

PROTECTING CONSUMERS IN ECONOMIC RECESSIONS

Day 1 – 27th June 2011

08.30 – Registration and Coffee
Entrance Hall, Lecture Centre, Brunel University

09.00 Welcome Address – Lecture Theatre LC062

Dr Christine Riefa, Brunel University & Professor Geraint Howells, President of the IACL, Manchester University

Plenary sessions chaired by Professor Geraint Howells, President of the IACL, Manchester University

09.15 – Plenary session 1 – LC062

Gösta Petri, Deputy Head of Unit, Unit B2 - Unfair Commercial Practices and Other Consumer Protection Legislation, European Commission
The new Directive on Consumer Rights

10.00 – Plenary session 2 – LC062

Graham Branton, Deputy Director, Consumer and Competition Policy Directorate, Department for Business, Innovation and Skills (BIS)
Making policies to respond to economic recessions: How best to protect consumers in the UK?

10.45 – Coffee break

Plenary sessions chaired by Professor Gail Pearson, University of Sydney, Australia

11.15 – Plenary Session 3 – LC062

Professor Iain Ramsay, Kent Law School, University of Kent, UK
Consumer Credit Regulation after the fall: International Dimensions

12.00 – Plenary Session 4 – LC062

Economic Recessions and the financial crisis in the UK – views from the trenches

Greg Stevens, Chief Executive, CCTA

Fiona Hoyle, Head of Consumer Finance and Anti Fraud, Finance and Leasing Association

Damon Gibbons, Chief Executive, Centre for Responsible Credit

12.45 – Lunch in Newton Room South, Hamilton Building

14.00 – Stream sessions start

<p align="center">STREAM 1</p> <p align="center">The financial services sector in the wake of recessions Strategies to protect consumers</p> <p align="center"><u>Room LC110</u></p>	<p align="center">STREAM 2</p> <p align="center">Other sectors of activity in the wake of recessions From tourism to manufacturing: business as usual?</p> <p align="center"><u>Room LC112</u></p>	<p align="center">STREAM 3</p> <p align="center">Other sectors of activity in the wake of recessions Electronic commerce: business as usual?</p> <p align="center"><u>Room LC116</u></p>	<p align="center">STREAM 4</p> <p align="center">Protecting Consumers in Economic Recessions: challenges and need of new regulation</p> <p align="center"><u>Room LC114</u></p>
<p><i>Chair: Professor Alan White, Valparaiso University, USA</i></p> <p align="center">Use of default Lauren Willis, Doubts about defaults 17</p> <p align="center">Use of mortgage restructuring tools Alan White, Consumer Bankruptcy and the subprime foreclosure crisis 67</p>	<p><i>Chair: Professor Stephan Keiler, Salzburg University, Austria</i></p> <p align="center">Tourist industry Klaus Tonner, Consumer Law and multi level regulation: the case of Air Passengers’ Rights in European Law and in the Montreal Convention 52</p> <p>Stephan Keiler, The EU Air Passenger's Rights Regulation under review by ECJ"15</p>	<p><i>Chair: Professor James Nehf, Indiana University, USA</i></p> <p align="center">Electronic Consumer Contracts Marco Loos, Digital content contracts for consumers 26</p> <p>James Nehf, How we pay for using the Internet: Implications of the FTC’s New Privacy Framework 49</p> <p>Justin Malbon, A report on outcomes of a study of consumer</p>	<p><i>Chair: Professor Grassi Neto, Brasilcon - Instituto Brasileiro de Política e Direito do Consumidor</i></p> <p align="center">Consumer credit and over indebtedness <i>Rosangela Lunardelli Cavallazzi & Claudia Lima Marques, 20 years of the Brazilian Consumer Protection Code: challenges on consumer credit 85</i></p>

