**JSDI-EUA 3330**

**Theory and Practice of Product Liability and Consumer Protection of the EU**

**Total number of lectures: 12 hours**

**Credits: 6 or 0 credit(s)**

**Examining: alternative exam**

**Lecturer: dr. Nagy, Andrea**

**Themes:**

I. Introduction of the concept of consumer protection

 1. The concept of the consumer and his/her role in the market economy

 2. Consumer rights

II. Consumer Protection Policies of the Community;

 1. Aims and Objectives of Consumer Protection in the Past and Today

 2. The Integrated Product Policy: an Integrated Approach related to Consumer Protection and Environmental Protection

III. The Role of Consumer Protection and its Changes in the Treaties of the Community

 1. Articles related to free movement of goods and services

 2. Articles giving basis for secondary legislation

IV. Court Cases Related to Consumer Protection (e.g. Dassonville, Casis de Dijon, Francovich, Keck)

V. Secondary legislation

 1. Consumer protection and civil law measures

 2. Consumer protection and measures of public administration law

VI. Consumer Safety including General Product Safety and other Special Community Measures; the New Approach Directives (Aims, objectives, rights and obligations)

VII. The Product Liability Directive (Aims, objectives, rights and obligations)

VIII. An Exercise to introduce the Product Liability Directive into Domestic Legislation

**Further reading:**

1. Craig-de-Búrca: EU Law (Third Edition) pages: 613-677; 1171-1203

2. Treaty Articles (new numbers): Articles 2-6; Articles 28-31; Articles 94-97; Article 153; Article 251

3. Product Safety:

 - Council Directive 92/59/EEC of 29 June 1992 on general product safety

- Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety

4. Product Liability:

- Council Directive of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (85/374/EEC)

- Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999 amending Council Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products

- Judgement of the Court (Fifth Chamber) of 25 April 2002 Commission of the European Communities vs. French Republic Failure by a Member State to fulfil its obligations – Directive 85/374/EEC- Product liability – Incorrect transposition Case C-52/00 European Court Reports 2002 Page I-03827

- Council Resolution of 19 December 2002 on amendment of the liability for defective products directive Official Journal C 026, 04/02/2003 P. 0002-0003

5. Unfair Commercial Practices

- Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (‘Unfair Commercial Practices Directive’) (Text with EEA relevance)

**Further reading:**

* Consumer Protection in the Annex of the White Paper: Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union Brussels, 03.05.1995. COM(95) 163 final
* Green Paper on European Union Consumer Protection, Brussels, 2.10.2001. COM(2001) 531 final
* Green Paper on Integrated Product Policy, Brussels 07.02.2001 COM (2001) 68 final
* Communication from the Commission to the European Parliament and the Council: More Coherent European Contract Law an Action Plan, Brussels, 12.2.2003.
* European Commission : Directorate General for Health and Consumer Protection, Hearing Door-to-Door Selling, Pyramid Selling, Multilevel Marketing 15/16 March 2000 Brussels
* Communication from the Commission to the European Parliament, the Council, The Economic and Social Committee and the Committee of the Regions: Consumer Policy 2002-2006; COM(2002) 208 final
* Decision No 1926/2006/EC of the European Parliament and of the Council of 18 December 2006 establishing a programme of Community action in the field of consumer policy (2007-2013)
* Communication from the Commission the European Parliament, to the Council, to the Economic and Social Committee: European Consumer Policy Strategy 2007-2013 Brussels. 13.3.2007 COM (2007) 99 final