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## Case law

### Case Details

**National ID:** No. 4 Nd 226/2008

**Member State:** Czech Republic

**Common Name:**link

**Decision type:** Other

**Decision date:** 25/06/2008

**Court:** Nejvyšší soud (Supreme court)

**Subject:**

**Plaintiff:**

**Defendant:**

**Keywords:**

### Directive Articles

Unfair Contract Terms Directive, [Article 1, 1.](#)

### Headnote

Determination of local jurisdiction – lease contract – Directive 93/13/EEC

### Facts

The Supreme Court determined the local jurisdiction under Section 11(3) of the Rules of Civil Procedure in a case concerning a lease contract. Pursuant to said provision, where a case falls within the jurisdiction of the courts of the Czech Republic, but the requirements of local jurisdiction are not met or cannot be ascertained, the Supreme Court is to determine which court will hear and decide the case.

The case at issue concerned a lease contract entered into between the plaintiff and the defendant, accompanied by a local jurisdiction agreement, by which the forum of the plaintiff (supplier) was selected. The District Court had ruled that it did not have jurisdiction, as it deemed the clause selecting the District Court in České Budějovice as the forum to be an unlawful provision in a consumer contract and therefore null and void. The District Court had based its decision on the Judgment of the European Court of Justice in Joined Cases C-240/98 to C-248/98. It results from the Judgment that provisions establishing the local jurisdiction of a court corresponding to the supplier's domicile, and at the same time not corresponding to the consumer's domicile, are unlawful clauses, as they are contrary to the provisions of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts.

### Legal issue

The Supreme Court arrived at the same conclusion as the District Court. The contract entered into between the parties was of the nature of a consumer contract. The Court pointed out that consumer protection law achieves the protection of consumers in particular by prohibiting certain contractual provisions being the most frequently appearing unfair terms. The Supreme Court considered the local jurisdiction agreement in question, which was part of the terms and conditions constituting an integral part of the lease contract, to be such a provision. Hence, the clause was unlawful and therefore null and void.

### Decision

Full text: [Full text](#)

### Related Cases

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### Legal Literature

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### Result

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