

Case law

Case Details

National ID: 5 A 93/2012 - 60

Member State: Czechia

Common Name: link

Decision type: Court decision, first degree

Decision date: 11/11/2016

Court: Regional Court in Prague

Subject:

Plaintiff: Unicampus

Defendant: Ministry of industry and trade

Keywords: administrative authority, consumer, consumer rights, consumer rights organisation

Directive Articles

Injunctions Directive, [Article 3, \(b\)](#)

Headnote

A society can only be a participant of process, if the matter is directly related to the activity of the society. The society cannot be participant of process in cases of other subjects, even if the cases are related protection of consumers.

Facts

Defendant decided earlier to dismiss a legal action of the plaintiff, because the plaintiff is not considered a participant of process because of his legal nature (society) according to the national laws. However, the plaintiff stated that a society should be allowed to be a participant of process according to the Directive 2009/22/EC and that this directive is not duly implemented and not duly applied by Czech authorities. The protection of the consumer is still ensured according to the Directive 2009/22/EC, because the consumer can still use the legal action.

Legal issue

The legal action was dismissed and none of the parties have the right to payment of the costs of proceeding.

Decision

Can societies be participants of process in cases of protection of consumer according to the national laws and the Directive 2009/22/EC?

Full text: [Full text](#)

Related Cases

No results available

Legal Literature

No results available

Result

The court confirmed argumentation of the decision of Supreme Administrative Court no. 9 Ans 11/2013 and stated, that the Directive 2009/22/EC should ensure better conditions for consumers and their protection. It means that consumers can directly sue in cases of their protection and this main goal of the directive is fulfilled. The plaintiff is not considered as participant of process because in this case the previous decision of the defendant does not relate directly to the plaintiff. The protection of the consumer according to the Directive 2009/22/EC is still ensured, because the subject of the previous process still has the opportunity of court protection.