3rd Law and Economics Conference in Lucerne

Behavioural Law and Economics

American and European Perspectives

FRIDAY, 11 APRIL, 08.45 H – SATURDAY, 12 APRIL 2014, 11.30 H

UNIVERSITY OF LUCERNE, FROHBURGSTRASSE 3, ROOM 4.A05, LUCERNE
Consumer Law and Economics

Of the many current topics in Consumer Law and Economics, perhaps none have been more hotly debated than mandated disclosure. In “More Than You Wanted to Know: The Failure of Mandated Disclosure” (2014), Omri Ben-Shahar and Carl E. Schneider find that mandated disclosure deter lawmakers from adopting better regulations, impair people's decisions, exacerbate inequality, and put crippling burdens on valuable enterprises. Furthermore, they argue, many consumers make the economically rational decision to not read mandated disclosures.

In addition to mandated disclosure, scholars have debated several other topics in Consumer Law and Economics in recent years. These topics include, for example, the protection of consumer internet data (particularly in light of GDPR), the regulation of boilerplate in consumer contracts, the rationality of consumers, the right to withdraw from consumer contracts, and the EU’s proposed “New Deal for Consumers”.

This conference aims to explore the neoclassical and behavioural economics approaches to consumer law and apply these approaches to current issues.

Programme

FRIDAY, 29 MARCH 2019  
ROOM 4.B55

09.00 – 09.15  Registration

09.15 – 09.20  Prof. Dr. Klaus Mathis, University of Lucerne  
Welcome

Panel 1  Chair: Prof. Dr. Anne-Lise Sibony  
ROOM 4.B55

09.20 – 10.00  Prof. Dr. Avishalom Tor, University of Notre Dame Law School  
Nudges that Should Fail

10.00 – 11.15  Prof. Dr. Omri Ben-Shahar, The University of Chicago Law School  
Beyond Disclosure: a New Approach to the Regulation of Consumer Data

11.15 – 11.45  Coffee Break

11.45 – 12.45  Prof. Dr. Florencia Marotta-Wurgler, New York University School of Law  
Regulating Information Privacy Through Fine Print: Examining the Effectiveness of the U.S. Approach to Consumer Information Privacy

12.45 – 14.15  Lunch
# Panel 2A

**Chair:** Prof. Dr. Mariusz J. Golecki  
**Room:** 4.B55

**14.15 – 14.45** Prof. Dr. Samuel Becher, Victoria University of Wellington  
*The Readability of Privacy Agreements and the General Data Protection Regulation*

**14.45 – 15.15** Prof. Dr. Giuseppe Colangelo, University of Basilicata, Potenza, and Prof. Dr. Mariateresa Maggiolino, Bocconi University, Milan  
*Fragile or Smart Consumers? Suggestions for the US from the EU*

**15.15 – 15.45** Prof. Dr. Miriam Buiten, University of Mannheim  
*‘Your DNA is one Click away’: The GDPR and Direct-to-consumer Genetic Testing*

**15.45 – 16.15** Coffee Break

# Panel 3A

**Chair:** Dr. Sören Segger-Piening  
**Room:** 4.B55

**16.15 – 16.45** Asst. Prof. Dr. Thibault Schrepel, Utrecht University  
*Mandated Disclosure and Blockchain*

**16.45 – 17.15** Prof. Dr. Mariusz J. Golecki, University of Lodz, and Prof. Dr. Piotr Tereszkiewicz, Jagiellonian University of Cracow  
*From “Failure of Mandated Disclosure” towards “The Rise of Mandated Product Content”? Empirically and Behaviourally Informed Analysis of Mortgage Products on European Markets*

**17.15 – 17.45** Rainer Baisch, MLaw, Dipl. Kfm. univ., University of Zurich  
*The PRIIPs Regulation in View of Behavioural Research: an Example of Hyperbolized Mandated Disclosure*

**18.30** Dinner
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<th>Panel 2B</th>
<th>Chair: Prof. Dr. Ann-Sophie Vandenberghe</th>
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| 14.15 – 14.45 | Prof. Dr. Susanne Augenhofer, University of Erfurt  
*The Interplay of Regulation and Litigation: What Dieselgate Tells us about US and European Consumer Laws* |
| 14.45 – 15.15 | Prof. Dr. Felix Ekardt and Jutta Wieding, M.A., Research Unit Sustainability and Climate Policy, Leipzig  
*Environmental Protection by Means of Consumer Law?* |
| 15.15 – 15.45 | Assoc. Prof. Dr. Kai Purnhagen and Asst. Prof. Dr. Hanna Schebesta, University of Wageningen  
*Harmonisation of Alcohol Labelling in the EU: How Much is Enough?* |
| 15.45 – 16.15 | Coffee Break |

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<th>Panel 3B</th>
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| 16.15 – 16.45 | Prof. Dr. Ann-Sophie Vandenberghe, Erasmus University Rotterdam  
*The Law on Unfair Contract Terms in Standard Form Contracts in Europe: a Comparative Law & Economics Approach* |
| 16.45 – 17.15 | Dr. Mireia Artigot i Golobardes, University of Pompeu Fabra, Barcelona, and Prof. Dr. Fernando Gómez Pomar, University of Pompeu Fabra, Barcelona  
*Standard Contract Terms and Legal Controls: a Reconstruction from the Law and Economics Theory of Contract* |
| 17.15 – 17.45 | Prof. em. Dr. Rolf H. Weber, University of Zurich  
*From Disclosure to Transparency in Consumer Law* |
<p>| 18.30 | Dinner |</p>
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<tr>
<th>Time</th>
<th>Speaker(s)</th>
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<tr>
<td>09.00</td>
<td>Prof. Dr. Anne-Lise Sibony, UCLouvain, and Dr. Fabrizio Esposito, Safra</td>
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<td></td>
<td>Center for Ethics, University of Tel Aviv <strong>In Search of the Theory of</strong></td>
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<td>Harm in EU Consumer Law: Lessons from the Consumer Fitness Check**</td>
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<td>09.30</td>
<td>Dr. Sören Segger-Piening, University of Würzburg <strong>No Need to Read – 'Self</strong></td>
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<td>enforcing' Pre-contractual Consumer Information**</td>
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<td>10.00</td>
<td><strong>Coffee Break</strong></td>
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<td>10.20</td>
<td>Dr. Tobias Gesche, ETH Zurich <strong>De-Biasing Strategic Communication</strong></td>
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<td>10.50</td>
<td>Prof. Dr. Danny Friedmann, Peking University School of Transnational Law,</td>
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<td>Shenzhen <strong>Correcting Information Asymmetry via Deep Consumer Information</strong></td>
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<td>– Compelling Companies to Let the Sunshine In**</td>
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<td>11.20</td>
<td>Prof. Dr. Klaus Mathis, University of Lucerne, and Prof. Dr. Avishalom</td>
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<td>Tor, University of Notre Dame Law School <strong>Concluding Remarks</strong></td>
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<td>12.00</td>
<td><strong>Lake Cruise with Lunch</strong></td>
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Organisation
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Venue
University of Lucerne
Frohburgstrasse 3
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Registration
Participation is free (coffee breaks included).
Please register no later than 15 March 2019 via email:
moritz.pachmann@unilu.ch