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NOTE

From: Permanent Representatives Committee (Part 1)
To: Council

Subject: 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
- Joint declaration by Cyprus, Czechia, Latvia, Luxembourg and the Slovak Republic

Delegations will find attached a Joint declaration by Cyprus, Czechia, Latvia, Luxembourg and the Slovak Republic on the Proposal for a Directive on representative actions and repealing Directive 2009/22/EC.

Proposal for a Directive on Collective Actions**Joint declaration by Cyprus, Czechia, Latvia, Luxembourg and the Slovak Republic**

In order to protect consumers against illegal or unfair practices by traders, it is important to provide them with effective redress procedures in each Member State. We therefore welcome the objectives of the Commission proposal and the compromise text of the Finnish Presidency. It should provide consumers an affordable alternative to mostly expensive individual legal proceedings available today. The adoption of the compromise text will also allow unblocking the negotiations in the Council after one and a half years and opening the trilogues with the European Parliament in view of a final deal.

However, we regret that the compromise text has been weakened significantly compared to the initial Commission proposal with regard to the level of harmonisation, legal certainty and ease of access for consumers. In that respect, the text does not provide additional clarity with respect to the cross-border functioning of collective redress, especially since the Member States would always be able to apply their own admissibility criteria and procedures on top of the provisions of the Directive. Even though the compromise text provides for detailed and strict eligibility criteria, there is a lack of mutual recognition of qualified entities between the Member States, which creates legal uncertainty for all parties involved.

Since it is crucial to further promote consumer confidence in the Single Market, offline and online, we hope that these issues can be addressed, and that the text can be improved accordingly, in the upcoming trilogues with the European Parliament. The buy-in of European consumers and businesses to cross-border collective procedures will depend on their efficiency and reliability.