

Case Details

Case Details

National ID	14Co/346/2011
Member State	Slovakia
Common Name	link
Decision type	Court decision in appeal
Decision date	28/10/2011
Court	Regional Court Banská Bystrica
Subject	
Plaintiff	Unknown
Defendant	Unknown
Keywords	consumer, consumer rights, consumer rights organisation

Directive Articles

Injunctions Directive, [Article 3, \(a\)](#) Injunctions Directive, [Article 3, \(b\)](#)

Headnote

The consumer protection organization is allowed to represent the consumer in the applications for preliminary injunction in line with Section 25 (1) and Section 3 (5) of the Act no. 250/2007 Coll. on Consumer Protection, as amended. (implemented from Article 3 of the Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests).

Facts

The defendant, a legal entity, requested the appellate court to dismiss the preliminary injunction issued by the court of lower instance. The preliminary injunction at hand restricted the plaintiff from concluding security agreements until a dispute is adjudicated.

The defendant contested this preliminary reason, among others, on the basis that the plaintiff does not have locus standi. The plaintiff in this case is a legal entity, which focuses on collective consumer protection.

According to the defendant, the consumer himself is the only person who possesses locus standi to submit an application for a preliminary injunction.

Legal issue

The court decided that the preliminary injunction was valid and found no evidence of any mistake of the lower instance court.

Furthermore, it confirmed the permissible locus standi of the consumer protection organizations. A consumer protection organization is allowed to represent the consumer in the applications for preliminary injunction on the basis of Section 25 (1) and Section 3 (5) of Act No. 250/2007 Coll. on Consumer Protection, as amended (implemented from Article 3 of the Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests).

Decision

Is a consumer protection organization allowed to represent the consumer in the applications for preliminary injunction?

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Result

The resolution of the court confirmed the resolution of the District Court Banská Bystrica.
