

## **ACT of 179/2024 on Civil Class Proceedings**

Parliament has agreed on this Act of the Czech Republic:

### **BOOK ONE GENERAL PROVISIONS**

#### **Title I Basic provisions**

##### **Section 1 Scope of regulation**

- (1) This Act sets out the conditions under which disputes concerning the rights or legitimate interests of several persons ("Class Proceedings") may be heard and resolved in one civil court procedure, the steps in the proceedings and the enforcement of a decision rendered in the proceedings.
- (2) This Act incorporates the applicable European Union legislation<sup>1)</sup>.

##### **Section 2 Definition of some fundamental terms**

- (1) For the purposes of this Act, the following terms shall have the following meanings:
  - (a) a class action means a motion to commence class proceedings by which the plaintiff seeks to enforce an obligation or to determine whether or not a legal relationship or right exists;
  - (b) similar issues of law and fact mean relevant facts that are the same or similar to the extent that it is appropriate for rights or legitimate interests based on such facts to be heard and determined in class proceedings;
  - (c) a group means several persons who are the claimed holders of rights or legitimate interests based on similar issues of law and fact;
  - (d) a participating group member means a member of the group who has applied in to the class proceedings in the prescribed manner;
  - (e) a prerequisite to the membership of the group means the definition of similar issues of law and fact for the rights or legitimate interests to be exercised by the group,

- (f) individual proceedings mean non-contentious proceedings commenced by an action under the Civil Procedure Code before a court or before an administrative authority which, under other legislation, hears and resolves disputes arising out of private law relationships, whether or not such proceedings concern the rights or legitimate interests of two or more persons;
- (g) identification data mean the name, surname, place of residence and date of birth, or, where applicable, the birth number or similar unique identifier, of a natural person or the name, registered office and identification number of a legal person;
- (h) a consumer means a natural person acting outside the scope of their business or profession;
- (i) an entrepreneur means a natural or legal person acting alone or through another as part of their business or individual practice of their profession.

- (2) An entrepreneur who employs fewer than 10 persons and whose annual turnover or total assets of the annual balance sheet do not exceed CZK 50,000,000 is also considered a consumer under this Act.

##### **Section 3 Application of the Civil Procedure Code**

Unless this Act provides otherwise, the Civil Procedure Code shall apply to the procedure under this Act.

#### **Title II Jurisdiction**

##### **Section 4**

In class actions, courts hear and resolve disputes arising from legal relationships between consumers and an entrepreneur.

##### **Section 5**

Disputes in class proceedings shall be heard and resolved solely by the courts; the provisions of other legal regulations to the effect that disputes arising from private law are to be heard and resolved by an administrative authority shall not apply to class proceedings.

---

<sup>1)</sup> 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.

## Section 6

The Municipal Court in Prague has material and local jurisdiction over first-instance class proceedings.

### Title III Entities in class proceedings

#### Title 1 Parties to class proceedings

#### Section 7 Definition of parties

Parties to the class proceedings are the plaintiff and the defendant.

#### Section 8 Plaintiff

- (1) The plaintiff in class proceedings may only be a legal person registered in the list of authorised persons under the Consumer Protection Act, or several such persons jointly.
- (2) The court shall verify the fulfilment of the condition referred to in subsection (1) at the first action taken by the plaintiff in the class proceedings.

#### Section 9 Position of the plaintiff in class proceedings

- (1) The plaintiff act on their own behalf in the class proceedings in the interest of the group.
- (2) Where there is more than one plaintiff in class proceedings, the acts of one of them shall apply to the others. A change and withdrawal of the class action and entry into settlement require the consent of all plaintiffs. However, if a plaintiff does not appear to act in the interest of the group, the court may allow the class action to be amended, withdrawn or settlement to be entered into, even if the plaintiff does not consent thereto; no appeal against the ruling of the court is permissible.
- (3) The plaintiff in class proceedings is obliged to act with due care and diligence, obtain documents and evidence in support of the protection of the claimed rights or legitimate interests of the group, and receive and deal with submissions from participating members of the group.

## Chapter 2

### Special entities in class proceedings

#### Division 1

#### Participating group member

#### Section 10

#### Status of a participating group member

A participating group member is not a party to the class proceedings and may not participate in the proceedings as an subsidiary participant; they are only entitled to procedural rights under Section 11 in the class proceedings.

#### Section 11

#### Procedural rights of a participating group member

- (1) Subject to the conditions set out in this Act, in class proceedings, a participating group member shall have:
  - (a) the right to withdraw their application;
  - (b) the right to comment on the subject matter or course of the proceedings;
  - (c) the right to be informed of the course of the proceedings;
  - (d) the right to inspect the file;
  - (e) the right to object to a proposed settlement, motion to amend the class action or motion to withdraw the class action; and
  - (f) the right to be provide their statement on an appeal.
- (2) Where the file is not kept electronically, the court may, in order to ensure the speed and efficiency of the hearing of the case, adopt organisational or other appropriate measures to limit the right of a participating group member to inspect the file in a reasonable manner while preserving the substance of that right.

#### Division 2

#### Administrative authority and out-of-court dispute resolution entity

#### Section 12

The administrative authority which would otherwise be competent to resolve disputes arising from private law relationships which are heard in class proceedings and the subject of the consumer dispute out-of-court resolution have the right to submit statements on the merits to the court.

BOOK TWO  
**CLASS PROCEEDINGS AT FIRST  
INSTANCE**

Title I  
**Class action and its admissibility**

Section 13  
**Requisites of a class action**

- (1) In addition to the general requisites of a motion to commence proceedings under the Civil Procedure Code, a class action must also contain:
  - (a) an identification that it is a class action;
  - (b) the prerequisites to the membership of the group;
  - (c) a presentation of the facts substantiating the fulfilment of the conditions for the admissibility of a class action under Section 15; and
  - (d) the amount of the fee, if the plaintiff demands a fee under this Act, and a presentation of the facts substantiating the reasonableness of the proposed fee or, if appropriate, a statement that the plaintiff will not demand such a fee.
- (2) The class action must state what the plaintiff seeks to recover for the benefit of the group members. Where the plaintiff seeks payment of a sum of money or the discharge of another comparable obligation, the class action must specify the amount of the performance due to each group member or at least the means by which that amount can be determined no later than the date of the court's decision on the merits.
- (3) The plaintiff shall express the amount of the fee referred to in Section (1)(d) by determining:
  - (a) the required percentage in the case of a fee under Section 64(1);
  - (b) the sum of money in the case of a fee under Section 64(2).

