



COLLECTION OF LAWS OF THE SLOVAK REPUBLIC

Year 2023

Promulgated on: 1. 7. 2023

Time version of the regulation effective from: 25. 7.2023

The content of this document is legally binding.

261

ACT

of 21 June 2023

on the actions for the protection of the collective interests of consumers and on amendments to certain acts

The National Council of the Slovak Republic has adopted the following act:

Article I

PART ONE BASIC PROVISIONS

§1

Subject-matter

This Act governs the legal relationships related to the bringing of actions for the protection of the collective interests of consumers and the rules for the application of this mechanism.

§2

Scope

This Act applies to the actions for the protection of the collective interests of consumers brought against infringements of the provisions of generally binding regulations on consumer protection and legally binding acts of the European Union on consumer protection (hereinafter only referred to as “consumer protection legislation”) where such infringements harm or may harm the collective interests of consumers.

§3

Definitions

For the purposes of this Act

- a) ‘consumer’ means any natural person¹⁾ who, with respect to a consumer contract¹⁾, obligations arising thereunder or in commercial practice, does not act within the scope of its business²⁾ or profession,³⁾;
- b) ‘trader’ means any person who, with respect to a consumer contract, obligations arising thereunder or in commercial practice, acts, including through another person acting in that person’s name or on that person’s behalf, for purposes relating to its business or profession;
- c) ‘collective interests of consumers’ means, in the case of abstract control, the general interest of consumers and, in the case of a redress measure, the interest of a group of consumers which the redress measure concerns and which follows from the same or similar basis of fact and law;

- d) 'qualified person' means a legal person representing the interests of consumers which is included in the list of qualified persons pursuant to §5 as a person qualified to bring domestic and cross-border actions for the protection of the collective interests of consumers in accordance with this Act, or a person that has been designated by another Member State as a person qualified to bring cross-border actions and is included in the list of qualified entities kept by the European Commission;
- e) 'action for the protection of the collective interests of consumers' means an action brought by
 - 1. a qualified person as a claimant party on behalf of the consumers to seek a redress measure or a judicial decision in the proceedings on the abstract control in consumer matters;
 - 2. a supervisory authority⁴⁾ or a self-regulatory authority under a separate regulation⁵⁾ with legal personality to seek, within its competence, a judicial decision in the proceedings on the abstract control in consumer matters;
- f) 'domestic action' means an action for the protection of the collective interests of consumers brought by a qualified person included in the list of qualified persons or by an authority referred to in point (e)(2) above in the Slovak Republic;
- g) 'cross-border action' means an action for the protection of the collective interests of consumers brought in a Member State other than that in which the qualified person is included in the list of qualified persons and the qualified person is included in the list of qualified entities kept by the European Commission;
- h) 'final decision' means a decision that cannot or can no longer be reviewed by ordinary means of appeal;
- i) 'redress measure' means a measure that requires a trader to provide registered consumers with remedies such as compensation, repair or replacement of a product, price reduction, reimbursement of the price paid, returning the unjustified enrichment, trader's obligation to terminate the contract and settle mutual claims with consumers arising from the contract, trader's obligation to resume performance of the contract it has terminated, or any other similar measure aimed at providing redress, except for the obligation to pay a reasonable financial redress;
- j) 'registered consumer' means a consumer who opted in to a notice of action in accordance with the procedure under §16(2) and has not withdrawn his/her consent.

§4

Right to redress

(1) A consumer that has been harmed by an infringement of the consumer protection legislation has the right to redress.

(2) The right referred to in paragraph 1 shall not be precluded if the consumer has not claimed a defect in accordance with the procedure under the Civil Code.

PART TWO

PERSONS QUALIFIED TO BRING ACTIONS FOR THE PROTECTION OF THE COLLECTIVE INTERESTS OF CONSUMERS

§5

List of qualified persons

(1) The Ministry of Economy of the Slovak Republic (hereinafter only referred to as the "ministry of economy") keeps a list of qualified persons and publishes it on its website.

(2) The following details are included in the list of qualified persons:

- a) name and registered office of the qualified person, postal address, email address, phone number and company ID, and/or value-added tax identification number, if assigned;
- b) information about the language in which the qualified person brings actions for the protection of the collective interests of consumers;
- c) the date of inclusion in, and the date of deletion from, the list of qualified persons.

(3) The information included in the list of qualified persons does not have to be presented before public authorities.

§6

Conditions for inclusion in the list of qualified persons

(1) The ministry of economy shall decide and include a legal person in the list of qualified persons based on a delivered complete written request for inclusion, if the legal person

- a) has been established in accordance with the law of the Slovak Republic;
- b) is engaged in the activities to promote and protects the interests of consumers;
- c) is a non-profit organisation;
- d) is not the subject of bankruptcy proceedings, is not in bankruptcy or restructuring, or no petition for the declaration of bankruptcy against it has been dismissed for the lack of assets;
- e) demonstrates to have been actively engaged in consumer protection during 12 months prior to the request for inclusion in the list of qualified persons;
- f) is independent and not influenced by persons who have an economic interest in the bringing of an action for the protection of the collective interests of consumers, other than consumers, including in the event of funding by third parties, and has adopted measures referred to in paragraph 3(b);
- g) has not been deleted from the list of qualified persons in the past 12 months other than in accordance with §8(1); and
- h) has published, in particular on its website, information that demonstrates that it complies with the criteria listed in points (a) to (g) and information about the sources of its funding, its organisational, management and membership structure, its statutory purpose and its activities.

(2) The request for inclusion shall contain information and documents that demonstrate the meeting of the conditions for inclusion pursuant to paragraph 1 and the information that is included in the list of qualified persons in accordance with §5(2)(a) and (b). The meeting of the conditions for inclusion referred to in paragraph 1(a) to (c) is demonstrated by a declaration of honour.

