



Reports of Cases

Case C-364/19

XU and Others

v

SC Credit Europe Ipotecar IFN SA

and

Credit Europe Bank NV

(Request for a preliminary ruling from the Tribunalul Galați)

Order of the Court (Sixth Chamber) of 14 April 2021

(Reference for a preliminary ruling – Article 99 of the Rules of Procedure of the Court of Justice – Consumer protection – Unfair terms – Directive 93/13/EEC – Article 1(2) –

Exclusion from the scope of that directive of contractual terms which reflect mandatory provisions of national law – Article 4(2) – Exception to the assessment of whether a term is unfair – Credit agreement denominated in a foreign currency – Alleged infringement of the obligation of information borne by a seller or supplier – Examination to be carried out by the national court as a matter of priority in the light of Article 1(2))

1. *Consumer protection – Unfair terms in consumer contracts – Directive 93/13 – Scope – Exclusion provided for contractual terms reflecting mandatory statutory or regulatory provisions – Verification a matter for the national court*
(Council Directive 93/13, Art. 1(2))

(see paragraphs 27, 29)

2. *Consumer protection – Unfair terms in consumer contracts – Directive 93/13 – Scope – Exclusion provided for contractual terms reflecting provisions of national law that are supplementary in nature – National court required to examine, as a matter of priority, the effect of the exclusion and not the effect of the exception to the assessment of whether such terms are unfair*
(Council Directive 93/13, recital 13 and Arts 1(2) and 4(2))

(see paragraphs 38-42, operative part)

See the text of the decision.