Section 14  
**Representation**

The plaintiff must be represented by an attorney of law in the class proceedings.

Section 15  
**Conditions for the admissibility of a class  
action**

A class action is admissible if:

- (a) the plaintiff meets the condition under Section 8(1)
- (b) the plaintiff acts in the interest of the group and is not in conflict of interest;
- (c) the group has at least 10 members;
- (d) the claimed rights or legitimate interests of the members of the group are based on similar issues of law and fact;
- (e) it has not been filed with an abusive intent;
- (f) is not funded by a third party that is a competitor to the defendant, is dependent on the defendant, or that unduly influences the plaintiff in a manner that would harm the interests of the group.

Section 16  
**Assessment of the admissibility of a class  
action**

- (1) After the commencement of class proceedings, the court shall first consider the admissibility of the class action.
- (2) The court shall allow the defendant to provide their statement regarding the fulfilment of the conditions for the admissibility of the class action within a period set by the court before ruling on the admissibility of the class action.
- (3) The court may order a hearing to assess the conditions for the admissibility of the class action.
- (4) The court shall rule on the admissibility of the class action by ruling. The court shall issue the ruling as a priority, within the shortest period possible and with special attention.

Section 17  
**Stay of class proceedings**

- (1) Where there is a lack in the condition for the admissibility of a class action that can be removed, or a lack in a condition under Section 14, the court shall take appropriate steps to remedy it.
- (2) If the conditions for the admissibility of a class action are not met and the lack cannot be removed, or if the lack of the conditions under subsection (1) could not have been removed, the court shall stay the class proceedings.
- (3) The plaintiff shall notify the members of the group to the effect that:
  - (a) they may commence individual proceedings; or

- (b) they have become participating members of a group in another class proceedings by the operation of law and may withdraw their application if the class proceedings have been changed pursuant to Section 27.

### Section 18 **Ruling on the admissibility of a class action**

- (1) In the ruling determining that the class action is admissible, the court shall also state:
  - (a) the merits of the class proceedings and the facts of the class action;
  - (b) the definition of the group, specifying the prerequisites to the membership of the group, so that the members of the group are able to recognise their membership of the group and to apply to the class proceedings on the basis of that definition;
  - (c) the amount of the fee, if any, to which the plaintiff is entitled under this Act,
  - (d) a notice and a period for submitting applications in the class proceedings, which shall be determined with regard to the nature of the dispute and the size of the group and which shall be at least 2 months but not more than 4 months from the publication of a final ruling declaring the class action admissible in the Register of Class Proceedings; and
  - (e) the manner of publication of information concerning the ongoing class proceedings in compliance with this Act.
- (2) Section 13(3) shall apply equally to the specification of the amount of the fee referred to in Subsection (1)(c).

### Section 19 **Delivery of the ruling**

- (1) Where a class action has been brought in a dispute arising out of private law relationships which would otherwise fall within the competence of an administrative authority, the court shall also serve the decision under Section 18 on that authority.
- (2) If the class action has been admitted by a final decision, the court shall publish the class action and the ruling on the admissibility of the class action in the Register of Class Proceedings without undue delay.

### Section 20 **Remedies**

- (1) The appellate court shall issue a decision on an appeal as a priority, within the shortest period possible and with special attention.
- (2) No recourse is permissible against a decision of the appellate court upholding the decision of the court of first instance to admit a class action or amending the decision of that court so as to render the class action admissible.

### Title II **Class proceedings on the merits**

#### Title 1 **Commencement and further conduct of class proceedings on the merits**

### Section 21

The class proceedings on the merits are commenced on the date on which the final ruling on the admissibility of the class action is published in the Register of Class Proceedings.

#### **Notice of commencement of class proceedings on the merits**

### Section 22

The plaintiff is obliged to publish a notice of commencement of the class proceedings on the merits without undue delay.

### Section 23

The notice of commencement of class proceedings on the merits must be given in a clear and comprehensible manner and must, in addition to the reference to the Register of Class Proceedings, contain at least information on:

- (a) the fact that a member of the group may apply to the class proceedings and the effect of such application, specifying the manner in which a member of the group may apply to the class proceedings and the period for the application;
- (b) the procedural rights of the participating group member and the possibilities of exercising the rights;
- (c) the fact that the participating group member shall not be entitled to recover the costs of the class action if the class action is successful and that the costs of the class action shall be borne by the plaintiff if the class action is unsuccessful;
- (d) whether the plaintiff is entitled to a fee in the event of success in the case, and the amount thereof; and

- (e) the extent to which the judgment is binding on the participating members of the group.

#### Section 24

- (1) The court shall examine the conditions for the admissibility of the class action at any time during the class proceedings on the merits.
- (2) If new facts or evidence arise in the class proceedings on the merits from which the court ascertains that any of the conditions for the admissibility of the class action are not met, and if the deficiency fails to be remedied within the period set by the court, the court shall stay the class proceedings.
- (3) The court shall publish the ruling to stay the class proceedings in the Register of Class Proceedings without undue delay.
- (4) If the proceedings are stayed, the plaintiff shall notify the participating group members that:
  - (a) they may commence individual proceedings; or
  - (b) they have become participating members of a group in another class proceedings by the operation of law and may withdraw their application if the class proceedings have been changed pursuant to Section 27.

### Chapter 2

## Relationship of class proceedings to other proceedings

### Division 1

## Relationship to other class proceedings

### Section 25

#### Plurality of class proceedings

The publication of a final ruling on the admissibility of a class action shall not preclude any other class proceedings from being heard before a court in respect of a dispute concerning the rights or legitimate interests of group members to the extent defined in the ruling on the admissibility of the class action.

