

## Class action in Italy – draft of the reform and main differences with other class actions in other jurisdictions

Comparative table (15 October 2018)

	US	UK	Germany	France	Spain	The Netherlands	Italy – new reform
<b>Latest reform entered into force (date)</b>	18 February 2005	1 October 2015	18 July 2018	17 march 2014	22 July 2015	1 July 2004	Under approval.
<b>Actionable rights</b>	Individual rights	Individual rights	Consumer and investor rights	Consumer and specific individual rights	Consumer rights	Individual homogenous rights	Individual homogenous rights
<b>Who is entitled to start an action?</b>	Representative person of the class	Individuals (minimum 2 individuals)  Consumer associations in some cases	Consumer associations or investors (minimum 10 individuals)	Consumer associations (minimum 2 individuals)	Consumer associations (no minimum number of individuals)	Associations or foundations (no minimum number of individuals)	Associations, organisations or individuals (no minimum number of individuals)
<b>Opt in/opt out system</b>	Opt out	Opt in  Opt out when class action is based on an Authority decision	Opt in	Opt in	Opt in	Opt in	Opt in
<b>Outcome: AN/Quantum (Declaratory judgement /Quantification of damages)</b>	Judgement on responsibility and damages	Judgement on responsibility and damages  Judgement on responsibility are not necessary when the class action is based on an Authority decision	Judgement on responsibility Individuals to file single claims to seek for damages	Judgement on responsibility and damages (or criteria)  Follow on action to seek for damages initiated by the Association only.	Judgement on responsibility  Individuals to file single claims to seek for damages. Claims may be also initiated by the public prosecutor	Judgement on responsibility  Individuals to file single claims to seek for damages	Judgement on responsibility  Representative of claimants to manage the quantum phase
<b>What is the final term for claimants to adhere to the action?</b>	Individuals are part of the class automatically unless they opt out	The court sets the deadline at the moment the class is created (before the decision)  For Opt out cases: Individuals are part of the class automatically unless they opt out	Consumers: until day before first hearing  Investors: within six months from publication of notice of the proceedings	Within maximum 6 months from publication of the Judgement on responsibility	Within 2 months after the publication of filing  Non-adhered individuals can still request recognition and enforcement after the judgement	No deadline for single claimants to use the judgement on responsibility for individual follow-on actions	Within the deadline fixed by the Tribunal, after the judgement on responsibility