(3) The request for inclusion shall include the following annexes:

- a) an activity report for the previous year that demonstrates the meeting of the condition under paragraph 1(e);
- b) information about the measures implemented by the applicant to prevent the influence of persons who have an economic interest in the bringing of an action for the protection of the collective interests of consumers, as well as measures to prevent conflicts of interest between the applicant, its funding provider and the interests of consumers that demonstrate the meeting of the condition under paragraph 1(f), including loan contracts or similar contracts for performance economically equivalent to a loan which the applicant has concluded, including all their annexes and amendments; and
- c) documents that demonstrate the meeting of the condition under paragraph 1(h).

(4) If the request for inclusion contains any shortcomings or does not contain the particulars referred to in paragraphs 1 to 3, or if the applicant failed to demonstrate the meeting of the conditions for inclusion, the ministry of economy will ask the applicant to complete the request for inclusion or remove its shortcomings within a time limit that shall not be less than 15 days from delivery of the notice to the applicant. If the applicant fails to complete the request for inclusion or remove its shortcomings within the specified time limit despite the notice from the ministry of economy, the ministry of economy shall reject the request for inclusion.

(5) If the applicant meets the conditions under this Act and the request meets the conditions for inclusion, the ministry of economy shall, within 30 days of the delivery of a complete request, decide about the inclusion in the list of qualified persons and include the applicant in the list of qualified persons; upon its inclusion in the list of qualified persons, the applicant becomes a qualified person. The decision to include the applicant in the list of qualified persons becomes effective on the day of its delivery to the applicant.

§7

Changing the details included in the list of qualified persons

(1) The ministry of economy updates the list of qualified persons with each change notified to it or which it knows of due to its official activities. No decision on the changing of the details included in the list of qualified persons is issued. Qualified persons have an obligation to provide the ministry of economy with cooperation necessary to verify the correctness and completeness of the details included in the list of qualified persons.

(2) Once every five years, the ministry of economy reviews whether qualified persons still meet the conditions for inclusion in the list of qualified persons. Qualified persons have an obligation to provide the ministry of economy with the necessary cooperation, in particular, to provide the documents that demonstrate the meeting of conditions under §6(1).

(3) A qualified person has an obligation to notify the ministry of economy of any change in the information referred to in §5(2)(a) and (b), which is included in the list of qualified persons, within 15 days of that change.

(4) If a qualified person no longer meets the conditions for inclusion in the list of qualified persons, it shall immediately notify the ministry of economy and remove shortcomings within 30 days of the occurrence of this fact. The ministry of economy may extend the time limit referred to in the previous sentence based on a justified request of the qualified person, however, by not more than 30 days.

§8

Deletion from the list of qualified persons

(1) The ministry of economy shall delete a qualified person from the list of qualified persons if the qualified person submits a written request to be deleted from the list of qualified persons at least three months prior to the date of the requested deletion; the ministry of economy shall delete the qualified person from the list as of the date specified in the request, otherwise within three months of delivery of such request.

(2) The ministry of economy shall delete a qualified person from the list of qualified persons upon request from another Member State, the European Commission or even without such request if

- a) the qualified person no longer meets the conditions for inclusion in the list of qualified persons and fails to remedy the situation within the time limit under §7(4) or fails to provide the ministry of economy with the necessary cooperation pursuant to §7(2) to assess whether it continues to meet the conditions for inclusion in the list of qualified persons;
- b) the qualified person has breached the obligation under §11(6);
- c) the qualified person has in the past 12 months repeatedly breached any obligation under this Act other than the one referred to in point (b) above;
- d) the qualified person was included in the list of qualified persons on the basis of untrue or incorrect information contained in the request for inclusion or in its annexes;
- e) the qualified person has been dissolved;
- f) the qualified person is demonstrably not carrying out its activities independently and impartially, or if its inactivity causes delays in the proceedings;
- g) the qualified person requires from a registered consumer any payments other than the payment for the application to opt in to a notice of action or for withdrawing consent with his/her participation (opt-out) in the notice of action; or
- h) the qualified person does not act in accordance with §22(2).

(3) In a decision to delete a qualified person from the list of qualified persons, the ministry of economy shall specify the date of deletion; the ministry of economy shall publish the decision on its website. If an action for the protection

of the collective interests of consumers brought by the qualified person is pending before a court, the ministry of economy shall notify the court of its deletion from the list and the court shall suspend the proceedings and immediately invite other qualified persons to carry on with the proceedings. If more qualified persons express their interest in carrying on with the proceedings, the court will choose the one which has been first to respond to its invitation or the one which, having regard to all the circumstances of the case, has the best prospects of continuing the proceedings as a successor qualified person. If such designated qualified person joins the proceedings instead of the qualified person that was deleted from the list of qualified persons, it shall immediately notify the registered consumers that it is continuing the proceedings as a successor to the deleted qualified person. The deleted qualified person has an obligation to provide the successor qualified person with the necessary cooperation. If none of the qualified persons expresses an interest in continuing the proceedings within six month of receipt the court's invitation referred to in the second sentence, the court shall discontinue the proceedings.

(4) No appeal may be filed against the decision on deletion pursuant to paragraph 1.

(5) A qualified person that is to be deleted from the list of qualified persons shall take all exigent actions in the pending proceedings so that no delays occur due to its inactivity or no period for appeal expires.

(6) A qualified person in respect of which a decision to delete it from the list of qualified persons was made shall return the action-related documents to the registered consumers within 15 days of its deletion. This does not apply if another qualified person carries on with the proceedings in accordance with paragraph 3; in that case, the deleted qualified person will provide the action-related documents to that qualified person.

(7) If the ministry of economy deleted a qualified person from the list in accordance with paragraph 2(b), it shall impose a fine of between EUR 50 and EUR 500 on that person. The fines paid are revenue of the state budget.

