



Slovakian implementation of the Representative Actions Directive

Title: Act No. 261/2023 Coll. on Actions for the Protection of Collective Interests of Consumers and on Amendments to Certain Acts (of 21 June 2023)

This implementing Act was approved by the Slovakian Parliament after amendments on 21 June 2023, officially published on 07 July 2023, and subsequently entered into force in its entirety 25 July 2023 (Article I, Article II(1) and (3) to (5) and Articles III to VII entered into force at the date of promulgation).

There must be at least 20 consumers in order to initiate an injunctive action. Non-profit entities enrolled with the Ministry of Economy as Qualified Entities are able to issue collective proceedings. This requires that they are active in the consumer protection field and have not been removed from the relevant list for 12 months.

There is a combination of the opt-out and opt-in mechanisms. However, the former is prioritised. A consumer can withdraw their prior opt-in consent at any time after the filing of the claim. This must be done by the end of the evidence before the first instance court.

Third-party funding is permitted. In addition, if the benefits for compensation remain uncollected after three years following the final ruling, the State will be entitled to collect the funds. Qualified Entities are also entitled to a success fee awarded by the court, based on their level of success, of up to 20% of the quantum (capped at 100,000 euros if the quantum cannot be determined).

For official texts: <https://www.zakonypreludi.sk/zz/2023-261>; <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2023/261/20230725.html>; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=NIM:202304349>

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