

Case law

Case Details

National ID: 18C/85/2010

Member State: Slovakia

Common Name: link

Decision type: Court decision, first degree

Decision date: 23/03/2011

Court: District court Košice II, (Košice)

Subject:

Plaintiff: blacked out

Defendant: blacked out

Keywords: bait advertising, Consumer Credit Directive, decision to purchase, financial services, misleading statements

Directive Articles

Unfair Commercial Practices Directive, [Chapter 2, Article 5, 1](#). Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6, 1., \(b\)](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 7, 1](#).

Headnote

Providing information to a consumer, which is false or deceiving and relates to non-defined future obligations, constitutes an unfair commercial practice.

Facts

The plaintiff and the defendant concluded a contract on a consumer credit.

The defendant obtained a credit card which was, at the time of conclusion of the contract, limited to an amount of € 663,88. The issuance of the credit card was based on an application contained in the contract.

The extent of the future obligations of the defendant provided in the contract was rather deceiving. The costs charged by the plaintiff did not correspond to those set forth in the application for the provision of credit.

Moreover, a clause providing a contractual fine of 8% for the delayed payment of instalments, was very vague and unclear.

Legal issue

In a short reasoning, the court pointed out that the disputed transactional decision (credit) was made on the basis of another transactional decision.

The conclusion of a consumer credit contract, which was the primary concern of the defendant, led the defendant to take another transactional decision, which an average consumer would not have taken otherwise.

The court thus concluded that the aforementioned conduct of the plaintiff constituted an unfair commercial practice.

The court further emphasised that providing deceitful information, concerning non-defined future obligations of a consumer, constitutes a misleading commercial practice.

Decision

Does providing information to a consumer, which is false or deceiving and relates to non-defined future obligations, constitute an unfair commercial practice?

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Result

The plaintiff's request was partially denied.