PART THREE

ACTIONS FOR THE PROTECTION OF COLLECTIVE INTERESTS OF CONSUMERS

TITLE ONE

GENERAL PROCEDURAL PROVISIONS AND REPORTING OBLIGATIONS

§9

Competent courts

The following courts are competent to hear consumer disputes:

- a) the Bratislava IV Municipal Court for districts falling under the Regional Court in Bratislava, the Regional Court in Trnava and the Regional Court in Nitra;
- b) the Banská Bystrica District Court for districts falling under the Regional Court in Banská Bystrica, the Regional Court in Žilina and the Regional Court in Trenčín;
- c) the Košice Municipal Court for districts falling under the Regional Court in Košice and the Regional Court in Prešov.

§10

(1) The bringing of an action for the protection of the collective interests of consumers by one qualified person against the same trader does not preclude to bring such an action in the same case by another qualified person included in the list of qualified persons or by other persons qualified to bring cross-border actions from different Member States. If the nature of the case and the circumstances under which a claim is made so permit, the court will join the cases.

(2) When examining the conditions of the proceedings, the court takes into account the information contained in the list of qualified persons and the list of qualified entities kept by the European Commission; this is without prejudice to the court's authority to examine whether a qualified person meets the conditions under §6(1).

(3) The defendant trader in the proceedings on the action for the protection of the collective interests of consumers has the right to raise an objection before the court seeking the examination whether the qualified person meets the

conditions under §6(1) before the end of evidence-taking, at the latest. The court shall only examine the meeting of the conditions under §6(1) if the defendant trader has raised the objection not later than upon the first procedural action that belongs to it; the court shall consider any objection raised at a later time only if the defendant trader could not have raised that objection earlier through no fault of its own. If the objection is unfounded, the court shall disregard it; the court will state the reasons for such disregard in a decision by which the proceedings are ended. If the court establishes that the objection is well-founded, it shall discontinue the proceedings.

§11

Information on actions for the protection of collective interests of consumers

(1) A qualified persons shall publish on its website the information about

- a) a notice of action under §15(1);
- b) the status of the actions for the protection of the collective interests of consumers it has brought before a court;
- c) the outcomes of the proceedings on the actions for the protection of the collective interests of consumers referred to in points (a) and (b);
- d) the funding of the actions for the protection of the collective interests of consumers it has brought before a court.

(2) A qualified person, the supervisory authority and the self-regulatory authority report the information referred to in paragraph 1(b) to (d) to the ministry of economy once a year by 31 January, giving details about

- a) the types of actions for the protection of collective interests of consumers;
- b) the statutory provisions the infringement of which is claimed by an action for the protection of the collective interests of consumers;
- c) the traders against whom an action for the protection of the collective interests of consumers has been brought.

(3) A qualified person shall immediately notify the ministry of economy of the publication of a notice of action in the Commercial Journal pursuant to §15(1) and of the bringing of an action for the protection of the collective interests of consumers.

(4) A qualified person shall inform the consumers concerned by the planned or ongoing proceedings for a redress measure in good time and by appropriate means for the consumers to be able to explicitly express their wish to participate in such proceedings.

(5) At a qualified person's proposal, the court shall require the trader to inform the registered consumers concerned by the action for the protection of the collective interests of consumers, at the trader's expense, of a final decision delivered in the proceedings under §14 or under §23 or of any approved settlement by means appropriate to the circumstances of the case and within the specific time limit, including, where appropriate, informing all registered consumers individually. The trader's information obligation referred to in the first sentence does not apply if the registered consumers concerned are informed of the final decision or approved settlement in another manner.

(6) The obligation referred to in paragraph 5 applies *mutatis mutandis* to a qualified person in the case of the final decision on the dismissal of action for a redress measure.

(7) If a qualified person or trader in the proceedings on the action for the protection of the collective interests of consumers is successful, the court will award the successful party the costs of the proceedings in the form of the costs necessarily incurred in relation to the provision of information in accordance with paragraph 5 or 6, which are borne by the unsuccessful party.

§12

Evidence

(1) In the proceedings on the action for the protection of the collective interests of consumers, the court may also take such evidence which has not been proposed if it is necessary to decide the case. The court shall procure or secure evidence in accordance with the first sentence even without proposal; the provisions on the judicial concentration of proceedings do not apply.

(2) If a claimant party in the proceedings on the action for the protection of the collective interests of consumers has provided reasonably available facts and evidence that sufficiently support the legitimacy of its claim, the court may order the defendant or a third party to disclose evidence they have at their disposal and which are relevant to the decision on the case. The defendant has the same right against the claimant party or a third party. The proposal to order the disclosure of evidence must be defined as accurately and specifically as possible based on the reasonably available circumstances.

(3) When deciding about the disclosure of evidence, the court considers the legitimate interests of all parties to the proceedings and affected third parties, proportionality, confidentiality and justifiability of the proposal to order the disclosure of evidence.

(4) The final decision of a court or administrative authority issued in the proceedings on an action for the protection of the collective interests of consumers in another Member State against the same trader for the same act or omission is considered a proof of the infringement of the collective interests of consumers, unless the proceedings for a redress measure prove otherwise.

(5) If a court orders the party to the dispute or a third party to disclose evidence and they fail to do so or destroy the evidence, the court shall impose a penalty.⁶⁾ If the penalty fails to serve its purpose, the court may take account of the noncompliance by

- a) finding a fact which could have been proved by the evidence proved;
- b) disregarding, in whole or in part, the defence of the party to the dispute which has been imposed the obligation referred to in the first sentence;
- c) finding the claims of the party to the dispute which has been imposed the obligation referred to in the first sentence unfounded, in whole or in part.

(6) The court may also take into account the breach of the obligation referred to in paragraph 5 when deciding on the obligation to bear the costs of the proceedings.

