

Due to the COVID-19 crisis, the information below is subject to change, in particular that concerning the teaching mode (presential, distance or in a comodal or hybrid format).

5 credits

30.0 h

Q1



Teacher(s)	Donati Alessandra (compensates Sibony Anne-Lise) ;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>Due to the COVID-19 crisis, the information in this section is particularly likely to change.</p> <p>The exam is three hour long. Subject to sanitary conditions, it takes place in IT rooms (where computers are equipped with French keyboards). Should sanitary conditions prevent the use of IT rooms, alternative arrangements will be made.</p> <p>The exam consists of short essay questions and a hypothetical case study. 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 the 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>Due to the COVID-19 crisis, the information in this section is particularly likely to change.</p> <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/case study to be resolved before or during the class. 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>In 2020 -2021 this course will be taught by Alessandra Donati (TBC)</p> <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. It will not be possible to study all of them in-depth but we will study a selection of issues which relate to consumer protection and liability for defective products; online consumer protection; consumer protection and credits; consumer protection and risk regulation; consumer protection and food safety; consumer protection and sustainable development.</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. This work led to the adoption of the "Modernisation" Directive (Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 on better enforcement and modernisation of EU consumer protection rules). 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. Pre-contractual information and right of withdrawal 3. Unfair commercial practices 4. Unfair terms 5. Sales law and consumer protection 6. Consumer protection and liability for defective products 7. Online consumer protection: need for change? 8. Consumer protection and credits 9. Consumer protection and risk regulation 10. Consumer protection and food safety 11. Consumer protection and sustainable development 12. Access to justice and implementation of consumer law 13. Conclusion
Inline resources	<p>The textbook for this course is available in electronic format on DIAL.ebooks (electronic access via the law library / VPN if from outside university premises)</p> <p>Reading materials, ppt, exercises and past exam questions will be available on Moodle.</p>
Bibliography	<p>Manuel recommandé</p> <p>Geraint Howells, Christian Twigg-Flesner et Thomas Wilhelmsson, <i>Rethinking EU Consumer Law</i> (Routledge, 2018).</p> <p>Autres ouvrages de référence (droit européen)</p> <p>Le droit européen de la consommation, Sous la direction de Yves Picod, Mare & Martin, 2018.</p> <p>Norbert Reich, Hans-Wolfgang Micklitz, Peter Rott, Klaus Tonner, <i>European Consumer Law</i>, Intersentia, 2014 (2nd ed).</p> <p>Stephen Weatherill, <i>EU consumer Law and Policy</i>, Edward Elgar, 2nd ed., 2013.</p> <p>Introduction à l'approche comportementale en droit de la consommation</p> <p>Oren Bar-Gill, <i>Seduction by contract: Law, Economics and Psychology in Consumer Markets</i>, Oxford : OUP, 2012.</p> <p>Omri Ben-Shahar and Carl E. Schneider, <i>More than You Wanted to Know : the Failure of Mandated Disclosures</i>, Princeton: Princeton University Press, 2014.</p> <p>Oren Bar-Gill et Omri Ben-Shahar, Regulatory techniques in consumer protection, <i>CMLRev.</i> 2013, 109-126.</p> <p>Références additionnelles</p> <p>Droit Belge</p> <p>Andrée Puttemans (coord.), <i>Le droit de la consommation dans le nouveau Code de droit économique</i>, 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>Jean Calais-Auloy, Henri Temple, Malo Depince, <i>Droit de la consommation</i>, Dalloz, 2020 (manuel)</p> <p>Guy Ramond, <i>Droit de la consommation</i>, 5 édition, Lexis-Nexis, 2019 (manuel)</p> <p>Yves Picod, <i>Droit de la consommation</i>, 4e édition, Sirey, 2018 (manuel)</p> <p>Hélène Aubry, Sabine Bernheim-Desvaux, Laurent Bloch, Isabelle Bon-Garcin, Laetitia Bougerol, Garance Cattalano, Jérôme Chacornac, Gaël Chantepie, Anne-Sophie Choné-Grimaldi, Emmanuelle Claude, <i>Droit de la consommation 2021/22</i>, Dalloz, 2020 (guide pratique)</p>

Other infos	Every week, you will have to read cases or other materials and/or prepare a problem. Instructions will be posted on Moodle.
Faculty or entity in charge	BUDR

Force majeure

Teaching methods	As the sanitary situation evolves, the course will switch to fully online if required.
Evaluation methods	<p>Plan A If sanitary conditions permit, the examination will be written and will last 2 hours. It will take place in a room on campus. It will include two open questions and a hypothetical. Sample examination questions will be shared with you. You will be able to use the course reader (legislation) as long as it is not annotated.</p> <p>Plan B If the sanitary conditions do not allow for a face-to-face examination, the examination will be carried out remotely using one of the computer tools provided by the University. It will last for 2 hours. It will include two open questions and a hypothetical. Examples of examination questions will be shared with you.</p>

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