julia Reda**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Member States may set out rules specifying which qualified entities may seek all of the measures referred to in Articles 5 and 6, and which qualified entities may seek only one or more of these measures.**

**deleted**

Or. en

**Amendment 300**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

**Proposal for a directive**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Member States may set out rules specifying which qualified entities may seek all of the measures referred to in Articles 5 and 6, and which qualified entities may seek only one or more of these measures.**

**4. Member States may set out rules specifying which qualified entities may seek all of the measures referred to in Articles 5 and 6, and which qualified entities may seek only one or more of these measures. *Member State shall ensure that a sufficient number of qualified entities can seek all measures referred to in article 5 and article 6.***

Or. en

**Amendment 301**

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

**Proposal for a directive**  
**Article 4 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. The compliance by a qualified**

**5. *Without prejudice to the***

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

compliance by a qualified entity with the criteria referred to in paragraph 1, the court or administrative authority ***shall*** examine whether the purpose of the qualified entity justifies its taking action in a specific case in accordance with Article ***4a(new) and*** 5(1).

Or. en

### *Justification*

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

## **Amendment 302** **Kostas Chrysogonos**

### **Proposal for a directive** **Article 4 – paragraph 5**

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## **Amendment 303** **Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper**

### **Proposal for a directive** **Article 4 a (new)**

#### *Text proposed by the Commission*

#### *Amendment*

#### ***Article 4a*** ***Admissibility***

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

- (a) the action is the most suitable way to resolve the claims of multiple consumers;*
- (b) the claims are ascertainable and uniform and there is a commonality in the measures sought;*
- (c) at least 100 consumers in 2 Member States are affected and have provided their specific and exclusive mandate;*
- (d) the individual consumers can be identified and informed of the representative action in an adequate way;*
- (e) the funding arrangements of the qualified entity are suitable;*
- (f) no other action has been brought before a court or administrative authority regarding the same practice, the same trader and the same consumers.*

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

Or. en

#### *Justification*

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

#### **Amendment 304**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Enrico Gasbarra, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

**Proposal for a directive**  
**Article 5 – title**

*Text proposed by the Commission*

Representative actions for the protection of the collective interests of consumers

*Amendment*

Representative actions for the protection of the collective interests of consumers ***or citizens***

Or. en

**Amendment 305**  
**Heidi Hautala, Julia Reda**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 5 – title**

*Text proposed by the Commission*

5 Representative actions for the protection of ***the*** collective interests ***of consumers***

*Amendment*

5 Representative actions for the protection of collective interests

Or. en

**Amendment 306**  
**Stefano Maullu**

**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

*Amendment*

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. ***In***

which the action is brought.

*representative actions for redress the court or administrative authority shall 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 damage suffered by consumers concerned.*

Or. en

#### **Amendment 307**

**Mary Honeyball, Lucy Anderson**

#### **Proposal for a directive**

#### **Article 5 – paragraph 1**

##### *Text proposed by the Commission*

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

##### *Amendment*

1. Member States shall ensure that representative actions can be brought before national courts or administrative authorities by qualified entities provided that there is a *sufficient interest in the issue to which the alleged breach of Union law relates.*

Or. en

#### **Amendment 308**

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

#### **Proposal for a directive**

#### **Article 5 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that representative actions can be brought before national courts or administrative authorities by qualified entities provided

##### *Amendment*

1. Member States shall ensure that representative actions can be brought before national courts or administrative authorities *only* by qualified entities

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.

***accredited in accordance with Article 4(1)*** **and** provided that there is a direct relationship between the main objectives of the entity and the rights granted under Union law that are claimed to have been violated in respect of which the action is brought.

Or. en

### *Justification*

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

### **Amendment 309**

**Gilles Lebreton**

on behalf of the ENF Group

### **Proposal for a directive**

#### **Article 5 – paragraph 2 – subparagraph 1 – introductory part**

##### *Text proposed by the Commission*

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

##### *Amendment*

Member States shall ensure that qualified entities are entitled, ***possibly after conciliation or mediation has failed***, to bring representative actions seeking the following measures:

Or. fr

### **Amendment 310**

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

### **Proposal for a directive**

#### **Article 5 – paragraph 2 – subparagraph 1 – introductory part**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

*harm:*

Or. en

**Amendment 311**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

**Proposal for a directive**

**Article 5 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

Member States shall ensure that *the representative* entities, *which have been designated in advance*, are entitled to bring representative actions seeking the following measures:

Or. en

**Amendment 312**

**Daniel Buda**

**Proposal for a directive**

**Article 5 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

*To avoid irremediable damage*, Member States shall ensure that qualified entities are entitled to bring representative actions seeking the following measures:

Or. ro

**Amendment 313**

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

**Proposal for a directive**

**Article 5 – paragraph 2 – subparagraph 1 – point a**



*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 314**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

**Proposal for a directive**

**Article 5 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that no other action is pending at a national court or administrative entities of the same Member State regarding the same practice, the same claimants and the same defendant.***

Or. en

**Amendment 315**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

**Proposal for a directive**

**Article 5 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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.

In order to seek injunction orders, ***representative*** entities shall have to obtain the mandate of the individual consumers concerned ***and*** 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.

