



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

Directorate A : Civil justice
Unit A.3 : Consumer and marketing law

Brussels,
JUST-A3/SoR/at D(2013) 2696507

Denis O'HARE
Cyprus Property Action Group

Subject: Infringement Case 2013/2082- Cyprus (previous references EU-pilot 2632/11/JUST, CHAP(2012) 3262, CHAP (2011) 3252)

Dear Mr O'Hare,

I would like to inform you that, based on complaints by British consumers, Members of the European Parliament, as well as information obtained from the Cypriot authorities in connection with EU-Pilot Case 2632/11/JUST, the Commission has opened infringement proceedings against Cyprus under Article 258 TFEU (Treaty on the Functioning of the EU) with regard to certain aspects of the transposition and application of EU consumer law. In its letter of formal notice of 20 June 2013 the Commission raises different concerns related to the application of Directive 2005/29/EC on unfair commercial practices and Directive 93/113/EEC on unfair contract terms.

A letter of formal notice is the first step in infringement proceedings under Article 258 TFEU. The Cypriot authorities have been invited to comment within two months. Further proceedings will depend on their observations.

It is important to emphasise the nature of infringement proceedings between the Commission and an EU Member State under Article 258 TFEU. The purpose of infringement proceedings is to remedy structural problems in the transposition and application of EU law, and not to protect the rights of individuals. It is, therefore, impossible for the Commission to assess the particular circumstances of each individual case and take a position on its merits. Neither is it possible for the Commission to cover all questions raised in particular complaints or to act directly against traders which violate EU consumer law.

This means that, although complaints by individual consumers are a valuable source of information for the Commission, the Commission cannot, in infringement proceedings, resolve the relevant individual cases.

Since infringement proceedings between the Commission and a Member State have no direct impact on the legal position of individual consumers, affected consumers have to take appropriate steps within the time-limits applying under national law to defend their rights.

We will inform you again once there are important developments in Case 2013/2082.

Yours sincerely,

Head of Unit