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EUROPEAN COMMISSION

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COMMISSION STAFF WORKING DOCUMENT

PUBLIC CONSULTATION:

Towards a Coherent European Approach to Collective Redress

1. INTRODUCTION

1.1. Collective redress as a possible instrument to strengthen the enforcement of EU law

1. Effective enforcement of EU law is of utmost importance for citizens and businesses alike. As the Europe 2020 strategy¹ and the Stockholm Programme² emphasise, the European Union needs to ensure that citizens and businesses, in particular Small and Medium-Sized Enterprises (SMEs), can use in practice the opportunities offered to them by the Single Market and the European area of justice. Rights which cannot be enforced in practice are worthless. Where substantive EU rights are infringed, citizens and businesses must be able to enforce the rights granted to them by EU legislation.
2. An important instrument for ensuring effective enforcement of EU law in such cases is public enforcement by the European Commission (e.g. infringement action or competition proceedings), often based on complaints of citizens or businesses. As guardian of the Treaties, the Commission must ensure that not only individual, but also public interests and, more broadly, the Union interest are taken into account. National authorities also play an important role in the public enforcement of EU law, notably in the area of competition, consumer and environment law, and existing EU legislation strengthens the abilities of national authorities to cooperate cross-border to tackle infringements³.
3. With the enlargement of the European Union, the number of cases requiring enforcement has increased substantially because of the larger territorial scope of application of EU law. This has accentuated the need for a more decentralised enforcement of EU law. It has also brought on the agenda the issue of whether further mechanisms of private enforcement should be added to the current system of EU remedies in order to strengthen the enforcement of EU law.
4. Private enforcement of EU law can be pursued, first of all, by way of *individual* redress: natural or legal persons could initiate individually legal proceedings to enforce their EU law rights. Recent EU legislation has established accelerated procedures which allow parties to swiftly obtain an enforceable title in cross-border small and uncontested claims⁴. Moreover, procedural guarantees are provided to parties attempting to resolve their cross-border disputes amicably through mediation⁵. Minimum common standards relating to legal aid ensure that effective access to justice in cross-border disputes is secured independently of the claimant's

¹ COM(2010)2020, 3.3.2010.

² Council document 17024/09, adopted by the European Council on 10/11/December 2009.

³ Thus, Regulation (EC) No 2006/2004 on Consumer Protection Cooperation sets up a general framework for the cooperation of national public enforcement authorities. In the area of competition law, a European Competition Network was initiated at the coming into force of Regulation 1/2003 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty [now Articles 101 and 102 TFEU].

⁴ Regulation (EC) No 805/2004 creating a European Enforcement Order for uncontested claims; Regulation (EC) No 1896/2006 creating a European Order for payment procedure; Regulation (EC) No 861/2007 establishing a European Small Claims Procedure.

⁵ Cf. Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters.

financial resources⁶. However, where the same breach of EU law harms a large group of citizens and businesses, individual lawsuits are often not an effective means to stop unlawful practices or to obtain compensation for the harm caused by these practices: Citizens and businesses are often reluctant to initiate private lawsuits against unlawful practices, in particular if the individual loss is small in comparison to the costs of litigation. As a result, continued illegal practices cause significant aggregate loss to European citizens and businesses. In addition, as acknowledged by the Digital Agenda for Europe⁷, enforcement of EU Law in the Digital Environment appears sometimes to be difficult because of the lack of clarity on the applicable rights especially for consumers. Uncertainty and perceived difficulty to access redress is one important factor undermining confidence and thus constitutes an obstacle to the development of cross-border electronic commerce.

5. Moreover, where breaches of EU law do trigger multiple individual lawsuits, the procedural laws of many Member States often leave the courts ill-equipped to deal with the case load efficiently and within reasonable delay. This can be true for injunctive collective redress, but in particular for claims to obtain compensation.
6. For these reasons, mechanisms of collective redress could be considered to remedy the current shortcomings in the enforcement of EU law.

1.2. What is meant by "collective redress"?

7. EU citizens and businesses should be able to take action when harmed by a breach of any EU legislation creating substantive rights. When citizens and businesses are victims of the same breach committed by the same company, bundling of their claims in a single collective redress procedure, or allowing such a claim to be brought by a representative entity or body acting in the public interest, could simplify the process and reduce costs. "Collective redress" is a broad concept encompassing any mechanism that may accomplish the cessation or prevention of unlawful business practices which affect a multitude of claimants or the compensation for the harm caused by such practices. There are two main forms of collective redress: by way of *injunctive relief*, claimants seek to stop the continuation of illegal behaviour; by way of *compensatory relief*, they seek damages for the harm caused. Collective redress procedures can take a variety of forms, including out-of-court mechanisms for dispute resolution or, the entrustment of public or other representative entities with the enforcement of collective claims.

