

CARLOS III UNIVERSITY OF MADRID
MASTER OF LAW OF THE EUROPEAN UNION
COURSE 2017-2018

EUROPEAN CONSUMER PROTECTION LAW

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BASIC DOCUMENTATION:

A) Directives

- Directive 84/45 (Misleading advertising). Amended by Directive 97/55 (comparative advertising). And supplemented by Directive 89/552 (television broadcasting), as amended by Directive 97/36. And also by Directive 98/43 on advertising and sponsorship of tobacco products, annulled by the ECJ ruling and replaced by Directive 2003/33. 2005/29 / EC on commercial practices with consumers and replaced by Directive 2006/114 / EC of 12 December 2006 (OJ, 27.12.2006, L 376/21).
- Directive 85/374 (Liability arising from defective products). Amended by Directive 99/34.
- Directive 85/577 (Sales made outside commercial establishments). Repealed by Directive 2011/83 / EU.
- Directive 87/102 (Consumer credit), as amended by Directives 90/88 and 98/7. And repealed and replaced by Directive 2008/48 / EC on consumer credit agreements.
- Directive 90/314 (Package travel). Repealed (with effect from 1 July 2018) by Directive 2015/2302 on combined travel and related travel services (DOUE, 11.12.2015) (deadline for transposition until 1 January 2018).
- Directive 93/13 (Unfair terms). Amended by Directive 2011/83 / EU
- Directive 94/47 (Multi-ownership of real estate). Repealed and replaced by Directive 2008/122 / EC of the European Parliament and of the Council on the protection of consumers in respect of agreements for the sale of long-term holiday goods Duration, resale and exchange.
- Directive 97/7 (Distance contracts). Modified by Directive 2002/65 and by Directive 2007/64 on payment services in the internal market (Article 8 of Directive 97/7). Repealed by Directive 2011/83 / EU
- Directive 99/44 (On the sale and guarantees of consumer goods). Modified by Directive 2011/83 / EU.
- Directive 2000/31 (On electronic commerce).
- Directive 2002/65 (On distance marketing of financial services for consumers). Amended by Directive 2007/64 on payment services in the internal market (Article 8 of Directive 2002/65). And amended by Directive 2015/2366, payment services.
- Directive 2004/39 / EC on markets in financial instruments (Mifid I). Its application is subject to the date of entry into force of the new Directive 2014/65 / EU, on the same subject (Mifid II) (Proposal for a Directive amending Directive 2014/65 / EU, as regards the dates Application: staggered installments from January 3, 2018).
- Directive 2005/29 / EC (On unfair commercial practices).
- Directive 2007/64 on payment services in the internal market. Repealed (with effect from 13 January 2018) by Directive 2015/2366 on payment services in the internal market (transposition no later than 13 January 2018).

- Directive 2009/22 / EC on injunctions for the protection of consumers' interests.
- Directive 2011/83 / EU on consumer rights, amending Directive 93/13 / EEC (Unfair terms) and Directive 1999/44 / EC (sale and guarantee of consumer goods); And Directive 97/7 / EC (distance contracts) is repealed. Directive 2011/83 / EU has been (slightly) amended by Directive 2015/2302 on package travel.
- Directive 2013/11 / EU of 21 May 2013 on alternative dispute resolution for consumer disputes.

B) Regulations:

- Regulation 261/2004 on compensation and assistance to air passengers in the event of denied boarding and cancellation or restructuring of flights (repeals Regulation 295/1991).
- Regulation 2006/2004 on cooperation between national authorities in the enforcement of consumer protection legislation.
- Regulation (EU) No 1177/2010 on the rights of passengers traveling by sea and inland waterways (amendment of Regulation (EC) No 2006/2004).
- EU Regulation) 181/2011 on the rights of travelers by bus and coach.
- Regulation (EU) 524/2013 of 21 May 2013 on online and consumer dispute resolution.
- Regulation (EU) 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) 648/2012 (known as MIFIR).
- Regulation (EU) 254/2014 of 26 February 2014 on the program

C) Other type of documents:

- Communication from the Commission to the European Parliament and the Council. A more coherent European contract law. Action Plan (2003 / C 63/01).
- Communication from the Commission to the European Parliament and the Council. European contract law and revision of the acquis: prospects for the future [Brussels, 11.10.2004; COM (2004) 651 final).
- Green Paper on the review of the consumer acquis of 15 March 2007 [DOUE C 61, 15.3.2007, p. 1, COM (2006) 744 final).
- PECL / PDCE, Principles of European Contract Law / Principles of European Contract Law
- DCFR / MCR, Draft Common Frame of Reference
- Proposal for a regulation of the European Parliament and of the Council on common European sales regulations [COM (2011) 635 final], adopted on 11 October 2011.
- Resolution of the European Parliament of 22 May 2012 on a strategy to strengthen the rights of vulnerable consumers (2011/2272 (INI), P7_TA (2012) 0209, PE480.825.
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 22 May 2012: A European consumer agenda to boost confidence and growth. COM (2012) 225 final.

-Derecho español:

- Real Legislative Decree 1/2007, of November 16, TRLGDCU and other complementary laws.
- Unfair competition law of 1991 (amended by Law 29/2009, of 30 December,

transposition into Spanish law of Directive 2005/29 / EC).

-Ley 16/2009, payment services.

-Law 16/2011, of consumer credit agreements.

-Law 4/2012, contracts for the utilization of goods for tourist use, the acquisition of long-term holiday products, resale and exchange, and tax regulations.

- Law 3/2014, of 27 March, amending the TRLGDCU and other complementary laws (BOE, 28.4.2014).

GENERAL AGENDA

1. Introduction to European Consumer Protection Law
2. Manufacturer's liability for defective products
3. Protection against misleading advertising and unfair competition
4. Consumer credit
5. Combined travel and compensation and assistance to air passengers in the event of denied boarding and cancellation or long delay of flights.
6. Out-of-business sales, distance contracts and distance marketing of financial services.
7. The fraudulent use of payment cards (Directive 2007/64 on payment services in the internal market).
8. Unfair terms
9. Multi-ownership of real estate
10. Sale and guarantee of consumer goods
11. E-commerce
12. Inverter protection: retail customer