

Case Details

Case Details

National ID	3K-3-156/2007
Valstybė narė	Lietuva
Common Name	link
Decision type	Supreme court decision
Decision date	06/04/2007
Teismas	Lietuvos Aukščiausiasis Teismas
Tema	
Ieškovas	L. K.
Atsakovas	AB SEB Vilniaus bankas
Raktažodžiai	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

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

Sprendimas

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.

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Result

The claim was dismissed.
