

1. Record Nr.	UNINA9910964454303321
Autore	Durovic Mateja
Titolo	European law on unfair commercial practices and contract law / / Mateja Durovic
Pubbl/distr/stampa	Portland, Oregon : , : Hart Publishing, , 2016
ISBN	9781782258148 1782258140 9781782258124 1782258124
Descrizione fisica	1 online resource (235 p.)
Collana	Modern studies in european law ; ; 62
Disciplina	346.2407
Soggetti	Competition, Unfair - European Union countries Consumer protection - Law and legislation - European Union countries Contracts - European Union countries
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	1. Introduction -- Setting the Scene -- Structure of the Book -- Two Branches of EU Consumer Law -- Europeanisation of the Law on Unfair Commercial Practices -- The Regulatory Framework of the UCPD -- The Maximum Harmonisation Character of the Directive 3 -- The Notion of Commercial Practice -- Europeanisation of Contract Law -- The Role of Article 3(2) UCPD -- 2. The Average Consumer -- Introduction: Which Consumer is Protected by EU Law? -- The Protected Consumer Under the UCPD -- Two Definitions of Consumer -- The Average Consumer Between the Two Goals of the UCPD -- Three Components of the Definition of an Average Consumer -- The Interpretation of the Average Consumer Under the UCPD -- The Distinction Between the Average Consumer and Vulnerable Consumer -- The Protected Consumer Under Consumer Contract Law -- Lack of a Clear Standard of the Protected Consumer -- The Need for a Standard of the Consumer -- EU Primary Law and the Notion of the Consumer -- EU Primary Law and the Understanding of the Consumer -- EU Secondary Law and the Standard of the Consumer -- The Analysis of Post-UCPD Secondary Law on Consumer Protection -- 3. The Duty to Trade Fairly -- Introduction:

General Duty to Trade Fairly in EU Consumer Law -- Duty to Trade Fairly Under Directive 2005 -- 29 -- EC -- The Definition of the General Clause -- The Purpose of the General Clause and its Functions -- The Two Limbs of the General Clause -- The Requirements of Professional Diligence -- Requirements of Good Faith and Honest Market Practice -- The Scope of Application of the Duty to Trade Fairly -- Material Distortion of a Consumer's Economic Behaviour -- The Duty to Trade Fairly in Consumer Contract Law -- The Impact of the Duty to Trade Fairly in Contract Law -- Commercial Practices and Contract -- Good Faith and the National Legal Traditions of Member States -- Good Faith in European Contract Law -- The Meaning of Good Faith Under the UCPD -- The Horizontal Effects of the Duty to Trade Fairly on Consumer Contracts -- The Significance of the Judgment in *Perenikova* -- The Meaning of the Duty to Trade Fairly in Consumer Contract Law -- 4. The Duty of Information -- Introduction: A Universal European Duty of Information -- The Duty of Information Under the UCPD -- The Three Small General Clauses of the Directive -- Introduction of the General Duty of Information -- Materiality of Information -- Transactional Decision -- The Context in which Information is Provided -- Duty of Information in Consumer Contract Law -- The Paradigm of the Informed Consumer -- Two Rationales for the Duty of Information -- Duty of Information in National Contract Law -- Duty of Information in European Contract Law -- Information Requirements in Contract Law after the UCPD -- The Invitation to Purchase -- 5. Remedies -- Introduction: Remedies and Enforcement in EU Consumer Law -- Remedies and Enforcement Under Directive 2005 -- 29 -- EC -- General Approach towards Enforcement by the UCPD -- Collective Enforcement -- Individual Enforcement -- Impact on Existing Contract Law Remedies -- Adoption of New Contract Law Remedies -- Remedies Under Consumer Contract Law -- Contract Law Remedies of European Contract Law -- Directive 93 -- 13 -- EEC on Unfair Contract Terms -- Directive 2011 -- 83 -- EU on Consumer Rights -- Directive 1999 -- 44 -- EC on Consumer Sales and Associated Guarantees -- 6. Conclusions -- The Main Concluding Observations -- The Average Consumer -- The Duty to Trade Fairly -- The Duty of Information -- Remedies -- Europeanisation of Contract Law Through the UCPD -- Impact on Contract Law Concepts -- The Refined Means of Impact -- The Significance of Innovative Legal Terminology -- Summation of the Book

---

#### Sommario/riassunto

"The book examines the ambiguous relationship between the European law on unfair commercial practices and contract law. In particular, the manuscript demonstrates that the Directive 2005/29/EC on unfair commercial practices ('UCPD') has had a major impact on contract law, despite the declaration concerning the formal independence between the two branches of law established by Article 3(2) UCPD. The insights and conclusions identified in the book contribute to a better understanding of European private law and the general process of Europeanisation of private law in the European Union, and in particular of contract law." --Bloomsbury Publishing.

---