

## SUBJECT CHART

### *European Union Consumer Protection Law*

#### 1. Information on the study programme

1.1 Institution of higher education	West University of Timișoara
1.2 Faculty	Faculty of Law
1.3 Department	Department of Private Law
1.4 Field of Study	Law
1.5 Cycle of study	Master's Studies
1.6 Programme of study / Qualification	Dreptul Uniunii Europene (European Union Law)

#### 2. Information on the subject

2.1 Discipline denomination		European Union Consumer Protection Law D2UE1209					
2.2 Person in charge of course activities		Senior Lecturer Dan-Adrian Cărămidariu, PhD					
2.3 Person in charge of seminar activities		Senior Lecturer Dan-Adrian Cărămidariu, PhD					
2.4 Year of study	IV	2.5 Semester	II	2.6 Type of evaluation	Ex	2.7 Subject regime	CS

#### 3. Total estimated time (number of hours of teaching activities per semester)

3.1 Number of hours per week	3	of which: 3.2 course	2	3.3 seminar/laboratory	1
3.4 Total hours in the curriculum	42	of which: 3.5 course	28	3.6 seminar/laboratory	14
<b>Distribution of time:</b>					<b>hours</b>
Study using textbooks, teaching materials, bibliography and class notes					40
Additional research in the library, using specialized electronic platforms/ field research					25
Preparation for seminars / laboratories, homework, projects, essays					10
Tutoring					-
Examination					8
Other activities .....					-
<b>3.7 Total hours of individual study</b>					<b>83</b>
<b>3.8 Total hours per semester</b>					<b>125</b>
<b>3.9 Number of credits</b>					<b>5</b>

#### 4. Preconditions (if any)

4.1 curriculum-related	None
4.2 competence-related	None

### 5. Conditions (if any)

5.1 related to courses	<ul style="list-style-type: none"> <li>attendance requirement of 50%</li> </ul>
5.2 related to seminars / laboratories	<ul style="list-style-type: none"> <li>attendance requirement of 50%</li> </ul>

### 6. Subject-specific objectives – expected results of the learning process to which the subject contributes

Knowledge	<ol style="list-style-type: none"> <li>understanding and acquiring the capacity to operate with discipline-specific terminology and legal concepts;</li> <li>understanding and acquiring the capacity to draw comparisons between national legal institutions in the field of EU contract law and consumer protection;</li> <li>understanding and acquiring the capacity to operate with key notions of consumer welfare.</li> </ol>
Abilities	<ol style="list-style-type: none"> <li>acquiring the capacity to draft and work with consumer contracts;</li> <li>acquiring the capacity to conduct critical analyses of case-law of relevant international and national courts;</li> <li>acquiring the capacity to draft a study on international practices with regard to certain types of consumer contracts.</li> </ol>
Responsibility and autonomy	<ol style="list-style-type: none"> <li>Developing the students' values and understanding of the place and role of international trade in a free market economy and a democratic society;</li> <li>Developing the capacity to conduct, individually and autonomously, analyses of given factual situations and to operate with the relevant concepts for international trade and investment law at a level similar to that required in a legal professional environment</li> </ol>

### 7. Content

7.1 Courses	Teaching methods	Observations
<b>1. Development of European Contract Law</b> 1.1. Contract Law and Economic Order 1.2. European Union Contract Law 1.3. Proposals for an European Code of Contract Law	Exposition, heuristic conversation and case-law analysis	2 hours
<b>2. Negotiation and Formation of Contracts</b> 2.1. The Consent of the Parties 2.2. The Offer 2.3. Acceptance	Exposition, heuristic conversation and case-law analysis	2 hours

2.4. Liability for Breaking Off Negotiations		
<b>3. Formalities and Interpretation of Contracts</b> 3.1. Reasons for Formal Requirements and Types of Formalities 3.2. Sanctions 3.3. Enforcement of Contracts Lacking the Requisite Form 3.4. Theories on Intention and Expression 3.5. Objective Interpretation and Maxims of Interpretation 3.6. Implication of Terms by Default Rules 3.7. Collateral Duties	Exposition, heuristic conversation and case-law analysis	2 hours
<b>4. EU Consumer Protection Policies</b> 4.1. Consumer Welfare Issues 4.2. The Contribution of Behavioural Law & Economics 4.3. Protection Policies in the EU	Exposition, heuristic conversation and case-law analysis	2 hours
<b>5. Unfair Commercial Practices</b> 5.1. Unfair, Illegal, and Immoral Contracts 5.2. Inequality between Performance and Counter-Performance 5.3. Undue Restraints on Personal or Economic Freedom 5.4. Breach of the Law and Restitution of Benefits Conferred 5.5. Unfair Commercial Practices in EU law	Exposition, heuristic conversation and case-law analysis	4 hours
<b>6. Pre-contractual Information Duties and Rights of Withdrawal</b> 6.1. Pre-contractual Information Duties: Basis and Reasons. 6.2. Pre-contractual Information Duties: Consequences of Non-Performance 6.3. Rights of Withdrawal: Basis and Reasons 6.4. Consequences of Withdrawal	Exposition, heuristic conversation and case-law analysis	4 hours

