

🇮🇹 Italy

Trends

- The year 2024 can be considered a real turning point for class actions in Italy, with an average of three new cases initiated each month. This increase in collective initiatives reflects a profound transformation of the legal protection system, supported by more modern legislation, growing consumer interest and greater sensitivity on the part of legal institutions.
- This result is due to several concurrent factors. Firstly, greater awareness of the class actions mechanism and its potential among citizens and legal practitioners has broadened the spectrum of individuals willing to utilise it to assert collective rights. In addition, the increasing focus of European legislation on consumer protection has prompted national legislatures to align themselves with EU standards, thereby strengthening the effectiveness of collective protection.
- The procedural reforms that came into full effect in 2021 and 2023 also played a decisive role.
- Law No. 31/2019 introduced Articles 840 et seq. of the Code of Civil Procedure and made class actions a more flexible and accessible tool.
- Legislative Decree No. 28/2023, implementing the RAD, introduced the representative action in Articles 140-ter to 140-quaterdecies of the Consumer Code. This entails a separate mechanism from class actions. The claims can be for injunctive relief or compensation, in the interest of consumers; only qualified entities can bring a representative action.



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Recent developments

- According to data available on 31 December 2024, 67 class actions had been filed in Italy since 19 May 2021 (when the reform came into force). This is a significant figure, reflecting steady growth and a trend of doubling the number of new actions each year. Data analysis shows that banks and financial intermediaries are the parties most frequently involved. From an objective point of view, the disputes mainly concern unfair terms, commercial practices, and violations of consumer rights. Moreover, the number of cases passing the admissibility test and being accepted or settled is growing.
- July 2024:** the first European healthcare class action was filed in Milan against Philips respiratory and sleep therapy products. The Global Justice Network, a coalition of lawyers, brought the action on behalf of European users harmed by these devices. They are seeking compensation for health risks linked to allegedly negligent crisis management. This case is expected to establish a major precedent for cross-border class actions in Italy, as it involves over a million people residing in various European countries, marking Italy's entry into the European circuit of supranational class actions.
- April 2025:** the Turin Court – Business Section declared admissible both representative actions and class action claims initiated against Groupe PSA Italia S.p.A., Stellantis N.V. and Automobiles Citroën S.A. The case concerns the delayed and ineffective recall campaign of Citroën C3 and DS3 vehicles equipped with defective Takata airbags. The court found the requirements for collective action admissibility satisfied.
- May 2025:** the Rome Court – Business Section declared admissible a representative action brought by Movimento Consumatori APS against Netflix Services Italy S.r.l. The action challenges allegedly unfair clauses in Netflix's Terms of Use.
- At the end of 2025, 97 cases are registered on the Ministry of Justice's online platform. However, there are undoubtedly more proceedings underway, as injunctive class actions are often not published online. Many cases have already been closed, because the parties reached an agreement. In other cases, a decision on admissibility has been reached, and a final judgment has been handed down for some injunctive actions.

🇮🇹 Class actions | Azione di classe | Representative actions

Scope	<i>Azione di classe</i> : wide range of contractual and tort claims. Representative actions: consumer law.
Access granted to	<i>Azione di classe</i> : each class member, and associations or non-profit organisations registered on a public list. Representative actions: qualified entities.
Opt-in or opt-out	<i>Azione di classe</i> and representative actions: opt-in (two opt-in moments).
Declaratory relief or damages	<i>Azione di classe</i> : both. Representative actions: damages.
Frequently used	<i>Azione di classe</i> and representative actions: increasing use following the procedural reforms of 2021 and 2023.
Regulatory framework	<i>Azione di classe</i> : Articles 840- <i>bis</i> to 840- <i>sexiesdecies</i> Code of Civil Procedure. Representative actions: Articles 140- <i>ter</i> to 140- <i>quaterdecies</i> Consumer Code.
Alternatives used in practice	<i>Azione di classe</i> and representative actions: both of these can be replaced by individual lawsuits.