### Section 26

#### Joining of class proceedings

- (1) The court may join several class proceedings pursuant to Section 112(1) of the Civil Procedure Code.
- (2) In the event of a joining of the proceedings, the court may determine a new date by which the

parties to the class proceedings may, at the latest, state the facts relevant to the merits of the case and identify the evidence to prove them.

### Section 27

#### Change in class proceedings

- (1) Where two class proceedings are pending in respect of the same rights or legitimate interests of the members of the group and one of them are concluded without the court decision on the merits of the case, the participating members of the group in the class proceedings shall become participating members of the group in the other class proceedings by the operation of law unless the plaintiff in those proceedings disagrees.
- (2) The participating members of the group referred to in subsection 1 may withdraw their application within one month of the publication of the information regarding the change in the class proceedings in the Register of class Proceedings; Sections 32 and 36 shall apply equally. They must be advised thereof by the court in the concluded class proceedings.
- (3) After the expiry of the period referred to in subsection 2, the plaintiff in the continuing class proceedings shall enter the new participating group members in the list of participating group members; Section 38(2) and (3) shall apply equally.
- (4) On the motion of the plaintiff, the court may set a new period for filing a motion to exclude a person from the list of participating group members if the court has not considered the dispute over the membership of that person in the concluded proceedings; Sections 40 to 42 shall apply equally. The court may also determine a new date by which the parties to the class proceedings may, at the latest, state the facts relevant to the merits of the case and identify the evidence to prove them.
- (5) Where more than one class proceedings are pending in addition to the concluded class proceedings in respect of the same rights or legitimate interests of the members of the group, the participating members of the group under subsection 1 shall become participating group members in the class proceedings which were commenced first.

Division 2  
**Relationship to individual proceedings**

Section 28

- (1) The final ruling on the admissibility of a class action shall not preclude individual proceedings from being commenced or heard in disputes concerning the rights or legitimate interests of group members to the extent defined in the ruling on the admissibility of the class action. This is without prejudice to Section 37(2).
- (2) A member of a group who has commenced individual proceedings in a dispute over a right or legitimate interest with similar issues of law and fact to the extent defined in the ruling on the admissibility of the class action may apply to the class proceedings under this Act.
- (3) The member of the group shall notify the court conducting the individual proceedings of the application to the class proceedings without undue delay.

Section 29

- (1) The court conducting the individual proceedings shall stay the proceedings as soon as it has been notified by the class member concerned of the application pursuant to Section 28(3) or otherwise becomes aware of that fact.
- (2) Where the class proceedings have been concluded by a final decision on the merits or by the approval of settlement, the court conducting the individual proceedings shall stay those proceedings as soon as it becomes aware of that fact. In ruling on the costs of proceedings, the court shall rely on the outcome of the class proceedings.
- (3) Where the class proceedings have been concluded by a final judgment otherwise than by a decision on the merits or by the approval of settlement, or if the merits of the individual proceedings has not been fully exhausted, the court conducting the individual proceedings shall resume those proceedings as soon as it becomes aware of that fact.

Section 30

- (1) Where an administrative authority decides in individual proceedings, Sections 28(3) and 29 shall apply equally.
- (2) If it becomes apparent after the decision of an administrative authority issued in individual proceedings comes into legal effect that the

administrative authority has ruled on a dispute concerning a right or legitimate interest of a participating group member which the participating group member has at the same time asserted by applying in to class proceedings, and if at the same time the class proceedings have been concluded by a final decision on the merits, the competent administrative authority shall commence review proceedings.

- (3) A ruling to commence the review proceedings may be issued within a maximum of 2 months of the date on which the competent administrative authority became aware of the reason for the commencement of the review proceedings, but no later than 7 years of the legal effect of the decision on the merits. A decision on a case in the first instance review procedure cannot be given after 8 years from the date of the legal decision on the merits.
- (4) Subsection 2 shall not apply if the decision of the administrative authority has entered into legal effect before the filing the application of the participating group member in the class proceedings, if the application has been withdrawn or if the court has decided to exclude the person from the list of participating group members.

Chapter 3  
**Group membership**

**Application**  
Section 31

- (1) A group member may apply to class proceedings from the commencement of the class proceedings by filing a class action until the expiry of the period for filing an application.
- (2) A written consent to the commencement of class proceedings before the filing of the class action shall also be deemed to be an application; Sections 33 and 36 shall apply equally. The written consent shall be attached by the plaintiff to the class action.

Section 32

- (1) The application shall be made by notice given to the plaintiff using a form published by the Ministry of Justice (the "Ministry") in a manner allowing remote access.
- (2) An application shall also be duly made if filed with the court conducting the class proceedings at first instance within the period for filing applications. The court will not examine the

applications thus made and will refer them to the plaintiff without undue delay after the expiry of the period for filing applications.

### Section 33

- (1) The application must state who makes the application, which class action it relates to, what the group member seeks from the defendant to the extent defined by the plaintiff in the class action and must be signed and dated.
- (2) The application must also contain facts claimed and evidence proving that the member of the group applying in to the class proceedings meets the requirements for class membership.
- (3) Where the applicant is a member of the group referred to in Section 28(2), the application must also contain the case number or the reference number of the relevant individual proceedings.

### Section 34 Defects in the application

- (1) If the application fails to be made on the prescribed form or fails to contain the particulars referred to in Section 33, the plaintiff shall request the member of the group to correct the application and grant them a reasonable period to do so. In the notice, the plaintiff shall advise the member of the consequences of failing to correct the application.
- (2) An application which has not been filed in accordance with the conditions under Section 31 or 32 or which has not been corrected at the request of the plaintiff shall be disregarded.

### Section 35 Application beyond the merits of the class proceedings

- (1) Where a member of the group claims in the application something else or more than what the plaintiff claims in favour of the members of the group in the class proceedings, the plaintiff shall proceed in accordance with Section 34(1) equally.
- (2) An application which has not been corrected by a member of the group at the request of the plaintiff shall be disregarded to the extent that it exceeds the merits of the class proceedings.

