Enforcing Consumer and Capital Market Law in Europe

23 and 24 May 2019
Faculty of Law, Augsburg University
Enforcing Consumer and Capital Market Law in Europe

Quite obviously, the law of many countries comprises gaps regarding enforcement of consumer law and capital market law. A comparison with the promptness of sanctions in the USA in the car emissions scandal clearly depicts deficiencies in some European Union member states at least. The conference offers an international comparative analysis of the instruments and mechanisms to enforce the pertinent law.

The conference focuses on different legal systems and their approaches regarding the enforcement of consumer and capital market law. Hereby, a specific example shall be examined: How do the various regimes cope with the diesel emission scandal. The diesel scandal entails implications for the deceived consumer, who purchased a faulty product as well as the deceived investor, who was not informed about the scandal on time. Based on decided and pending cases the speakers demonstrate how authorities, but also private claimants, can take fast and effective steps against the violation of consumer and capital investors’ rights. Therefore, the conference’s focus shall include specific mechanisms for legal enforcement like public authorities’ respective powers on the one hand as well as class actions, group actions, model declaratory actions, claim bundling and other collective actions on the other hand. Concurrently, various legal aspects of the pertinent procedures such as disclosure rights, the effect of assumption, the question of damages and the estimation of the damages as well as the limitation period and the binding effect of decisions will be analysed.

Ultimately, the conference aims at identifying and specifying solution models, which have not proven themselves to be successful and should be rejected, as well as a “best practice”, which should be adopted in a legislative proposal at the European level; taking into account the current EU directive proposals (COM (2018) 184 final on representative actions for the protection of the collective interests of consumers and COM (2018) 185 final as regards to better enforcement and modernisation of EU consumer rules).

By combining international and intradisciplinary research and focussing on the universally similar diesel scandal cases, the conference will offer new insights into how consumer and capital market law can be effectively enforced.

Registration

Participation is free of charge, but registration is required until 5 May 2019.

Please send an email indicating
- your name
- institution and
- address

to INspiRE@jura.uni-augsburg.de.
Thursday, 23 May 2019

11:15 Registration and Light Lunch

12:15 Welcome and Introduction
Prof. Dr. Thomas M.J. Möllers
INspiRE – Project Coordinator
University of Augsburg, Managing Director of CELOS
Prof. Dr. Beate Gsell
INspiRE – Consumer Law Section
Ludwig-Maximilians-University of Munich
Judge at the Higher Regional Court Munich

12:30 Enforcement in the USA
Prof. Amy J. Schmitz
University of Missouri

13:00 Enforcement in Brazil
Prof. Dr. Claudia Lima Marques, LL.M. (Tübingen)
Federal University of Rio Grande do Sul

13:30 Discussion

13:45 Enforcement in Germany
Prof. Dr. Caroline Meller-Hannich
Martin-Luther-University Halle-Wittenberg

14:15 Enforcement in the UK
Dr. John Sorabji
University College London

14:45 Discussion

15:00 Coffee Break

15:40 Enforcement in France
Prof. Dr. Emmanuel Jeuland, LL.M.
University Paris 1 Panthéon-Sorbonne

16:10 Enforcement in Denmark
Anders Schäfer
University of Copenhagen

16:40 Enforcement in Lithuania
Prof. Dr. Egidija Tamošiūnienė
Vilnius University
Judge at the Court of Appeal of Lithuania

17:10 Discussion

INspiRE
Jean-Monnet-Centre of Excellence

The Jean-Monnet-Centre of Excellence “INspiRE” (European Integration – Rule of Law and Enforcement) focuses on the enforcement of European Law. Law should not only exist as “law in the books”, but needs to be “lived” in order to ensure a functioning legal system. The INspiRE-project combines several different areas of law and uses amongst others a comparative approach, because several EU Member States struggle with similar issues. The INspiRE project focuses primarily on the fields of State Aid Law, Competition Law, Consumer Law, Capital Market and Company Law.

The project primarily consists of three pillars. These are:
(i) The organisation of conferences
(ii) Panel discussions for interested citizens
(iii) The translation of selected BGH judgments into English

Participants in the project are Prof. Dr. Möllers, Prof. Dr. Wollenschläger, Prof. Dr. Wurmnest (all from Augsburg), Prof. Dr. Gsell (Munich), Prof. Dr. Ferrand (Lyon), Prof. Dr. Camilleri (Palermo) and Prof. Dr. Zhang (Beijing).

INspiRE is funded by the Erasmus+ Programme of the European Union. For more information, see www.caplaw.eu/inspire.
Friday, 24 May 2019

09:00 Enforcement in Portugal
Prof. Dr. Henrique Sousa Antunes
Catholic University of Portugal

09:30 Enforcement in Italy
Prof. Dr. Marcello Gaboardi
Bocconi University of Milan

10:00 Enforcement in Austria – Consumer Law
Dr. Petra Leupold, LL.M. (UCLA)
Director of VKI Academy
Association of Consumer Information, Austria

10:15 Enforcement in Austria – Capital Market Law
Prof. Dr. Georg E. Kodek, LL.M. (Northwestern)
Vienna University of Economics and Business
Judge at the Supreme Court of Justice of Austria

10:30 Discussion

10:45 Coffee Break

11:15 Enforcement in the Netherlands
Prof. Dr. Willem H. van Boom
University of Leiden
Prof. Dr. Charlotte M.D.S. Pavillon
University of Groningen

11:45 Enforcement in Australia
Prof. Dr. Peter Cashman
University of Sydney
Three Wentworth Chambers, Sydney

12:05 Enforcement in China
Prof. Dr. Tong Zhang
China University of Political Science, Beijing

12:35 Discussion

12:50 Lunch Break

13:50 The European Level – Consumer Law
Prof. Dr. Tanja Domej
University of Zurich

14:20 The European Level – Capital Market Law
Prof. Dr. Rüdiger Veil
Ludwig-Maximilians-University of Munich

14:50 Discussion

15:35 Final Outlook: Better Enforcement – The Way Forward
Prof. Dr. Beate Gsell
INspiRE – Ludwig-Maximilians-University of Munich
Prof. Dr. Thomas M.J. Möllers
INspiRE – University of Augsburg

17:25 Panel Discussion – Practical Experience
Prof. Dr. Enrico Camilleri
INspiRE – University of Palermo
Jutta Gurkmann
Federation of German Consumer Organisations (vzbv), Berlin
Werner K. Kannenberg
Federal Ministry of Justice and Consumer Protection, Berlin
Dr. Lene Kohl
Hausfeld, Berlin
Maximilian Weiss
TILP Litigation, Kirchentellinsfurt

18:25 Closing Remarks