Or. en

**Amendment 316**  
**Angelika Niebler**

**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 ***demonstrate that they have*** the mandate ***of at least 10*** of the individual consumers concerned, ***but shall not be required to*** provide proof of actual loss or damage on the part of the consumers concerned. ***The identity of consumers having given a mandate to the qualified entity shall not be shared by the court with the defendant.***

Or. en

**Amendment 317**  
**Gilles Lebreton**  
on behalf of the ENF Group

**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 ***a significant number of*** consumers concerned ***(opt-in) and*** provide ***an approximate assessment*** of actual loss or damage on the part of the consumers concerned. ***They shall not be required to provide proof*** of intention or negligence on the part of the trader.

Or. fr

**Amendment 318**  
**Axel Voss, Eva Maydell, Henna Virkkunen, Bendt Bendtsen, Markus Pieper**

**Proposal for a directive**  
**Article 5 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

**Amendment 319**  
**Heidi Hautala, Julia Reda**  
on behalf of the Verts/ALE Group

**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 not have to obtain the mandate of the ***individuals*** concerned or provide proof of actual loss or damage on the part of the ***individuals*** concerned or of intention or negligence on the part of the trader.

Or. en

**Amendment 320**  
**Kostas Chrysogonos, Jiří Maštálka**

**Proposal for a directive**  
**Article 5 – paragraph 3**

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).

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 ***indicatively*** listed in Annex I harming collective interests of consumers, including a final injunction order referred to in paragraph (2)(b). ***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, these actions may be launched in parallel with the actions for injunction orders referred to in paragraph 2.***

Or. en

#### **Amendment 321**

**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

#### **Proposal for a directive Article 5 – paragraph 3**

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).***

3. Member States shall ensure that qualified entities are entitled to bring representative actions seeking ***redress*** measures eliminating the continuing effects of the infringement.

Or. en

## Amendment 322

Mary Honeyball, Lucy Anderson

### Proposal for a directive

#### Article 5 – paragraph 3

##### *Text proposed by the Commission*

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

##### *Amendment*

3. Member States shall ensure that qualified entities are entitled to bring representative actions seeking measures eliminating the continuing effects of the infringement.

Or. en

## Amendment 323

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

### Proposal for a directive

#### Article 5 – paragraph 3

##### *Text proposed by the Commission*

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

##### *Amendment*

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

*Justification*

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

**Amendment 324**

**Laura Ferrara, Marco Zullo**

**Proposal for a directive****Article 5 – paragraph 3***Text proposed by the Commission*

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

*Amendment*

3. Member States shall ensure that qualified entities are entitled to bring representative actions seeking measures eliminating the continuing effects of the infringement. ***In order to avoid prolonging the procedures,*** these measures ***may also*** be sought ***separately from measures whose purpose is to establish*** 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).

Or. it

*Justification*

*The judicial process to reach a final decision is often very long. That entails a risk that consumers may lose the evidence supporting their case and cease to have an interest in it.*

**Amendment 325**

**Heidi Hautala, Julia Reda**

on behalf of the Verts/ALE Group

**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

*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).

representative actions seeking measures eliminating the continuing effects of the infringement. These measures shall be sought on the basis of any final **claim** establishing that a practice constitutes an infringement of Union law **as referred to in article 2 of this Directive** harming collective interests of **individuals**, including a final injunction order referred to in paragraph (2)(b).

Or. en

**Amendment 326**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 5 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

3. Member States shall ensure that **only certain** qualified entities **identified in Article 6**, 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).

