

EN
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Answer given by Mr McGrath
on behalf of the European Commission
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Council Directive 93/13/EEC¹ requires Member States to ensure that consumers are not bound by unfair terms in consumer contracts and that they have effective remedies against such terms including during enforcement procedures². However, procedures applicable to enforcement procedures, such as on court hearings, must be set out in national legislation³.

The Commission does not have powers to review decisions of national authorities and courts or to order the suspension of property auctioning. Based on the circumstances of each case, it is the primary responsibility of the national authorities and courts to ensure the monitoring and enforcement of the application of consumer law in individual disputes, to provide interim relief, if necessary to ensure the full effectiveness of the final court decision⁴ or redress⁵.

The Commission is constantly monitoring the implementation of the Directive by the Member States, including Greece. It will assess any information pointing to possible infringements of Council Directive 93/13/EEC including as regards its effectiveness and, if appropriate, address the issue with the national authorities in line with the Commission's enforcement priorities⁶.

¹ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).

² See Section 5 of Commission Notice – Guidance on the interpretation and application of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, OJ C 323, 27.9.2019, p. 4–92, COM(2019) 5325 final.

³ See for example CJEU judgment in Case C-509/24, Investcapital Ltd.

⁴ See for example CJEU judgment in Case C-725/19 Impuls Leasing, paragraph 51.

⁵ See for example CJEU judgment in Case C-224/01, Köbler.

⁶ Set out in Communication C(2016)8600.