

**Question for written answer E-005787/2016
to the Commission**

Rule 130

Beatriz Becerra Basterrechea (ALDE)

Subject: Compliance with Directive 93/13/EEC on unfair terms in contracts

Many people in Spain have been affected by the 'IRPH clause', a reference index which is used for some mortgages and which has been calculated in a non-transparent way. As a result it has caused controversy among consumers' associations. In its answer to written question E-007285/2015, the Commission stated that it had started a structured dialogue with Spain to ensure that it fully complies with Directive 93/13/EEC on unfair terms in contracts. The Commission also pointed out in its answer that the dialogue with Spain does not concern the unfairness of particular standard contract terms. At the time the answer was drafted, the Commission was also assessing the Spanish authorities' reply to questions concerning unfair clauses.

Taking into account, furthermore, the resolution on mortgage legislation and risky financial instruments in Spain that was adopted in the light of a number of petitions that had been received, could the Commission indicate what the current state of play is in the structured dialogue that was entered into with Spain to ensure its full compliance with Directive 93/13/EEC? Is the Commission intending to bring up the unfair nature of certain standard contract terms?