

Consumer Protection under EU Law - Abstract

This paper discusses consumer protection legislation on the level of EU law and its development.

This paper focuses on identifying areas affected by consumer protection law. It also strives to define the nature and position of the set of consumer protection rules in the system and then to define further trends in the development of consumer protection law in the EU. Finally, it attempts to identify both gaps in consumer protection and any problems that can arise from excessive regulation in favour of consumers.

Several initial thoughts (theses, hypotheses) were the impetus for writing this paper, and the paper aims to confirm or refute them (in addition to fulfilling the primary objectives above). The first is the problem of the non-existence of a universal definition of consumer in European law and the idea that this fact does not cause any major problems in practice. The second initial thesis is the assumption that consumer protection legislation is excessive. The third thesis, which ties on to the second, is that despite the great number of legal norms, consumers do not have a specific procedural standing in legal proceedings, which leads to a factual weakening of their protection. The last thesis rests on the opinion that the future and direction of consumer law lie in the non-legislative activities of the EU and the Member States.

The paper is divided into eight chapters. The first discusses the historical as well as the legal and theoretical context of consumer protection and deals with classifying consumer law into the system of law (public/private law) and with the foundations and gradual development of consumer protection under EU law.

The second chapter discusses existing consumer protection legislation, includes subchapters on sources, and briefly discusses EU legislation being drafted at this time. The third chapter then focuses in detail on the subject of consumer relationships, and attempts to summarise the attributes and define entrepreneur and consumer.

Chapters four to seven discuss in detail the specific areas of law affected by consumer protection and of which they are a part. They discuss the product and food safety and GMO. Chapter five focuses specifically on the extensive issue of consumer contracts, chapter six on protection of economic competition, unfair competition and personal data protection legislation, and chapter seven on one specific area of consumer law: travellers' rights.

Chapter eight is generally focused on the availability of procedural means and on awareness and education of consumers. It summarises the available means that can help consumers enforce their rights, as well as a whole host of information channels and the importance thereof for consumer awareness and further education.

The paper concludes with assessment of the attainment of the objectives and summarises the result by confirming or refuting the initial theses. The hypothesis that the non-existence of the legal definition of consumer does not cause any major problems in practice is more or less confirmed (other than identification of specific situations that continue to be the subject of discussion even among experts). The assumption that consumer protection legislation is excessive was confirmed only in part, as each area of consumer protection has to be approached individually. This hypothesis, however, also led to several other related conclusions and deliberations that were not anticipated when work on the paper began. Two basic theses tied in logically with the fulfilment of the objectives leading to the definition of trends in the further development of consumer law in the EU: the non-existence of a specific procedural standing of the consumer, and the opinion that the focus of the future development of consumer protection will be non-legislative activity of the EU and the Member States. The future role of the Member States was shown to be very broad, and not only in the non-legislation area, but especially in the field of strengthening the procedural standing of consumers. Non-legislative activity of the EU was identified as being very important going forward; however, certain reservations in legislation were also noted.

Key words: consumer – protection – EU – competition – safety – contract