

# Modernising and Harmonising Consumer Contract Law

Geraint Howells  
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# Modernising And Harmonising Consumer Contract Law

**Mateja Durovic**



## **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 **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

**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

*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

*Research Handbook on EU Consumer and Contract Law* Christian Twigg-Flesner, 2016-09-30 The Research Handbook on EU Consumer and Contract Law takes stock of the evolution of this fascinating area of private law to date and identifies key themes for the future development of the law and research agendas This major Handbook brings together contributions by leading academics from across the EU on the latest developments and controversies in these important areas of law The Handbook is divided into three distinct and thematic parts firstly authors examine a range of cross cutting issues relevant to both consumer and contract law The second part discusses specific topics on EU consumer law including

the consumer image within EU law information duties and unfair contract terms The final part focuses on a number of important subjects which remain current in the development of EU contract law and presents a number of innovative solutions to the challenges presented in parts one and two This timely and insightful Handbook will provide both a comprehensive survey of this area of law for the novice researcher and fresh food for thought for scholars who have been researching this area of law for many years Contributors include E A Amayuelas H Beale J M Bech Serrat C Busch R Canavan P Cartwright O O Cherednychenko G Comparato G Cordero Moss A Cygan L Gillies M Graziadei M W Hesselink G Howells C Mak V Mak H W Micklitz B Pozzo P Rott J Rutgers J M Smits Y Svetiev E T T Tai C Twigg Flesner W H van Boom J Watson F Zoll

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

Mobile Payments, Consumer Policy, and the Law Nwanneka Ezechukwu, 2023-03-17 Mobile technology offers an innovative and cost effective channel for delivering a range of financial services including mobile payments In some jurisdictions mobile payments simply provide a convenient option for facilitating payment transactions In other jurisdictions mobile payments are viewed as potentially transformative because they present an opportunity to expand access to financial services However as with other innovations mobile payments raise consumer protection concerns and require robust regulatory mechanisms to address such concerns Against this backdrop the book adopts a typology of consumer policy tools which can be used to address the identified consumer concerns This typology guides the enquiry into the existing consumer protection frameworks applying to mobile payments in selected jurisdictions Canada Kenya and the United Kingdom The main objective of this endeavour is to identify

best practices that national authorities seeking to leverage mobile payments and similar innovations can emulate This book will be of interest to policymakers regulators industry stakeholders students and scholars interested in the regulation of innovative financial services particularly from a consumer protection perspective      **Unfair Contract Terms in the Digital Age** Gardiner, Caterina, 2022-06-14 Since the introduction of the European Unfair Contract Terms Directive UCTD there have been far reaching developments in the digital landscape which have significantly altered the nature of consumer contracts This timely book examines the changes that have taken place since the advent of the UCTD and analyses the challenges that they pose for consumers entering online standard form contracts today      *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      **Compliance with European Consumer Law** Felix Pflücke, 2024-09-09 European Consumer Law has adapted and evolved in response to the rapid growth of e commerce in the last two decades Compliance with European Consumer Law The Case of E Commerce examines the evolving legal framework at the EU and national levels from mandatory disclosures to unfair contract terms and analyses the extent to which scientifically grounded evidence or theories underpin these legislative choices At the heart of the book lies an original data driven inquiry assessing compliance among e commerce traders with consumer protection rules The empirical analysis investigates whether 300 traders from four jurisdictions France Germany the Netherlands and the United Kingdom comply with their legal duties and identifies reasons for non compliance It translates the evidence of previously undiscovered non compliance patterns into targeted and actionable policy recommendations presenting a significant new interpretation of the regulatory landscape Compliance with European Consumer Law offers a unique analytical perspective and contributes to a deeper understanding of e commerce regulation Innovative and engaging this book advocates for a more evidence driven approach within European Consumer Law aimed at strengthening the effectiveness of the rules and fostering trader compliance      **Electronic Consumer Contracts in the Conflict of Laws** Zheng Sophia Tang, 2015-10-22 The second edition of this highly recommended work addresses the interaction between conflict of laws dispute resolution electronic commerce and consumer contracts In addition it identifies specific difficulties that conflicts lawyers and consumer lawyers encounter in electronic commerce and proposes original approaches to balance the conflict of interest between consumers access to justice and business efficiency The European Union has played a leading role in this area of law and its initiatives are fully explored It pays particular attention to the most recent development in collective redress and alternative online dispute resolution By adopting multiple research methods including a comparative study of the EU and US approach historical analysis of protective conflict of laws doctrinal analysis of legal provisions and economic analysis of law it provides the most comprehensive examination of frameworks in cross border consumer contracts      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      Towards a European Contract Law Reiner Schulze, Jules Stuyck, 2011-08-29

