

EN

E-003030/2021

Answer given by Mr Reynders
on behalf of the European Commission
(17.8.2021)

The Commission confirms its answer to written question E-001291/2021. The contracts in question, which concern the renting of holiday properties via service companies, are considered as contracts between professionals under French commercial law. The EU Directive on unfair contract terms¹ only applies to contracts concluded by sellers or suppliers with consumers and excludes contracts between persons acting for purposes relating to their trade, business or profession. Moreover, such contracts seem to reflect mandatory statutory provisions under French law which are applicable to the parties to the contract independently of their choice and hence they may not be subject to the above-mentioned Directive pursuant to its Article 1(2).

The Commission does not have the power to assess individual private disputes related to the qualification of a contract as a consumer contract and the existence of unfair contract terms, which need to be dealt with by national courts taking into account all the factual and legal circumstances of the case.

¹ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, OJ L 95, 21.4.1993, p.29.