

BA EUROPEAN STUDIES

EST3120 CONSUMER LAW AND POLICY IN EUROPE

(2 ECTS) (2nd Semester)

COURSE DESCRIPTION

LECTURER – DAVID FABRI LL.D.

This Unit shall try to achieve the following objectives:

- examine whether and why consumers deserve protection from the law, what we mean by “consumer” and by “consumer protection”, and to place these notions within a wider context that could clarify the legal, ethical and economic basis of consumer protection;
- trace the European Union rationale for establishing a consumer policy and for protecting consumers within the internal market and identify the principal landmarks in the development of the European Union’s interest and role in consumer protection;
- analyse the legal and constitutional basis for measures adopted in the EU in favour of consumers;
- review briefly the relationship and inter-play between EC consumer policy and other areas of the EU Acquis, including the single market, the rules of competition, free movement of goods, and the principle of subsidiarity;
- examine the salient features of some of the principal consumer protection directives with particular emphasis on the various techniques adopted, including the disclosure of information, the cooling-off period and the role of consumer associations, and the distinction between uniformity and harmonization, minimum and maximalist directives;
- understand the implications of the increasing emphasis on the concept of the “informed consumer”, and trace its limitations;

- identify common features in the directives, including a comparative analysis between particular directives, and a review of new EU measures currently in the pipeline;

To achieve the above objectives, the Unit shall consider some of the more important cases decided by the ECJ, and the objectives, salient features and techniques adopted in EU Directives, particularly those dealing with unfair contract terms, misleading and comparative advertising, product liability, general product safety and doorstep contracts.

The course will consist partly of lectures and partly of seminars. Students will be adequately informed accordingly.

Relevant materials shall be distributed for photocopying during the course, and students are expected to make a copy as soon as practicable and to read / analyse them. Students are expected to make some independent research and reading and should not unduly rely on the class notes and on the distributed material.

Students are encouraged and expected to participate actively during lectures and seminars and to provoke relevant and stimulating discussion.

David Fabri

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EU CONSUMER LAW AND POLICY

Lecturer – David Fabri

Short bibliography and reading material (in order of importance):

EC Consumer Law and Policy - Stephen Weatherill, Edward Elgar Publishing Limited, 2005

A Casebook on European Consumer Law - edited by R Schultze, H Nolke, J Jones, Hart Publishing, 2002.

EC Consumer Law - Vivienne Kendall, Wiley Chancery Publishers, 1994

Towards a European Civil Code - Editors E. Hondius, C. Joustra et, Kluwer Law International publishers 1998

(Most general text books on consumer law published in the UK and the rest of Europe will usually contain a chapter on EU consumer law and its impact on their domestic local legislation and structures. There are many books focussed on specific consumer subjects such as product liability, travel, consumer credit but these are too detailed and generally too advanced for students who follow this course most of whom would not have a legal background, although they are undoubtedly useful.)

Journals:

The Consumer Law Journal - **CDC Publications**
(numerous relevant articles and notes may be found in this quarterly publication which has ceased publication)

General:

Students shall additionally be given a number of relevant articles and materials during the course.

David Fabri, January 2006