

## 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)<br><br>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<br><br>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<br><br>Judgement on responsibility are not necessary when the class action is based on an Authority decision                               | Judgement on responsibility<br>Individuals to file single claims to seek for damages  | Judgement on responsibility and damages (or criteria)<br><br>Follow on action to seek for damages initiated by the Association only. | Judgement on responsibility<br><br>Individuals to file single claims to seek for damages. Claims may be also initiated by the public prosecutor  | Judgement on responsibility<br><br>Individuals to file single claims to seek for damages                 | Judgement on responsibility<br><br>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)<br><br>For Opt out cases: Individuals are part of the class automatically unless they opt out | Consumers: until day before first hearing<br><br>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<br><br>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           |