1.3. Existing forms of collective redress in the European Union

8. Collective redress is not a novel concept in the European Union. Existing EU legislation and international agreements require Member States to provide for collective *injunctive* relief in certain areas. As a consequence, all Member States have procedures in place which grant the possibility to seek an injunction to stop illegal practices. In the area of consumer law, as a result of the Directive on Injunctions⁸, consumer protection authorities and consumer organisations are entitled

⁶ Directive 2002/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.

⁷ COM(2010)245, 19.5.2010.

⁸ OJ, L 166, 11.6.1998, p.51.

to put an end to practices that infringe national and EU consumer protection rules in all Member States. In the area of environmental law, the Aarhus Convention requires Member States to ensure access to justice against infringements of environmental standards. All Member States have implemented this by introducing some form of collective injunctive relief, whereby non-governmental organisations are given standing to challenge environmental administrative decisions.

9. Procedures for the collective claim of *compensatory* relief in certain areas have been introduced in the majority of Member States. The existing mechanisms to compensate a group of victims harmed by illegal business practices vary widely throughout the EU⁹. Essentially, every national system of compensatory redress is unique and there are no two national systems that are alike in this area. Some of the procedures only apply in very specific sectors (e.g. the recovery of capital investment losses in Germany or damage caused by anti-competitive practices in the United Kingdom); others have a larger scope (e.g. the Spanish collective redress procedures). A second difference concerns the legal standing in compensatory redress proceedings: some Member States have vested public authorities with the power to institute proceedings in certain areas (e.g. the Ombudsman in Finland), others grant standing to private organisations such as consumer associations (e.g. Bulgaria) or to individuals acting on behalf of a group (e.g. Portugal). Many Member States have a combination of several rules on standing. A further difference concerns the category of victims that can make use of compensatory collective redress. Most of the national systems referred to above allow for compensatory redress for consumers whereas only a few also allow for compensatory redress for other victims such as small businesses. Differences also relate to the effect of a judgment on the members of the group concerned: in most Member States, the decision only binds those who have expressly consented to the proceedings ("opt-in", e.g. Sweden, Italy). In a few Member States, the decision becomes binding for all members of the group unless they opted out (Portugal Denmark, Netherlands). In addition, there are differences between Member States as to the moment at which those entitled to claims are individually identified; in some Member States, the identification must take place when the representative action is brought (e.g. the United Kingdom), whilst in others, it can take place at a later stage (e.g. Poland and Spain). There are also notable differences governing the funding of collective redress actions, the distribution of proceeds and the use of alternative dispute resolution mechanisms. The impact of any possible European measure on the national legal systems would vary depending on whether the Member State concerned already has a system of collective redress in place and what the defining features of this system are.

1.4. Towards a coherent European approach to collective redress

10. Given the diversity of existing national systems and their different levels of effectiveness, a lack of a consistent approach to collective redress at EU level may undermine the enjoyment of rights by citizens and businesses and gives rise to uneven enforcement of those rights. A coherent European framework drawing on the different national traditions could facilitate strengthening collective redress (injunctive and/or compensatory) in targeted areas. In any event, such a framework

⁹ Cf e.g. the 2008 study "Evaluation of the effectiveness and efficiency of collective redress mechanisms in the European Union" commissioned by the European Commission and available at http://ec.europa.eu/consumers/redress_cons/collective_redress_en.htm#Studies

should contain common principles which any possible EU initiatives on collective redress in any sector would respect. The objective is to ensure from the outset that any possible proposal in this field, while serving the purpose of ensuring a more effective enforcement of EU law, fits well into the EU legal tradition and into the set of procedural remedies already available for the enforcement of EU law.

11. Within the European Commission, work has been undertaken for several years to develop European standards of compensatory collective redress in the field of consumer and competition law. The Commission adopted a Green Paper on anti-trust damages actions in 2005¹⁰ and a White Paper in 2008¹¹. In 2008, the Commission also published a Green Paper on consumer collective redress¹². Stakeholders' positions on many issues are known: most consumer organisations are in favour of EU-wide judicial compensatory collective redress schemes, whereas many representatives of industry fear the risks of abusive litigation. However, stakeholders have also warned against an inconsistency between the different Commission initiatives on collective redress, which pleads for more coherence.
12. The Commission is therefore launching a horizontal public consultation "Towards a more coherent European approach to collective redress". The purpose of this consultation is, inter alia, to identify common legal principles on collective redress. The consultation should also help to examine how such common principles could fit into the EU legal system and into the legal orders of the 27 EU Member States. The consultation also explores in which fields different forms of collective redress (injunctive and /or compensatory) could have an added value for improving the enforcement of EU legislation or for better protecting the rights of victims. The resulting set of principles should guide any possible initiative for collective redress in EU legislation.

