



*The Influence and Effects of EU Business Law  
in the Western Balkans*

**1<sup>st</sup> EU Business Law Forum**

**Mária Patakyová:  
Application and Implementation of  
Directive 2008/48/EC in the  
Slovak Legal Order  
(abstract)**

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## Application and Implementation of Directive 2008/48/EC in the Slovak Legal Order

Internal market law deals with a great number of issues, whereas it may overlap with the other fields of law. Both the internal market perspective and the consumer's protection perspective are presented in Directive 2008/48/EC *on credit agreements for consumers*. Even though the Directive was to be implemented seven years ago, the issues concerning its correct implementation and application are present even nowadays. The Act No. 129/2010 Coll. *on consumer credits and on the other credits and loans for the consumers* implemented the Directive on time, however, the appropriateness of its implementation and its correct application in practice are questionable. In particular, the decision of the Court of Justice of the EU from 6<sup>th</sup> November 2016 in the case *C-42/15 Home Credit Slovakia, a.s. vs. Klára Bíróová*, uncovers certain dissimilarities between the Act and the Directive.

This paper deals with the question on whether the Act has fully implemented the Directive, and if not, which are the particular provisions calling for correction. Moreover, the paper zooms in on the number of judgements of the Slovak national courts, the appeal courts particularly, in order to find out whether interpretation and application of the Act is not at odds with the wording and purpose of the Directive. As a conclusion, the paper does not only analyse the legislation and their compliance with EU law, but it goes one step further as it seeks for information on application of the legislation in practice. Consequently, the paper discovers current problems with the real approximation of the laws on consumer credits.