

Legal Literature

Legal Literature Details

Member State: Romania

Title: The applicability of unfair terms in contracts, different from those concluded between sellers and consumers

Subtitle:

Type: article

URL:

Author: COSTIN M., COSTIN C.

Reference: www.idrept.ro

Publication Year: 2011

Keywords: nullity, unfair terms

PDF:

Directive Articles

Unfair Contract Terms Directive, [Article 2, \(b\)](#) Unfair Contract Terms Directive, [Article 2, \(c\)](#) Unfair Contract Terms Directive, [Article 3](#) Unfair Contract Terms Directive, [Article 4](#) Unfair Contract Terms Directive, [Article 6, 1.](#) Unfair Contract Terms Directive, [Article 7, 1.](#)

Headnote

Starting from the principles provided by Directive 93/13/EEC (including the national legislation implementing this Directive), the author describes the unfair term as being a contractual provision imposed by one of the parties significantly affecting, to the detriment of the other party, the contractual balance and outlines that such terms represent contractual abuse.

Although Directive 93/13/EEC creates the specific legal framework of unfair terms only with regard to the relationships between professionals and consumers (business-to-consumer), the author outlines that the unfair terms can also be included in all types of contracts, i.e. where the parties are not consumers and sellers as provided under Law 193/2000 on unfair terms in consumer contracts.

In the author's view, the use of unfair terms in contracts is sanctioned with the annulment of the respective unfair terms. If, following the annulment of the unfair terms, the contract can no longer be effective, the entire contract will be of no effect.

General Note

Related Cases

No results available