

Retspraksis

Sagsoplysninger

Nationalt ID-nr.: H.D. 16. december 1999 i sagerne II 210/1997, II 212/1997, II 276/1997, II 277/1997, II 278/1997 og II 279/1997

Medlemsstat: Danmark

Almindeligt anvendt navn: N/A

Afgørelsestype: Afgørelse fra højesteret

Afgørelsesdato: 16/12/1999

Retsinstans: Højesteret

Emne:

Sagsøger: Nielsen and Others

Sagsøgt: Sparbank Vest A/S

Nøgleord: B2C, cancellation of contract, consumer, consumers as professionals

Direktivets artikler

Unfair Contract Terms Directive, [Article 2, \(b\)](#)

Indledende note

Investors that are regular salaried workers are consumers.

Fakta

The plaintiffs, a group of investors consisting of regular salaried workers, invested in an investment project of a group of brokers, which required the formation of two investment companies. In relation to the formation of the investment companies, the group of brokers took out a loan in a bank, the defendant, on behalf of the investors. The investment companies later had to cease all investment activity, which resulted in the plaintiffs suffering a loss.

Juridisk spørgsmål

Are investors that are regular salaried workers consumers in relation to a loan agreement entered into between a group of brokers and a bank on their behalf?

Afgørelse

The court stated that the defendant must have realized that the plaintiffs were not acting in the course of their trade when they entered into the loan agreements. Consequently, the plaintiffs were considered consumers under the law.

Hele teksten: [Hele teksten](#)

Relaterede sager

Ingen resultater

Retslitteratur

Ingen resultater

Resultat

The plaintiffs had lost the right to void the contracts on the grounds of their consumer status due to passivity and the defendant was therefore acquitted.