



## Reports of Cases

**Case C-567/13**

**Nóra Baczó**

**and**

**János István Vizsnyiczai**

**v**

**Raiffeisen Bank Zrt**

(Request for a preliminary ruling from the Fővárosi Törvényszék)

(Reference for a preliminary ruling — Consumer protection — Directive 93/13/EEC — Article 7 — Mortgage loan agreement — Arbitration clause — Unfairness — Action by consumer — National procedural rule — Lack of jurisdiction of the court hearing the action by a consumer for a declaration of invalidity of a standard contract to hear the application for a declaration of unfairness of terms in the same contract)

Summary — Judgment of the Court (Third Chamber), 12 February 2015

1. *Questions referred for a preliminary ruling — Jurisdiction of the Court — Interpretation of national law — Not included*

*(Art. 267 TFEU)*

2. *Consumer protection — Unfair terms in consumer contracts — Directive 93/13 — Finding of unfairness of a contractual term — Scope — Obligation for the national court to apply internal procedural rules in order to draw all the consequences flowing from that finding*

*(Council Directive 93/13)*

3. *EU law — Direct effect — Individual rights — Safeguard by the national courts — Legal proceedings — Principle of procedural autonomy — Determination by the courts with jurisdiction to hear actions based on EU law as well as the procedural rules governing the action — Limits — Observance of the principles of equivalence and effectiveness — Verification by the national court*

*(Council Directive 93/13)*

4. *Consumer protection — Unfair terms in consumer contracts — Directive 93/13 — Finding of unfairness of a contractual term — Scope — National rules providing that the court hearing action seeking a declaration of invalidity of a standard contract does not have jurisdiction to hear an application for a declaration of unfairness of contract terms in the same contract — Lawfulness — Compliance with the principle of effectiveness — Verification by the national court*

*(Council Directive 93/13, Art. 7(1))*

1. See the text of the decision.

(see para. 32)

2. See the text of the decision.

(see para. 37)

3. See the text of the decision.

(see paras 41, 42, 44, 49-52, 54-58)

4. Article 7(1) of Directive 93/13 on unfair terms in consumer contracts must be interpreted as not precluding a national procedural rule pursuant to which a local court which has jurisdiction to rule on an action brought by a consumer seeking a declaration of invalidity of a standard contract does not have jurisdiction to hear an application by the consumer for a declaration of unfairness of contract terms in the same contract, unless declining jurisdiction by the local court gives rise to procedural difficulties that would make the exercise of the rights conferred on consumers by the European Union legal order excessively difficult. It is for the national court to carry out the necessary verifications in that respect.

(see para. 59, operative part)