### Section 36 Withdrawal of an application

An application may be withdrawn in whole or in part by a participating member of the group until the expiry of the period for filing applications on a form to be published by the Ministry in a manner allowing remote access; Section 32 shall apply equally. Otherwise, the withdrawal of the application shall be disregarded.

### Section 37 Effects of the application

- (1) The application to class proceedings confers on a group member the procedural rights of a participating group member.
- (2) The application to class proceedings shall preclude a right or legitimate interest of a participating group member with similar issues of law and fact to the extent defined in the application from being exercised in other proceedings
- (3) The effects of the application to the class proceedings shall also apply to the legal successor a participating group member.

### Section 38 List of participating group members

- (1) The plaintiff shall compile a list of participating group members in which the plaintiff shall enter the identification data of each group member who has applied in to the class proceedings, stating what that group member seeks from the defendant.
- (2) Once the period for applying into the class proceedings expires, the plaintiff shall submit to the court a list of the participating group members and their applications.
- (3) The plaintiff shall serve the list of participating group members on the parties to the class proceedings or their representatives. Where a class action has been brought in a dispute arising out of private law relationships which would otherwise fall within the competence of an administrative authority, the plaintiff shall also serve the list of participating group members to that authority.

### Section 39 Minimum number of participating group members

- (1) If less than 10 registered group members appear on the list of participating group

members submitted, the court shall stay the class proceedings.

- (2) The plaintiff shall notify the participating group members to the effect that:
  - (a) they may commence individual proceedings; or
  - (b) they have become participating members of a group in another class proceedings by the operation of law and may withdraw their application if the class proceedings have been changed pursuant to Section 27.

### **Dispute over group membership**

#### **Section 40**

- (1) If the plaintiff considers that a person entered on the list of participating group members does not meet the requirements of group membership for the purposes of exercising the procedural rights of a participating group member, the plaintiff may move that the court exclude that person from the list of participating group members.
- (2) The motion under subsection 1 may be filed by the plaintiff within one month of the date of submission of the list of participating group members under Section 38(2). Any motion filed after the expiry of that period or by another person shall be disregarded.

#### **Section 41**

The court shall rule to exclude a person referred to in Section 40(1) from the list of participating group members if the membership of that person in the group is not at least probable in view of the prerequisites for membership of the group. No appeal shall lie from the ruling of the court.

#### **Section 42**

- (1) On the legal effect of the ruling under Section 41, the excluded person shall cease to be a participating group member and their application shall cease to be effective.
- (2) The court shall indicate the change under subsection 1 in the list of participating group members without undue delay. Where a class action has been brought in a dispute arising out of private law relationships which would otherwise fall within the competence of an administrative authority, the court shall serve the amended list of participating group members to that authority.

- (3) A ruling under Section 41 shall not preclude the question of the existence of the rights and obligations or legitimate interests of the excluded person from being determined differently in other proceedings.

### **Section 43**

#### **Transfer or transition of a group member's rights**

- (1) If, during the course of class proceedings, a legal fact occurs which is connected by law with the transfer or transition of a right from a participating group member to another person, the participating group member may, subject to the consent of their legal successor notify the court of that fact on a form to be published by the Ministry in a manner allowing remote access; the notice of the transfer or transition of a right shall be accompanied by a document substantiating the legal facts giving rise to the transfer or transition.
- (2) The legal successor a participating group member referred to in subsection 1 shall notify the transfer or transition of a right in accordance with subsection 1 no later than at the time of the first act by which it exercises the procedural rights of a participating group member in lieu of the original participating group member in the class proceedings.
- (3) The court shall indicate the change under subsection 1 in the list of participating group members without undue delay without issuing any ruling thereon. The second sentence of Section 42(2) shall apply equally.

### **Chapter 4**

#### **Procedure in class proceedings on the merits**

#### **Section 44**

##### **Class proceedings schedule**

- (1) After the expiry of the period for applications and the defendant's statement, the court shall prepare a class proceedings schedule, which it shall publish in the Register of Class Proceedings without undue delay.
- (2) In the ruling whereby the court issues a class proceedings schedule, depending on the current stage of the proceedings, the court shall usually state:
  - (a) the legally relevant facts claimed by the parties that may be considered identical;
  - (b) legally relevant facts claimed that are disputable;



- (c) which of the proposed evidence will be taken;
- (d) the dates and agenda of forthcoming hearings; or
- (e) the hearings at which the participating group member may exercise their right to be heard, the manner of exercising that right, the period under Section 47(2) and the advice that outside the designated hearings the participating group member may only exercise their right to be heard only subject to the conditions under Section 48.

**Court procedure in class proceedings**  
Section 45

If a fact arises during the course of the class proceedings which justifies a change in the court's procedure, the court shall amend the class proceedings schedule, publish the change in the Register of Class Proceedings without undue delay and serve it on the parties to the class proceedings.

Section 46

- (1) Taking account of the specific circumstances and the course of the class proceedings, the court shall determine a date by which the parties to the class proceedings may, at the latest, state the facts relevant to the merits of the case and specify the evidence to prove them. Section 118a (1) to (3) of the Civil Procedure Code shall apply equally.
- (2) The court may take account of facts provided and evidence specified later only if they are facts or evidence which are intended to challenge the credibility of the evidence taken, if they occurred after the relevant date, if a party could not have adduced them in time through no fault of their own, or if the party adduced them after being requested to do so pursuant to Section 118a (1) to (3) of the Civil Procedure Code.
- (3) The provisions of the Civil Procedure Code concerning the default of a preliminary hearing and the obligation of the parties to state the relevant facts or to specify evidence only by the end of the preliminary hearing and, if no preliminary hearing has been held, by the end of the first hearing or, where applicable, by the expiry of a grace period, shall not apply in class proceedings.

