



OBSERVATOIRE DES ACTIONS DE GROUPE
et autres Actions Collectives

Romanian implementation of the Representative Actions Directive

Legea nr. 414/2023 privind desfășurarea acțiunilor în reprezentare pentru protecția intereselor colective ale consumatorilor

Law No 414/2023 on the conduct of representative actions for the protection of consumers' collective interests (of 19 December 2023)

On 20/12/2023, Romania published in its official Gazette a law implementing Directive (EU) 2020/1828: Law No 414/2023. This legislation applies to actions brought from 23/12/2023 and aims to provide access to justice through its procedural mechanisms. The legislation is long overdue: Romania is one of the States (alongside Austria) which was issued a reasoned opinion by the Commission on 16/11/2023 for transposition infringements. In the past, Romania has lacked a legal framework for collective redress.

Qualified entities bringing representative actions may request redress measures, injunctive relief, or both. Actions are possible whether they concern domestic or cross-border infringements, if they are committed by professionals in the fields covered by the national and European legislation included in the text's Annex. There is a wide range of possible remedies including: compensation, repair, replacement, price reduction, termination of the contract or refund of the price paid, depending on the applicable law.

An important feature is that the text applies the opt-in mechanism for redress measures, which means that consumers must give their written consent to be represented and bound by the final decision. This must be done within 30 days of the action being filed, but before closure of the procedure on the merits. Once they have opted in, consumers are unable to be represented in another case against the same defendant and on the same subject matter.

Third-party funding is permitted in accordance with national law No 32/1994 on sponsorship. In addition, the court can impose fines on professionals who fail to comply with its final orders, up to a maximum of RON 100,000. Consumers have a limited period of three years, following the judgment, to benefit from the remedy ordered.

For official texts: <https://legislatie.just.ro/Public/DetaliuDocument/277571>; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=NIM:202306789>.