

CLASS ACTION INSTITUTE AS A LEGAL PROTECTION MEASURE OF PUBLIC INTEREST IN THE FIELD OF CONSUMER RIGHTS

Ramūnas Jucevičius, Mg. iur., PhD student,
Kazimieras Simonavičius University, *Lithuania*
Turība University, *Latvia*

Introduction

The Object of the Research - is the institute of class action in Lithuanian civil proceedings.

The Purpose of the Research - is to reveal and show the relationship of public interest with the institute of class action in Lithuanian civil proceedings ensuring the protection of consumer rights.

The Research Hypothesis. Does the institute of class action in Lithuanian civil proceedings ensure effective protection of the public interest in the field of consumer rights and an effective mechanism for protection of individual consumer rights?

The Findings of the Research

- The existence of two models of civil procedure (Individualistic and Collective) led to the formation of two main concepts of a class action institute:
 - 1) opted-in (*opt-in*);
 - 2) opted-out (*opt-out*).
- An analysis of these two concepts of class action institute highlights the advantage of the *opt-out* concept.
- Despite the fact that the *opt-out* class action ensures the efficiency and concentration of the process the most, the concept of the *opt-in* was established in the Lithuanian legal system with the new legal regulation.

The Findings of the Research

- The significance of the protection of consumer rights, by its nature, automatically falls within the scope of protection of the public interest.
- In Lithuanian civil proceedings there are no effective conditions for the protection of both: **groups of individuals and in case of mass violations of consumer rights.**
- The rights of consumers who are unable to participate in the process are not protected. In this way, the protection of the public interest is not fully guaranteed.
- The existing class action institute presupposes a limited consumer protection mechanism in civil proceedings due to imperative procedural obstacles requiring at least twenty members to bring an action and the active involvement of members in the proceedings

The Conclusions and Recommendations of the Research

- 1) The institute of class action established in Lithuanian civil proceedings limits the protection of the interests of an indefinite group of consumers in cases of mass violations of law. It is recommended to apply the classical *opt-out* class action process model in Lithuanian civil proceedings and systematically combine it with the *opt-in* group claim model.
- 2) The established legal regulation of a class action does not ensure effective protection of the public interest in the field of consumer rights in the event of a single violation of the law. It is recommended to establish a separate legal framework to provide consumers as individual claimants with additional guarantees in civil proceedings compared to a general action.

Consumer rights are worthless without enforcement

“If consumers are offered inferior products, if prices are exorbitant, if drugs are unsafe or worthless, if the consumer is unable to choose on an informed basis, then his dollar is wasted, his health and safety may be threatened, and the national interest suffers.”

- John Fitzgerald Kennedy