



*Croatian implementation of the Representative Actions Directive*

**Title:** Law on representative actions for the protection of collective interests and consumer rights No 59/23

The Croatian implementing legislation was enacted on the basis of Article 89 of the Constitution of the Republic of Croatia and published 2 June 2023, to enter into force 25 June 2023.

An ‘authorised prosecutor’ with standing under the Law may be an individual association or another form of association selected in accordance with the relevant provision of the implementing Law. It may be a public law body responsible for the protection of one or more listed consumer rights. Several bodies (from different states) may file the claim together. Notably, the court has a wide discretion and may make the decision, with legal effect, to grant standing to a form of association not included in the list of Qualified Entities.

The claimant is in most cases a consumer association, and the collective action is brought against a trader or trade association. Croatia provides for a mandatory opt-in procedure for redress actions (except for actions seeking injunctive measures). An authorised entity may demand a symbolic fee from consumers who have expressed their wish to be represented in a representative claim for damages. This must not exceed 5% of the value of each consumer’s claim or EUR 70. Representative actions for compensation must contain a list of consumers, their consent to be represented and the amount of damages due to them.

Croatian representative actions may seek to determine the defendant’s infringement (‘Representative action for determination’), to prohibit conduct that infringes the specific regulations (‘Representative action for injunctive measures’) or obtain redress for material and non-material damage and/or compensation for unjust enrichment for consumers affected by infringements of regulations (‘Representative action for redress measures’).

The Law allows trader a longer period than the RAD to cease an infringement – an ‘advance warning’; the Qualified Entity is authorised to bring the claim before the competent court only after expiry of 30 days following the delivery of the notice to the trader. It must ‘regularly, clearly and comprehensibly publish information (...) on its website, together with information about funding sources’, and third-party funding is also regulated through additional, specific requirements.

For official texts: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=NIM:202303187>;  
<https://www.zakon.hr/z/3514/Zakon-o-predstavničkim-tužbama-za-zaštitu-kolektivnih-interesa-i-prava-potrošača>; [https://narodne-novine.nn.hr/clanci/sluzbeni/2023\\_06\\_59\\_998.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2023_06_59_998.html)

*Un regard comparatiste et pluridisciplinaire*

Founder: Maria José Azar-Baud

<https://observatoireactionsdegroupe.com/>