**The right of a participating group member to be heard**  
Section 47

- (1) A participating group member may be heard at specified hearings ordered by the court.
- (2) A participating group member must give the court an advance notice of their intention to exercise the right to be heard within such period as determined by the court for that purpose.
- (3) If a participating group member has not notified the court of their intention to exercise the right to be heard under subsection (2), the participating group member may exercise the right to be heard at the designated hearings only with the consent of the court.
- (4) The exercise of the right to be heard must not restrict or interfere with the speed and efficiency of the hearing of the case beyond a reasonable degree.

Section 48

Outside of the hearings determined by the court, a participating group member may only exercise their right to be heard through the plaintiff, unless the court orders otherwise.

Title III  
**Acts of the parties on the merits**

Chapter 1  
**Settlement**

Section 49  
**Basic provisions**

- (1) The parties to class proceedings may end the proceedings by judicial settlement.
- (2) If the parties submit a proposal for settlement to the court, the court shall publish it in the Register of Class Proceedings without undue delay, unless the parties to the class proceedings have agreed otherwise in the proposal for settlement.
- (3) If the parties to the class proceedings have agreed that the proposal for settlement shall not be made public, the plaintiff shall inform the participating group members of its contents.

## Section 50

### **Objection to the proposal for settlement**

- (1) A participating group member may object to the proposal for settlement within 15 days of its publication in the Register of Class Proceedings or, if the proposal for settlement has not been published in the Register of Class Proceedings, of the time when the participating group member was notified of the proposal for settlement pursuant to Section 49(3).
- (2) Late objections and objections that do not contain the statutory requirements shall not be taken into account.

### **Consideration and assessment of the proposal for settlement**

## Section 51

After the expiry of the period for raising objections, the court shall order a hearing to consider the proposal for settlement and any objections).

## Section 52

The court will assess whether the proposal for settlement is equitable, in particular in view of the interests of the class. In its consideration, the court shall take account of the objections raised and, in particular, whether:

- (a) the plaintiff represented the interest of the class in negotiations with due care and diligence;
- (b) the proposal for settlement was not agreed in a manner that raises doubt on the mutual independence of or the lack of connection between the plaintiff and the defendant;
- (c) the right or legitimate interest to be awarded to the participating group members in the proposal for settlement is equitable, taking into account:
  1. the costs, risks and length of class proceedings,
  2. the effectiveness of the method of settling the rights of the participating group members; and
  3. the amount of any proposed fee for the plaintiff and the manner in which it is to be paid;
- (d) the proposal for settlement treats the same or similar rights or legitimate interests of the participating group members equally.

## Section 53

### **Resolution approving the settlement and its publication**

- (1) After hearing and considering the proposal for settlement, the court shall rule whether to approve the settlement; it shall also disapprove it if the settlement is unequitable, in particular with regard to the interest of the group.
- (2) The court shall publish the ruling approving the settlement or the ruling disapproving the settlement in the Register of Class Proceedings without undue delay after the issue, unless the parties to the class proceedings have agreed otherwise in the proposal for settlement. The second sentence of Section 49(3) shall apply equally.

## Section 54

### **Effects of the approved settlement**

The approved settlement shall also have the effects of a final judgment against all participating group members.

## Chapter 2

### **Amendment to a class action**

## Section 55

- (1) The court shall also not permit a change of a class action if the change of the class action is unequitable, in particular with regard to the interest of the group.
- (2) Section 49 (2) and (3) and Section 50 shall apply equally to the hearing and determination of a motion to amend a class action. The court will address the objections of the participating group members in the reasoning of its decision on the motion to change the class action.
- (3) If the change of the class action is permitted, the court may determine a new date by which the parties to the class proceedings may, at the latest, state the facts relevant to the merits of the case and identify the evidence to prove them.

## Chapter 3

### **Withdrawal of a class action**

## Section 56

- (1) The court shall also not permit a withdrawal of a class action if the withdrawal of the class action is unequitable, in particular with regard to the interest of the group.

- (2) Section 49(2) and (3) and Section 50 shall apply equally to the hearing and determination of a motion to withdraw a class action. The court will address the objections of the participating group members in the reasoning of its decision on the motion to withdraw the class action.
- (3) If the class proceedings are stayed, the plaintiff shall notify the participating members of the group that they may commence individual proceedings.
- (4) If the withdrawal of the class action has resulted in the stay of the class proceedings in whole or in part, the applications of the participating group members shall be disregarded to the extent of such stay without the court making a decision to that effect; the participating members of the group must be notified thereof in the ruling staying the proceedings. Section 71(2) shall remain unaffected.

**Title IV**  
**Overview of sources of funds**

**Section 57**

- (1) At a motion of the defendant, or in the event of doubt, without a motion, the court shall order the plaintiff to provide an overview of the sources of funds designated to pay the costs of commencing and conducting the class proceedings.
- (2) No appeal shall lie against the ruling under subsection (1).

**Section 58**

- (1) Where the overview of sources of funds states that the funds for the payment of costs associated with the commencement and conduct of the class proceedings are provided by a legal person, the court shall ascertain the details of its beneficial owner from the Register of Beneficial Owners in accordance with the law governing the registration of beneficial owners.
- (2) If the legal person referred to in subsection (1) is a foreign entity, the plaintiff shall also provide in the overview of sources of funds an extract from the foreign register similar to the Register of Beneficial Owners. In the absence of such a register, the plaintiff shall provide affidavit prepared by the legal person as to the persons who are its beneficial owners, stating the identification details of those persons and the facts establishing its status as the beneficial owner.

- (3) Subsections (1) and (2) shall apply equally to funds from a trust fund or an institution similar in structure or function.
- (4) The authority of the court to ascertain from other sources the beneficial owners of the legal person providing funds for the payment of the costs of the commencement and conduct of the class proceedings shall not be affected.
- (5) The data obtained from the Register of Beneficial Owners or by the procedure under subsection (2) shall form part of the file, but its content may only be accessed by the court.

