

Collective Redress in Consumer Protection in South East Europe: Cross-National Comparisons, Issues of Commonality and Difference

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Abstract : In recent decades, there have been significant developments in the European Union in the field of collective consumer redress. South East European countries (SEE) covered by this paper, in line with their EU accession priorities and duties under Stabilisation and Association Agreements, have to harmonize their national laws with the relevant EU acquis for consumer protection (Chapter 28: Health and Consumer). In these countries, only minimal compliance is achieved. SEE countries have introduced rudimentary collective redress mechanisms, with modest enforcement of collective redress and case law. This paper is based on comprehensive interdisciplinary research conducted for SEE countries on common principles for injunctive and compensatory collective redress mechanisms, emphasizing cross-national comparisons, underlining issues of commonality and difference aiming to develop recommendations for an adequate enforcement of collective redress. SEE countries are recognized by the sectoral approach for regulating collective redress contrary to the majority of EU Member States with having adopted horizontal approach to collective redress. In most SEE countries, the laws do not recognize compensatory but only injunctive collective redress in consumer protection. All responsible stakeholders for implementation of collective redress in SEE countries, lack information and awareness on collective redress mechanisms and the way they function in practice. Therefore, specific actions are needed in these countries to make the whole system of collective redress for consumer protection operational and efficient. Taking into consideration the various designated stakeholders in collective redress in each SEE countries, there is a need of their mutual coordination and cooperation in order to develop consumer protection system and policies. By putting into practice the national collective redress mechanisms, effective access to justice for all consumers, the principle of rule of law will be secured and appropriate procedural guarantees to avoid abusive litigation will be ensured.

Keywords : collective redress mechanism, consumer protection, commonality and difference, South East Europe

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