

Institute of Class Actions in the Czech Civil Procedure

Abstract

The final thesis operates with the institute of collective action/redress. On the First of July 2024, The Act on Collective Civil Proceedings entered into force. The legislator thus responded to the harmonization efforts of the European Commission and transposed The Directive on Representative Actions into the Czech Legal Order. The adopted form of the law arouses considerable doubts among the professionals and civil public about the real applicability of the mechanism.

The thesis primarily works with the overall conception of The Act on Collective Civil Proceedings and points out the possible legal problems that the practice may bring in the application. It also compares the Czech Legal Order with the legislative solution of class actions in the USA and representative actions (Verbandsklage) in the Federal Republic of Germany. The main purpose of the final thesis is to present a new legal institute, analyze the application problems associated with collective action, produce the *de lege ferenda* considerations and contribute in this way to the academic debate.

Descriptive, analytical, comparative and synthetic (critical) analyzes were especially used in the creation of the thesis. In the first instance, a research of legislation, literature and case law was carried out. Subsequently, a description of the new law took place focusing on the most important institutes. The comparison of the valid legal legislation and the selected foreign regulations was followed. At the end, a synthesis of the acquired knowledge was applied and alternatives to solve the current unfavorable legal situation were presented.

The opening chapter of the thesis includes a universal insight into the institute of class actions, historical genesis, instruments of collective claims and content of the Czech bill. The second and the third part operates with the EU Directive and makes a comparison with the American class action and the German *Verbandsklage*. The final passage consists of the critical analysis and processes several alternative solutions using

the de lege ferenda own considerations.