

QUESTIONS FOR PROF. PROFESSOR DR. DR. H.C. ASTRID STADLER

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From: Álvaro Pérez Ragone (Pontificia U. Católica del Perú)

I. Regarding the *Digitisation and civil procedure in Germany*

1. Could you explain the structuring BASIS DOCUMENT Roughly speaking, structuring can take place along two boundary lines: first Horizontally STRUCTURING and Second vertically STRUCTURING?
2. REEGARDING THE vertically STRUCTURING? IMPORTANCE OF THE *Der Beibringungsgrundsatz als Basis vertikaler Strukturierung*
3. Is there some metrical, statistical out come of The pilot project on the “basic document”?
4. What about the AI for the future in Germany?

II. Regarding the THE IMPLEMENTATION OF THE REPRESENTATIVE ACTION DIRECTIVE (EU 2020/1828) IN GERMANY

1. The Member States must implement such an instrument in their procedural system and it may take various forms: actions may be brought for damages, repair, price reduction, termination or rescission of contracts etc. Consumers must directly benefit from the representative action and must not be forced to bring individual follow-up actions to enforce their rights. Which is the vision in Germany regarding the RAD implementation iin general?

2. How do you evaluate the that the Directive does not specify whether the qualified entities file the action based on their own entitlement or whether they enforce the consumers' claims in their own name as nominal plaintiffs?

3. Why do you think the RAD takes a very cautious approach with respect to funding of representative actions?. It does neither forbid nor order that third-party funding be allowed.

4. Why do you think The implementation of the RAD is definitely a step forward with respect to the enforcement of consumer claims compared to the situation in the past? The German Consumer Rights Enforcement Act is, however, not the best possible solution?

III. Regarding the MODEL EUROPEAN RULES OF CIVIL PROCEDURE 2020 - THE ELI/UNIDROIT PROJECT ON HARMONIZATION OF CIVIL PROCEDURE RULES

1. Regarding The *nemo contra se edere tenetur* principle, why it is applied very rarely in modern civil litigation? Germany and many Countries Southamerica are really exceptions to that and has a standard of access to evidence that is not in line with international standards.

2. Linked with the *nemo contra se* how do you evaluate a) Party co-operation and principle of fact-pleading together with the b) Access to information and evidence?