

奥地 Austria

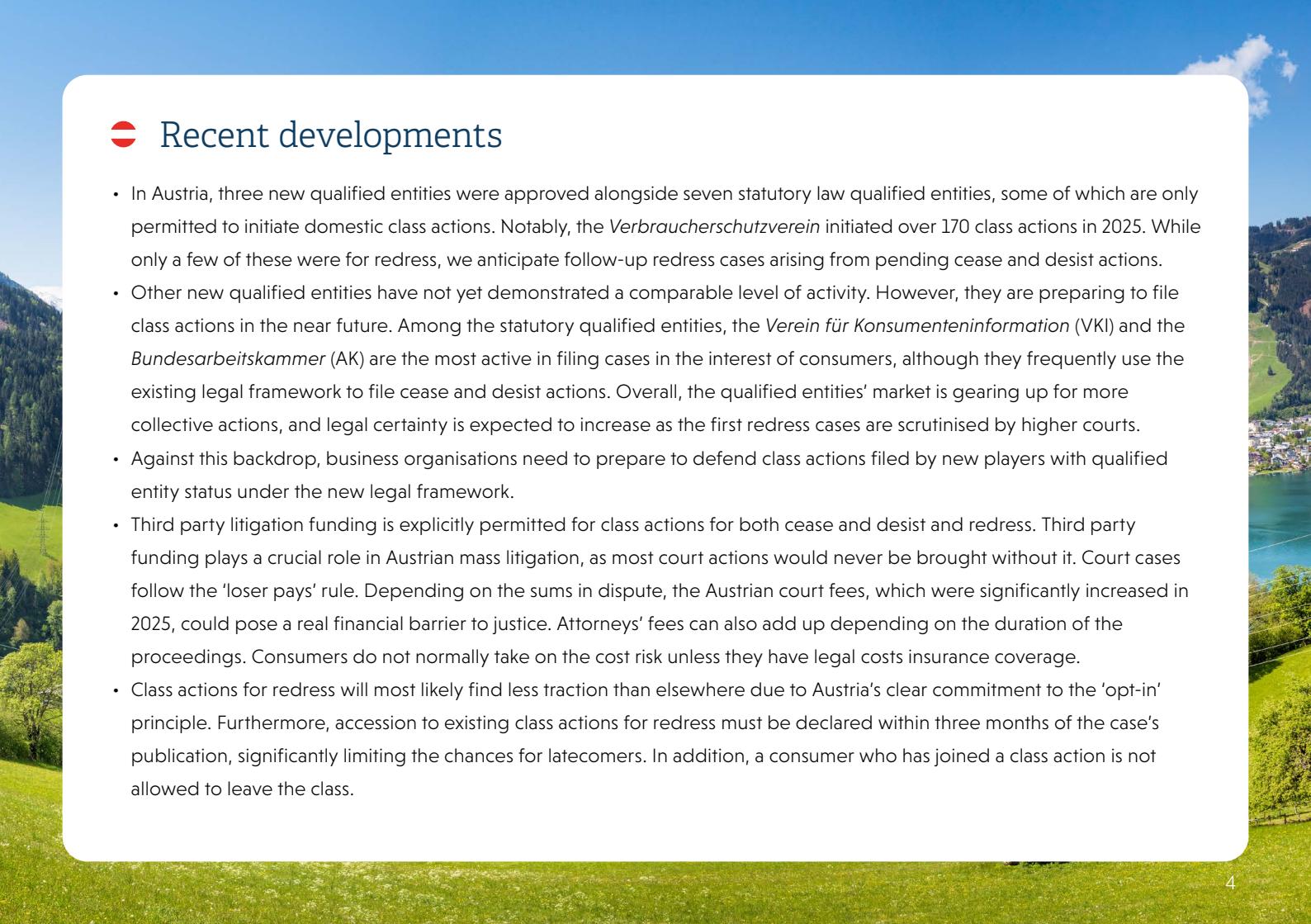
Trends

- The implementation of a statutory framework for class actions for redress in Austria was obstructed due to political opposition, particularly from the entrepreneurs' side. It was not surprising that the implementation of the EU Representative Actions Directive (RAD) was only completed in July 2024 (though the delay also had other, unrelated political reasons).
- Since that time, the practical use of the class action for the purpose of redress has been gradual. This is also because the implementing legislation allows for interpretation and thus lacks legal certainty in various areas. The situation is different with respect to class actions for cease and desist, which have a long-established history in the field of consumer and unfair competition law.
- The Austrian legal landscape is poised for further developments. For instance, new cease and desist judgments that restrict business operations in relation to the design of fee arrangements in consumer contracts may pave the way for future class action lawsuits seeking redress. Recent national case law declaring certain 'loan processing fees' unlawful offers a first indication of what lies ahead: an increased number of collective actions for redress based on specific terms and conditions found unlawful in preceding court cases.