**Section 59**

If it appears from the origin of the sources of the funds that the requirements under Section 15(b), (e) or (f) are not met, in particular if the financing entity is dependent on the defendant or participates with the defendant in competition in the relevant market under the Competition Act, the court shall request the plaintiff to reject the funds or make changes in the sources of the funds within a reasonable period. No appeal shall lie from the ruling of the court.

**Title V**  
**Submission of means of evidence**

**Section 60**  
**Obligation to submit means of evidence**

- (1) On a motion of a party to class proceedings who has proposed reasonably available means evidence in support of their claims and has referred to means of evidence under the control of another person, the court may order that person to submit such means of evidence pursuant to Section 129(2) or Section 130(1) of the Civil Procedure Code.
- (2) Subsection (1) shall be without prejudice to the obligation of confidentiality, or any other similar obligation established or recognised by law, the legislation of another Member State of the European Union or of the European Economic Area or EU law.
- (3) If a party to class proceedings fails to comply with the obligation to submit means of evidence without just cause, the court may deem the fact that should have been proved by the evidence against that party to be proved.

Title VI  
**Costs of class proceedings and the  
plaintiff's fee**

Chapter 1  
**Costs of class proceedings and their  
compensation**

Section 61

- (1) The costs of the class proceedings shall also include the costs reasonably incurred in connection with the receipt of applications and the keeping of a list of participating group members, the costs of publishing information about the class proceedings and the costs of submitting means of evidence.
- (2) The method of determining the costs reasonably incurred in connection with the receipt of applications and the keeping of a list of participating group members shall be determined in an implementing regulation.
- (3) The amount of an attorney of law's fee for representation shall be determined for the purposes of reimbursement of the costs of class proceedings in accordance with the provisions on non-contractual fees under another legal regulation.

Section 62

- (1) The right to compensation for the costs of class proceedings may be awarded and the obligation to compensate for the costs of class proceedings may only be imposed on a party to the class proceedings or on the State; this is without prejudice to the provisions of the Civil Procedure Code concerning the obligation to compensate for costs caused by fault or accident that happened to a person.
- (2) The court may order a participating group member to pay the costs of the class proceedings that would not otherwise have been incurred if the group member was at fault.

Section 63

If there is more than one plaintiff in the class proceedings, they shall be liable jointly and severally for the costs of the class proceedings. However, where there are reasons deserving special consideration, the court may divide the obligation to pay the costs of the class proceedings among the plaintiffs according to the proportion of their participation in the case and in the proceedings.

Chapter 2  
**Plaintiff's fee**

Section 64

- (1) Where the class action is for an order to impose an obligation to do something, the plaintiff may move in the class action to be awarded a fee in cash against the defendant as a percentage of the relief awarded; the right of the participating group members arising from the relief awarded shall be reduced in value accordingly.
- (2) If the nature of the obligation to do something precludes a percentage of it from being awarded to the plaintiff as a fee in cash, in particular if the obligation entails carrying out work and performance, the plaintiff may move in the class action that the plaintiff be awarded a fee in cash in a lump sum.
- (3) Without prejudice to the rights of the participating group members arising from the relief awarded, the plaintiff and the defendant may agree on the form of the plaintiff's fee in derogation from the law.

Section 65

The plaintiff's fee must be determined at an amount which appears reasonable, particularly in view of the expected complexity and length of the class proceedings; however, the fee must not exceed 16% of the relief awarded or CZK 2,500,000 if fixed as a lump sum.

Section 66

- (1) Where there is more than one plaintiff in class proceedings, they may agree in writing as to how the fee is to be divided among them.
- (2) If the plaintiffs fail to agree on the method of dividing the fee, the court shall divide the fee equally among the plaintiffs. However, where there are reasons deserving special consideration, the court may divide the fee among the plaintiffs according to the proportion of their participation in the case and in the proceedings.

Section 67

The award of the fee is without prejudice to the plaintiff's right to claim the costs of the class proceedings, including the fee for representation by an attorney of law.

## Title VII

### **Decision in class proceedings**

#### Section 68

##### **Decision terminating the class proceedings**

- (1) The court shall deal with the submission under Section 12 in the reasoning for the decision terminating the class proceedings.
- (2) The provisions of the Civil Procedure Code regarding an admission judgment if issued on the basis of a fiction of recognition and regarding the order for payment procedure shall not apply to class proceedings.
- (3) Where a class action has been brought in a dispute arising out of private law relationships which would otherwise fall within the competence of an administrative authority, the court shall also serve the decision terminating the class proceedings on that authority.

#### Section 69

##### **Publication of the decision**

- (1) The court shall publish the judgment on the merits, or any other decision delivered in class proceedings which terminates the class proceedings in the Register of Class Proceedings without undue delay.
- (2) If the class action is at least partially granted, the defendant shall be obliged to inform the participating group members of the outcome of the proceedings in an appropriate manner; otherwise, the plaintiff shall be obliged to do so. In determining the appropriate method, a party to the proceedings shall rely on Section 84(2) and (3); the second sentence of Section 84(1) shall apply equally.

#### Section 70

##### **Content of the judgment in class proceedings**

- (1) In the verdict of a judgment awarded in class proceedings, the court shall also state:
  - (a) the identification data of all participating members of the group, indicating whether they have a vested right or legitimate interest; and
  - (b) in the case of a judgment imposing an obligation on the defendant to do something, the performance due to the individual participating members of the group, the manner of compliance the obligation and the period for compliance.

- (2) The court shall state the data under subsection (1) in the judgment usually by a reference to the list of participating group members. The list of the participating group members is enclosed with the judgment and shall be deemed to form part of its verdict.
- (3) In the verdict of the judgment granting the class action at least in part, the court shall order the defendant to pay the plaintiff a fee in the amount equal to that stated in the ruling on the admissibility of the class action. However, if the amount of the fee was set as a percentage of the relief awarded and this relief exceeds the amount of CZK 100,000,000, the court may, even without a motion, reduce the percentage amount of the fee by up to half, if this amount no longer appears reasonable in view of the actual complexity and length of the class proceedings.
- (4) The verdict of a final judgment rendered in class proceedings shall be binding on all participating members of the group at the date of the judgment.

