

**Comment and questions on Prof. Stadler's presentation:  
"The Implementation of the Representative Action Directive (EU 2020/1828)  
in Germany"**

Dr. Antonios Karaiskos  
Professor  
Faculty of Law, Ryukoku University

I would like to deeply thank Prof. Stadler for the highly informative presentation on the implementation of directive 2020/1828 in Germany. I still remember, around 10 years ago, the problematic about representative actions in the European Union as analyzed in a lecture by prof. Micklitz in Japan, during which I served as an interpreter.

I am currently a member of the board of directors in a Japanese specified qualified consumer organization in Osaka, entitled by the law to file both for injunctions and collective redress. My experience is that all specified qualified and qualified consumer organizations in Japan are in lack of sufficient financial resources, due to strict restrictions on third-party funding and limited state funding. Therefore, a strict selection of cases for which collective lawsuits are chosen as a means of resolution takes place, to the detriment of consumer interests.

In February and March 2021, I participated as an interpreter in an online research conducted jointly by the Japan Federation of Bar Associations and the Kyoto Bar Association, about the Representative Action Directive. My impression from the interviews we conducted with academics and consumer organizations in Europe, was that at that time, there was in general a positive reaction to the provisions of the Directive related to third-party funding, as a possible solution to the financial problems of consumer organizations in the EU. However, your presentation today indicated how such positive perspectives can be influence by the content of implementation in each Member State.

I would like to ask three small questions with regard to this issue.

The first question is, why the issue of funding of representative actions was not considered by the German legislature in detail, although it is a key issue and it was discussed at length in legal literature.

The second question is, whether there is possibility that the provisions related to funding of representative actions in Germany, could be said to be against the requirement of effective implementation of the Directive, even if taking into consideration the discretion recognized to Member States by the Directive.

The third and last question is, what the reaction of *vzbv* and/or other major consumer associations was, regarding the strict restrictions placed on funding of representative actions in Germany.