§13

Reward for qualified persons and costs of the proceedings

(1) If a qualified person succeeds in the proceedings for a redress measure the value of which can be established, the qualified person is entitled to a reward or a pro rata reward sought in the notice of action in proportion to the success in the case, however, not more than 20% of the amount recovered; the qualified person will satisfy its entitlement to the reward out of the value of the redress measure awarded. The pro rata reward will be determined by a court in its decision on the merits of the case as a percentage.

(2) If a qualified person succeeds in the proceedings for a redress measure the value of which cannot be established, the qualified person is entitled to a maximum reward of 100,000 euros.

(3) If a qualified person succeeds in the proceedings on abstract control in consumer matters, the qualified person is entitled to a maximum reward of 10,000 euros.

(4) The amount of the reward referred to in paragraph 2 and 3 will be determined by the court taking into account the circumstances and complexity of the case. In such cases, the court takes special account of the scope of actual or

potential harm caused to the registered consumers, the amount of the trader's profit or potential profit, the number of procedural actions taken by a claimant party, and the number of registered consumers.

(5) If more qualified persons participate in the proceedings, the court will determine the reward in proportion to the contribution of each claimant party to the outcome of the proceedings; the total reward shall not be higher than as it would have been if the cases had not been joined.

(6) The court shall award the costs of legal representation of a qualified person only if there are reasons which merit special consideration.

TITLE TWO PROCEEDINGS FOR A REDRESS MEASURE

§14

Proceedings for a redress measure under this Act shall mean proceedings concerning an action for the protection of the collective interests of consumers, within which the court may impose one or more redress measures on the trader.

§15

Notice of action

(1) Before bringing an action for a redress measure, a notice of action based on the template established by a generally binding regulation to be issued by the Ministry of Justice of the Slovak Republic (hereinafter referred to as the "ministry of justice") shall be published by a qualified person in the Commercial Journal at least two months before bringing an action for a redress measure; the qualified person shall ask the consumers to register their applications to that effect.

(2) A qualified person shall enter into an agreement with a notary public for maintaining a list of registered consumers and for depositing the funds by the notary public for the purpose of satisfying the claims of registered consumers participating in the proceedings (hereinafter referred to as the "designated notary public").

(3) The notice of action shall contain, in particular;

- a) the identification data of the notice of action;
- b) the identification of the claimant party;
- c) the identification of the defendant;
- d) a description of the facts of the case, including the identification of infringement;
- e) the proposed redress measure;
- f) the identification of the designated notary public;
- g) the manner and form of making a decision as to whether the qualified person will be in charge of reaching a settlement or similar conciliation in connection with the notice of action;
- h) the amount to be paid for submitting an application to register for a notice of action (hereinafter referred to as the "application") and the amount to be paid for withdrawing the consent to participate in the notice of action (hereinafter referred to as the "withdrawal of consent");
- i) the amount and/or the method of calculation of reward of the qualified person pursuant to §13;
- j) information that a registered consumer is not entitled to enter into an agreement on extrajudicial settlement with the defendant trader as regards the consumer's individual claim and, at the same time, is required to immediately notify the qualified person of having been contacted by the defendant trader with a view to reaching an extrajudicial settlement of his/her claim;
- k) information that a registered consumer may not individually pursue his/her claim under an enforcement title before the expiry of the time limit under §22(2);

- l) the language in which the qualified person is bringing an action for a redress measure;
- m) advice to consumers that the application can be filed with any notary public within the territory of the Slovak Republic.

(4) Unless the notice of action stipulates otherwise, the decision-making shall be, *mutatis mutandis*, subject to the provisions of the Commercial Code concerning joint stock companies. Any essential change in the notice of action shall be published by the qualified person in the Commercial Journal. An essential change in the notice of action shall always be deemed a change in the facts specified under paragraph 3(e) through (i).

§16

List of registered consumers

(1) The list of registered consumers containing the identification of consumers, including their applications, is maintained and regularly updated by the designated notary public. The designated notary public is required to provide information from the list of registered consumers and the registered consumers' applications to the court, the qualified person and the defendant trader upon their request. A qualified person may inspect the list of registered consumers as to whether a claim by a registered consumer corresponds to the infringement specified in the notice of action. A change in the person of the designated notary public shall be notified by the qualified person to the court without any delay.

(2) Consumers may opt-in to the notice of action by means of an application, the template of which will be established under a generally binding regulation to be issued by the ministry of justice, even after the proceedings have already commenced, but no later than when the court of first instance completes the taking of evidence. The court of first instance shall communicate the completion of evidence-taking to the designated notary public without any delay. The application may be filed with any notary public who is required to send it, including annexes thereto, to the designated notary public by electronic means through the Central Information System.⁷⁾ The application enters into effect upon its submission to a notary public and after the payment of the application fee. The filing of an application, including annexes thereto, with the notary public, or the sending of an application, including annexes thereto, to the designated notary public, the notification of a change in the list of registered claims and the provision of information under paragraph 1 shall not be subject to the provisions under a separate regulation⁸⁾.

(3) The application shall be filed in a manner specified in paragraph 2 and shall contain the basic requirements, otherwise it will be disregarded. The responsibility for the accuracy of information provided in the application and annexes thereto lies with the consumer. The basic requirements of the application are as follows:

- a) first name, surname, place of residence, identity number and the number of the consumer's bank account, if opened;
- b) name, place of residence and identity number of the claimant party;
- c) name, place of residence and identity number of the defendant;
- d) the identification data of the notice of action;
- e) consumer's statement that, by submitting an application;

(1) the consumer may not pursue his/her claim in other proceedings concerning actions for a redress measure from the same trader in the same case;

(2) the consumer shall not enter into an agreement on extrajudicial settlement with the defendant trader as regards the consumer's individual claim and that the consumer shall immediately notify the qualified person of having been contacted by the defendant trader with a view to reaching an extrajudicial settlement of that claim;

(3) the consumer shall refrain from individually pursuing his/her claim under an enforcement title before the expiry of the time limit under §22(2);

- f) the facts based on which the consumer has opted-in to the notice of action;
- g) an annex corresponding to the legal title from which the consumer derives his/her claim corresponding to the infringement specified in the notice of action, in particular a purchase contract between the consumer and the defendant trader.

