**CMS Expert Guide to European class actions**

Class actions have been on the rise in Europe for a number of years, but the rate is accelerating. New procedural devices intended to better facilitate collective redress continue to be introduced. Often these mechanisms operate on an opt-in basis, but we are also seeing the expansion of U.S.-style opt-out devices. Developments of particular interest are: the UK’s opt-out class action mechanism for antitrust claims; the Dutch opt-out mechanism introduced in January 2020; and the EU’s Representative Action Directive, that passed into law in December 2020. Although opt-out mechanisms present a particular risk for defendants, opt-in mechanisms can also facilitate complex and high value claims such as the consumer “Dieselgate” claims that are progressing in a number of European jurisdictions.

Claimant law firms are taking advantage of these developing procedural mechanisms and they are being increasingly aggressive. New litigation boutiques are proliferating and claimant law firms are coordinating on cross-border matters. Litigation funding is also expanding across Europe and funders are particularly attracted to class actions, given the returns that can be made.

Events of the magnitude that lead to class actions are often cross-border by nature, potentially leading to mass claims in multiple countries. Europe’s patchwork of opt-in and opt-out mechanisms presents a complex picture for scoping and ultimately reducing litigation exposure. This Expert Guide to European class actions outlines the key procedural parameters of collective redress mechanisms across Europe in a summary form. It includes a tool for contrasting different jurisdictions.

In addition to the chapters for each country, the guide includes a summary of the key provisions of the Representative Actions Directive. The Directive sets forth a series of minimum standards for consumer collective redress that Member States must comply with. Most Member States will be required to make at least some changes to their procedural law to better facilitate collective proceedings, and many countries may choose to go further than the minimum standards. Consistent with its purpose, the Directive is likely to further accelerate the momentum towards class actions in Europe.

We hope you find this guide useful in understanding the key features of European Class Actions. Should you require more information or advice, whether in the jurisdictions covered here or beyond, please contact your usual CMS contact.

<https://cms.law/en/int/expert-guides/cms-expert-guide-to-european-class-actions>