



Menu

- [Inheritance](#)
- [Divorce and legal separation](#)
- [Property in marriage & civil partnerships](#)
- [Parental responsibility - child custody and contact rights](#)
- [Moving/settling abroad with children](#)
- [Parental child abduction](#)
- [Family maintenance](#)
- [Cross-border placement of a child including foster family](#)
- [European payment order](#)
- [Court fees concerning European Payment Order procedure](#)
- [Small claims](#)
- [Court fees concerning Small Claims procedure](#)
- [Insolvency/bankruptcy](#)
- [Securing assets during a claim in EU countries](#)
- [Civil cases](#)
- [Criminal cases](#)
- [Judicial auctions](#)
- [Videoconferencing](#)
- [Mediation](#)
- [Legal aid](#)
- [Online forms](#)
- [Where and how](#)
- [Legal systems - EU and national](#)
- [European Judicial Atlas in civil matters](#)
- [Defendants \(criminal proceedings\)](#)
- [Victims of crime](#)
- [Fundamental rights](#)
- [Public documents](#)
- [Rights of minors in court proceedings](#)
- [Access to justice in environmental matters](#)
- [EU law](#)
- [Impact of COVID-19 on the justice field](#)
- [National legislation](#)
- [International law](#)
- [Publication of official announcements](#)
- [Consumer Law Database](#)
- [Glossaries and translations](#)
- [EU case law](#)
- [European Case Law Identifier \(ECLI\)](#)
- [European Case Law Identifier \(ECLI\) search engine](#)
- [Freedom of movement and other Union citizens' rights](#)
- [National case law](#)
- [International case law](#)
- [Business registers – search for a company in the EU](#)
- [Business registers in EU countries](#)
- [Land registers - EU level](#)
- [Land registers in EU countries](#)
- [Bankruptcy and insolvency registers](#)
- [Bankruptcy & insolvency registers - search for insolvent firms in the EU](#)

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Case Details

National ID: 3K-3-156/2007

Member State: Lithuania

Common Name:link

Decision type: Supreme court decision

Decision date: 06/04/2007

Court: Supreme Court of Lithuania

Subject:

Plaintiff: L. K.

Defendant: AB SEB Vilniaus bankas

Keywords: B2B, consumer, contract law, contract relating to immovable property

Directive Articles

Consumer Sales and Guarantees Directive, [Article 1, 2., \(a\)](#)

Headnote

The real estate sale – purchase agreement concluded between a legal person and a natural person shall not be qualified as a consumer agreement.

Facts

The Plaintiff applied to the Court of Vilnius Commercial Arbitration and asked the court to recognise that a preliminary real estate sale – purchase agreement, concluded with the Defendant, was a main real estate sale – purchase agreement and to establish the order for performance of rights and duties of the parties to the agreement. The Court of Vilnius Commercial Arbitration rejected the Plaintiff's claim as ungrounded, the Plaintiff therefore applied to the court of a general competence claiming that a real estate sale – purchase agreement concluded with a natural person should be considered as a consumer agreement and thus any disputes arising out of a consumer agreement must not be decided by the court of arbitration.

Legal issue

Considering that the Plaintiff, a natural person, did not prove that he had concluded the agreement with the purpose of his business, commerce, trade or occupation (Article 1 point 1 of Directive 1999/44) as well as the fact that consumer agreements can only be concluded for objects of movable property, the court concluded that in such a case the real estate sale –purchase agreement may not be qualified as a consumer agreement.

Decision

Shall a real estate sale – purchase agreement concluded between a legal person and a natural person be considered as a consumer agreement?

URL: <http://eteismai.lt/byla/166340272903120/3K-3-156/2007>

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Result

The claim was dismissed.

Inheritance

Divorce and legal separation

Property in marriage & civil partnerships

Parental responsibility - child custody and contact rights

Moving/settling abroad with children

Parental child abduction

Family maintenance

Cross-border placement of a child including foster family

European payment order

Court fees concerning European Payment Order procedure

Small claims

Court fees concerning Small Claims procedure

Insolvency/bankruptcy

Securing assets during a claim in EU countries

Civil cases

Criminal cases

Judicial auctions

Videoconferencing

Mediation

[Legal aid](#)
[Online forms](#)
[Where and how](#)
[Legal systems - EU and national](#)
[European Judicial Atlas in civil matters](#)
[Defendants \(criminal proceedings\)](#)
[Victims of crime](#)
[Fundamental rights](#)
[Public documents](#)
[Rights of minors in court proceedings](#)
[Access to justice in environmental matters](#)
[EU law](#)
[Impact of COVID-19 on the justice field](#)
[National legislation](#)
[International law](#)
[Publication of official announcements](#)
[Consumer Law Database](#)
[Glossaries and translations](#)
[EU case law](#)
[European Case Law Identifier \(ECLI\)](#)
[European Case Law Identifier \(ECLI\) search engine](#)
[Freedom of movement and other Union citizens' rights](#)
[National case law](#)
[International case law](#)
[Business registers – search for a company in the EU](#)
[Business registers in EU countries](#)
[Land registers - EU level](#)
[Land registers in EU countries](#)
[Bankruptcy and insolvency registers](#)
[Bankruptcy & insolvency registers - search for insolvent firms in the EU](#)
[Types of legal professions](#)
[Lawyers](#)
[Notaries](#)
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