(4) A registered consumer who has opted-in to the notice of action may not participate in other and/or individual proceedings on actions for a redress measure in the same case and against the same trader; such proceedings shall be suspended for the duration of the opt-in period under the notice of action. During the opt-in period, a registered consumer is required to comply with the obligations under paragraph 3(e).

(5) A registered consumer may, after submitting an application, opt out from participation in the notice of action by using a template which will be established under a generally binding regulation to be issued by the ministry of justice, but no later than when the court of first instance completes the taking of evidence. The withdrawal of consent (opt-out) under the first sentence shall be effective from the date of its delivery to the notary public and upon the payment of the opt-out fee. The withdrawal of consent under the first sentence may be filed with any notary public who is required to send it, including annexes thereto, to the designated notary public by electronic means through the Central Information System.⁷⁾

(6) The amount of the opt-in fee paid by the consumer for submitting an application to register for the notice of action and the amount of the opt-out fee paid by the consumer for withdrawing his/her consent shall be established by a generally binding regulation to be issued by the ministry of justice.

§17

Special procedural provisions

(1) An action for a redress measure, which also includes a notice of action under §15(3) and the corresponding list of registered consumers, may be filed against the trader by a qualified person; the parties to the dispute shall comprise the qualified person and the trader.

(2) Where at least twenty consumers have opted in within the time limit of two months from the publication of the notice of action under §15(1), the qualified person may bring an action for a redress measure before the court. The confirmation of compliance with the condition under the first sentence shall be issued to the qualified person by the designated notary public.

(3) Before the first hearing, the court shall order a preliminary hearing of the dispute.

(4) In the proceedings concerning an action for a redress measure, the court shall proceed, *mutatis mutandis*, in line with the provisions of the Code of Civil Dispute Procedure concerning consumer disputes.

(5) Where the court decides in favour of the action, it shall indicate, in the operative part of the decision, the redress measure, the number of registered consumers, the designated notary public as the place of performance, and the amount of reward of the qualified person; otherwise, the action shall be dismissed by the court. The decision referred to in the first sentence shall include an annex containing the list of consumers harmed and their claims.

(6) Where the court has decided that the trader is required to pay a pecuniary compensation, it shall determine the individual claims of registered consumers, including the financial amounts, and shall impose an obligation that the amount of pecuniary compensation be deposited⁹⁾ by the trader with the designated notary public. Where, taking into account the circumstances, it is not possible for the court to decide on a pecuniary compensation to be paid by the trader, it may determine, by using its own estimate, the relevant financial amount which may not exceed the amount of damage caused to the consumer; the first sentence shall apply *mutatis mutandis*. In addition to the parties to the dispute, the court shall also deliver the decision under this paragraph to the designated notary public in accordance with §16(1).

(7) Where the court has decided that the trader is required to provide non-pecuniary compensation, it shall determine the individual claims of registered consumers and shall adjust the ratios based on the nature of claims which were the subject of the court's decision.

(8) If consumers cannot be reasonably required to continue the contractual relationship with the trader because of the content of the obligation or the exercise of rights and compliance with obligations by the trader, the court may impose through its decision, as a redress measure and upon a proposal by the qualified person, an obligation on the trader to terminate the contractual relationship and to settle with the consumers the mutual claims arising from the contractual obligation within the time limit specified in the decision.

(9) Where a qualified person proposes that a trader be imposed a redress under which the trader, after having terminated the contractual relationship, would have to continue to comply with its obligation, the court may, through its decision, impose an obligation on the trader to comply with its obligation under the agreed contractual terms.

(10) Based on a final decision, the registered consumers are entitled to claim redress determined by that decision without having to bring an individual action or comply with any other condition sought by the trader in connection with the deposit vested with the notary public. A registered consumer is entitled to claim redress within the same case and against the same trader only once.

(11) The designated notary public shall, without any delay after the delivery of the final decision and after the pecuniary compensation is deposited with the notary public, satisfy the claims of registered consumers according to the information provided in the application form and of the qualified person in terms of the reward under §13(1). The designated notary public shall, at the request of the trader or a person who demonstrated a legal interest, issue a certificate confirming the satisfaction of claims under the previous sentence. The claims regarding the payment of the pecuniary compensation deposited with the notary public as per the first sentence shall expire after three years from the date on which the decision becomes final. Where the trader has deposited only a part of the pecuniary compensation, the notary public authorised by the qualified person shall satisfy the claims of the registered consumers and the qualified person on a pro rata basis.

(12) If, after the expiry of the period referred to in paragraph 11, there are unpaid funds which remain deposited with the notary public, such amount shall accrue to the State. The designated notary public shall inform the ministry of economy about the financial amount accruing to the State.

(13) Redress obtained through a decision for a redress measure under paragraph 5 shall be without prejudice to any other remedies which are available to registered consumers and were not the subject of the proceedings for a redress measure.

§18

Costs of proceedings

(1) The qualified person, notary public or the designated notary public may not request from the consumer, in connection with the proceedings for a redress measure, other payments than the opt-in fee for submitting an application or the opt-out fee for the withdrawal of consent, as specified in the notice of action, which include the fee of the notary public and the reimbursement of the notary's out-of-pocket expenses.

(2) The costs of the proceedings for a redress measure may be paid by a third party. In this connection, a qualified person may not be influenced by a third party in a manner that would be detrimental to the collective interests of the consumers concerned by such action and an action may not be brought against a defendant that is a competitor of the third party or against a defendant on which the third party is dependent.

