

4. Directive 93/13 must be interpreted as precluding an interpretation in the case-law of a provision of national law governing accelerated repayment clauses in loan agreements, such as Article 693(2) of Law 1/2000, as amended by Decree-Law 7/2013, which prohibits the national court which has found such a contractual term to be unfair from declaring that term null and void and removing it where the seller or supplier did not in fact apply it, but complied with the requirements laid down in that provision of national law.

⁽¹⁾ OJ C 421, 24.11.2014.

Judgment of the Court (Third Chamber) of 9 February 2017 (request for a preliminary ruling from the Supreme Court — Ireland) — M v Minister for Justice and Equality, Ireland, Attorney General (Case C-560/14) ⁽¹⁾

(Reference for a preliminary ruling — Area of freedom, security and justice — Directive 2004/83/EC — Minimum standards for the qualification and status of third country nationals or stateless persons as refugees — Application for subsidiary protection — Lawfulness of the national procedure for examining an application for subsidiary protection made after the rejection of an application for refugee status — Right to be heard — Scope — Right to an interview — Right to call and cross-examine witnesses)

(2017/C 104/17)

Language of the case: English

Referring court

Supreme Court

Parties to the main proceedings

Applicant: M

Defendants: Minister for Justice and Equality, Ireland, Attorney General

Operative part of the judgment

The right to be heard, as applicable in the context of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, does not require, as a rule, that, where national legislation, such as that at issue in the main proceedings, provides for two separate procedures, one after the other, for examining applications for refugee status and applications for subsidiary protection respectively, the applicant for subsidiary protection is to have the right to an interview relating to his application and the right to call or cross-examine witnesses when that interview takes place.

An interview must nonetheless be arranged where specific circumstances, relating to the elements available to the competent authority or to the personal or general circumstances in which the application for subsidiary protection has been made, render it necessary in order to examine that application with full knowledge of the facts, a matter which is for the referring court to establish.

⁽¹⁾ OJ C 81, 9.3.2015.