



5.0 credits	30.0 h	1q
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Teacher(s) :	Nihoul Paul ; Sibony Anne-Lise (compensates Nihoul Paul) ;
Language :	Français
Place of the course	Louvain-la-Neuve
Inline resources:	Course outline, readings (except books) and exercises will be available on Moodle.
Prerequisites :	EU Law [LDROI1226].
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>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><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>Assessment consists of a written exam. There are four questions: Question 1: definitions; Question 2: essay question on a rule or principle (explain and discuss); Question 3: a problem whose solution can be found in the course materials; Question 4: a problem whose solution cannot be directly found in the course materials.</p> <p>You will find past exam questions on Moodle. You can bring your course pack to the exam. Only the version available this year from Facopy is allowed. No other document than the course pack is allowed in the exam. You may highlight but not annotate the documents. You may use flags / thumbnails to navigate the course pack more quickly.</p> <p>Assessment criteria for the definition question are as follows:</p> <ul style="list-style-type: none"> · The answer is a definition · The definition is complete · The wording is clear · There are no errors of law <p>Assessment criteria for the essay question 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 · 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 :	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 and a problem. The teaching method is inspired from problem-based learning. The idea that underpins this approach is that one learns better when acquiring new knowledge to solve a problem than when the same knowledge appears abstract and one does not experience its usefulness. This is why we will spend quite a lot of time solving problems. However, 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 we will invite you to reflect on the effectiveness and fairness of EU consumer law as it stands and on ways to improve the law.
Content :	This course offers an overview of EU consumer law. It revisits from the specific vantage point of EU law some themes that have been covered in other courses, in particular contract law. It deals with the uniquely European issues pertaining to the elaboration of a set of European consumer protection rules. In particular, we will discuss choices of legislative instrument (directives v regulations), the degree of harmonisation and the interplay between EU and national enforcement mechanisms. The course will start with a general introduction, followed by a class on the general EU framework on consumer rights. The remainder of the course is structured around three themes. The first two mirror the two main functions of consumer law: ensuring security (seminar 3 to 6) and fairness (seminar 7 to 9). The third theme, 'how to protect consumers well', will lead us to take a more critical stance on EU consumer law and reflect on issues with the law as it stands and how they could imaginably be addressed. The 12 seminars will be devoted to the following topics: 1. Introduction 2. Consumers rights (as codified in directive 2011/83/UE) Consumer safety 3. EU rules on liability for defective products and guarantees 4. EU rules on product safety and food safety 5. EU rules on GMOs 6. Consumer protection in financial services Fairness of consumer transactions 7. Protection against unfair contract terms 8. Protection against unfair commercial practices 9. Online consumer protection How can consumers be well protected? 10. Judicial activism: the example of passengers rights 11. A critical look at substantive rules: the example of mandatory information requirements 12. A critical look at procedural rules: how should consumer rights be enforced?
Bibliography :	Textbooks Norbert Reich, Hans-Wolfgang Micklitz, Peter Rott, Klaus Tonner, European Consumer Law, Intersentia, 2014 (2nd ed). Stephen Weatherill, EU consumer Law and Policy, Edward Elgar, 2nd ed., 2013. Introduction to behavioural analysis of consumer law Oren Bar-Gill, Seduction by contract: Law, Economics and Psychology in Consumer Markets, Oxford : OUP, 2012. Omri Ben-Shahar and Carl E. Schneider, More than You Wanted to Know : the Failure of Mandated Disclosures, Princeton : Princeton University Press, 2014. Oren Bar-Gill et Omri Ben-Shahar, Regulatory techniques in consumer protection, CMLRev. 2013, 109-126. Additional references EU Law Forty Years of EU Consumer Protection: Where Does It Stand Now?, Editorial, 42 LIEI 2015/3, pp. 195-200. Belgian Law Andrée Puttemans (coord.), Le droit de la consommation dans le nouveau Code de droit économique, Bruxelles: Larcier, 2014. In French, with a focus on transposition of EU rules into Belgian law. French Law Guy Raymond, Droit de la consommation, Paris: Lexis-Nexis, 2015. In French. Updated after the latest (2015) reform of consumer law in France. Jean Calais-Auloy (original author), Henri Temple (current author), Droit de la consommation, Paris: Dalloz, 2015, 9th ed. In French.
Other infos :	For each session, students will have to read cases or other materials and/or prepare a problem.
Faculty or entity in charge:	BUDR

Programmes / formations proposant cette unité d'enseignement (UE)				
Intitulé du programme	Sigle	Credits	Prerequis	Acquis d'apprentissage
Master [120] in Law	DROI2M	5	-	
Advanced Master in European Law	DREU2MC	5	-	
Master [120] in European Studies	EURO2M	5	-	