

Legal Literature

Legal Literature Details

Member State: Greece

Title: Applicable law clauses in consumer contracts concluded on the Internet

Subtitle:

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URL:

Author: ZAPRIANOS, N.

Reference: Ρήτρες εφαρμοστέου δικαίου σε καταναλωτικές συμβάσεις μέσω Διαδικτύου. Lex & Forum. 3/2021. pp. 769-786

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Directive Articles

Unfair Contract Terms Directive, [Article 1, 2](#). Unfair Contract Terms Directive, [Article 3, 1](#). Unfair Contract Terms Directive, [Article 5](#) Unfair Contract Terms Directive, [Article 5](#) Unfair Contract Terms Directive, [Article 6, 2](#). Unfair Contract Terms Directive, [ANNEX I](#)

Headnote

The article discusses the validity of choice-of-law clauses in consumer contracts concluded on Internet. It is clarified that it is possible for the parties to choose the applicable law under Rome I Regulation and further proceeds to the standardised choice-of-law clauses which, in a consumer contract, are usually included in the general terms of service. Examining the application of Directive 1993/13 to these clauses, the author states that they fall under its scope due to the Directive's horizontal effect and refers to CJEU C-191/15, invoking the principle of transparency. The notorious decision stressed that the unfairness of such a clause may result from a formulation that does not comply with the requirement of being drafted in plain and intelligible language, set out in Article 5 of Directive 93/13. The author concludes that, in consumer contracts, the standardised choice-of-law clauses are reviewed for their clarity and transparency, but not for their unfairness by content, since the latter is precluded by Regulation Rome I.

General Note

Related Cases

No results available