

Ítélezési gyakorlat**Az ügy részletei**

Nemzeti azonosító: Court of Appeals, Judgment Pf.I.20.081/2018/5/I

Tagállam: Magyarország

Közhasználatú név: N/A

Határozat típusa: Megtámadott bírósági határozat

A határozat napja: 12/04/2018

Bíróság: Court of Appeals

Tárgy:

Felperes:

Alperes:

Kulcsszavak: consumer rights, consumer debt

Az irányelv cikkei

Unfair Contract Terms Directive, [Article 3, 3.](#)

Megjegyzés

Plaintiffs attempt to get out of a foreign currency loan by claiming unfair contract terms in the loan contract relating to the mortgage and notary clause.

Tények

Plaintiffs and defendants entered into a foreign currency loan contract in August 2007, supported by a property mortgage. In particular, the contract included two terms. One clause stated that all processes and documentation related to the debtors' debts would be validated by a public notary, and similarly, in case of foreclosure, the process would be validated by a public notary. The other clause stated that in the case that the mortgaged property suffered a reduction in value, enough to threaten the fulfilment of the contract, then the debtors will be obligated to supply the missing value to compensate. Furthermore, if the debtors fail to do this on their own volition, the lender may rely on this right even if the original loan has not yet expired.

These two terms were attacked by the plaintiffs in court, citing unfair contract terms. The Court of First Instance, found that the final part of the second clause (that the lender may exercise this clause even if the loan has not yet expired) was invalid, but otherwise ruled against the plaintiffs' claim. This was appealed by the plaintiffs, citing numerous legal sources including the 93/13/EEC Directive.

Jogi kérdés

A question arose as to whether the examination of community law was necessary for reaching a decision on the case.

Határozat

The Court decided that the examination of community law is not relevant for this case, instead the acting Court must decide whether these terms are unfair as per the domestic decree that was implemented in the 93/13/EEC Directive.

Teljes szöveg: [Teljes szöveg](#)

Kapcsolódó ügyek

Nincs találat

Jogi szakirodalom

Nincs találat

Eredmény

The court rejected the appeal.