2. POTENTIAL ADDED VALUE OF COLLECTIVE REDRESS FOR IMPROVING THE ENFORCEMENT OF EU LAW

13. Careful consideration must be given as to whether and in which areas an EU initiative would bring added value for improving the enforcement of EU law and whether there are alternative routes to fill possible gaps in the current system. In this context, the recent developments in EU legislation outlined above would be taken into account. It should also be considered whether any current shortcomings can be remedied by extending the existing possibility of obtaining injunctive relief to areas other than consumer protection. In addition, it would be explored whether the role of national public bodies (like the Ombudsman) and/or private representative organisations in the enforcement of EU law could be strengthened, in line with existing national models.
14. Any new initiative would also have to comply with the principles of subsidiarity and proportionality laid down in Article 5 of the Treaty on the Functioning of the European Union. Certain mechanisms of injunctive collective redress are already in place in all Member States with regard to consumer matters, while several Member

¹⁰ COM(2005)672, 19.12.2005.

¹¹ COM(2008)165, 2.4.2008.

¹² COM(2008)794, 27.11.2008.

States know other forms of collective redress (including compensatory redress) to varying degrees. It would need to be considered whether and how action at EU level would be necessary in these circumstances to ensure the effective enforcement of EU law. In addition, any action at EU level should address the specific cross-border dimension of collective redress (injunctive and/or compensatory).

Questions:

- Q 1** What added value would the introduction of new mechanisms of collective redress (injunctive and/or compensatory) have for the enforcement of EU law?
- Q 2** Should private collective redress be independent of, complementary to, or subsidiary to enforcement by public bodies? Is there need for coordination between private collective redress and public enforcement? If yes, how can this coordination be achieved? In your view, are there examples in the Member States or in third countries that you consider particularly instructive for any possible EU initiative?
- Q 3** Should the EU strengthen the role of national public bodies and/or private representative organisations in the enforcement of EU law? If so, how and in which areas should this be done?
- Q 4** What in your opinion is required for an action at European level on collective redress (injunctive and/or compensatory) to conform with the principles of EU law, e.g. those of subsidiarity, proportionality and effectiveness? Would your answer vary depending on the area in which action is taken?
- Q 5** Would it be sufficient to extend the scope of the existing EU rules on collective injunctive relief to other areas; or would it be appropriate to introduce mechanisms of collective compensatory redress at EU level?
- Q 6** Would possible EU action require a legally binding approach or a non-binding approach (such as a set of good practices guidance)? How do you see the respective benefits or risks of each approach? Would your answer vary depending on the area in which action is taken?

3. GENERAL PRINCIPLES TO GUIDE POSSIBLE FUTURE EU INITIATIVES ON COLLECTIVE REDRESS

15. Based on the outcome of previous consultations, a first set of common core principles can be identified which could guide any possible EU initiatives for collective redress (injunctive and/or compensatory). These include: (1) the need for effectiveness and efficiency of redress; (2) the importance of information and of the role of representative bodies; (3) the need to take account of collective consensual resolution as a means of alternative dispute resolution; (4) the need for strong safeguards to avoid abusive litigation; (5) availability of appropriate financing mechanisms, notably for citizens and SMEs; (6) the importance of effective enforcement across the EU. These principles could apply to all forms of collective redress (injunctive and/or compensatory) although some might be more relevant for compensatory collective redress.

Questions:

- Q 7** Do you agree that any possible EU initiative on collective redress (injunctive and/or compensatory) should comply with a set of common principles established at EU level? What should these principles be? To which principle would you attach special significance?
- Q 8** As cited above, a number of Member States have adopted initiatives in the area of collective redress. Could the experience gained so far by the Member States contribute to formulating a European set of principles?
- Q 9** Are there specific features of any possible EU initiative that, in your opinion, are necessary to ensure effective access to justice while taking due account of the EU legal tradition and the legal orders of the 27 Member States?
- Q 10** Are you aware of specific good practices in the area of collective redress in one or more Member States that could serve as inspiration from which the EU/other Member States could learn? Please explain why you consider these practices as particularly valuable. Are there on the other hand national practices that have posed problems and how have/could these problems be overcome?

