

Juristische Fakultät

INspiRE

Jean-Monnet-Centre of Excellence
– European Integration –
Rule of Law and Enforcement

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.





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.capl原因.eu/inspire.

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 Tamošiūniene](#)
Vilnius University
Judge at the Court of Appeal of Lithuania
- 17:10 Discussion

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- 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

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- 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

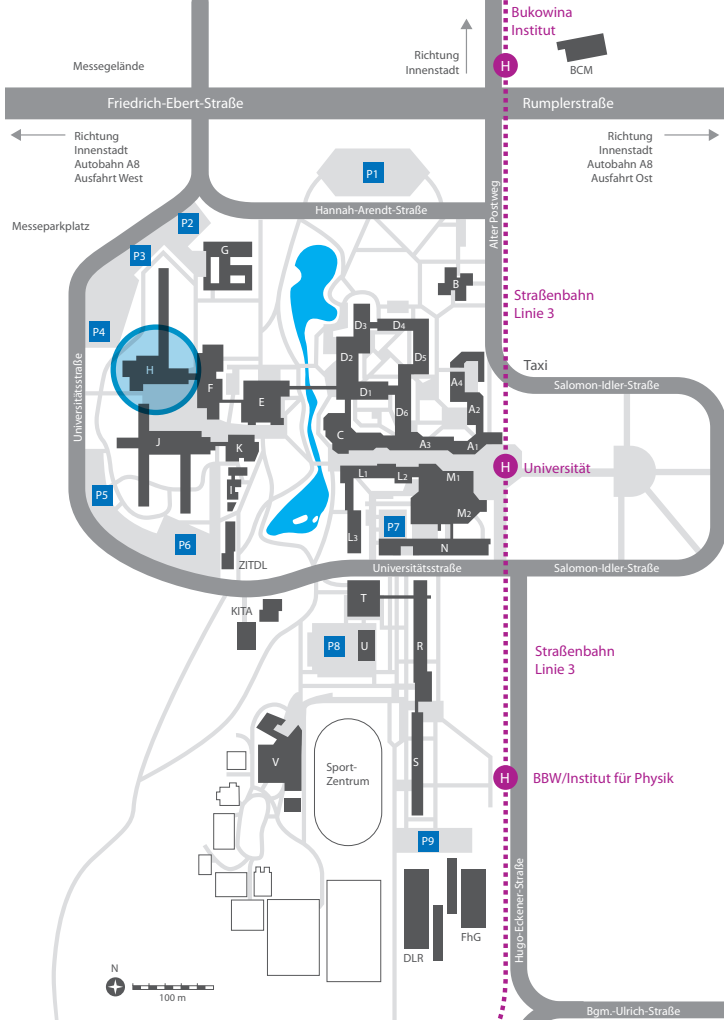
- 14:50 Discussion

- 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



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



Organisers/Contact

Professor Dr. Beate Gsell, Ludwig-Maximilians-University of Munich

Professor Dr. Thomas M.J. Möllers, University of Augsburg

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