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Recent developments

- In Austria, three new qualified entities were approved alongside seven statutory law qualified entities, some of which are only permitted to initiate domestic class actions. Notably, the *Verbraucherschutzverein* initiated over 170 class actions in 2025. While only a few of these were for redress, we anticipate follow-up redress cases arising from pending cease and desist actions.
- Other new qualified entities have not yet demonstrated a comparable level of activity. However, they are preparing to file class actions in the near future. Among the statutory qualified entities, the *Verein für Konsumenteninformation* (VKI) and the *Bundesarbeitskammer* (AK) are the most active in filing cases in the interest of consumers, although they frequently use the existing legal framework to file cease and desist actions. Overall, the qualified entities' market is gearing up for more collective actions, and legal certainty is expected to increase as the first redress cases are scrutinised by higher courts.
- Against this backdrop, business organisations need to prepare to defend class actions filed by new players with qualified entity status under the new legal framework.
- Third party litigation funding is explicitly permitted for class actions for both cease and desist and redress. Third party funding plays a crucial role in Austrian mass litigation, as most court actions would never be brought without it. Court cases follow the 'loser pays' rule. Depending on the sums in dispute, the Austrian court fees, which were significantly increased in 2025, could pose a real financial barrier to justice. Attorneys' fees can also add up depending on the duration of the proceedings. Consumers do not normally take on the cost risk unless they have legal costs insurance coverage.
- Class actions for redress will most likely find less traction than elsewhere due to Austria's clear commitment to the 'opt-in' principle. Furthermore, accession to existing class actions for redress must be declared within three months of the case's publication, significantly limiting the chances for latecomers. In addition, a consumer who has joined a class action is not allowed to leave the class.

Class actions

Scope	Actions for cease and desist and for redress based on any unlawful conduct of an entrepreneur which harms consumers' interests.
Access granted to	Consumers only
Opt-in or opt-out	Opt-in only
Declaratory relief or damages	Both
Frequently used	Cease and desist actions are gaining traction, actions for redress are still rare.
Regulatory framework	Qualified entities are governed by a distinct Act (<i>Qualifizierte-Einrichtungen-Gesetz</i> (QEG)). All other provisions have been integrated into the Civil Procedure Code.

Class settlements

Binding class members after court approval	Yes
Opt-in or opt-out	Opt-in only

Third party funding

Regulated by law	Yes, the QEG provides for basic rules only.
Frequently used	Yes



Poland

Trends

- In the 15 years since the Polish class action law entered into force, class action proceedings have remained relatively unpopular. It is unclear whether this situation will persist.
- On the one hand, class actions could address systemic issues in Polish society, such as the recent rule of law crisis and its ramifications, ESG or illegal bank practices. Recent successful lawsuits in these areas may spark interest in this mechanism.
- On the other hand, the institutional framework's weakness remains a problem. Defendants exploit procedural loopholes to prolong proceedings by many years, while judges often lack expertise in collective litigation. We do not see any indications that this may change in the near future.
- Additionally, more than a year after the RAD's implementation, representative actions appear dormant, with almost no cases filed. It was only in November 2025 that the first NGO was registered as a qualified entity. Some argue that the strict requirements and the relative weakness of Polish consumer NGOs will hinder the development of this institution.
- To summarise, class actions in Poland have a chance of becoming a significant instrument, but this is contingent on future institutional reform and a greater awareness in this area.



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Recent developments

- **November 2024:** owners of more than 170 pharmacies initiated a class action to establish the State Treasury's liability for losses incurred in connection with the law imposing limitations on the sale of pharmacies by their owners, based on this law having been enacted using an unconstitutional procedure and being unconstitutional and contrary to EU law.
- **December 2024:** the Regional Court in Gdańsk granted a temporary injunction to the claimants in a class action brought by the Financial Ombudsman against a bank on behalf of its clients, by suspending the obligation on loan repayments.
- **February 2025:** the Regional Court in Warsaw issued a judgment favourable to the claimants in a class action against the State Treasury brought by restaurant, hotel, and tourism entrepreneurs for damage incurred due to the COVID-19 lockdown regulations.
- **July 2025:** the Appellate Court in Łódź declared approx. 1,000 loan agreements denominated in CHF invalid in a class action brought against a bank by its clients, who were represented by the Consumer Ombudsman.
- **July 2025:** the Supreme Court issued a resolution clarifying the requirements as to the composition of the court when issuing the decision on composition of the class.
- **August 2025:** the Appellate Court in Warsaw dismissed a class action against the State Treasury brought by approx. 200 investors who had suffered losses resulting from the Amber Gold Ponzi scheme. The claimants sought to have the State held liable for the law enforcement and financial supervision authorities' alleged failure to identify and stop the Ponzi scheme.
- **November 2025:** the President of the Office for Competition and Consumer Protection registered the first NGO in the national register of qualified entities authorised to bring actions in consumer representative collective actions. Until then, the only qualified entity was the Financial Ombudsman.

