

Modernising and Harmonising Consumer Contract Law

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**Hans-W. Micklitz, Anne-Lise
Sibony, Fabrizio Esposito**



Modernising And Harmonising Consumer Contract Law Modernising And Harmonising Consumer Contract Law:

Modernising and Harmonising Consumer Contract Law Geraint G. Howells,Reiner Schulze,2009 In October 2008 the European Commission published the Proposal for a Consumer Rights Directive a proposal that suggests far reaching changes to the core of consumer contract law Four current directives are replaced by a new overarching piece of legislation In doing so full harmonization should for the most part take the place of the minimum standard presently in force in the EU Although a welcomed initiative the extent and possible effects of the Proposal have certainly brought a number of issues to the fore In January 2009 legal experts from universities legal practices and the civil service met at Manchester University to address the issues raised by the Proposal and to address the question of the extent to which the Proposal can indeed contribute to the modernization and harmonization of European consumer contract law This book contains the proceedings of the conference and includes papers that analyze criticize and suggest improvements for the Proposal **The**

Transformation of Consumer Law and Policy in Europe Hans-W. Micklitz,Christian Twigg-Flesner,2023-12-14 This book analyses the transformation of consumer law and policy in Europe from 4 perspectives first the temporal transformation i e changes that can be tracked from the turn of the millennium secondly the substantive dimension i e changes in the scope of the rights and remedies provided by consumer law as well as the underpinning values thirdly the institutional dimension i e changes in the role of national courts national Parliaments consumer agencies and consumer organisations and fourth the procedural element i e the shift from individual enforcement via courts to enforcement by public regulators consumer associations alternative dispute resolution and the development of collective enforcement exercised by consumer agencies and or consumer organisations With contributions by leading consumer law scholars from across Europe this book is a fascinating account of how consumer law has often been shaped by national as much as European interests *European Law on Unfair Commercial Practices and Contract Law* Mateja Durovic,2016-07-28 The book examines the ambiguous relationship between the European law on unfair commercial practices and contract law In particular the manuscript demonstrates that the Directive 2005 29 EC on unfair commercial practices UCPD has had a major impact on contract law despite the declaration concerning the formal independence between the two branches of law established by Article 3 2 UCPD The insights and conclusions identified in the book contribute to a better understanding of European private law and the general process of Europeanisation of private law in the European Union and in particular of contract law **Research**

Handbook on International Commercial Contracts Andrew Hutchison,Franziska Myburgh,2020-12-25 This comprehensive Research Handbook examines the continuum between private ordering and state regulation in the lex mercatoria highlighting constancy and change in this dynamic and evolving system in order to offer an in depth discussion of international commercial contract law International scholars from a range of jurisdictions and legal cultures across Africa North America and Europe dissect a plethora of contract types including sale insurance shipping credit negotiable

instruments and agency against the backdrop of key legal regimes commonly chosen in international agreements **Better Regulation in EU Contract Law** Esther van Schagen, Stephen Weatherill, 2019-12-26 This book is the first to provide a critical investigation of EU better regulation from the perspective of EU contract law The Commission's New Deal for EU Consumers is one of the first EU contract law initiatives to implement both the newly revised Better Regulation Guidelines and the newly introduced combined evaluation of multiple Directives in the form of a fitness check This offers an opportunity to explore difficulties and best practices at a national level as demonstrated by experience with the EU's Unfair Terms Directive Both the fitness check and the impact assessment accompanying the New Deal should facilitate critical reflection on the design of EU contract law This book addresses key questions Do impact assessments favour business interests at the expense of a high level of consumer protection Is the evaluation of EU contract law and the analysis in impact assessments in line with scientific standards Has the fitness check revealed difficulties and success stories with EU measures at national level and thereby facilitated an in depth scrutiny of the design of EU contract law Ultimately is the potential of better regulation being realised **The Foundations of European Private Law** Roger Brownsword, Hans-W. Micklitz, Leone Niglia, Stephen Weatherill, 2011-09-19 There remains an urgent need for a deeper discussion of the theoretical political and federal dimensions of the European codification project While much valuable work has already been undertaken the chapters in this volume take as their starting point the proposition that further reflection and critical thought will enhance the quality and efficacy of the on going work of the various codification bodies The volume contains chapters by representatives of the Common Frame of Reference the Study Group and the Acquis Group as well as by those who have not been involved in particular projects but who have previously commented more distantly on their work for instance those belonging to the Trento Group and the Social Justice Group The chapters between them represent the most comprehensive attempt so far to survey the state of the codification project its theoretical political and federal foundations and the future prospects for enforcement and compliance **The Emergence of EU Contract Law** Lucinda Miller, 2011-09-22 The emergence of a pan European contract law is one of the most significant legal developments in Europe today The Emergence of EU Contract Law Exploring Europeanization examines the origins of the discipline and its subsequent evolution It brings the discussion up to date with full analysis of the debate on the Common Frame of Reference and the future that this ambiguous instrument may have in the contemporary European legal framework One of the central themes of the book is exploration of the multi level open architecture of the EU legal order and the implications of that architecture for the EU's private law programme The analysis demonstrates that the key to understanding European contract law in the 21st century lies in adopting a perspective and mechanisms suitable for a legal order populated by multiple sources of private law Legal pluralism is offered as a theoretical construct with the capacity to shape the future of European private law shifting the analytical spotlight beyond the traditional centralized legislative means of regulation In so doing softer mechanisms are introduced for the governance of

