



**Ius Commune Conference Utrecht,
28-29 November 2024**

**Call for Presentations
Ius Commune workshop
on Normative and
Scientific Choices
Regarding Information
Obligations in EU
Consumer Law**

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Ius Commune workshop on Normative and Scientific Choices Regarding Information Obligations in EU Consumer Law Utrecht, 29 November 2024

When we talk about ‘good legislation’, we assume that the EU legislator, in the drafting of consumer legislation, is informed of all relevant evidence on consumers’ and businesses’ problems in the internal market. Certainly, the European Commission has underlined the importance of taking into account evidence in drafting legislation for ‘achieving better results’. Not translating evidence into EU consumer legislation, however, can and should be a conscious choice, based on general principles (normative ideas on justice). For example, the European Commission has developed information obligations based on the confident consumer who is reasonably well-informed and empowered by harmonization. This image of consumers is also based on normative ideas on how consumers should behave. Scientific insights, such as behavioral insights, contradict the idea that consumers act upon information that should be provided to them, and information obligations have been criticized as ineffective. Indeed, normative choices have already heavily influenced both regulatory and substantive choices in EU consumer legislation, even if they do not align with or even contradict relevant scientific insights and jeopardize the problem-solving capacity of EU legislation.

The twin transition has made it urgent to pose normative questions that go to the heart of EU consumer legislation, and highlight the tension between evidence and normative choices, also regarding information obligations. Thus, the emphasis on the average, rational consumer can be questioned as it ill-suited to protect consumers who become increasingly vulnerable in the digital world. Shifting the focus from the unfairness of a commercial practice towards a rational consumer to the choice of traders to exploit vulnerability arising from the disposition of consumers or from the complexity of products would mean a drastic shift in EU consumer law. Similarly, making sustainable choices requires informed choices from consumers who are faced with increasingly complex information, and have to overcome information overload. Other suggestions to use ‘nudges’, i.e. interventions informed by behavioural studies, are not without challenges. Certainly, behavioural interventions that use AI to map the behaviour of consumers should not only be weighed against sustainability concerns because the amount of energy consumed in machine learning, but also against concerns regarding consumers’ privacy.

We welcome submissions that explore, but are not limited to the following topics:

- the suitability of information obligations in EU consumer law;
- general principles including but not limited to consumer protection;
- regulatory initiatives protecting consumers, including but not limited to mandatory law, codes of conduct, recommendations, standard terms, nudges, forms of AI;
- challenges and opportunities in digital practices for information obligations, such as deceptive design, compliance by design, or privacy by design;
- perspectives from surrounding disciplines such as regulatory policy, legal design, behavioural, and empirical or economic research relating to consumer protection.

Interested researchers should submit an abstract of their presentation (max. 300 words) to e.a.g.vanschagen@uu.nl and e.m.vangelder@uu.nl by **30 September 2024**. All proposals must be in English. Shortly after the deadline, applicants will be informed whether their proposals have been selected for presentation during the workshop.

Researchers from within and outside the Ius Commune Research School are eligible to submit abstracts. Please do not hesitate to forward this call to colleagues who might be interested. Co-authored submissions are welcome.

Anyone interested in acting as a discussant is also invited to contact us, indicating their area of expertise. Moreover, once your abstract is accepted, we may also ask you to act as discussant for other speakers.

In order to foster in-depth discussions of the presentations, once you are accepted and invited to speak during the workshop, you are requested to submit a presentation that will be circulated among the attendees of the workshops approximately two weeks before the conference.