<p>Litigation of consumer debt Mary Spector, Protecting consumers on Collection litigation: exploring the litigation of consumer debts 25</p> <p>Use of payment plans Paraskevi Paparseniou, Consumer over-indebtedness: a new approach to an old phenomenon in Greece 36</p>	<p>Insurance Industry Willem H Van Boom, Protecting Consumers against insurers' wrongful claims handling behaviours 62</p>	<p>evaluations of salient terms in online contracts 18</p> <p>Maurizio Borghi, What does Count in Online Digital Distribution? Empirical Evidence from Bottom-Up Cluster Analysis</p>	<p>Clarissa Costa de Lima & Karen Rick Danillevicz Bertoncetto & Adrianna Fagundes Burger, Over-indebtedness consumer profile and practical experience: the Brazilian over-indebtedness draft Bill proposal 61</p> <p>Ana Filipa Conceição, Negotiating the insolvency treatment: the payment plan under Portuguese insolvency regulations 30</p>
<p>15.30 – 16.00 Coffee break</p>	<p>15.30 – 16.00 Coffee break</p>	<p>15.30 – 16.00 Coffee break</p>	<p>15.30 – 16.00 Coffee break</p>
<p><i>Chair: Professor Toni Williams, Kent Law School, University of Kent, UK</i></p> <p>Use of insolvency funds and payment insurance mechanisms</p> <p>Toni Williams, Payment insurance regulation: a case study of regulatory divergence in a neoliberal world 32</p> <p>Franziska Weber, Which role for insolvency funds in recessions? 35</p>	<p><i>Chair: Professor Felicia Monye, University of Nigeria, Nigeria</i></p> <p>Services of General Economic Interest</p> <p>Paul Edgar Micallef, The protection of end-users of electronic communications services in Malta in light of the EU regulatory framework – excessive measures addressing valid expectations of end-users? 11</p> <p>Manufacturing Felicia Monye, Central Bank of</p>	<p><i>Chair: Dr Christine Riefa, Brunel University, UK</i></p> <p>Electronic Commerce Intermediaries</p> <p>Christine Riefa, The definition of Auctions in the Proposal for a directive on consumer rights: back to the drawing board? 68</p> <p>Hervé Jacquemin, Online Pharmacy and consumer protection in European Law 71</p>	<p><i>Chair: Professor Claudia Lima Marques, Federal University of Rio Grande do Sul, Brazil</i></p> <p>Solutions to protect consumers?</p> <p>Walter Jose Faiad de Moura, Financial Education: Guidelines for consumer protection 14</p> <p>Oscar Ivan Prux, Business arrangements in times of crisis and its consequences for</p>

<p>Protecting vulnerable groups Jean Braucher, Mortgaging human capital: A comparative perspective on student loan debt 69</p> <p>Tanya Woker, Understanding how the national credit act 2005 seeks to protect and assist over-indebted consumers in south Africa 37</p>	<p>Nigeria interventions to improve credit facilities to the manufacturing sector</p> <p>Product Safety Alina Schmidt, The revision of the GPSD and the improvement of international cooperation</p> <p>Stream 2 closes</p>	<p>Harriett Gamper, How can Internet comparison sites work optimally for consumers? 78</p>	<p>consumers 12</p> <p>Hector Valverde Santana, Legal protection of the consumer and the limitation to pay bank loans 55</p> <p>Food Industry Marluce Furtado, Breach of the principle of information in the face of labelling of transgenic food 16</p> <p>Stream 4 closes</p>
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18.00 end of sessions

18.15 Drinks reception followed by dinner in Newton Room South, Hamilton Building

Welcome from Professor Javaid Rehman, Head of Brunel Law School

19.15 Inaugural Dinner

20.30 Keynote address – **His Honour Judge Waksman**, "Recent developments in consumer litigation: legal puzzles and judicial headaches."

21.00 – Live band & bar open until 23:00

Day 2 – 28th June 2011

08.30 – Coffee served in Entrance Hall, Lecture Centre, Brunel University

09.00 Plenary sessions LC062

Chaired by Professor Iain Ramsay, Kent Law School, University of Kent, UK

Plenary session 4 – LC062

Professor Kathleen Engel, Suffolk University, Boston, USA

American Consumer Protection: New Policies and New Problems

09.45 Plenary Session 5 – LC062

Robin Simpson, Senior Policy Advisor, Consumer International

Safe, fair and competitive markets in financial services: recommendations for the G20 on the enhancement of consumer protection in financial services

10.15 Coffee Break

10.45 Plenary sessions LC062

Chaired by Professor Geoffrey Woodroffe

Plenary session 6 – LC062

Professor Gail Pearson, University of Sydney, Australia

The US and European Financial Crisis: Some Australian Responses

11.15 Plenary session 7 – LC062

Professor Claudia Lima Marques, Federal University of Rio Grande do Sul, Brazil

20 years of the Brazilian Consumer Protection Code: Challenges on consumer credit and over-indebtedness