contract law mechanisms that enable coordination between the different sites at which contract law operates This reorientation in thinking about European contract law indeed about Europeanization itself enables the inevitable diversity and pluralism that is a feature of multi level Europe to be captured within a framework that maximizes the opportunities for mutual learning and exchange across private law sites Perspectives for European Consumer Law Hans Schulte-Nölke,Lubos Tichy,2010-12-23 The forthcoming Directive on Consumer Rights is part of a far reaching European development in the field of consumer law and general contract law The European Commission has initiated the long expected broad shift to full harmonisation This puts the national laws and all lawyers applying it under new challenges In future the Member States will be prohibited from deviations not only downwards but also upwards In particular the relation between EC and national consumer law and general contract law is under question The Czech EU Presidency in the first half of 2009 gave the occasion for a conference organised by the Charles University the Acquis Group and the Czech European Consumer Center at Prague Leading contract law scholars policy makers and stakeholders from across Europe put the Proposal under close scrutiny from political legal and practical angles This volume contains the results of the conference and thus responds to the question of the extent to which the Proposal offers indeed perspectives for European consumer law It also contains a position paper elaborated by the Acquis Group in the aftermath of the conference which highlights strengths and weaknesses and suggests improvements of the Proposal *From Single Market to Economic Union* Niamh Shuibhne (jurist.),Laurence W. Gormley,2012-06-14 Leading figures in European law discuss the evolution and regulation of the EU as an economic union in tribute to the scholarship of the late Professor John Usher one of the pioneers of the field **Towards a European Contract Law** Reiner Schulze,Jules Stuyck,2011-08-29 Research Methods in Consumer Law Hans-W. Micklitz,Anne-Lise Sibony,Fabrizio Esposito, Consumer law is worthy of greater academic attention at a time when many new questions arise and old ones need new answers This unique handbook takes the reader on a journey through existing literature research questions and methods It builds on the state of the art to offer a springboard for jumping to the heart of contemporary issues and equips researchers with a starter s kit to weave together rich traditions ranging from socio economics to behavioural analysis *EU Law and Private International Law* Jan-Jaap Kuipers,2011-11-25 European Union Law and Private International Law both attempt to resolve a conflict of laws There is however a certain tension between the two disciplines The present book proposes suggestions to enhance their mutual understanding **The Common European Sales Law in Context** Gerhard Dannemann,Stefan Vogenauer,2013-03-21 The recently proposed Common European Sales Law is intended to overcome differences between national contract laws 19 chapters co authored by British and German scholars investigate for the first time how the projected CESL would interact with various aspects of English and German law Law, Technology and Society Roger Brownsword,2019-02-18 This book considers the implications of the regulatory burden being borne increasingly by technological management rather than by rules of law If crime is controlled if human health and safety

are secured if the environment is protected not by rules but by measures of technological management designed into products processes places and so on what should we make of this transformation In an era of smart regulatory technologies how should we understand the regulatory environment and the complexion of its regulatory signals How does technological management sit with the Rule of Law and with the traditional ideals of legality legal coherence and respect for liberty human rights and human dignity What is the future for the rules of criminal law torts and contract law are they likely to be rendered redundant How are human informational interests to be specified and protected Can traditional rules of law survive not only the emergent use of technological management but also a risk management mentality that pervades the collective engagement with new technologies Even if technological management is effective is it acceptable Are we ready for rule by technology Undertaking a radical examination of the disruptive effects of technology on the law and the legal mind set Roger Brownsword calls for a triple act of re imagination first re imagining legal rules as one element of a larger regulatory environment of which technological management is also a part secondly re imagining the Rule of Law as a constraint on the arbitrary exercise of power whether exercised through rules or through technological measures and thirdly re imagining the future of traditional rules of criminal law tort law and contract law