3.1 The need for effective and efficient redress

16. Any EU initiative on collective redress should first and foremost ensure that any system of collective redress operates effectively and efficiently. Effective redress is a matter of fundamental rights: the Charter of Fundamental Rights of the European Union confirms the right to an effective remedy for everyone whose rights and freedoms guaranteed by the law of the European Union are violated.¹³ In a situation of multiple claims, bundling of individual claims in a single collective redress procedure, or allowing such a claim to be brought by a representative entity (e.g. ombudsman, consumer or trade association) should allow savings for the parties involved and increase the efficiency of both judicial and out-of-court redress. It should avoid repeated re-litigation of the same or similar issues and the risk of conflicting outcomes. A system of collective redress that results in lengthy and costly litigation is neither in the interests of consumers nor business and should be avoided. An effective and efficient collective redress system will therefore be one that is capable of delivering legally certain and fair outcomes within a reasonable timeframe, while respecting the rights of all parties involved.

Questions:

- Q 11** In your view, what would be the defining features of an efficient and effective system of collective redress? Are there specific features that need to be present if the collective redress mechanism would be open for SMEs?
- Q 12** How can effective redress be obtained, while avoiding lengthy and costly litigation?

¹³ Article 47(1). OJ, C 364 18.12.2000, p.1. This is further strengthened by Article 19(1) of the Treaty on European Union incorporating the principle of effective judicial protection, OJ C 306, 17.12.2007.

3.2 The importance of information and of the role of representative bodies

17. Consideration should be given as to which features would help to ensure that a collective redress mechanism works effectively and efficiently. Certainly the information of victims plays an important role. In order to be able to bundle their claims, citizens and businesses need to be aware that they have been victims of the same illegal practice and that they have the possibility to bring a collective claim or to join an existing lawsuit. This can be particularly challenging where unlawful practices affect victims in several Member States.
18. Moreover, it would need to be determined what role associations representing victims' interests should have in the context of litigation on multiple claims, in particular, in a cross-border context. Arguably, the efficiency of collective redress (injunctive and/or compensatory) requires a representative entity to be able to represent in its Member State victims of other Member States. Similarly, a representative entity could be allowed to represent victims in court or out-of-court proceedings in another Member State.

Questions:

- Q 13** How, when and by whom should victims of EU law infringements be informed about the possibilities to bring a collective (injunctive and/or compensatory) claim or to join an existing lawsuit? What would be the most efficient means to make sure that a maximum of victims are informed, in particular when victims are domiciled in several Member States?
- Q 14** How the efficient representation of victims could be best achieved, in particular in cross-border situations? How could cooperation between different representative entities be facilitated, in particular in cross-border cases?

3.3 The need to take account of collective consensual resolution as alternative dispute resolution

19. Mechanisms of collective *consensual* dispute resolution play an important complementary role to judicial redress and can often provide parties with a faster and cheaper resolution of their claims. Parties should therefore have the possibility to resolve their collective dispute out of court, either with the intervention of a third party (e.g. using a mechanism of alternative dispute resolution, such as arbitration or mediation) or without such intervention (e.g. settlement among the parties concerned). Consideration should be given how the recourse to alternative dispute resolution (ADR) can be facilitated in situations of multiple claims. It should also be explored whether and in which policy areas resorting to collective consensual resolution of the dispute could become a legal requirement before going to court.
20. Resolving disputes via collective consensual dispute resolution can often lead to a fair outcome for all parties involved, meaning that none of the parties should feel compelled to agree to an unfair outcome. The effectiveness of consensual dispute resolution and the fairness of its outcome depend, however, significantly on the incentives of the parties to engage in the process. The availability of an effective judicial redress system should act as a strong incentive for parties to agree out of court which is likely to solve a considerable number of cases thereby avoiding

litigation. An initiative on ADR which deals with individual and collective ADR in consumer matters is under preparation.

Questions:

- Q 15** Apart from a judicial mechanism, which other incentives would be necessary to promote recourse to ADR in situations of multiple claims?
- Q 16** Should an attempt to resolve a dispute via collective consensual dispute resolution be a mandatory step in connection with a collective court case for compensation?
- Q 17** How can the fairness of the outcome of a collective consensual dispute resolution best be guaranteed? Should the courts exercise such fairness control?
- Q 18** Should it be possible to make the outcome of a collective consensual dispute resolution binding on the participating parties also in cases which are currently not covered by Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters?
- Q 19** Are there any other issues with regard to collective consensual dispute resolution that need to be ensured for effective access to justice?