12.00 Plenary session 8 – LC062

Ms Maria Lissowska, Unit B4 Financial Services and Redress, European Commission

The European Consumer Credit Directive

12.45 Lunch in Newton Room South, Hamilton Building

14.00 Streamed sessions continue

<p>STREAM 1 (continues)</p> <p>The financial sector in the wake of recessions</p> <p><u>Room LC110</u></p>	<p>STREAM 5</p> <p>A multi-disciplinary approach to protecting consumers in recessions</p> <p><u>Room LC112</u></p>	<p>STREAM 3 (continues)</p> <p>Electronic commerce</p> <p><u>Room LC116</u></p>	<p>STREAM 6</p> <p>Dispute resolution in the wake of recessions</p> <p><u>Room LC114</u></p>
<p><i>Chair: Professor Peter Cartwright, University of Nottingham, UK</i></p> <p>Professor Peter Cartwright, Reform, Recession and Regulation: the Use of Negative Publicity Following the Global Financial Crisis 29</p> <p>Use of information as a strategy for protection</p> <p>Reinhard Steennot, Protecting borrowers through information and advice: the Belgian Consumer Credit Act 7</p> <p>Catherine Garcia Porras, Disclosure as information protection: the role of standardised disclosure in consumer credit transactions 50</p> <p>Achim Tiffe, More information or restrictions of financial services products for consumers – the answer</p>	<p><i>Chair: Professor Peter Rott, University of Copenhagen, Denmark</i></p> <p>Impact of economic recessions on competition policy</p> <p>Peter Rott, The unfair competition law of financial services</p> <p>Paul Nihoul, The impact of the financial and economic crisis on the protection of consumers: have competition authorities adapted? 56</p> <p>Jurgita Malinauskaite, Rescue Merger and consumer interests in merger control: in the current economic downturn 25</p> <p>Federico Ferretti, The exchange of consumer financial information, competition among lenders, competition law, data protection and the consumer interest 9</p>	<p><i>Chair: James Nehf, Indiana University, USA</i></p> <p>Impact of e-commerce across the jurisdictions</p> <p>Ying Yu, Modern Lex Mercatoria in China: Hybrid approach to protect distance consumers 43</p> <p>Conflicts of law and jurisdiction in the online world</p> <p>Bertel de Groote, PIL Aspects of consumer contracts in the light of sub-optimal growth in e-commerce 22</p> <p>Kristin Nemeth, Consumer Contracts and Jurisdiction: How rules on jurisdiction can influence consumers' cross border transactions 79</p> <p><i>Stream 3 closes</i></p>	<p><i>Chair: Dr Sothi Rachagan, Vice President (Academic Affairs), Nilai University College, Malaysia</i></p> <p>Consumer Class actions</p> <p>Ariel Flavian, Consumer Class Action in Israel: a workable model for Europe? 80</p> <p>Maria Jose Azar-Baud, Collective actions: a tool for protecting consumers in economic recessions 60</p> <p>Laura Carballo Pineiro, Protecting consumers in economic recessions: the Availability of Collective Actions in Cross-Border Claims 44</p> <p>Consumer disputes in the court system</p> <p>Pretam Singh, Providing consumers an efficacious, simple, inexpensive and speedy remedy – Malaysian</p>

to the economic recession 76 Usury as a strategy for protection Karin Sein, Protection of consumers against usurious loans, the Estonian experience 19	Kate Tokeley, Consumer Law and Paternalism in Economic Recessions: towards a principled, multi-factorial approach 24		perspective 41 Stream 6 closes
15.45 – 16.15 Coffee Break	15.45 – 16.15 Coffee Break	15.45 – 16.15 Coffee Break	15.45 – 16.15 Coffee Break
STREAM 1 (continues) Room LC110	STREAM 5 (continues) A multi-disciplinary approach to protecting consumers in recessions Room LC112	STREAM 7 Consumer contracts Room LC116	
<i>Chair: Professor Christopher Peterson, University of Utah, USA</i> Intervention of judges as a strategy for protection? Roberto Grassi Neto, Consumers and their legal relations with bank institutions in economic recession times 54 Role and responsibilities of financial intermediaries Christopher Peterson, Bullshit companies 66 Michel de Muynck, Responsible Credit intermediation through risk based remuneration? 8 Therese Wilson, The role of social	<i>Chair: Dr Annette Nordhausen Scholes, Manchester University, UK</i> Cristina Poncibo, Protecting the consumer in the EU financial Market: an interdisciplinary method Diógenes Carvalho, The phenomenon of over-indebtedness caused by mental programming 2 Amanda Flávio de Oliveira & Felipe Moreira dos Santos Ferreira, An economic approach to consumer law in periods of recessions: not really a bad deal, if done correctly 42 Annette Nordhausen Scholes, Behavioural Economics and the Autonomous Consumer 73	<i>Chair: Dr Emmanuel Voyiakis, Brunel Law School, UK</i> Maree Chetwin, The antipodean franchise and fairness: should New Zealand extend the definition of consumer? 23 Emmanuel Voyakis, Consumer law and contract theory Lucian Bercea and Sergiu Popovici, A categorisation of Unfair Terms in Credit Agreements for consumers in light of Romanian Banking Practices 72 Johan Vannerom, The limits of Information and a proposed way forward 34	

enterprises in providing services to vulnerable consumers beyond welfare 38	Joasia Luzak, You have been warned!... Really? – Assessment of the liability of the service provider in case a warning has been given to the client 29 Stream 5 closes	Stream 7 closes	
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18.00 – end of proceedings for the day

18.15 – Drinks reception with musical duo Ade & Rich (Newton Room South, Hamilton Building)

