



OBSERVATOIRE DES ACTIONS DE GROUPE
et autres Actions Collectives

November infringement package: Austria and Romania sent reasoned opinions regarding the
RAD

(‘The Commission calls on Austria and Romania to transpose the rules on representative actions to protect consumers’

https://ec.europa.eu/commission/presscorner/detail/en/inf_23_5380)

Following the now significantly delayed implementation of the Representative Actions Directive 2020/1828 in a number of Member States, the European Commission has taken further action against Austria and Romania in particular, to stress the need for timely and sufficient implementation measures. Full transposition should have been achieved on 25 December 2022.

The Austrian Ministry of Justice and Legislature had not yet presented first draft or legal basis by the deadline and, in Romania, while a Draft legislative act (Law on representative actions for the protection of the collective interests of consumers) was published by the National Authority of Consumers Protection, no official measures were communicated. Reports were prepared by the Legal, Disciplinary and Immunities Committee, and the Chamber of Deputies has been debating the draft.

On 27 January 2023, the European Commission sent formal notice of default for incomplete transposition of the Directive, and the targeted States were given two months to comply. Having provided an insufficient response to the issues raised in the notice, the Commission made the decision to send Austria (*INFR(2023)0001*) and Romania (*INFR(2023)0034*) a reasoned opinion on 16 November 2023. The information they had given about their proposed implementation measures did not meet the expected standard. If this is not remedied within two months from this opinion, the Commission may take the next step of referring Austria and Romania to the Court of Justice of the European Union.