

International Association of Consumer Law Newsletter July 2008 Issue 3

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Forthcoming Courses, Conferences & Seminars

Summer Courses in Spain

The University of Cantabria in collaboration with the Euro-American Chair of Consumer Law organises two summer courses:

- Cuenca 16-20 July, on the protection of the users of sanitary services
- Santander 23-26 July on the new rules protecting consumers.

For more information, contact Professor Julio Alvarez Rubio (julio.alvarez@unican.es) or see:

http://www.unican.es/WebUC/cverano/Cursos/Sedes/det_curso.asp?p_anualidad=2008&p_id=1382

12th IACL International Conference

Consumer Law - Globalisation, Poverty and Development

The 12th International Conference on Consumer Law, organised under the auspices of the International Association of Consumer Law will be organised by the NALSAR University of Law (www.nalsarlawuniv.ac.in) in Hyderabad, India on February 25-27, 2009. Consumer law scholars from all parts of the world – both members of the IACL and others – are invited to participate. The call for paper is published on the association's website (www.iaclaw.org). Those interested in presenting a paper on the conference should send a short summary (½ page) of their paper to the organising committee in Hyderabad, chaired by Professor Ghansyam Singh.

Papers should be sent to the below:

Dr. Vidyullatha Reddy (vidyullathareddy@gmail.com),
Gail Pearson (G.Pearson@econ.usyd.edu.au),
Geraint Howells (g.howells@lancaster.ac.uk)
Christine Riefa (Christine.riefa@brunel.ac.uk).

Final *deadline for abstracts is September 30, 2008*. Those selected will be informed as soon as possible after submission of their proposals. Finalised papers should be provided before December 31st. Practical information concerning the conference can be obtained from Dr. Vidyullatha Reddy (vidyullathareddy@gmail.com). The registration fee, that includes the conference material, lunches during the conference and a dinner, is 250 USD for participants from abroad and 5000 Indian rupees for participants from India. The organizers will negotiate with suitable hotels special rates for the participants.

Society of Legal Scholars Annual Conference – Consumer law stream

15-16 September 2008, LSE London.

For more details about this event, please contact Dr Christian Twigg-Flesner via email: C.Twigg-Flesner@hull.ac.uk

Modernising and Harmonising Consumer Contract Law

Manchester University 12-13 January 2009

The next months will be crucial for the development of consumer contract law in Europe and the United Kingdom. The European Commission is likely to propose a horizontal consumer contract directive by the end of the year and the United Kingdom government is considering modernising consumer law, perhaps by significantly reforming sales and contract law.

For this reason Manchester Law School and Münster's Centre for European Private Law are hosting a conference bringing together leading contract law scholars and policy makers from across Europe. In the context of the proposed directive and national developments the aim will be to consider what elements should be in a modern consumer contract law and the extent to which the laws of member states should be harmonized so that consumers can fully benefit from the internal market. The idea of the conference is to provide a forum for high level academic discussion.

Those interested in attending should contact Geraint Howells who will be on G.Howells@Lancaster.ac.uk until 1 September and Geraint.Howells@Manchester.ac.uk thereafter. Modest fees will apply for academics.

Articles & Books

Articles

Luke Nottage, *Australia's Consumer Policy Framework – Enquiry Report: Few Surprises*, Australian Product Liability Reporter, Volume 19, Number 3, p. 34.

This article discusses the Productivity Commission's final Report for the Review of Australia's Consumer Policy Framework. The author analyses a number of key recommendations in the Report and their effect on consumer law and policy in Australia. A free copy of the article will be available on the IACL website shortly.

Christine Riefa, *To Be or Not to Be an Auctioneer? Some Thoughts on the Legal Nature of Online "eBay" Auctions and the Protection of Consumers*, J Consum Policy 2008 31:167-194.

This paper discusses the legal classification of online "eBay" auctions. The discussion has key implications on the scope of consumer protection law as sale by auctions are, for example, excluded from the scope of the Consumer Protection (Distance Selling) Regulations 2000. The paper uncovers that online "eBay" auctions cannot always be considered as traditional auctions and that eBay, as an intermediary, is not to be considered as an auctioneer. This creates difficulties associated with a distributive application of consumer protection laws such as the Consumer Protection (Distance Selling) Regulations 2000. Another set of difficulties is associated with a lenient legal regime applicable to the liability of eBay under the Electronic Commerce (EC Directive) Regulations 2002. The paper concludes that there is an urgent need to clarify the legal classification of online auctions and to rethink the liability of online auction sites to better protect consumers.

