

Case law**Case Details**

National ID: 11/02934

Member State: France

Common Name:link

Decision type: Court decision in appeal

Decision date: 28/02/2014

Court: Rennes Court of Appeals

Subject:

Plaintiff: BNP PARIBAS PF - BNP PARIBAS PERSONAL FINANCE SA (BNP)

Defendant: FEDERATION DU LOGEMENT DE LA CONSOMMATION & ENVIR ET DE L'ENVIRONNEMENT D'ILLE ET VILAINE (FLCE)

Keywords: injunction, legal actions, unfair terms

Directive Articles

Injunctions Directive, [Article 2](#)

Headnote

A claim initiated by a consumer association requesting the deletion of unlawful or unfair terms is not conditioned upon the existence of an individual claim made by a consumer nor upon the existence of an individualized harm.

Facts

A consumer association initiated a claim requesting the deletion of unlawful or unfair terms contained in the general terms and conditions of a bank's personal credit offer, in addition to requesting the cessation of the distribution of said offer. The bank claimed that the admissibility of the association's claim is subject to the existence of a prior claim by a consumer or to the proof of an individualized harm suffered by said association.

Legal issue

The Court of Appeals confirmed the ruling of the first court on the basis that a claim, initiated by a consumers' association, requesting the deletion of unlawful or unfair terms may be initiated regardless of the contractual framework in order to obtain the deletion of unfair terms from a standard contract intended for consumers.

Decision

Is a claim initiated by a consumer association requesting the deletion of unlawful or unfair terms conditioned upon an individual claim made by a consumer or upon the existence of an individualized harm?

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Related Cases

No results available

Legal Literature

No results available

Result

The Plaintiff's claim was rejected.