The role of collective redress in environmental matters: the Directive (EU) 2020/1828 and the Spanish situation

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What is collective redress?

- **Procedural mechanism:**
  - injunction relief
  - compensation relief

- **Civil dispute:** ruled by the court

- **Advantages:**
  - Access to justice
  - Efficient administration of justice

- **Disadvantages:** abusive litigation
Situation of the EU until the Directive 2020/1828

- Directive 2003/35/EC


- Assessment of transposition by the CJUE:
  - Djurgården (C-263/08), 15. October 2009
  - Trianel (C-115/09), 12. May 2011
  - VLK (C-240/09), 8. March 2011
  - Protect (C-664/15),

- Guidance document on access to justice on environmental matters of the EU Commission, 2017
Directive 2020/1828

Timeline.

1. **4. December 2020**
   - Publication in OJEU

2. **25. December 2020**
   - Implementation deadline. Infringement proceedings.

3. **25. June 2023**
   - Deadline for entry into force of national implementing acts.
Main impact of CRD to collective redress in environmental cases?

- Scope
- Legal standing
- Mechanisms for collective redress actions
Scope of the CRD

- List of Annex I
- Domestic and cross-border infringements
Legal standing of the CRD

- Qualified entities for:
  - domestic representative action
  - cross-border representative action
- Public bodies
Mechanisms for collective redress actions

- Opt-in mechanism
  - Before and after the initiation of the action
  - Only possible for non-residents
- Opt-out mechanism
Situation in Spain

- **Established system for collective actions**
  - the group are determined or easily determinable
  - Majority of affected individuals

- **Draft bill for transposition**, published on 22. March 2024
  - Types of entities
  - Process and requirements for designation
  - Mechanism to join the collective action

- **Personal assessment**
Situation in Spain

• Established system for collective actions
  • the group are determined or easily determinable
  • Majority of affected individuals

• Draft bill for transposition, 22. March 2024
  • Types of entities
  • Process and requirements for designation
  • Mechanism to join the collective action

• Personal assessment of the draft bill.