

L36 Diritto privato dell'Unione Europea — European Consumer Law

Course Section Handout

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General Course Section Information

Dates of Course Section

2 March – 30 March 2021

Language of Course Section

English

Description of Course Section

The series of nine lectures will introduce one of the most important and practically relevant areas of the private law of the European Union: the law affecting consumers, i.e., consumer law. Beside primary and secondary EU legislation in this area, decisions by the Court of Justice of the EU (CJEU) will also be examined.

Aims and Objectives

After completing the course section, you will have gained an understanding of the EU law on consumers. You will be aware of the principles underpinning this area of law and how these affect legislation and case decisions. Furthermore, you will comprehend the conflicts between the EU's policies in this and other areas of EU law, as well as see the tensions between the EU and its Member States. You will know how this area has developed and will have gained an insight into several important sub-topics (see below).

Content of Course Section

- 01 •Introduction to Course Section and EU Consumer Law
- 02 •EU Consumer Law Development, Aims & Principles
- 03 •EU Consumer Contract Law
- 04 •EU Consumer Sales Law
- 05 •EU Consumer Credit Law & Unfair Commercial Practices
- 06 •EU Consumer Travel Rights
- 07 •EU Consumer Product Safety & Liability Law
- 08 •EU Consumer Food & Miscellaneous Regulation
- 09 •EU Consumer Law Enforcement & Redress

Assignment

Together **with a partner**, draft a **paper** critically examining **one** of the **topics** listed below. The length can be anything **between five and fifteen pages** and the paper should **preferably** be written **in English**, otherwise in Italian. The paper needs to be **submitted by 23:00 on 31 March 2021** by sending the MS word document to anna.klasen@law-school.de. You will receive written feedback on your assignment. I am also happy to discuss your work with you if you wish. In this case, contact me by e-mail to arrange an online meeting.

Topic options:

- Discuss whether EU consumer law has its own worth or if it is a mere means to an end.
- Examine a selection of your choice of the principles, aims, and policies of EU consumer law. Discuss the interaction between the chosen aims, principles, and policies. Consider whether there are conflicts between them or with other areas of EU consumer or private law.
- Consider one of the areas of EU consumer law covered in class (see lecture outline above). Are the measures adopted in this area appropriate to achieve the aims of EU consumer law generally and for that area specifically?
- Analyse a ECJ/CJEU case decision of your choice from the ones discussed in class. Examine the issue in question, the ratio decidendi (rule by which the case was decided; contrast statements of legal principle not essential to the decision), and the reason behind the court's decision (legal rule, policy, etc.). Include a comment on the result and – where relevant – its impact on EU (consumer) law.
- Read and discuss one of the chapters of Geraint Howells, Christian Twigg-Flesner, Thomas Wilhelmsson, *Rethinking EU Consumer Law* (see Literature below). Explain whether you agree or disagree with their view.

Questions and Feedback

Feel free to ask questions, make comments, or raise concerns in class or by sending me an e-mail.

Course Materials

General Materials & Resources

See also the materials indicated in the lecture handouts. CJEU decisions can be found on <https://curia.europa.eu/>.

Legislation

- Consolidated version of 2012 of the **Treaty on the Functioning of the European Union** (TFEU), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E/TXT>
- Consolidated version of the **Treaty on the European Union** of 2012 (TEU), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT>
- **Treaty establishing the European Economic Community** (Treaty of Rome), <https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-rome>
- **Charter of Fundamental Rights of the European Union** (OJ [2012] C 326/391), https://www.europarl.europa.eu/charter/pdf/text_en.pdf

Literature

- Catherine Barnard and Steve Peers (eds.), *European Union Law* (3rd edn., Oxford University Press 2020) Chapter 22: European Consumer Law
- Geraint Howells, Christian Twigg-Flesner, Thomas Wilhelmsson, *Rethinking EU Consumer Law* (Routledge 2018), <https://www.taylorfrancis.com/books/rethinking-eu-consumer-law-geraint-howells-christian-twigg-flesner-thomas-wilhelmsson/10.4324/9781315164830>