

# **INTERNET BUSINESS TRANSACTION WITH AN INTERNATIONAL ELEMENT: CONSUMER PROTECTION IN THE EUROPEAN UNION**

## **Abstract**

This thesis focuses on the legal aspects of consumer protection within the European Union when concluding a contract with an international element on the Internet. The motivation for the thesis is to address the new legal challenges which the matter creates. In case of contracts negotiated at a distance, there is no possibility of verification of the contracting party or goods or services themselves. Such situation increases the risk of abuse of the position of the stronger party. Furthermore, the unclear definition of borders in cross-border online purchasing complicates the matter of private international law on jurisdiction and applicable law.

This thesis aims to describe and analyse the specific rules for consumer protection on the Internet within the European Union in order to inform stakeholders about the current state of the law in this area. In particular, the thesis deals with three issues: what kind of protection is provided to consumers in cross-border online purchase within the European Union; which court has jurisdiction over a dispute arising from consumer contract with an international element entered into on the Internet; and how the applicable law for these contracts is determined.

First of all, the thesis discusses relevant European legislation in this area, the reasons for harmonising the law at the EU level or the definition of the terms “consumer” and “trader”. Secondly, it focuses on the prohibition of unjustified geo-blocking; means of concluding contracts on the Internet or consumer protection against the unfair standard contract terms that are an essential part of consumer contracts concluded on the Internet. Finally, the thesis deals with the determination of the competent court and applicable law in a dispute arising from a consumer contract, freedom of choice and related issues. It explains the difference between the general rules and the specific rules in consumer contracts under the Brussels I bis and Rome I Regulations. Additionally, the review of the court’s jurisdiction and the proposal for a new directive on representative actions for the protection of the collective interests of consumers are discussed.

The thesis enables readers to get acquainted with the way how the legal protection of consumers functions when they are concluding cross-border Internet contracts within the European Union.