

Legal Literature

Legal Literature Details

Member State: Greece

Title: Abusive clauses in consumer contracts – Legal enforcement of a court decision over a class action

Subtitle:

Type:

URL:

Author: M. STATHOPOULOS

Reference: Καταχρηστικές ρήτρες στις καταναλωτικές συμβάσεις-Ισχύς της απόφασης επί συλλογικής αγωγής, Χρονικά Ιδιωτικού Δικαίου Ι/2010, 502-503

Publication Year: 2010

Keywords: collective action, judicial recourse, legal actions

Directive Articles

Unfair Commercial Practices Directive, [Chapter 4, Article 11](#)

Headnote

This article discusses, in its last part, the legal enforcement of a court decision over a class action.

It mainly focuses on the fact that the legal consequences of a judgment shall apply to all persons (*erga omnes*), even if they are not parties to the action.

One of the most interesting findings of this article is that this *erga omnes* application of the court decision applies only in cases where, for example, the court ruled in favor of the abusive nature of a clause. Conversely, it does not apply in a case where, for example, the court has dismissed the claim that a contract term is abusive, due to reasons that are based on provisions of the Greek Constitution.

General Note

Related Cases

No results available