(3) Where any doubts arise with respect to the proceedings for a redress measure, the court shall assess the breach of obligation referred to in the second sentence of paragraph 2.

(4) Where the court finds a breach of obligation under the second sentence of paragraph 2, it shall require the qualified person to refuse or make changes in the funding of the action; otherwise, the court shall reject the action. This shall be without prejudice to the rights of registered consumers participating in the proceedings for a redress measure.

§19

Reimbursement of the costs of proceedings

(1) A registered consumer who participates in the proceedings for a redress measure shall not pay the costs of the proceedings for a redress measure, unless paragraph 2 stipulates otherwise.

(2) In exceptional circumstances, a registered consumer participating in the proceedings under paragraph 1 may be requested to pay the costs of proceedings that were incurred as a result of such consumer's intentional or negligent conduct.

§20

Settlement

(1) A qualified person is required to notify the registered consumers of its intention to reach a settlement with the trader no later than 15 days before reaching a settlement. Where a registered consumer refuses that a settlement should be reached, he/she may, within the time limit of 10 days from the notification under the first sentence, opt out from participation in the notice of action by following the procedure under §16(5) of this Act.

(2) The settlement under paragraph 1 shall be examined and, if it is not contrary to the generally binding regulations or principles of morality, approved by the court.

(3) If the settlement is not approved by the court, the proceedings for a redress measure shall continue.

(4) Approved settlement shall be binding upon the qualified person, the trader and the registered consumers.

(5) Redress obtained through the approved settlement in accordance with paragraph 4 shall be without prejudice to any other remedies which are available to the registered consumers and were not the subject of that settlement.

§21

Effects of the decision

The operative part of the final decision pursuant to §17(5), by which the court has determined the redress measure, shall be binding on the qualified person, the trader and the registered consumers.

§22

Enforcement of the decision

(1) The rights of registered consumers participating in the proceedings for a redress measure, which have been lawfully awarded to them within the proceedings for a redress measure, shall be enforced jointly within a single enforcement procedure.

(2) The motion for enforcement shall be filed, without any delay and no later than within three months of the court decision becoming enforceable, by the qualified person that is a party to the enforcement proceedings and has standing as a beneficiary¹⁰).

(3) Where a qualified person does not file the motion pursuant to paragraph 2, is subject to enforcement proceedings or where bankruptcy has been declared over the qualified person's assets, the registered consumer is entitled to request the court to issue a certificate of claim, which constitutes an enforcement title.

(4) The registered consumer shall proceed in accordance with paragraph 3 also where the trader is the subject of bankruptcy proceedings, is in bankruptcy or restructuring, or a petition for the declaration of bankruptcy against it has been dismissed for the lack of assets.

TITLE THREE

PROCEEDINGS ON ABSTRACT CONTROL IN CONSUMER MATTERS

§23

(1) Proceedings on abstract control in consumer matters (hereinafter referred to as "proceedings on abstract control") under this Act shall mean proceedings on the action for the protection of the collective interests of consumers in which the court examines whether a contractual term in a consumer contract or in other contractual documents related to the consumer contract is unacceptable, while also examining unfair commercial practices and other infringement of the provisions of consumer protection legislation, irrespective of the circumstances of the particular case.

(2) An action under paragraph 1 may be brought against a trader by a qualified person or by a supervisory authority or a self-regulatory authority under a separate regulation with legal personality. The action shall be accompanied by a

written record of the consultation held in accordance with paragraph 3 or a statement of the reasons why the consultation was not held.

(3) If the action does not include a proposal for a provisional measure, the qualified person or authority under paragraph 2 shall, before bringing an action under paragraph 1, enter into consultations with the trader concerned with the aim of having that trader cease the infringement of consumer protection legislation; if the trader does not cease the infringement within 14 days of receiving a written request for consultation, the qualified person or authority under paragraph 2 may bring an action.

(4) In bringing an action under paragraph 1, consumers are not required to be parties to the proceedings. A qualified person or an authority referred to in paragraph 2 shall not be required to prove

- a) the actual loss or damage to individual consumers caused by the infringement of consumer protection legislation; or
- b) the intent or negligence on the part of the trader.

(5) A hearing need not be ordered.

(6) The provisions of §22 shall apply, mutatis mutandis, to the proceedings on abstract control.

§24

(1) If the court upholds the action, it shall determine, in the operative part of its decision, the unacceptability of the contractual term and shall expressly state the wording of such contractual term, shall determine in the operative part that the commercial practice is unfair or shall determine, in the operative part, an infringement of the consumer protection legislation; otherwise, it shall dismiss the action.

(2) Where the court determines that the contract term is unacceptable, determines that the commercial practice is unfair or determines an infringement of consumer protection legislation, it shall prohibit the trader from using such contractual term or a contractual term having the same meaning in all consumer contracts or other contractual documents relating to the consumer contract, prohibit the trader from using the unfair commercial practice or from acting in conflict with the consumer protection legislation.

§25

Effects of the decision

The operative part of the final decision pursuant to §24(1) by which the court determines the unacceptability of the contractual term shall be binding upon every person.

PART FOUR COMMON, TRANSITIONAL AND FINAL PROVISIONS

Common provisions

§26

(1) During the proceedings for a redress measure, the limitation period shall be suspended in relation to registered consumers, as far as their individual claims against the defendant are concerned.

(2) The limitation period shall be suspended during the proceedings on abstract control in relation to the rights of consumers corresponding to redress measures if they are based on the infringement which was the subject of the proceedings on abstract control.