## Title VIII

### **Common provisions**

#### Section 71

##### **Running of the limitation period**

- (1) Where class proceedings are pending, the limitation period under the first sentence of Section 648 of the Civil Code shall begin to run for the rights of the participating group members asserted by the class action upon the application of the class proceedings with effect from the date of filing the class action with the court.
- (2) If a group member duly withdraws their application or if the court decides to exclude a person from the list of participating group members, to stay the class proceedings or to reject the class action, the right of the participating group member shall not be statute-barred earlier than 6 months from the date of withdrawal of the application or from the date on which the court's decision becomes final.

#### Section 72

##### **Disciplinary fine**

- (1) By ruling, the court may impose a disciplinary fine of up to CZK 5,000,000 on a person who has failed to comply with an obligation under this Act, in particular by failing to publish information about the commencement and

conduct of the class proceedings or by failing to submit means of evidence.

- (2) In determining the amount of the fine, the court shall take account of the significance of the obligation breached, the extent and gravity of the breach and the fact that the fine imposed should not have financially ruining effects in relation to the property owned by the person on whom it is imposed.

### Section 73 **Preliminary ruling**

Sections 8, 9, 13(1)(a) to (c), 14 and 15 shall apply equally to the consideration of a motion to issue a preliminary ruling filed before the commencement of the class proceedings on the merits by a legal person entered on the list of authorised persons under the Consumer Protection Act. The presiding judge shall rule on the motion for a preliminary ruling without delay. If there is no risk of delay, the presiding judge may rule on the motion for a preliminary ruling by the expiry of 14 days after it has been filed.

### **Procedural succession** Section 74

If the plaintiff loses the capacity to be a party to the proceedings during the course of the class proceedings or no longer meets the requirements under this Act, if the plaintiff's legal successor does not meet the requirements under this Act, or if the plaintiff's legal successor does not wish to continue the class proceedings, the court shall publish this fact in the Register of Class Proceedings including the advice that if a new plaintiff does not intervene in the class proceedings within 3 months of the publication, the court shall stay the class proceedings.

### Section 75

- (1) After publication of a fact under Section 74, a participating group member may move to the court that a new plaintiff intervene in the class proceedings that will continue the class proceedings.
- (2) The motion under subsection (1) shall identify the newly proposed plaintiff as a party to the class proceedings and shall be accompanied by a declaration of the proposed plaintiff that they consent to intervene in the class proceedings. The signature of the newly proposed plaintiff on the declaration must be officially authenticated or, if the document containing the declaration is in digital form, must be accompanied by a recognised electronic signature of the newly proposed plaintiff.

- (3) If the proposed plaintiff meets the requirements under this Act, the court shall rule on their intervention in the class proceedings by a ruling against which no appeal lies. If more than one motion is filed, the court shall rule on the intervention of the plaintiff who was proposed first.
- (4) If the proposed plaintiff does not meet the requirements under this Act or if a ruling has already been made on the plaintiff's intervention, the court shall dismiss the motion.
- (5) If a new plaintiff does not intervene in the class proceedings within 3 months of the publication of the fact referred to in Section 74 in the Register of Class Proceedings, the court shall stay the class proceedings and shall advise the participating group members of:
  - (a) the possibility to commence individual proceedings; or
  - (b) the fact that they have become participating group members in other class proceedings by the operation of law and may withdraw their application if the class proceedings have been changed pursuant to Section 27.

### Section 76

- (1) The procedure under Sections 74 and 75 shall not apply if there are more than one plaintiff in the proceedings and it is possible to continue the class proceedings with at least one of them. The court shall stay the class action in respect of a plaintiff who has lost the capacity to be a party to the proceedings or who no longer meets the requirements under this Act.
- (2) The court shall publish the ruling under subsection (1) in the Register of Class Proceedings. An appeal against the ruling may only be filed by the plaintiffs.

## **BOOK THREE REMEDIES**

### Section 77

#### **Statement of the participating group members regarding an appeal**

- (1) If the court does not grant the plaintiff's motion on the merits in full, the plaintiff is obliged to give the participating group members an opportunity to respond to the appeal against the judgment within 15 days of its publication in the Register of Class Proceedings. The statement shall be sent to the plaintiff. The

participating group members must be advised in the judgment of the right under the first sentence and the manner in which it is to be exercised.

- (2) The period of 15 days for lodging an appeal shall begin to run from the day following the expiry of the period referred to in subsection (1).
- (3) Following the lapse of the period for lodging an appeal, the plaintiff shall notify the participating group member that the plaintiff has not filed an appeal.

#### Section 78 **Other remedies**

- (1) Section 77 shall apply equally in recourse proceedings.
- (2) Section 77 shall apply equally in proceedings on an action for retrial and on an action for nullity.

### BOOK FOUR **SPECIAL PROVISIONS ON THE ENFORCEMENT OF DECISIONS AND ON THE RELATIONSHIP TO INSOLVENCY PROCEEDINGS**

#### Title I **Enforcement of decisions in class proceedings**

##### Section 79 **General provisions**

Unless otherwise provided in this Title, the provisions of the Civil Procedure Code and the Enforcement Rules shall apply to the enforcement of court decisions under this Act.

##### Section 80

- (1) Where a court decision under this Act imposes an obligation, the failure to comply with which is subject to a fine under the Civil Procedure Code, the court or the bailiff shall impose a reasonable fine on the obligated person for a breach of that obligation of up to CZK 5,000,000.
- (2) In determining the amount of the fine, account shall be taken of the significance of the obligation breached, the extent and gravity of the breach and the fact that the fine imposed should not have financially ruining effects in

relation to the property owned by the obligated person.

#### Title II **Relationship to insolvency proceedings**

##### Section 81 **Insolvency of the plaintiff**

If the defendant has been declared insolvent in insolvency proceedings, the plaintiff shall notify the participating group members that they may exercise their rights in the insolvency proceedings by submitting their claim or in writing against the person with rights of disposition in the insolvency proceedings.