3.4 Strong safeguards against abusive litigation

21. Any European approach to collective redress (injunctive and/or compensatory) would have to avoid from the outset the risk of abusive litigation. Many stakeholders have expressed concern that they wish to avoid certain abuses that have occurred in the US with its "class actions" system. This system contains strong economic incentives for parties to bring a case to court even if, on the merits, it is not necessarily well founded. These incentives are the result of a combination of several factors, in particular, the availability of punitive damages, the absence of limitations as regards standing (virtually anybody can bring an action on behalf of an open class of injured parties), the possibility of contingency fees for attorneys and the wide-ranging discovery procedure for procuring evidence. The Commission believes that these features taken together increase the risk of abusive litigation to an extent which is not compatible with the European legal tradition.
22. Any European approach to collective redress (injunctive and/or compensatory) should not give any economic incentive to bring abusive claims. In addition, effective safeguards to avoid abusive collective actions should be defined. These should be inspired by the existing national judicial redress systems in the EU Member States. The existing national mechanisms show that various safeguards, or their combinations, can be used.
23. One commonly used safeguard is the "loser pays" principle which means that the losing party pays the court and lawyers fees of both parties.

24. The full respect of the legitimate interests of all parties is a further important safeguard. These rights are part of the right to a fair trial¹⁴ and have to be protected also in cases of collective redress.
25. Collective redress may take various forms. Safeguards should therefore address the specific risks that are associated with any of these particular forms of redress. For example, where representative entities are entitled to bring an action, consideration should be given to conditions under which such entities are granted standing in collective redress proceedings. For example, in some Member States under national rules implementing the Aarhus Convention, NGOs have to fulfil a number of requirements (certain period of existence, geographical scope of activity, certain number of members, aim of promoting the public interest etc) in order to obtain standing in collective proceedings.
26. When considering safeguards, careful attention must be paid to the need to preserve the balance between preventing abusive litigation and preserving an effective access to justice for EU citizens and businesses, in particular SMEs. Where it proves difficult to strike that balance in a general way, a judge might ultimately be needed to strike that balance in a specific pending case.

Questions:

- Q 20** How could the legitimate interests of all parties adequately be safeguarded in (injunctive and/or compensatory) collective redress actions? Which safeguards existing in Member States or in third countries do you consider as particularly successful in limiting abusive litigation?
- Q 21** Should the "loser pays" principle apply to (injunctive and/or compensatory) collective actions in the EU? Are there circumstances which in your view would justify exceptions to this principle¹⁵? If so, should those exceptions rigorously be circumscribed by law or should they be left to case-by-case assessment by the courts, possibly within the framework of a general legal provision?¹⁶
- Q. 22** Who should be allowed to bring a collective redress action? Should the right to bring a collective redress action be reserved for certain entities? If so, what are the criteria to be fulfilled by such entities? Please mention if your reply varies depending on the kind of collective redress mechanism and on the kind of victims (e.g. consumers or SMEs).

¹⁴ Article 47(2) of the Charter of Fundamental Rights of the European Union.

¹⁵ See e.g. in the area of environmental law Article 10a of Directive 85/337 and Article 15a of Directive 96/61 (both as amended by Directive 2003/35) which prohibits that the procedures be prohibitively expensive for the NGOs, see also judgment of the Court of Justice in case C427/07 *Commission v. Ireland*.

¹⁶ See e.g. Article 16 of Regulation 861/2007 establishing a European Small Claims Procedure: "The unsuccessful party shall bear the costs of the proceedings. However, the court or tribunal shall not award costs to the successful party to the extent that they were unnecessarily incurred or are disproportionate to the claim".

Q 23 What role should be given to the judge in collective redress proceedings? Where representative entities are entitled to bring a claim, should these entities be recognised as representative entities by a competent government body or should this issue be left to a case-by-case assessment by the courts?

Q 24 Which other safeguards should be incorporated in any possible European initiative on collective redress?

3.5 Finding appropriate mechanisms for financing collective redress, notably for citizens and SMEs

27. Citizens and businesses, in particular SMEs, should not be excluded from access to justice because of limited financial resources. This implies consideration of the extent to which adequate funding exists for collective redress cases. Mechanisms of financing collective redress should allow for the funding of meritorious claims but avoid any incentives for pursuing unmeritorious claims.