Class settlements

Binding class members after court approval	<i>Azione di classe</i> : yes. Representative actions: yes.
Opt-in or opt-out	<i>Azione di classe</i> : opt-in after settlement proposal made by the court, opt-out after settlement on the parties' initiative. Representative actions: opt-in.
Regulatory framework	<i>Azione di classe</i> : Law No. 31/2019; Code of Civil Procedure. Representative actions: Article 140- <i>decies</i> Consumer Code.

Third party funding

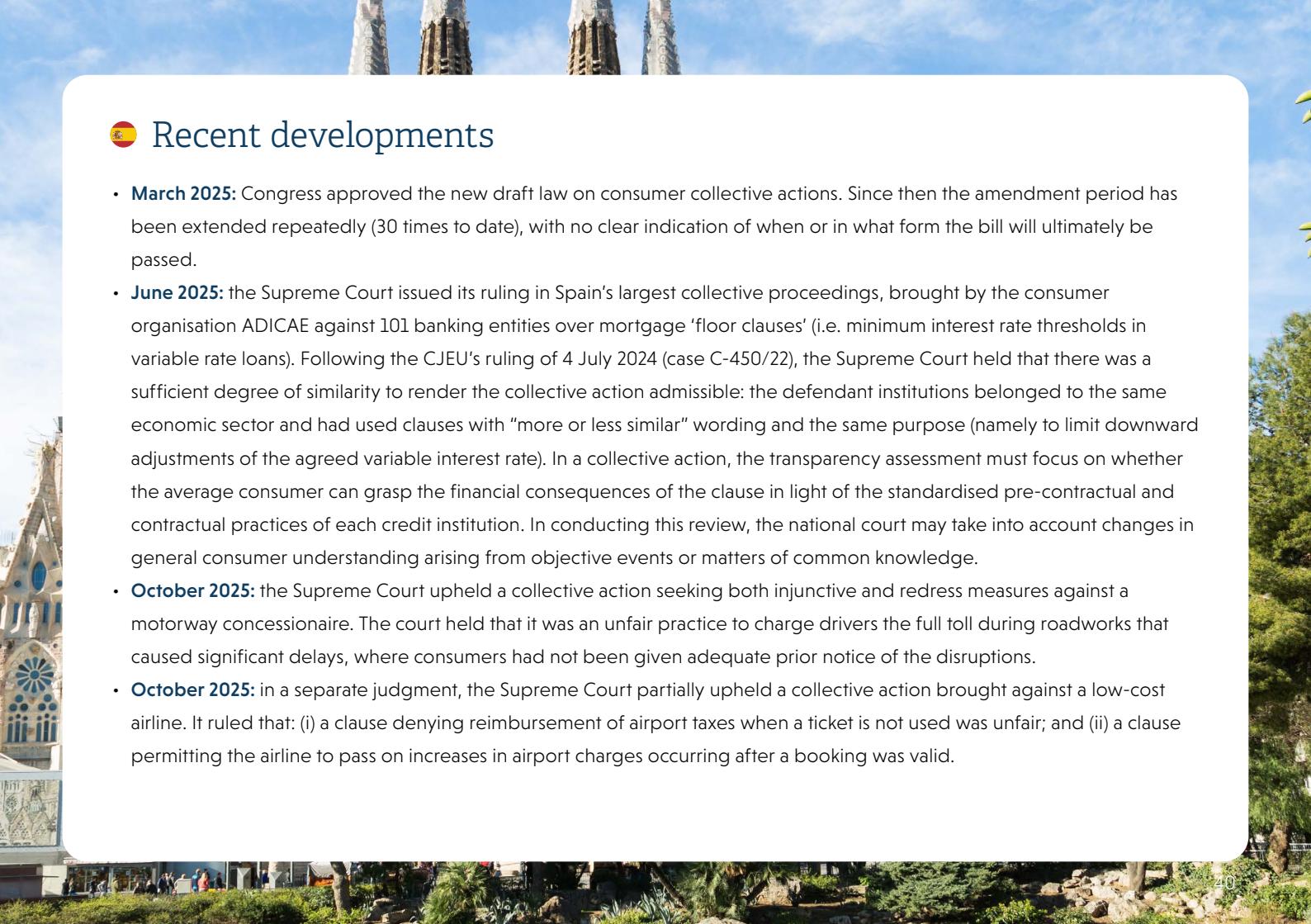
Regulated by law	<i>Azione di classe</i> : no. Representative actions: according to the RAD.
Frequently used	No