Directive 1999/44/EC and the Smart Regulation: Has the Directive Complied with the Principles of Simplicity and Proportionality Under the Smart Regulation Initiative for Consumers in Germany and England and Wales? Zlatka Koleva, 2015-02 Consumption is one of the most influential albeit dynamic economic factors of the 21st century and therefore the legal rules and norms governing consumers are radically changing overtime On European level Directive 1999 44 EC has had a significant impact on the legal systems of member states since its regulatory framework conflicts with well established traditions rooted in the legal history of a country This book will explore how and where the directive s norms clash with national law Germany and England and Wales will serve as examples of two opposite approaches towards its implementation Furthermore the effects of the directive s incorporation into these domestic legal systems will be assessed in the light of the Smart Regulation s normative principles of simplicity and proportionality in order to determine whether it has improved the position of the consumer or legal certainty has been once again undermined

Smart Contracts Marcelo Corrales Compagnucci, Mark Fenwick, Stefan Wr̃bka, 2021-05-06 This book brings together a series of contributions by leading scholars and practitioners to examine the main features of smart contracts as well as the response of key stakeholders in technology business government and the law It explores how this new technology interfaces with the goals and content of contract law introducing and evaluating several mechanisms to improve the observability and reduce the costs of verifying contractual obligations and performance It also outlines various design patterns that ensure that end users are protected from themselves prevent cognitive accidents and translate expectations and values into more user oriented agreements Furthermore the chapters map the new risks associated with smart contracts particularly for consumers and consider how they might be alleviated The book also discusses the challenge

of integrating data protection and privacy concerns into the design of these agreements and the broad range of legal knowledge and skills required. The case for using smart contracts goes beyond contracts narrowly defined and they are increasingly used to disrupt traditional models of business organisation. The book discusses so called decentralised autonomous organisations and decentralised finance as illustrations of this trend. This book is designed for those interested in looking to deepen their understanding of this game changing new legal technology. Between Compliance and Particularism Marton Varju, 2019-02-08. The book examines how the interests of the member states which provide the primary driving force for developments in European integration are internalised and addressed by the law of the European Union. In this context member state interests are taken to mean the policy considerations, economic calculations, local socio-cultural factors and the raw expressions of political will which shape EU policies and determine member state responses to the obligations arising from those policies. The book primarily explores the junctions and disjunctions between member state interests defined in such a manner and EU law where the latter expresses either an obligation for the member states to comply with common policies or an acceptance of member state particularism under the common EU framework. **Law and the Internet** Lilian Edwards, Charlotte Waelde, 2009-09-10. This is the third edition of a successful book which offers students and practitioners an up to date overview of developments in Internet law and practice. The editors have once again assembled a team of specialist authors to write about those aspects of Internet law which are of special importance in the global regulation of the Internet and focussed around three principal themes: e-commerce, intellectual property and privacy, data protection and cyber crime, with in addition a major contribution on Internet Governance. This edition incorporates for the first time areas such as data protection, privacy and electronic surveillance, cyber crime and cyber security, jurisdiction and dispute resolution online. The section on IP contains clear and comprehensive analysis of the many and varied ways in which IP and the internet intersect, including open source licenses and the IP problems around search engines. The new edition also takes account of all current cases and legislation including the draft revised EC Telecoms Package and the Audio Visual Media Services Directive. This book will be essential reading for students, teachers and practitioners interested in Internet law and practice as well as technologists and social scientists. The book is easy to read and has been well edited and flows smoothly through the various topics. The book provides a worthwhile overview of this developing area of law throughout the world. Peter Walsh. *International Trade Law Annual* a thorough and stimulating survey, a good introduction for lawyers and students approaching Internet and e-commerce law for the first time and a useful course text. Brian Hutchinson. *The Irish Jurist*. *Cases and Materials on EU Law* Stephen Weatherill, 2012-06-21. Stephen Weatherill provides a carefully chosen selection of the major judgements delivered by the courts and some of the most important pieces of European Community legislation with which law students will need to become familiar. Law, Regulation and Governance in the Information Society Maurizio Borghi, Roger Brownsword, 2022-12-30. This edited collection seeks to map the landscape of contemporary

informational interests to evaluate a range of recognised and putative rights and wrongs associated with modern information societies and to consider how law regulation and governance should be deployed in response New technologies and new applications constantly disrupt our values our framing of our world and our sense of where we are and who we are In our information societies we entertain mixed hopes and expectations as well as significant fears and concerns At the root of these there are a number of informational interests on the basis of which certain rights are claimed and particular wrongs denounced This book addresses these interests considering them as relating primarily to the integrity of the informational ecosystem to the accessibility accuracy and authenticity of public information and to our individual ability to control the outward and inward flows of information that relates directly to ourselves Covering a wide range of subjects the book s interrogation of our contemporary information society is oriented around two questions first whether the information society in which we live is the kind of society that we think it should be and second if not what we can reasonably expect law regulation and governance to do in providing the basis for improving it This book will be of considerable interest to those working at the intersection of law and technology as well as others concerned with the legal political and social aspects of our information society

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