

**Question for written answer E-005655/2018  
to the Commission**  
Rule 130  
**Ernest Urtasun (Verts/ALE)**

Subject: Protection of class action lawsuits filed against mortgage fees clauses declared unfair

In 2015, the Spanish Supreme Court declared the fees clause in some mortgages unfair, pursuant to Directive 93/13/EEC. Subsequently, a judgment established that the stamp duty on mortgages [Impuesto de Actos Jurídicos Documentados] included in that clause should be paid by banks. Surprisingly, the Court made the unusual decision to revise the judgment and rule that customers will pay the tax. The decision will force those affected to continue with legal proceedings and some organisations, such as the Association of Users of Banks, Saving Banks and Insurance in Spain (ADICAE), have announced that they will proceed to file 83 class action lawsuits. As part of the *New Deal for Consumers* package, the Commission aims to strengthen the right to collective redress for consumer groups who have suffered damage.

What measures will the Commission take to ensure that the rights of Spanish organisations are respected in the class action lawsuits brought against the mortgage fees clauses that were declared unfair?