



# 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

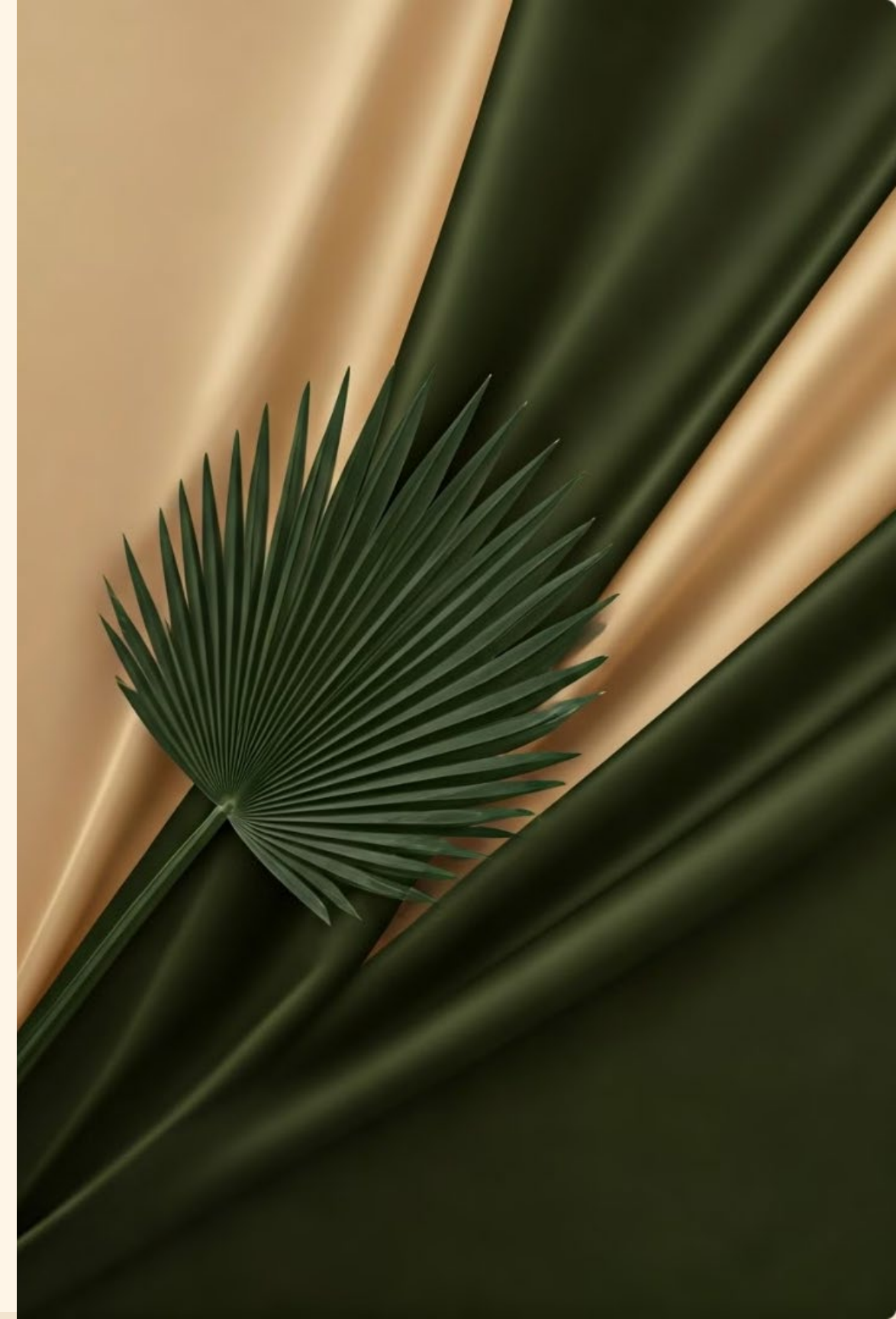
- **Directive 2003/35/EC**
- **Adoption of Aarhus Convention: 17<sup>th</sup> February 2005.**
- **Assessment of transposition by the CJUE:**
  - *Djurgården* (C-263/08), 15. October 2009
  - *Trianel* (C-115/09), 12. May 2011
  - *VLK* (C-240/09), 8. March 2011
  - *Protect* (C-664/15),
- **Guidance document on access to justice on environmental matters of the EU Commission, 2017**





# Directive 2020/1828

“(75) With regard to environmental law, this Directive takes account of the United Nations Economic Commission for Europe Convention of 25 June 1998 on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the ‘Aarhus Convention’).”



# 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**





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- **Personal assessment of the draft bill.**

