



ENFORCING EU CONSUMER AND MARKET LAW

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10 YEARS OF THE JOURNAL OF EUROPEAN CONSUMER AND MARKET LAW

Thursday 15 and Friday 16 December 2022

Online

Scientific Committee

**Christoph Busch, Alberto De Franceschi, Mateja Durovic, Catalina Goanta,
Mateusz Grochowski, Joasia Luzak, Vanessa Mak, Jorge Morais Carvalho,
Kristin Nemeth, Rupprecht Podszun, Sofia Ranchordas, Christine Riefa**

The Conference will take place on the Platform Google Meet

Log-in (no password needed) at:

meet.google.com/xyq-vtfj-drj (Thursday 15 December)

meet.google.com/etx-ddhi-aco (Friday 16 December)

EU Consumer and Market Law is an essential engine of European Integration. It is therefore one of the key tools for facing two of the crucial challenges of the current and next decades: Digital Revolution and Environmental Sustainability.

The last few decades have seen consumer law elevated to being a central pillar of European Union policy making, with the EU setting a high level of protection for consumers in all industries and markets. This has led to the adoption of many legislative instruments all requiring complex technical knowledge. In addition, the Fourth industrial revolution and recent digital developments have again opened the floodgate for new regulatory initiatives tackling critical issues such as sustainability, global electronic commerce and the liability of digital market actors.

Meanwhile, the common European rules regulating different areas of consumer law, such as the unfair commercial practices, unfair contract terms, consumer sales or dispute resolution continue to evolve and remain of utmost importance for both online and offline transactions and market interactions. The harmonisation of consumer laws has in principle raised the level of protection of consumers in the internal market as businesses offers goods, services and digital content across borders within and outside of the European Union. However, the application of consumer law is as difficult as it has always been, prompting the need for yet further reforms.

The **Journal of European Consumer and Market Law (EuCML)** offers an up-to-date and critical analysis of all new developments and revisits old ones to pre-empt market needs and suggest viable solutions. In particular, **EuCML offers a fresh perspective on consumer law** that goes beyond the traditional understanding of consumer law as consumer protection law. It understands consumer protection **from a market perspective**, taking into account the requirements and realities of doing business in B2B and B2C markets.

The EuCML welcomes analysis that encompasses work aimed at protecting consumer *stricto sensu* but also as users of services, passengers, insurance policy holders *etc.*

EuCML also offers **a forum to discuss** the black letter law implications of the **latest Member States' Courts and CJEU interpretation** but also sustainability concerns, the effects of the pandemic of Covid-19, data commercialisation, issues of power in markets or even social aspects.

EuCML is available in paper as well as online on *HeinOnline*, *Kluwerlawonline* and *Beck-online*.

The EuCML is focused on bringing scholarship and the sharpest thinking on the issues that matter to the consumer and the market of the 21st century.

THURSDAY 15 DECEMBER 2022, 09:00 - 17:30 (CET)

09:00 Introduction

Alberto De Franceschi (University of Ferrara)

09:10 I. OVERARCHING CHALLENGES IN EU CONSUMER AND MARKET LAW

Chair: *Christoph Busch (University of Osnabrück)*

Wish or reality: reconciling consumers' needs and traders' goals

Verica Trstenjak (former Advocate General at the Court of Justice of the European Union)

Protection of weaker parties in smart contracts

Andrea Stazi (European University of Rome and National University of Singapore)

Market Citizenship: Fostering the Green Transition through European Private Law

Francesca Bertelli (University of Brescia)

10:10 Discussion

10:30 Coffee Break

**10:45 II. THE FUNCTIONALITY OF THE INFORMATION MODEL:
PRECONTRACTUAL INFORMATION DUTIES AND DISCLOSURES**

Chair: *Joasia Luzak (University of Exeter)*

The Disclosure Dream – Towards a New Transparency Concept in EU Consumer Law

Rolf H. Weber (University of Zurich)

**Adequacy and Effectiveness of Precontractual Information Duties in Car Flexible Finance
Agreements**

Michele Ciancimino (LUMSA University of Palermo)

***Ex officio* enforcement of the Consumer Rights Directive: The Dutch Perspective**

Charlotte Pavillon (University of Groningen) and Leonieke Tigelaar (University of Groningen)

11:45 Discussion

12:05 Coffee Break

12:15 III. UNFAIR TERMS IN CONSUMER CONTRACTS

Chair: *Kristin Nemeth (University of Innsbruck)*

Effective consumer protection in times of global challenges and the role of corrective remedies: from punitive nullity to contract renegotiation

Paola Iamiceli (University of Trento)

The Court of Justice on Unfair Terms and Supplementation of the Contract: How Far Is Too Far?