§27

(1) The ministry of economy, in exercising its authority under this Act, shall

- a) communicate to the European Commission, for the first time by 26 December 2023, the qualified persons included in the list of qualified persons and, thereafter, shall notify the European Commission whenever there are changes to that list;
- b) act as a national contact point for the purposes of monitoring the qualified persons, promoting and facilitating cooperation between qualified persons and the exchange and dissemination of their best practices and experience as regards dealing with domestic infringements and cross-border infringements as referred to in §2;
- c) provide the European Commission, for the first time by 26 June 2027 and annually thereafter, with the following information:
 1. the number and type of proceedings on the actions for the protection of the collective interests of consumers that have been concluded before the courts;
 2. the type of infringements referred to in §2 and the parties to those proceedings on the actions for the protection of the collective interests of consumers;
 3. the outcomes of those proceedings on the actions for the protection of the collective interests of consumers referred to in points 2 and 3.

(2) Unless otherwise provided in Part One to Part Three of this Act, the legal relations governed by this Act shall be subject to the Civil Code.

(3) Inclusion in the list of qualified persons and deletion from the list of qualified persons shall be subject to the Code of Administrative Procedure. The Code of Administrative Procedure shall not apply to the course of action undertaken by qualified persons.

(4) Unless this Act provides otherwise, the proceedings on an action for the protection of the collective interests of consumers shall be subject to the Code of Civil Dispute Procedure.

§28

Transitional provisions

(1) The provisions of this Act shall apply to the proceedings on the action for the protection of the collective interests of consumers which commenced after 25 July 2023.

(2) The procedure under this Act may not be applied in the proceedings for a redress measure for an infringement that has arisen before 24 July 2020.

(3) The provisions of section 26 shall apply only to an infringement which arises after 25 July 2023.

§29

Transposing provision

This Act transposes the legally binding acts of the European Union listed in the Annex.

Article II

Act No. 160/2015 Coll., the Code of Civil Dispute Procedure, as amended by Act No. 87/2017 Coll., Act No. 350/2018 Coll., Act No. 423/2020 Coll., Act No. 211/2021 Coll., Act No. 108/2022 Coll., Act No. 111/2022 Coll., Act No. 150/2022 Coll., Act No. 398/2022 Coll. and Act No. 201/2023 Coll., is amended as follows:

1. §31 is deleted, including the heading.
2. In §40, the words “if the defendant has raised the objection not later than upon the first procedural action that belongs to it” shall be replaced by the words “until the hearing or preliminary hearing of the case is opened” .

3. The second section in Chapter One of Title Two in Part Three is deleted.
4. After §471d, §471e is inserted, which reads as follows, including the heading:

“§471e

Transitional provisions to amendments effective from 25 July 2023

The proceedings on the abstract control in consumer matters which were commenced and not finally concluded by 24 July 2023 shall be completed pursuant to this Act in the wording effective until 24 July 2023 before the courts having territorial or material competence pursuant to regulations in force until 24 July 2023; the foregoing shall not apply if, pursuant to a separate regulation, the exercise of jurisdiction is transferred from a court having material and territorial competence to another court.

5. In the Annex, point 8 is deleted and the existing point 9 is renumbered as point 8. At the same time, new point 9 is added, which reads as follows:

“9. 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 (OJ L 409, 4.12.2020).“

Article III

Act No. 71/1992 Coll. of the National Council of the Slovak Republic on court fees and the fee for an extract from criminal records, as amended by Act No. 89/1993 Coll. of the National Council of the Slovak Republic, Act No. 150/1993 Coll. of the National Council of the Slovak Republic, Act No. 85/1994 Coll. of the National Council of the Slovak Republic, Act No. 232/1995 Coll. of the National Council of the Slovak Republic, Act No. 12/1998 Coll., Act No. 457/2000 Coll., Act No. 162/2001 Coll., Act No. 418/2002 Coll., Act No. 531/2003 Coll., Act No. 215/2004 Coll., Act No. 382/2004 Coll., Act No. 420/2004 Coll., Act No. 432/2004 Coll., Act No. 341/2005 Coll., Act No. 621/2005 Coll., Act No. 24/2007 Coll., Act No. 273/2007 Coll., Act No. 330/2007 Coll., Act No. 511/2007 Coll., Act No. 264/2008 Coll., Act No. 465/2008 Coll., Act No. 71/2009 Coll., Act No. 503/2009 Coll., Act No. 136/2010 Coll., Act No. 136/2010 Coll., Act No. 381/2011 Coll., Act No. 381/2011 Coll., Act No. 286/2012 Coll., Act No. 297/2012 Coll., Act No. 297/2012 Coll., Act No. 64/2013 Coll., Act No. 125/2013 Coll., Act No. 347/2013 Coll., Act No. 357/2013 Coll., Act No. 204/2014 Coll., Act No. 87/2015 Coll., Act No. 253/2015 Coll., Act No. 267/2015 Coll., Act No. 273/2015 Coll., Act No. 390/2015 Coll., Act No. 402/2015 Coll., Act No. 438/2015 Coll., Act No. 91/2016 Coll., Act No. 125/2016 Coll., Act No. 307/2016 Coll., Act No. 342/2016 Coll., Act No. 2/2017 Coll., Act No. 54/2017 Coll., Act No. 141/2017 Coll., Act No. 152/2017 Coll., Act No. 238/2017 Coll., Act No. 52/2018 Coll., Act No. 345/2018 Coll., Act No. 211/2019 Coll., Act No. 216/2019 Coll., Act No. 384/2019 Coll., Act No. 390/2019 Coll., Act No. 68/2021 Coll., Act No. 395/2021 Coll., Act No. 403/2021 Coll., Act No. 111/2022 Coll., Act No. 325/2022 Coll., Act No. 192/2023 Coll. and Act No. 201/2023 Coll. is amended as follows:

1. In §1(1), the words “No. 1” are inserted after the word “Annex”.
2. In §4(2), new sub-paragraph (w) is added and reads as follows:

“(w) the claimant party in the proceedings on an action for the protection of the collective interests of consumers pursuant to a separate regulation.^{4aaa)}“

Footnote 4aaa reads as follows:

“^{4aaa)} Act No. 261/2023 Coll. on actions for the protection of the collective interests of consumers and on amendments to certain acts.”