-Class actions | Group proceedings (including RAD)

Scope	Liability for damage caused by hazardous products, tortious and contractual liability, unjust enrichment and consumer protection.
Access granted to	A group of at least ten claimants; the minimum requirement does not apply in consumer representative collective actions.
Opt-in or opt-out	Opt-in
Declaratory relief or damages	Declaratory relief and damages; in consumer representative collective actions, also injunctive relief.
Frequently used	No
Regulatory framework	Act of 17 December 2009 on the Enforcement of Claims in Group Proceedings.
Alternatives used in practice	Joint actions of multiple claimants; assignment of claims.

Class settlements

Binding class members after court approval	General rules on the settlement of civil claims apply; the settlement can be concluded with the consent of at least 50% of the class members; the court examines whether the settlement grossly violates the rights of class members.
Opt-in or opt-out	As above; in consumer representative collective actions, a class member who does not agree with the terms of settlement concluded by a qualified entity can opt out within two weeks from being notified of the settlement.
Regulatory framework	Act of 23 April 1964 – Civil Code, Act of 17 November 1964 – Code of Civil Procedure, Act of 17 December 2009 on the Enforcement of Claims in Group Proceedings.

Third party funding

Regulated by law	In general no; some transparency obligations are imposed in the case of consumer representative collective actions.
Frequently used	No



Czech Republic

Trends

- Until 2024, the Czech Republic lacked comprehensive legal regulation of collective redress in ordinary civil disputes. The Czech legal framework for representative actions came into force on 1 July 2024 as a relatively minimalist transposition of the RAD.
- The adopted collective redress instruments are limited to claims of consumers or small businesses with less than 10 employees and an annual turnover not exceeding CZK 50 million (EUR 2 million). Since small businesses are considered consumers for the purposes of the new legislation, it remains uncertain – and will need to be addressed by the courts – whether small businesses may be sued in collective action proceedings at all.
- Only an authorised non-profit organisation registered in a list of qualified entities may bring a representative action. Currently, there are only two entities registered on the list of qualified entities and there are no pending applications.
- As the new legislation came into force quite recently and only one relatively minor collective action has been filed to date, the Czech legal community is still awaiting further cases that will clarify how the new collective redress legislation will be applied in practice.



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Recent developments

- By December 2025, with only a year and a half having passed since the new legislation governing collective redress came into force, just one action seeking redress measures had been filed. The case was brought on behalf of 56 consumers pursuing claims for unjust enrichment against a manufacturer of children's furniture and accessories. The defendant failed to either supply ordered goods or reimburse advance payments after the consumers withdrew from the contracts.
- The action was found admissible two months after filing. Throughout the certification phase, the defendant remained passive and filed its defence only once proceedings on the merits had commenced. The first instance court issued a judgment eight months after filing.
- The defendant was ordered to pay CZK 1,326,000 (approximately EUR 53,000) in total to 52 consumers, CZK 175,087 (approximately EUR 7,200) to the claimant as costs of the proceedings, CZK 239,347 (approximately EUR 10,000) as the claimant's remuneration, and CZK 80,407 (approximately EUR 3,300) to the state as the court fee (the claimant was exempted from the court fee obligation by law). The case was partially dismissed with respect to four consumers due to lack of similarity, as their claims involved defective or late-delivered products.
- The defendant filed a timely appeal and the judgment is thus not yet final and enforceable.
- Notably, while the law required the court to publish the action, judgment and other procedural documents in the public register of collective proceedings, mandatory publication does not apply to appeals. Therefore, the defendant's appeal remains unpublished.

Class actions

Access granted to	Qualified entities representing the interests of consumers registered by the Ministry of Justice.
Opt-in or opt-out	Opt-in
Declaratory relief or damages	Both
Frequently used	No – only one case since RAD transposition in mid-2024.
Regulatory framework	Act No. 179/2024 on Collective Civil Proceedings.
Alternatives used in practice	Joined actions of multiple claimants, assignment of multiple claims to a single entity.

Class settlements

Binding class members after court approval	Yes
Opt-in or opt-out	Class members who opted in to the proceedings cannot opt out of the settlement.
Regulatory framework	Act No. 179/2024 on Collective Civil Proceedings.

Third party funding

Regulated by law	Yes. Court may inspect funding sources to review compliance with requirements concerning conflict of interest.
Frequently used	Only one case since RAD transposition in mid-2024 – no settlement involved so far.