<b>7. The Control of Unfair Contract Terms</b> 11.1. Judicial Control 11.2. Legislative Options 11.3. Preventive Control	Exposition, heuristic conversation and case-law analysis	2 hours
<b>8. Legal guarantees, product liability and safety</b> 8.1. General rules on guarantees. After-sale responsibilities 8.2. Additional guarantees 8.3. Consumer claims 8.4. General rules on product liability and safety. Extra-contractual liability issues.	Exposition, heuristic conversation and case-law analysis	3 hours
<b>9. Digital consumer contracts</b> 9.1. EU legislation on digital services and digital markets 9.2. Types of digital consumer contracts 9.3. Specific clauses 9.4. Non-performance issues in digital consumer contracts	Exposition, heuristic conversation and case-law analysis	4 hours
<b>10. EU consumer access to justice and enforcement</b> 10.1. Alternative Dispute Resolution Mechanisms 10.2. Court Proceedings 10.3. Group Actions	Exposition, heuristic conversation and case-law analysis	3 hours
<b>Bibliography:</b> 1. H. Kötz, <i>European Contract Law</i> , 2nd Edition, Oxford University Press, 2017 2. H. Beale, B. Fauvarque-Cosson, J. Rutgers, S. Vogenauer, <i>Cases, Materials and Text on Contract Law</i> , Third Edition, Hart, 2019 3. G. Howells, Ch. Twigg-Flesner, Th. Wilhelmsson, <i>Rethinking EU Consumer Law</i> , Routledge, 2017 4. O. Bar-Gill, <i>Seduction by Contract: Law, Economics, and Psychology in Consumer Markets</i> , Oxford University Press, 2017		
<b>7.2 Seminar / laboratory</b>	Teaching methods	Observations
<b>1. Development of European Contract Law</b> 1.1. Contract Law and Economic Order 1.2. European Union Contract Law 1.3. Proposals for an European Code of Contract Law	Exercise, case-study, group activity, independent activity	1 hour
<b>2. Negotiation and Formation of Contracts</b> 2.1. The Consent of the Parties 2.2. The Offer	Exercise, case-study, group activity, independent activity	1 hour

2.3. Acceptance 2.4. Liability for Breaking Off Negotiations		
<b>3. Formalities and Interpretation of Contracts</b> 3.1. Reasons for Formal Requirements and Types of Formalities 3.2. Sanctions 3.3. Enforcement of Contracts Lacking the Requisite Form 3.4. Theories on Intention and Expression 3.5. Objective Interpretation and Maxims of Interpretation 3.6. Implication of Terms by Default Rules 3.7. Collateral Duties	Exercise, case-study, group activity, independent activity	1 hour
<b>4. EU Consumer Protection Policies</b> 4.1. Consumer Welfare Issues 4.2. The Contribution of Behavioural Law & Economics 4.3. Protection Policies in the EU	Exercise, case-study, group activity, independent activity	1 hour
<b>5. Unfair Commercial Practices</b> 5.1. Unfair, Illegal, and Immoral Contracts 5.2. Inequality between Performance and Counter-Performance 5.3. Undue Restraints on Personal or Economic Freedom 5.4. Breach of the Law and Restitution of Benefits Conferred 5.5. Unfair Commercial Practices in EU law	Exercise, case-study, group activity, independent activity	2 hours
<b>6. Pre-contractual Information Duties and Rights of Withdrawal</b> 6.1. Pre-contractual Information Duties: Basis and Reasons. 6.2. Pre-contractual Information Duties: Consequences of Non-Performance 6.3. Rights of Withdrawal: Basis and Reasons 6.4. Consequences of Withdrawal	Exercise, case-study, group activity, independent activity	2 hours

<b>7. The Control of Unfair Contract Terms</b> 11.1. Judicial Control 11.2. Legislative Options 11.3. Preventive Control	Exercise, case-study, group activity, independent activity	1 hour
<b>8. Legal guarantees, product liability and safety</b> 8.1. General rules on guarantees. After-sale responsibilities 8.2. Additional guarantees 8.3. Consumer claims 8.4. General rules on product liability and safety. Extra-contractual liability issues.	Exercise, case-study, group activity, independent activity	2 hours
<b>9. Digital consumer contracts</b> 9.1. EU legislation on digital services and digital markets 9.2. Types of digital consumer contracts 9.3. Specific clauses 9.4. Non-performance issues in digital consumer contracts	Exercise, case-study, group activity, independent activity	2 hours
<b>10. EU consumer access to justice and enforcement</b> 10.1. Alternative Dispute Resolution Mechanisms 10.2. Court Proceedings 10.3. Group Actions	Exercise, case-study, group activity, independent activity	1 hour

**8. Corroborating the content of the subject with the expectations of the epistemic community, professional associations and representative employers in the relevant programme field**

At the end of this course, students are expected to have developed the capacity to conduct, individually and autonomously, analyses of given factual situations and to operate with the relevant concepts for EU contract law and consumer protection at complexity levels allowing them to have a successful start in the legal professional environment. Students are expected to have acquired the necessary skills to conduct critical analyses of the case-law of relevant international and national courts.

**9. Evaluation**

Type of activity	9.1 Evaluation criteria	9.2 Evaluation method	9.3 Weight percentage of the final grade
9.4 Course	Evaluation of each student, by reference to minimal	Grade evaluation, by oral examination of individual knowledge related to the relevant legal concepts and	50%

	performance standards	standards taught over the course of the semester	
9.5 Seminar / laboratory	Evaluation of each student, by reference to minimal performance standards	Grade evaluation by oral examination of the relevant case-studies prepared by students during seminars.	50%
9.6 Minimum performance standard			
<ul style="list-style-type: none"> <li>adequate use of the notions pertaining to consumer protection law</li> <li>adequate knowledge of the substantial and procedural contents of consumer protection law;</li> <li>the ability to draft, analyse and compare consumer contract clauses and to examine international practices in the field of consumer protection</li> </ul>			

Date: 15.09.2023

Person in charge of the subject:  
Senior Lecturer Dan-Adrian Cărmidariu, PhD

Date of approval by the faculty department  
19.09.2023

Department director  
Assoc. Prof. Florin Mangu