

**Question for written answer E-007285/2015
to the Commission**

Rule 130

Beatriz Becerra Basterrechea (ALDE)

Subject: Abusive floor clauses in mortgage loans

Millions of European citizens, principally in Spain, have been affected by the inclusion of a floor clause in mortgage loans. These clauses were not negotiated and the Supreme Court of Spain, in its ruling of 9 May 2013, declared them null and void due to a lack of transparency and comprehensibility. Such clauses are also contrary to Community Law, as signalled by the CJEU's judgment of 14 March 2013.

Despite this, some banks continue to apply them, and no bank has returned the money charged. Neither the Bank of Spain nor the Ministry of Economy has imposed any kind of sanction.

At present, the Commission is undertaking an assessment of Spanish legislation in this field, since Spain is obliged by Article 38 of the Charter of Fundamental Rights to ensure a high level of consumer protection.

This lack of protection for citizens' rights is contrary to European doctrine and treaties. In view of the failure to comply with Directive 93/13/EEC, recognised by the Commission in its answer to Written Question E-001082-15 from Marina Albiol Guzmán, I ask the Commission:

1. In what timescale is it planned to determine whether infraction proceedings should be launched?
2. What is the Commission's opinion on the possibility of adopting sanctions against those financial institutions that continue to apply abusive clauses?,