3. In §9(10), the words “No. 1” are inserted after the word “in Annex”.
4. After §18m, §18n is inserted and reads as follows, including the heading:

“§18n

Transposing provision

This Act transposes the legally binding acts of the European Union listed in Annex 2.

5. The current Annex is renumbered as Annex 1, and Annex 2 is added, which reads as follows, including the heading:

**“Annex 2
to Act No 71/1992 Coll.**

LIST OF TRANSPOSED LEGALLY BINDING ACTS OF THE EUROPEAN UNION

“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 (OJ L 409, 4.12.2020).“.

Article IV

Act No. 250/2007 Coll. on consumer protection and on amendments to Act No. 372/1990 Coll. of the Slovak National Council on offences, as amended by Act No. 397/2008 Coll., Act No. 318/2009 Coll., Act No. 575/2009 Coll., Act No. 508/2010 Coll., Act No. 301/2012 Coll., Act No. 132/2013 Coll., Act No. 437/2013 Coll., Act No. 102/2014 Coll., Act No. 106/2014 Coll., Act No. 151/2014 Coll., Act No. 199/2014 Coll., Act No. 373/2014 Coll., Act No. 273/2015 Coll., Act No. 391/2015 Coll., Act No. 271/2018 Coll., Act No. 170/2018 Coll., Act No. 198/2020 Coll., Act No. 186/2021 Coll., Act No. 455/2021 Coll. and Act No. 208/2022 Coll., is amended as follows:

1. In §19(2)(g), point 2 is deleted.

The existing point 3 is renumbered as point 2.

2. §25(1) reads as follows:

“(1) An association may submit a motion for a provisional measure pursuant to section 21(1) to the supervisory authority or represent, on the basis of a power of attorney, the consumer in the proceedings before public authorities.”.

3. In §25, paragraphs 2 through 4 are deleted.

The current paragraphs 5 and 6 are renumbered to become paragraphs 2 and 3.

4. In Annex 2, point 8 is deleted.

The current points 9 and 10 are renumbered to become points 8 and 9.

Article V

Act No. 136/2010 Coll. on services in the internal market and on amendments to certain acts, as amended by Act No. 301/2012 Coll., Act No. 106/2018 Coll. and Act No. 351/2022 Coll., is amended as follows:

1. Footnote 28 reads as follows:

“²⁸⁾ Act No. 250/2007 Coll. as amended.

Act No. 261/2023 Coll. on actions for the protection of the collective interests of consumers and on amendments to certain acts.”.

2. In Annex, point 2 is deleted.

The current point 3 is renumbered to become point 2.

Article VI

Act No. 161/2011 Coll. on consumer protection while providing certain services related to tourism and on amendments to certain acts, as amended by Act No. 301/2012 Coll. and Act No. 102/2014 Coll., is amended as follows:

1. Footnote 2 reads as follows:

“²⁾ Civil Code.

Act No 250/2007 Coll. as amended.

Act No. 261/2023 Coll. on actions for the protection of the collective interests of consumers and on amendments to certain acts.”.

2. In Annex 6, point 2 is deleted.

At the same time, the first point shall not be numbered.

Article VII

Act No. 350/2016 Coll. on certain rules for the enforcement of claims for damages caused by an infringement of the competition law and amending Act No. 136/2001 Coll. on the protection of competition and on amendments to Act No. 347/1990 Coll. of the Slovak National Council of the Slovak Republic on the organisation of ministries and other central administration bodies of the Slovak Republic, as amended, is amended as follows:

In §1, the following sentence is added: “For the collective exercise of the rights of consumers to compensation under the first sentence, the provisions of a separate regulation shall apply accordingly.¹⁾”

Footnote 1 reads as follows:

“¹⁾ Act No. 261/2023 Coll. on actions for the protection of the collective interests of consumers and on amendments to certain acts.”

The current reference to footnote 1 is renumbered to become reference to footnote 1a and the current footnote 1 is renumbered to become footnote 1a.

Article VIII

This Act shall enter into force on the date of its publication, except for Article I, Article II(1) and (3) to (5) and Articles III to VII, which shall enter into force on 25 July 2023.

Boris Kollár

Ľudovít Ódor

LIST OF TRANSPOSED LEGALLY BINDING ACTS OF THE EUROPEAN UNION

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 (OJ L 409, 4.12.2020).

- 1) §52(1) of the Civil Code.
- 2) §2(1) of the Commercial Code, as amended by Act No. 112/2018 Coll.
- 3) For example, Act No. 138/1992 Coll. of the Slovak National Council on authorised architects and authorised civil engineers, as amended, Act No. 586/2003 Coll. on Legal Profession and on amendments to Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act), as amended.
- 4) For example, §3 of Act No. 128/2002 Coll. on state control of the internal market in consumer protection matters and on amendments to certain acts, as amended, §1(2) of Act No. 747/2004 Coll. on financial market supervision and on amendments to certain acts, as amended by Act No. 132/2013 Coll.
- 5) §128 of Act No. 264/2022 Coll. on media services and on amendments to certain acts (Media Services Act).
- 6) §102 of the Code of Civil Dispute Procedure.
- 7) §29(4) of Act No. 323/1992 Coll. of the Slovak National Council on notaries and notary activities (Notary Code), as amended.
- 8) Act No. 305/2013 Coll. on the electronic form of the exercise of competences by public authorities and on amendments to certain acts (Act on e-Government).
- 9) §65 et seq. of Act No. 323/1992 Coll. of the Slovak National Council.
- 10) §35(1) of Act No. 233/1995 Coll. of the National Council of the Slovak Republic on enforcement agents and enforcement proceedings (the Enforcement Code) and on amendments to other acts, as amended.