Or. en

**Amendment 327**  
**Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt**

**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*

Or. en

**Amendment 328  
Angelika Niebler**

**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*

Or. en

**Amendment 329  
Jean-Marie Cavada**

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

*Text proposed by the Commission*

*Amendment*

**4a. Member States shall ensure that a claimant party informs its individual members of any settlement proposal and that an individual member of the claimant party is free to leave the claimant party if it refuses the proposed settlement without being deprived of the possibility to pursue its claims in another form, such as by an individual claims. Member States shall**



*ensure that consumers can join the claimant party of a representative action until the final settlement.*

Or. en

**Amendment 330**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

**Proposal for a directive**

**Article 5 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*4a. Member States shall ensure that an individual member of the claimant party is free to leave the claimant party at any time before the final judgment, without being deprived of the possibility to pursue its claims in another form, such as by an individual claims. Member States shall ensure that consumers can join the claimant party of a representative action until the final judgment or settlement.*

Or. en

**Amendment 331**

**Angelika Niebler**

**Proposal for a directive**

**Article 5 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*4a. Member States shall ensure that the ‘loser pays principle’ applies also for all types of representative actions.*

Or. en

**Amendment 332**

**Jens Rohde, António Marinho e Pinto, Jean-Marie Cavada**

**Proposal for a directive**  
**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5a**

***Registry of collective redress actions***

- 1. Member States may set up a national register for representative actions, which shall be available free of charge to any interested person through electronic means and/or otherwise.***
- 2. Websites publishing the registries shall provide access to comprehensive and objective information on the available methods of obtaining compensation, including out of court methods as well as the pending representative actions.***
- 3. The national registries shall be interlinked. Article 35 of Regulation (EU) 2017/2394 shall apply.***

Or. en

**Amendment 333**  
**Stefano Maullu**

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

*Text proposed by the Commission*

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

*Amendment*

For the purposes of Article 5(3), Member States shall ensure that qualified entities are entitled to bring representative actions seeking a redress order, which obligates the trader to provide for, inter alia, compensation, repair, replacement, price reduction, contract termination or reimbursement of the price paid, as appropriate. A Member State may require the mandate of the individual consumers concerned before a declaratory decision is made or a redress order is issued. ***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. The compensation awarded to consumers harmed in a mass situation should not exceed the amount owed by the trader in accordance with the applicable national or Union law in order to cover the actual harm suffered by them. In particular, punitive damages, leading to overcompensation in favour of the claimant party of the damage suffered, should be avoided.*

Or. en

#### Amendment 334

Mady Delvaux, Sylvia-Yvonne Kaufmann, Virginie Rozière, Tiemo Wölken, Evelyn Regner, Sergio Gaetano Cofferati, Jytte Guteland, Evelyne Gebhardt

#### 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 damage*, 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 *or citizens* concerned. *If a Member State does not require a mandate of the individual consumer to join the representative action, this Member State shall nevertheless allow those individuals who are not habitually resident in the Member State where the action occurs, to participate in the representative action, in case they expressed their willingness to be part of the representative action within*

*the applicable time limit.*

Or. en

## **Amendment 335**

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

### **Proposal for a directive**

#### **Article 6 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

##### *Justification*

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

*make it a legal requirement for Member States not to follow it. There is no similar system in the EU, in the US or in any other developed country in the world. As a result of the proposed Article 6 by the Commission, Many Member States would be forced to change their current legal praxis.*

#### **Amendment 336**

**Angelika Niebler**

#### **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 ***certain*** qualified ***and supervised*** entities (***redress 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. ***The CPC entity in each Member State shall be entitled as the sole unit in each Member State to initiate these actions, as well as the European Commission in its role as CPC entity pursuant to Art. 17(3) and (4) of the CPC Regulation for cases of widespread infringements with a Union dimension.***

Or. en

#### **Amendment 337**

**Daniel Buda**

#### **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,

##### *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.*

compensation, repair, replacement, price reduction, contract termination or reimbursement of the price paid, as appropriate.

Or. ro

#### **Amendment 338**

**Kostas Chrysogonos, Jiří Maštálka**

#### **Proposal for a directive**

#### **Article 6 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

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

##### *Amendment*

For the purposes of Article 5(3), Member States shall ensure that qualified entities are entitled to bring representative actions seeking a redress order, which obligates the trader to provide for, inter alia, compensation, repair, replacement, ***removal***, price reduction, contract termination or reimbursement of the price paid, ***both in terms of economic and non-economic harm***, as appropriate. A Member State ***shall*** require ***in principle*** the mandate of the individual consumers concerned ***in order to file a representative action. Any exception to this principle should be duly justified.***

Or. en

#### **Amendment 339**

**Julia Reda, Heidi Hautala**

on behalf of the Verts/ALE Group

#### **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

##### *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.*

are entitled to bring representative actions seeking a redress order *for material or non-material damage*, which obligates the trader to provide for, *as appropriate*, inter alia, compensation, repair, replacement, price reduction, contract termination or reimbursement of the price paid *in case of* consumers, *compensation or reinstatement after unlawful dismissals in case of workers, or compensation or repair of the damage causes in case of environmental damage or violation of fundamental rights.*

Or. en