Trends

- The RAD has not yet been transposed into Spanish law. Parliament failed to enact the initial draft on collective actions, issued in January 2023, due to a lack of consensus on two key issues: the choice between an opt-in vs opt-out model and the regulation of third party funding. In March 2025, Congress published a new draft bill, which is still at the amendment stage. Under the current draft, the opt-out model would constitute the general rule, with an opt-in system applying only where the amount claimed per consumer exceeds EUR 3,000. As to funding, claimants would be required to disclose all financing sources in full, and judges would be allowed to demand disclosure of the financing contract to assess whether its terms adversely affect consumers.
- In the meantime, qualified entities appear to be waiting for the RAD's definitive transposition before bringing collective actions seeking redress. By contrast, collective actions for injunctive relief are becoming more common across several sectors, including digital, banking, passenger transport, telecommunications, real estate, legal services, leisure and entertainment.
- The absence of a dedicated collective action procedure has encouraged the use of an assignment-of-claims model, particularly in competition litigation. Defendants in these cases challenge the assignee platform's standing, alleging that the underlying assignment contracts are null on the grounds that their financial terms infringe consumer protection rules.



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Recent developments

- **March 2025:** Congress approved the new draft law on consumer collective actions. Since then the amendment period has been extended repeatedly (30 times to date), with no clear indication of when or in what form the bill will ultimately be passed.
- **June 2025:** the Supreme Court issued its ruling in Spain's largest collective proceedings, brought by the consumer organisation ADICAE against 101 banking entities over mortgage 'floor clauses' (i.e. minimum interest rate thresholds in variable rate loans). Following the CJEU's ruling of 4 July 2024 (case C-450/22), the Supreme Court held that there was a sufficient degree of similarity to render the collective action admissible: the defendant institutions belonged to the same economic sector and had used clauses with "more or less similar" wording and the same purpose (namely to limit downward adjustments of the agreed variable interest rate). In a collective action, the transparency assessment must focus on whether the average consumer can grasp the financial consequences of the clause in light of the standardised pre-contractual and contractual practices of each credit institution. In conducting this review, the national court may take into account changes in general consumer understanding arising from objective events or matters of common knowledge.
- **October 2025:** the Supreme Court upheld a collective action seeking both injunctive and redress measures against a motorway concessionaire. The court held that it was an unfair practice to charge drivers the full toll during roadworks that caused significant delays, where consumers had not been given adequate prior notice of the disruptions.
- **October 2025:** in a separate judgment, the Supreme Court partially upheld a collective action brought against a low-cost airline. It ruled that: (i) a clause denying reimbursement of airport taxes when a ticket is not used was unfair; and (ii) a clause permitting the airline to pass on increases in airport charges occurring after a booking was valid.

🇪🇸 Class actions | Acciones colectivas (RAD not yet transposed)

Scope	Consumer Law
Access granted to	Registered consumer organisations and Public Prosecutor's Office.
Opt-in or opt-out	Opt-in
Declaratory relief or damages	Both (but some procedural requirements for redress measures).
Frequently used	No (however, in some sectors such as banking, it has been more frequently used).
Regulatory framework	There is no unified and comprehensive regime for collective actions. Code of Civil Procedure, Consumer Protection Act, Act on General Terms and Contractual Conditions, Unfair Competition Act.
Alternatives used in practice	Joined actions of multiple claimants; litigating by mandate; assignment of claims.

Class settlements

Binding class members after court approval	No, class settlements are not regulated; only general rules on settlement of civil claims apply.
Opt-in or opt-out	Idem
Regulatory framework	Idem

Third party funding

Regulated by law	No
Frequently used	No