

# Class Actions

## Abstract

This thesis deals with class actions. These are currently (and rightly so) a much-discussed topic. On March 6, 2020, the government submitted a government bill on collective proceedings, which is controversial, primarily due to its inspiration in the American class action lawsuit. The main thorn in the side of the bill's critics is that the government proposal includes the opt-out proceedings, i.e. the type of proceedings that forces the class members to deregister. It is present in the current proposal along with the opt-in proceedings, which are guided by the opposite principle.

This thesis examined, in particular, the appropriateness of adopting collective proceedings into the Czech legal order and the potential problems that the proposed arrangement may cause. Regulations on collective redress in the US (which has been an original idea source for the government bill) and the Netherlands (which shares some aspects with the current version of the bill after its January amendment) were also examined.

From the methodological point of view, analytical, normative, comparative, and synthetic approaches were mainly used in this thesis. First, an analysis of legislation, literature and case law was performed. The current government bill on collective proceedings was extensively commented on in a normative manner, and a comparison with selected foreign legal regulations was made. Finally, a synthesis of information and a full scientific description of the institute of collective action (or collective proceedings) was conducted with particular focus paid to the Czech bill.

In the first part of the thesis, a general introduction to the institute of collective redress, the history of the institute, and the current domestic regulation was presented. In the second part, the thesis was devoted to the material intent of the bill on collective proceedings and the bill itself. It was compared with foreign legislation and subjected to critical examination. The legislation at the European level was also briefly mentioned. At the end of the work, the *de lege ferenda* considerations were produced.

**Keywords:** class action, civil procedure, collective claims, collective action, opt-in, opt-out, representative proceedings, group proceedings