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Facebook terms and conditions unfair and not valid in Europe

Press release from Mark Demesmaeker MEP

A reply from the European Commission to a question submitted by an N-VA Member of the European Parliament shows that a lot of terms and conditions Facebook imposes on its European users are not valid in the European Union.

MEP **Mark Demesmaeker** said: *"Even more so, some of the conditions are outright unfair. That even American giants like Facebook are bound by European consumer rights proves the use of the EU."*

At the registration of a new Facebook account one has to agree with the "statement of rights and responsibilities" which contains terms and conditions with legally binding commitments for the user. According to these terms and conditions, claims brought against the company fall under Californian Law.

Thereby Facebook requires the consumer to grant exclusive jurisdiction to the court in Santa Clara County, near the company's headquarters in the United States.

European Commissioner Viviane Reding, responsible for consumer rights, now claims this is not in accordance with European Law. According to the Brussels I and Rome I regulations a European Facebook user has to have the option of settling a claim in the court of their place of residence.

Even courts in other EU Member states can declare themselves competent "notwithstanding the choice of court agreement in favour of the US courts, the Member State's court could take jurisdiction on the basis of Regulation."

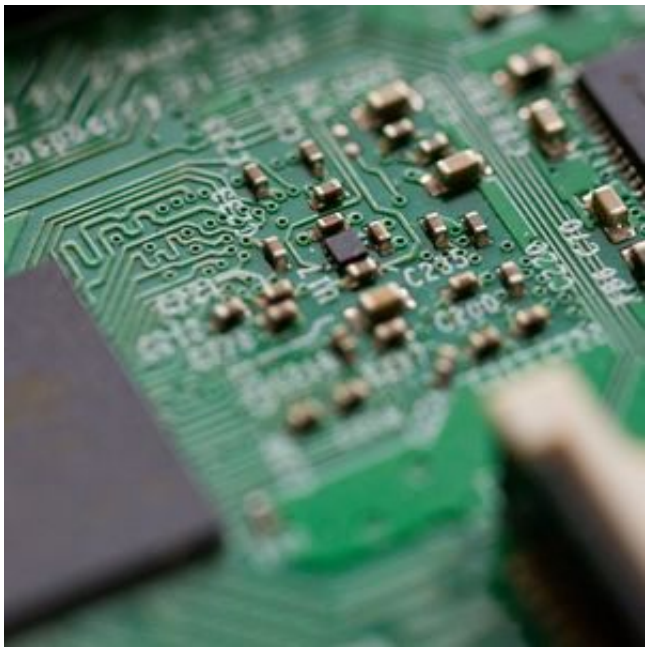
Other conditions, including the limitation of liability up to 100 dollars "may also be assessed as unfair and as such, not binding." According to the Commission this includes all other Facebook terms and conditions in the statement which cause a significant imbalance in rights and responsibilities between the parties detrimental for the consumer.

"Facebook is a wonderful social medium which I gladly use. But it shows a great lack of respect for European regulations, which protect consumer rights in case of disagreement, to just set them aside. I call upon Facebook, in the interests of their European users, to change their policy as soon as possible," said Demesmaeker.

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