Online B2C contracts and international procedural law

Abstract

The purpose of this rigorous thesis is to analyse the specificities of concluding online B2C contracts with a weaker party under the Regulation Brussels I recast. It seeks to answer the question of whether there is a compromise between broader consumer protection and the least possible burden on businesses (especially small and medium-sized enterprises in e-commerce) and the European single market and the EU economy. This thesis sets out the following hypothesis: "Consumer protection demonstrates support for the EU's digital single market."

The work is segmented into three parts – general part, special part and *de lege ferenda.*

The first part addresses general issues and defines general terms such as of Internet, e-commerce, international procedural law, weaker party, consumer, jurisdiction or domicile and other related terms and their specifics, especially in the presence of an international dimension.

Subsequently, the relevant legislation affecting this issue at the national, Union and international levels is discussed.

The core of the thesis is the second part, where the individual articles of the regulation Brussels I recast are analyzed in detail with regard to online B2C contracts. The first chapter of this part deals with the structure of jurisdiction in the regulation Brussels I recast, with special attention to special jurisdiction and the analysis of application criteria for online consumer protection in procedural regimes. The last two chapters analyze two situations - the first case is a situation where there is no choice of court between the parties by agreement and the second situation is if such an agreement is concluded.

The third part deals with *de lege ferenda* proposals.

The conclusion then offers a summary and the answer to the established hypothesis.

Key words:

internet | e-commerce | online B2C contracts | protection of the weaker party | consumer | jurisdiction | Brussels I bis regulation | choice of court agreement