



5 credits

30.0 h

Q1

Teacher(s)	Sibony Anne-Lise ;
Language :	French
Place of the course	Louvain-la-Neuve
Main themes	<p>This course deals with how EU law protects consumers. Such protection comprises two main aspects. First, EU law aims to ensure consumer safety and lays down rules for both product safety and food safety. Second, EU law seeks to ensure fairness for consumers. To this effect, it regulates unfair terms in B2C contracts and prohibits unfair commercial practices.</p> <p>EU consumer law is specific in that it protects consumers while at the same time pursuing the internal market objective. This explains that both the EU legislator and the European Court of Justice make sure that consumer protection rules do not result in unacceptable barriers to trade.</p> <p>This course focuses on consumer protection and is complementary with other substantive EU law courses, in particular the courses on internal market [LDREU2206] and competition law [LDREU2208].</p>
Aims	<p>After completing this course, students will have a basic command of EU consumer protection rules. They will possess the know-how to apply them to simple factual situations. At the end of the course, students will be able to identify whether or not European consumer law governs a given factual situation and, if it does, which rules apply, in conjunction with national law.</p> <p>1 This course also aims to provide opportunities to learn skills that are useful beyond the practice of European consumer law, in particular: 1) being able to identify legal rules applicable to a given factual situation and relevant in order to reach a practical aim; 2) being able to present in writing the legal analysis of a given factual situation clearly and correctly.</p> <p>-----</p> <p><i>The contribution of this Teaching Unit to the development and command of the skills and learning outcomes of the programme(s) can be accessed at the end of this sheet, in the section entitled "Programmes/courses offering this Teaching Unit".</i></p>
Evaluation methods	<p>The exam is three hour long and takes place in IT rooms (where computers are equipped with French keyboards). It consists of short essay questions and a hypothetical. You will find past exam questions on Moodle.</p> <p>Assessment criteria for the essay questions are as follows:</p> <ul style="list-style-type: none"> • ability to identify correctly the relevant legal rules (including absence of irrelevant elements) • ability to adequately explain applicable legal rules • clear and adequate structure of written answer (link with the question, logical order of arguments, link between sentences and between paragraphs) <p>Assessment criteria for the problem questions are as follows:</p> <ul style="list-style-type: none"> • ability to identify correctly a legal issue in a given factual situation, • ability to identify correctly the applicable rule(s) • ability to enunciate clearly the relevant legal rule(s) • ability to adequately explain applicable legal rules, taking your fictitious interlocutor's needs into account • ability to justify the choice of a legal rule with regard to practical aims • exact knowledge of legal rules • ability to select relevant knowledge in relation to a given question or problem • logical reasoning, • quality and sufficiency of reasons given to justify the analysis proposed or the point of view argued, • correct use of legal vocabulary • adequate structure of written answer (link with the issues identified, logical order of arguments, link between sentences and between paragraphs)
Teaching methods	<p>This course is partly lecture based and partly a seminar. As a rule, each meeting will consist of a lecture, a discussion on readings to be prepared before class or a problem. Developing your problem-solving skills is not the sole goal of this course. It also aims to give you an opportunity to enhance your capacity to discuss the law critically. This is why you will be invited to reflect on the effectiveness and fairness of EU consumer law as it stands and on ways to improve the law.</p>
Content	<p>The EU has been particularly active in the field of consumer protection. This course will focus on the core of consumer law: consumer safety, protection against unfair practices and unfair contract terms and access to justice. Specific protections exist in certain sectors such as food, financial products or transports. It will not be possible to study all of them in depth but we will study a selection of issues which relate also to them.</p>

	<p>EU consumer law was recently subject to a fitness check: the Commission launched a large-scale study to determine if existing consumer directives were still fit for purpose. It is therefore a particularly good time to take stock of where EU consumer law stands and think critically about its future. Has the internal market aim been so influential in the development of EU consumer law that it has lost sight of the redistributive function of consumer protection? How realistic is it to suppose that giving information to consumer will guarantee informed decisions? Do the globalisation, digitalisation and service orientation of the economy call for a major reshuffle of consumer protection ? Such are the questions which will provide the backbone of this course.</p> <ol style="list-style-type: none"> 1. Introduction 2. The Consumer Fitness Check and "New Deal for consumers" 3. Pre-contractual information and right of withdrawal 4. Unfair commercial practices 5. Unfair contract terms 6. Sales law and consumer protection 7. Online consumer protection: need for change? 8. Consumer protection and credits (consumer credits and mortgages) 9. Product liability 10. Access to justice and enforcement of consumer law
<p>Inline resources</p>	<p>Course pack, past exam questions, ppt and exercises on Moodle. Textbook on DIAL.ebooks.</p>
<p>Bibliography</p>	<ul style="list-style-type: none"> • Droit européen de la consommation - Recueil de documentation • Geraint Howells, Christian Twigg-Flesner et Thomas Wilhelmsson, Rethinking EU Consumer Law (Routledge, 2018). <p>Autres ouvrages de référence</p> <p>Norbert Reich, Hans-Wolfgang Micklitz, Peter Rott, Klaus Tonner, European Consumer Law, Intersentia, 2014 (2nd ed).</p> <p>Stephen Weatherill, EU consumer Law and Policy, Edward Elgar, 2nd ed., 2013.</p> <p>Introduction à l'approche comportementale du droit de la consommation</p> <p>Oren Bar-Gill, Seduction by contract: Law, Economics and Psychology in Consumer Markets, Oxford : OUP, 2012.</p> <p>Omri Ben-Shahar and Carl E. Schneider, More than You Wanted to Know : the Failure of Mandated Disclosures, Princeton : Princeton University Press, 2014.</p> <p>Oren Bar-Gill et Omri Ben-Shahar, Regulatory techniques in consumer protection, CMLRev. 2013, 109-126.</p> <p>Références complémentaires</p> <p>En français</p> <p>Le droit européen de la consommation, Sous la direction de Yves Picod, Mare & Martin, 2018.</p> <p>Droit belge</p> <p>Andrée Puttemans (coord.), Le droit de la consommation dans le nouveau Code de droit économique, Bruxelles: Larcier, 2014. Ouvrage de droit belge qui fait une large part à la transposition en droit belge des instruments de droit européen.</p> <p>Droit français</p> <p>Yves Picod, Droit de la consommation, 4e édition, Sirey, 2018.</p> <p>Guy Raymond, Droit de la consommation, Paris : Lexis-Nexis, 2015.</p> <p>Jean Calais-Auloy (auteur initial), Henri Temple (auteur actuel), Droit de la consommation, Paris : Dalloz, 2015, 9ème éd.</p>
<p>Other infos</p>	<p>Every week, you will have to read cases or other materials and/or prepare a problem. Instructions will be posted on Moodle.</p>
<p>Faculty or entity in charge</p>	<p>BUDR</p>

Programmes containing this learning unit (UE)				
Program title	Acronym	Credits	Prerequisite	Aims
Master [120] in European Studies	EURO2M	5		
Master [120] in Law	DROI2M	5		
Specialised master in European law	DREU2MC	5		