

COLLECTIVE REDRESS IN EU LAW

As a result of some scandals (such as that of Dieselgate), collective actions have recently returned to the fore. While these mechanisms are particularly common in the United States, the European Union has always been quite dubious about the adoption of a comprehensive regulation on the matter.

In recent times, however, as a result of the Commission's initiative, they have come back into vogue. In particular, the Commission presented a proposal of a directive on the protection of collective consumer interests in April 2018. The legislative procedure has gone ahead and it is now nearing its conclusion.

In this context it is appropriate to evaluate, both the legitimacy of the action of the European political institutions, with regard to the division of competences in procedural matters, and the need for the same, in the light of certain provisions of the Charter of Fundamental Rights of the European Union.

In particular, according to the author, an action by European institutions is necessary with reference to articles 37 and 38 of the Charter, concerning, respectively, the protection of the environment and consumers. In fact, in the absence of specific instruments for the protection of collective interests, the rights of these two categories would remain devoid of effective judicial protection, in sharp contrast with Section 47 of the same regulatory instrument.

In this context, the author examines the current state of European legislation with reference to access to justice in environmental issues and the judicial protection of consumer rights.