Joint Business Statement on the Proposal
on Representative Actions (Collective Redress)

2 June 2020

RUSHING COLLECTIVE REDRESS WILL NOT GET IT RIGHT

As the representatives of Europe's business community, we wish to caution EU Member State governments and the European Parliament against rushing to conclude trilogue discussions on the representative actions proposal and urge them to take due time to consider the complex issues still unresolved.

Trilogue parties have not met - even at technical level - for several months. Yet there are reports that the Croatian Presidency intends to discuss a Commission compromise text with Member States in the hope of concluding discussions at Coreper in just one week, on 10 June.

This piece of legislation is of utmost importance for the proper functioning of private enforcement mechanisms in and between Member States and we are extremely concerned by any efforts to rush the examination of this new framework.

Efforts to find an agreement between the Parliament and the Council during this COVID-19 pandemic via written exchanges are laudable; however, several critical flaws and outstanding issues remain unaddressed.

We ask Member States and the European Parliament to continue to deliberate and to address the many remaining issues and to not easily succumb to the pressures of finding a compromise at any cost under tight last-minute deadlines. Doing so will undoubtedly lead to a situation in which the many complexities of this proposal will not be adequately considered, and will result in defective legislation and greater chances of unintended consequences. It is of utmost importance to prioritise quality over expediency.

We will continue to contribute constructively to these discussions with the aim of achieving a balanced, fair and harmonised EU system. Any new framework should therefore focus on the inclusion of appropriate safeguards for both claimants and defendants.

***