##### Section 82 **Insolvency of a participating class member**

- (1) The class proceedings shall not be stayed by the declaration of bankruptcy over the assets of a participating group member or by the approval of the member's discharge from debts.
- (2) The insolvency trustee of a participating group member shall be entitled to exercise the rights of that participating group member in the class proceedings in lieu of the member to the extent to which it has acquired the rights of disposition; the insolvency trustee shall notify the court in writing that the insolvency proceedings are pending without undue delay.

### BOOK FIVE **DISCLOSURE OF INFORMATION AND THE REGISTER OF CLASS PROCEEDINGS**

#### Title I **Publication of information**

##### Section 83 **Publication of information by the court**

- (1) The court shall publish the information about the class proceedings and documents prescribed to be published by law in the Register of Class Proceedings.
- (2) The court may publish other documents issued in class proceedings or information about those proceedings in the Register of Class Proceedings if this is necessary to protect the rights of the persons concerned.

- (3) If it is not possible to publish the information and documents referred to in subsections (1) and (2) in the Register of Class Proceedings, the Ministry shall provide another appropriate place through which the court shall publish the information and documents in a manner allowing remote access.

### **Publication of information by the plaintiff** Section 84

- (1) The plaintiff shall publish information about the commencement and conduct of the class proceedings on the merits in the manner specified by the court in the ruling on the admissibility of the class action. The plaintiff is obliged to publish information about the class proceedings on its website at all times as well.
- (2) The method, extent and form of publication shall be determined by the court in such a way as to ensure, depending on the circumstances of the case, that all members of the group, including any members of the group who do not have habitual residence in the Czech Republic, are informed to the fullest extent possible and that the rights of the defendant are preserved. If the group members can be individually identified with reasonable efforts, the court may impose an obligation on the plaintiff to notify the group members individually.
- (3) The method of publication of information referred to in subsection (2) may also include publication in the national or local media, in radio and television broadcasting, on other websites or in any other manner customary in the place.

### Section 85

If the plaintiff publishes information about the course of the class proceedings in a manner that contravenes the court's ruling on the admissibility of the class action and, at the same time, unlawfully encroaches upon the defendant's rights, the court may, on the defendant's motion, order the plaintiff to refrain from such conduct or to remedy the defective condition.

## **Title II** **Register of Class Proceedings**

### **Section 86** **Basic provisions**

- (1) The Register of Class Proceedings is a public administration information system administered by the Ministry.

- (2) The Register of Class Proceedings shall be kept by courts having competent jurisdiction.

### **Section 87** **Information and documents published in the Register of Class Proceedings**

- (1) The Register of Class Proceedings shall contain a chronological list of individual class proceedings in which a ruling on the admissibility of the class action was made.
- (2) At least the following information shall be published in the Register of Class Proceedings for individual class proceedings in a manner allowing remote access:
  - (a) the file number of the class proceedings;
  - (b) the name of the court having jurisdiction to hear the class proceedings;
  - (c) the identification data of the parties to the class proceedings and, where appropriate, their legal representatives;
  - (d) the merits of the class proceedings and the facts of the class action;
  - (e) the prerequisites to the membership of the group;
  - (f) the date on which the class action was filed;
  - (g) the date on which the class proceedings on the merits were commenced; and
  - (h) documents prescribed to be published by this Act or which the court has ruled to publish, which shall be published in the Register of Class Proceedings in chronological order, indicating the time of their inclusion.
- (3) The Register of Class Proceedings shall also include a chronological list of proceedings for the protection of the collective interests of consumers under the Civil Procedure Code; Section 2(a) to (d) and (f) shall apply equally.

### **Publication procedure** Section 88

- (1) Information and documents shall be published in the Register of Class Proceedings without undue delay. Where a decision of the court is published pursuant to this Act, the court shall at all times indicate in the Register of Class Proceedings the date on which the decision became final without undue delay.
- (2) The information and documents published in the Register of Class Proceedings are publicly accessible and everyone has the right to become acquainted with them, unless another legal regulation provides otherwise or unless



the court decides otherwise for the protection of secret protected by law, classified information or personal data.

- (3) If a document to be published contains identification data of a participating group members, the document must be edited before publication so that the individual group members cannot be identified from the text.

### Section 89

Section 87(2) and (3) and Section 88 shall apply equally to the procedure for the publication of information and documents in class proceedings under Section 83(3).

## BOOK SIX JOINT AND FINAL PROVISIONS

### Section 90

#### Duty to cooperate

- (1) The Ministry shall notify the European Commission of the address of the website on which the Register of Class Proceedings is accessible.
- (2) The Ministry shall provide the European Commission with information regarding:
- (a) the number and type of concluded class proceedings and proceedings for the protection of collective interests of consumers under the Civil Procedure Code;
  - (b) the nature of the breach of regulations and the parties to the proceedings for actions under point (a);
  - (c) the outcome of the proceedings in actions referred to in point (a).

### Section 91

#### Delegating provision

The Ministry shall determine by decree:

- (a) the general requisites of the Register of Class Proceedings, the manner of its keeping and administration and the extent and manner of publication of information and documents;
- (b) the general requisites and data format of the forms referred to in Sections 32, 36 and 43;
- (c) details of the manner of keeping, the general requisites and the data format of the list of participating group members referred to in Section 38; and
- (d) the method of determining the costs reasonably incurred in connection with the receipt of

applications and the keeping of a list of participating group members.

### Section 92

#### Transitional provision

- (1) Disputes concerning rights or legitimate interests arising after 24 November 2020 may be heard and determined under this Act.
- (2) Individual proceedings commenced before 25 June 2023 shall be concluded in accordance with existing legislation; Section 28(2) shall not apply.

### Section 93

#### Effect

This Act shall enter into force on the first day of the calendar month following the date of its promulgation.

**Disclaimer:**

*Please note that this is an unofficial translation provided for our internal use only. We do not assume any responsibility for its accuracy or completeness. In the event of any discrepancy, the original Czech version, available at [www.e-sbirka.cz](http://www.e-sbirka.cz), shall prevail.*