

Workshop

2 December 2022

THE AVERAGE AND VULNERABLE CONSUMERS: A PLEA FOR RETHINKING

The Workshop will delve into the structure and underlying premises of the concepts of an average and a vulnerable consumer in EU law. First, we cast doubts on the use of the average consumer as the only benchmark for reviewing the transparency of a contract term: the doctrinal pedigree of this choice is weak, and so is its ability to protect vulnerable consumers in familiar settings. Second, we survey the use of the average and vulnerable consumer concepts in selected domestic orders (Belgian, German, Polish, and Portuguese). The aim is to search for implementations of the Unfair Contract Terms Directive better suited to protect vulnerable consumers. The investigation delivers concrete information on a broader yet crucial but largely overlooked issue: the national construction of the average consumer might diverge from the one derived from the ECJ case-law and might diverge between Member States. The Workshop will shed new light on the average consumer benchmark at a time when this standard is questioned for its fitness for purpose in digital contexts. In so doing, the Workshop will set the stage for future research on the average consumer benchmark in EU law and its ongoing transformation.

The Workshop is organized at UCLouvain, with the support of the grant awarded in the academic cooperation scheme between Poland and Belgium-Wallonia.

Registration and information: cepri@usaintlouis.be.

09.00 – Welcome & Introduction

Anne-Lise Sibony

09.15 – The Average Consumer Benchmark: Bright and Dark Sides, (Dis)Harmonization

Fabrizio Esposito
Mateusz Grochowski

09.45 – Discussion

10.00 – Comparative Analysis (I)

- Poland (Monika Jagielska)
- Germany (Mateusz Grochowski)

10.40 – Coffee Break

11.00 – Comparative Analysis (II)

- Portugal (Fabrizio Esposito)
- Belgium (Denis Philippe)

11.40 – Coffee Break

12.00 – Roundtable

Moderation: Anne-Lise Sibony
Agustin Ryna, Egelyn Braun TBC,
Monika Jagielska, Mateusz Grochowski,
Fabrizio Esposito, Denis Philippe

13.00 – Conclusions and the Way Forward

Anne-Lise Sibony
Fabrizio Esposito
Mateusz Grochowski



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