

**Question for written answer E-006407/2016
to the Commission**

Rule 130

Tania González Peñas (GUE/NGL)

Subject: Floor clauses in Spain

In a statement issued on 13 July 2016, an Advocate General of the Court of Justice of the EU (CJEU) endorsed the Spanish Supreme Court's decision to limit the retroactive effect of floor clauses for the purposes of calculating reimbursements to clients affected by these provisions, that the CJEU had ruled abusive on 9 May 2013. Only amounts calculated from the date of the ruling are to be repaid.

The Advocate General's opinion is non-binding, but if the CJEU's ruling is along similar lines, it will be condemning thousands of families to bear the consequences of the malpractice of Spanish banks; consequences that include eviction.

Such a ruling would mean placing greater importance on the 'macroeconomic issues associated with the scale on which those clauses are used' than on the serious microeconomic implications it would have for families, and would be taking the side of those guilty of such malpractice.

Does the Commission think that the interests of the offending banks should outweigh those of the individuals affected? If so, would this not be in breach of Articles 33(1) and 38 of the European Charter of Fundamental Rights?