

**Question for written answer E-000414/2021  
to the Commission**

Rule 138

**Giorgos Georgiou** (The Left), **Marc Botenga** (The Left), **Leila Chaibi** (The Left), **Eugenia Rodríguez Palop** (The Left), **Idoia Villanueva Ruiz** (The Left), **Konstantinos Arvanitis** (The Left), **Niyazi Kizilyürek** (The Left), **Clare Daly** (The Left)

Subject: The implementation of Directive 93/13/EEC by the Member States

Under Directive 93/13/EEC, unfair clauses in bank contracts are prohibited, and Member States are required to ensure that adequate and effective countermeasures are in place, including the possibility of legal action before national courts to prevent their continued implementation. Furthermore, the case law established by the Court of Justice of the European Union (CJEU) in Case C-415/11 states that, under Directive 93/13/EEC, it is for national courts to verify whether a clause is unfair and, if so, it must be removed from the outset. The CJEU also stresses the importance of the availability of interim measures in order to halt or suspend evictions while national courts assess the unfairness of relevant contract terms.

However, many EU governments are not effectively implementing Directive 93/13/EEC, and are flagrantly violating the rights of borrowers. Therefore, especially now during the pandemic, the right to housing is at risk and households are at risk of foreclosure.

1. Can the Commission provide us detailed information on the implementation of Directive 93/13/EEC in each Member State?
2. What measures will the EU take to ensure the compliance of all Member States with Directive 93/13/EEC, and to enable national courts to investigate unfair contract clauses, even on an *ex officio* basis?