19:00 – ***Dinner in honour of Professor Geoffrey Woodroffe, for his contribution to Consumer Law***

19.45 Introduction by Professor Patrick Polden, Deputy Head of Brunel Law School & Professor Geraint Howells, IACL President, Manchester University

20.00 *Keynote address: Professor Geoffrey Woodroffe, 30 years of consumer law at Brunel*

21.00 Live music with Milo Max & bar until midnight



Day 3 – 29th June 2011

09.00 Streamed sessions continue

<p align="center">STREAM 1</p> <p>The financial sector in the wake of recessions: A sample of regulatory strategies adopted in the aftermath of the crisis</p> <p align="center"><u>Room LC110</u></p>	<p align="center">STREAM 8</p> <p>Out of the box solutions to protecting consumers in economic recessions: rethinking consumer protection?</p> <p align="center"><u>Room LC112</u></p>	<p align="center">STREAM 9</p> <p>Unfair Commercial Practices in the EU as a means to protect consumers?</p> <p align="center"><u>Room LC114</u></p>
<p align="center"><i>Chair: Professor Eileen Webb, University of Western Australia, Perth, Australia</i></p> <p><i>Lee Byung-Jun, Consumer Protection in the Korean Retail Investment Products Market and Regulation of Standardized Contracts 40</i></p> <p><i>Aviva Freilich and Eileen Webb, Consolidating Australia's Lucky escape – Antipodal responses to consumer credit regulation in the wake of the GFC 57</i></p> <p><i>Andrea Fejós, The reform of consumer credit regulation in Hungary 53</i></p> <p><i>Eadi Sunitha, Implications of reforms and technology on financial regulatory system with reference to the Indian financial system 70</i></p> <p align="center"><i>Stream 1 closes</i></p>	<p align="center"><i>Chair: Professor Monika Jozon, Sapientia-Hungarian University of Transylvania, Romania</i></p> <p><i>Martina Rojo, Global crisis – global consumer: international protection of consumer rights 10</i></p> <p><i>Monika Jozon, The future of judge-made protection of consumer rights as third generation human rights in Europe 59</i></p> <p><i>Udo Reifner, The re-discovery of the use of social capital in long term relations (www.eusoco.com project) 20</i></p> <p><i>Benedek Tóth, Consumer protection in Hungary: Law and Practice 13</i></p> <p align="center"><i>Stream 8 closes</i></p>	<p align="center"><i>Chair Professor Geraint Howells, Manchester University, UK</i></p> <p><i>Onyeka Osuji, Consumers, CSR Messages and social labels: Charting a role for the Unfair Commercial Practices System 3</i></p> <p align="center"><i>Klaus Viitanen, Effect on Consumers Economic Behaviour in the UCPD – What does it mean?</i></p> <p><i>Jane Williams, Effective Enforcers: Consumer Protection, New Enforcement Practices and Organisational Change: a UK perspective 64</i></p> <p align="center"><i>Stream 9 closes</i></p>

11.15 – 11.45 Coffee break

11.45 Plenary session LC062

Dr Sothi Rachagan, Vice President (Academic Affairs), Nilai University College, Malaysia

Developing Consumer Law in the Developing World (including an assessment of the impact of the financial crisis)

12.30 Closing by Professor Geraint Howells & Dr. Sothi Rachagan

12.45 Barbeque on the terrace, Newton Room South, Hamilton Building

13.30 IACL members meeting (all welcome including non members)

Chair Geraint Howells, President IACL, Manchester University

- Update on activities in past 2 years
- Plans for the future
- Funding of the association
- Discussions about next conference
- Association statutes and voting procedure explained
- Elections of Board members and President elect/ new president.

14.30 IACL Board meeting Room TBC	14.30 Brunel Law Film Room LC015
<i>IACL Board meeting</i> (only board members attending)	<i>Cleveland v Wall Street</i> This documentary stars our very own Professor Kathleen Engel, Suffolk University, Boston, USA and was shown at the Cannes Festival. The film is described on IMDb as follows (http://www.imdb.com/title/tt1646963/): On 11th January 2008, hired by the City of Cleveland, lawyer Josh Cohen and his team filed a lawsuit against 21 banks, which they held accountable for the wave of foreclosures that had left their city in ruins. Since then, the bankers on Wall Street have been fighting by with all available means to avoid going to court. This film is the story of that trial. A film about a trial that may never be held but in which the facts, the participants and their testimonies are all real: the judge, lawyers, witnesses, even the members of the jury - asked to give their verdict - play their own roles. Step by step, one witness after another, the film takes apart, from a plain, human perspective, the mechanisms of subprime mortgage loans, a system that sent the world economy reeling. A trial for the sake of example, a universal fable about capitalism. Running time: 98 minutes

End 16.00 latest.