Questions:

Q 25 How could funding for collective redress actions (injunctive and/or compensatory) be arranged in an appropriate manner, in particular in view of the need to avoid abusive litigation?

Q 26 Are non-public solutions of financing (such as third party funding or legal costs insurance) conceivable which would ensure the right balance between guaranteeing access to justice and avoiding any abuse of procedure?

Q 27 Should representative entities bringing collective redress actions be able to recover the costs of proceedings, including their administrative costs, from the losing party? Alternatively, are there other means to cover the costs of representative entities?

Q 28 Are there any further issues regarding funding of collective redress that should be considered to ensure effective access to justice?

3.6 Effective enforcement in the EU

28. In an internal market for business and consumers, the rules on European civil procedural law and on applicable law should work efficiently in practice for collective actions (whether injunctive or compensatory), and judgements should be enforceable throughout the EU. The question therefore arises whether the current European rules on jurisdiction, recognition and enforcement of judgments¹⁷, and applicable law sufficiently achieve that objective or whether a coherent European approach to (injunctive and/or compensatory) collective redress would require specific additional rules on applicable law and/or jurisdiction. So far, the Commission has not received indications from stakeholders about practical problems in this area. It is therefore the objective of this public consultation to seek views and information about possible specific challenges with regard to jurisdictional and applicable law issues related to collective redress, taking into account the current

¹⁷ Cf. Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters.

divergence of national legal systems notably as regards compensatory collective redress, the need for effective cross-border enforcement and the need to avoid abusive litigation, including "forum shopping".

Questions:

- Q 29** Are there to your knowledge examples of specific cross-border problems in the practical application of the jurisdiction, recognition or enforcement of judgements? What consequences did these problems have and what counter-strategies were ultimately found?
- Q 30** Are special rules on jurisdiction, recognition, enforcement of judgments and /or applicable law required with regard to collective redress to ensure effective enforcement of EU law across the EU?
- Q 31** Do you see a need for any other special rules with regard to collective redress in cross-border situations, for example for collective consensual dispute resolution or for infringements of EU legislation by online providers for goods and services?

3.7 Possible additional principles

29. The common principles that have been identified so far to apply to a European approach to collective redress are not exhaustive. There could be further principles that could be established by the EU.

Question:

- Q 32** Are there any other common principles which should be added by the EU?

4. SCOPE OF A COHERENT EUROPEAN APPROACH TO COLLECTIVE REDRESS

30. As to the compensation of harm caused by breaches of EU law, consideration should be given as to whether it would be desirable to extend the Commission's current work on (injunctive/and or compensatory) collective redress in the area of competition and protection of consumers and passengers to other areas (such as environment or financial services law). Regardless of the scope, a coherent EU approach must be ensured.

Questions:

- Q 33** Should the Commission's work on compensatory collective redress be extended to other areas of EU law besides competition and consumer protection? If so, to which ones? Are there specificities of these areas that would need to be taken into account?
- Q 34** Should any possible EU initiative on collective redress be of general scope, or would it be more appropriate to consider initiatives in specific policy fields?

5. PUBLIC CONSULTATION

All interested parties are invited to submit their contribution **30 April 2011**. These contributions should be sent, if possible in electronic form, to EC-collective-redress@ec.europa.eu, or otherwise in writing to:

European Commission
"Consultation on collective redress"
Avenue de Bourget 1-3
B-1140 Brussels (Evere)
Belgium

Each contribution should be **clearly marked "Consultation on collective redress"**. In the interest of transparency, organisations (including, for example, NGOs, trade associations and commercial enterprises) are invited to provide the public with relevant information about themselves by registering in the Interest Representative Register and subscribing to its Code of Conduct.

In order to stimulate a real debate on the issue, the Commission has published this consultation document on the Commission's Europa website at:

http://ec.europa.eu/justice/news/consulting_public/news_consulting_public_en.htm

Incoming contributions will be published on the same website. It is possible to request that submissions remain confidential. In this case, contributors should expressly state on the first page of their submission that they oppose publication.

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The Commission will record and further process your personal details to the extent that they are necessary for the follow-up of your contribution to the public consultation on Collective Redress. Your data will be handled in conformity with Regulation (EC) N° 45/2001 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data. Your data are recorded and stored as long as follow-up actions are needed in the context of your contribution. For transparency purposes, the contributions, including your name and position in your organisation will be communicated to the public, in particular through the Commission website at:

http://ec.europa.eu/justice/news/consulting_public/news_consulting_public_en.htm

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