

Doctrine

Informations concernant la doctrine

État membre	Belgique
Titre	The application of consumer protection rules on social rental systems.
Sous-titre	
Type	Article
URL	https://mail.uantwerpen.be/owa/#path=/attachmentlightbox
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Mots clés	Contract term reflecting a mandatory regulatory provision, social housing company as a seller, absence of equivalent compensation, notion of seller

Articles de la directive

Unfair Contract Terms Directive, [Article 1, 2](#). Unfair Contract Terms Directive, [Article 2, \(c\)](#) Unfair Contract Terms Directive, [ANNEX I, 1., \(d\)](#)

Note introductive

The author criticises the fact that the unfair contract terms Directive is applied to social rent contracts of social housing companies. The social rent systems in Belgium are, to a large extent, subject to mandatory regulatory provisions imposed by the government. The precise role of these provisions is to secure a balance between the parties' rights and obligations under the contract (social tenants and social housing companies). The application of the Directives' rules in those circumstances would not contribute to re-establish the balance between the parties' rights and obligations but would, on the contrary, risk to undermine the balanced system of social housing that exists in Belgium.

Furthermore, the author is of the opinion that Book VI of CEL can only have a supplementary role vis-à-vis the more specified rules applicable to social housing. Application of Book VI CEL is only in place for as long as the rules do not deviate from the more specific rules in the social housing code.

Lastly, the author argues that social housing companies, given their non-economic purpose and role and given the strict control effectuated by the government, cannot be classified as sellers or undertakings within the meaning of the UCTD and Book VI CEL.

Note générale

Affaires liées

Aucun résultat disponible