Riccardo Serafin (University of Turin)

12:55 Discussion

13:15 Lunch Break

14:00 IV. UNFAIR TERMS IN CONSUMER CONTRACTS

Chair: *Vanessa Mak (University of Leiden)*

Unfair contractual terms and consequences for B2C agreements

Chiara Sartoris (University of Florence)

Unfair terms of consumer contracts in the enforcement proceedings from the Greek perspective

Evangelia (Elina) Asimakopoulou (Neapolis University Pafos Cyprus and Aristotle University of Thessaloniki)

14:40 Discussion

15:00 Coffee Break

15:15 V. VOLKSWAGEN CASE AND THE EQUILIBRIUM BETWEEN CONSUMER AND MARKET PROTECTION

Chair: *Alberto De Franceschi (University of Ferrara)*

Manipulated software as a minor lack of conformity? The CJEU Case Law

Rita Simon (Czech Academy of Sciences)

Volkswagen Case and Termination of Contract: The Spanish experience

Carlos Villacorta Salís (BCV Lex, Madrid)

15:55 Discussion

16:15 Coffee Break

16:30 VI. PRODUCT LIABILITY AND CONSUMER LAW

Chair: *Geraint Howells (National University of Ireland, Galway)*

The Last Decade of Product Liability Case Law: How the CJEU Shaped the Proposal for a New Directive

Edoardo Ruzzi (University of Roma Tre)

A tale of two cities? Fennia v Philips and Article 7 of the Product Liability Directive Update

Francesca Gennari (University of Bologna)

17:10 Discussion

17:30 Interim Conclusions

FRIDAY 16 DECEMBER 2022, 08:30 - 17:30 (CET)

08:30 VII. CONSUMER AND MARKET PROTECTION IN THE DIGITAL AGE

Chair: *Mateja Durovic (King's College London)*

Profiling Consumer by Big Data: The Interplay Between the GDPR and the UCPD

Maja Nisevic (Katholieke Universiteit Leuven)

European Regulation of Dark Patterns before and after the DSA

Alexander Egberts (Max Planck Institute for Research on Collective Goods, Bonn)

Consumer Protection Between Persuasion and Manipulation

Ludovica Sposini (Sant'Anna School of Advanced Studies, Pisa)

Reputational systems between market needs and consumer protection

Annarita Ricci (University G. d'Annunzio of Chieti-Pescara)

09:50 Discussion

10:10 Coffee Break

10:25 VIII. CONSUMER AND MARKET PROTECTION IN THE DIGITAL AGE

Chair: *Mateusz Grochowski (Max Planck Institute for Comparative and International Private Law)*

Locating Online Platforms in the Right Place: Between the Digital Services Act and the Liability Law

Cemre Polat (Ankara Medipol University) and Ş. Barış Özçelik (Bilkent University)

Coty v Amazon: Could Lessons be Taken for the Liability of Platforms for Defective Products?

Gökçe Kurtulan Güner (Istanbul Bilgi University)

11:05 Discussion

11:25 Coffee Break

11:40 IX. NATIONAL REPORTS

Chair: *Jorge Morais Carvalho (NOVA University, Lisbon)*

The jurisprudential conflict on the application of consumer law in Slovenia: consumer law as a sword or a shield?

Petra Weingerl (University of Maribor)

Ten Years of Enforcement of Croatian Consumer Law

Emilia Mišćenić (University of Rijeka)

12:20 Discussion

12:40 Lunch Break

14:00 X. COMPETITION LAW IN CONSUMER MATTERS AND THE CHALLENGE OF ENERGY MARKETS

Chair: *Rupprecht Podszun (University of Düsseldorf)*

Big Data and the Interplay between Competition Law, Data Protection and Consumer Law: Perspectives from the Italian Experience

Cristina Poncibò (University of Turin)

The Protection of Market and Consumers Damaged by Infringements of Competition Law in a Recent Italian Supreme Court Judgment: a Problem of Effectiveness

Silvia Romanò (University of Rome Tor Vergata)

Price Adjustment Clauses in Electricity Supply Consumer Agreements: Breaching the Thermopylae “Hotgates” of Transparency or just a legitimate “Trojan Horse” for the recovery of the production cost?

Evangelos Margaritis (University of the Aegean)

15:00 Discussion

15:20 Coffee Break

15:35 XI. PUBLIC ENFORCEMENT AND PROCEDURAL ISSUES IN CONSUMER PROTECTION

Chair: *Evelyne Terryn (Katholieke Universiteit Leuven)*

Administrative enforcement of consumer law rules: the role of the Italian Consumer and Market Authority on digital platforms

Federica Casarosa (European University Institute, Florence)

Collective consumer redress through debt collection services in Germany – A critical analysis of a rare case of ‘coding’ in civil law countries

David Markworth (University of Cologne, Germany)

Influencing the EU Consumer and Market Law? The Office of Competition and Consumer Protection in Poland and Influencer Marketing

Monika Namysłowska (University of Lodz) and Karolina Sztobryn (University of Lodz)

16:35 Discussion

16:55 Coffee Break

17:10 XII. PUBLIC ENFORCEMENT AND PROCEDURAL ISSUES IN CONSUMER PROTECTION

Chair: *Alberto De Franceschi (University of Ferrara)*

The importance of Redemption in EU Civil Procedural Consumer Law

Ioannis Revolidis (University of Malta)

The enforcement of consumer financial protection rules

Catalin-Gabriel Stanescu (University of Copenhagen)

17:50 Discussion

18:10 Conclusions

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