

Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (Text with EEA relevance)

CHAPTER 2

REPRESENTATIVE ACTIONS

Article 5

Information and monitoring of qualified entities

1 Each Member State shall communicate to the Commission a list of the qualified entities that it has designated in advance for the purpose of bringing cross-border representative actions, including the name and statutory purpose of those qualified entities, by 26 December 2023. Each Member State shall notify the Commission whenever there are changes to that list. Member States shall make that list publicly available.

The Commission shall compile a list of those qualified entities and make it publicly available. The Commission shall update that list whenever changes to the Member States' lists of qualified entities are communicated to the Commission.

2 Member States shall ensure that information about the qualified entities designated in advance for the purpose of bringing domestic representative actions is made available to the public.

3 Member States shall assess at least every five years whether qualified entities continue to comply with the criteria listed in Article 4(3). Member States shall ensure that the qualified entity loses its status if it no longer complies with one or more of those criteria.

4 If a Member State or the Commission raises concerns regarding the compliance by a qualified entity with the criteria listed in Article 4(3), the Member State that designated that qualified entity shall investigate the concerns. If appropriate, Member States shall revoke the designation of that qualified entity if it no longer complies with one or more of those criteria. The defendant trader in a representative action shall have the right to raise justified concerns to the court or administrative authority regarding whether a qualified entity complies with the criteria listed in Article 4(3).

5 Member States shall designate national contact points for the purposes of paragraph 4 and shall communicate the name and contact details of those contact points to the Commission. The Commission shall compile a list of those contact points and make that list available to the Member States.