The Law Applicable to Cross-border Contracts involving Weaker Parties in EU Private International Law María Campo Comba, 2020-12-07 This book provides answers to the following questions how do traditional principles of private international law relate to the requirements of the internal market for the realisation of the EU s objectives regarding the protection of weaker parties such as consumers and employees When and how should private international law ensure the applicability of EU directives concerning the protection of weaker parties Are the EU s current private international law rules on conflict of laws and private international law approach sufficient to ensure the realisation of its objectives regarding weaker contracting parties or is a different approach to private international law called for The book concludes with several proposed amendments mainly regarding the Rome I Regulation on the law applicable to contractual obligations as well as suggestions on the EU s current approach to private international law This book is primarily intended for an academic audience and to help achieve better regulation in the future It also seeks to dispel certain lingering doubts regarding the current practice of EU private international law      *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

**The Cambridge Companion to European Union Private Law** Christian Twigg-Flesner, 2010-05-20 The emergence of EU Private Law as an independent legal discipline is one of the most significant developments in European legal scholarship in recent times In this 2010 Companion leading scholars provide a critical introduction to the subject s key areas while offering original and thought provoking comment on the field In addition to several chapters on consumer law topics the collection has individual chapters on commercial contracts competition law non discrimination law financial services and travel law It also discusses the wider issues concerning EU Private Law such as its historical evolution the role

of comparative law language and terminology as well as the implications of the Common Frame of Reference project A useful scene setting introduction and further reading arranged thematically make this important publication the student s and scholar s first port of call when exploring the field      Methodologies of Legal Research Mark Van Hoecke,2011-02-28 Until quite recently questions about methodology in legal research have been largely confined to understanding the role of doctrinal research as a scholarly discipline In turn this has involved asking questions not only about coverage but fundamentally questions about the identity of the discipline Is it mainly descriptive hermeneutical or normative Should it also be explanatory Legal scholarship has been torn between on the one hand grasping the expanding reality of law and its context and on the other reducing this complex whole to manageable proportions The purely internal analysis of a legal system isolated from any societal context remains an option and is still seen in the approach of the French academy but as law aims at ordering society and influencing human behaviour this approach is felt by many scholars to be insufficient Consequently many attempts have been made to conceive legal research differently Social scientific and comparative approaches have proven fruitful However does the introduction of other approaches leave merely a residue of legal doctrine to which pockets of social sciences can be added or should legal doctrine be merged with the social sciences What would such a broad interdisciplinary field look like and what would its methods be This book is an attempt to answer some of these questions      **Rethinking EU Consumer Law** Geraint Howells,Christian Twigg-Flesner,Thomas Wilhelmsson,2017-07-28 In Rethinking EU Consumer Law the authors analyse the development of EU consumer law on the basis of a number of clear themes which are then traced through specific areas Recurring themes include the artificiality of the EU s consumer image the problems created by the drive towards maximum harmonisation and the unexpected effects EU Consumer Law has had on national law The book argues that EU Consumer Law has the potential of enhancing the protecting of consumers throughout the EU and could offer a model for consumer law elsewhere in the world but in order to unlock this potential there needs to be a rethink with regard to the EU s approach to consumer law and policy



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