Federico Ferretti, *Consumer credit information and the abuse of individual rights in the EC: evidence from a legal compliance analysis. The need for a new European legal and institutional framework*, European Consumer Law Journal / Revue Européenne de Droit de la Consommation, 1/2007-2008, p.87-130.

This paper provides a detailed analysis of the compliance of the use of consumer credit information in the lender-borrower relationship vis-à-vis existing EC data protection legislation. It aims to demonstrate that consumer credit information systems persistently violate the positive EC legal framework and that specific legislative intervention at EC level is necessary. Such a measure, however, would not be sufficient to safeguard consumers' rights if it is taken alone, but it would require an institutional reorganisation of the market concerned with the distribution of consumer credit information.

Van Boom, Willem H. and Loos, M.B.M., *Effective Enforcement of Consumer Law in Europe: Synchronizing Private, Public, and Collective Mechanisms*, SSRN January 2008.

In this paper, we argue that there is a need for collective enforcement of consumer law in Europe. We evaluate a number of legal instruments that already have been developed to this end in European law and domestic legal systems. Furthermore, we make suggestions for further policy initiatives and for finding the right balance between private and public enforcement efforts. The analysis offered is partly based on the findings of the contributors to a book that we edited in 2007.

http://search.ssrn.com/sol3/papers.cfm?abstract_id=1082913

Books

News about new books as well as book reviews are welcome for our next editions.

Christian Twigg-Flesner, *The Europeanisation of Contract Law*

Critical yet accessible, this book provides an overview of the current debates about the 'Europeanisation' of contract law. Charting the extent to which English contract law has been subject to this activity, it is the ideal volume for readers unfamiliar with the subject who wish to understand the main issues quickly.

It examines a range of key developments, including:

- a string of directives adopted by the European Union that touch on various aspects of consumer law
- recent plans for a European Common Frame of Reference on European Contract Law.

Bringing together advanced legal scholarship, critically examining key developments in the field and considering the arguments for and against greater convergence in the area of contract law, this is an excellent read for students studying contract and/or European law, as well as those seeking a clear exposition of the topic.

<http://www.routledge.com/books/The-Europeanisation-of-Contract-Law-ISBN9781845680503>

Marco Loos, *The Review of the Consumer Acquis*

European consumer law is one of the parts of European law where the citizens of the European Union may experience the positive consequences of the European integration themselves. This is in part the reason why consumer law is in the renewed attention of the European Commission. Within the framework of the development of the Common Frame of Reference the emphasis is now on the improvement of (in particular) the consumer acquis, more precisely on the review of 8 directives that relate to the sale of goods and services. In this book the author will look into these developments.

http://www.sellier.de/pages/en/buecher_s_elp/europarecht/604.review_of_the_european_consumer_acquis.htm

A summary of the points developed in the book can be found in an article entitled *Review of the Consumer Acquis*, *Zeitschrift für Gemeinschaftsprivatrecht* 2008/3, p. 117-122.

Federico Ferretti, The Law and Consumer Credit Information in the European Community

Consumer credit information systems are the tools used by the majority of lenders to manage credit risk, with lenders accessing credit reference databases managed by third party providers to evaluate a consumer's credit application. So far, the subject of consumer credit reporting has been left to the predominant attention of the economic and business management scholarship and little or no consideration has been paid by lawyers. This book aims to rectify this examining the legal framework and compliance in the European Community (EC) of such consumer information sharing arrangements which have become increasingly integrated in the credit granting practices of the Member States. The book looks at the laws which surround and affect consumer credit reporting, including bank secrecy obligations. Consumer credit reporting and its relationship to human rights is also explored, as every individual in the EC is entitled to informational privacy. The book asks questions such as to what extent should the privacy of consumers be balanced against the aims and functions of consumer credit reporting, and how do the financial information sharing arrangements comply with the positive law, particularly the European data protection legislation?

<http://www.routledge.com/books/The-Law-and-Consumer-Credit-Information-in-the-European-Community-isbn9780415460736>