



Convergence in European Consumer
Sales Law
A Comparative and Numerical Approach

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A Comparative and Numerical Approach

DISSERTATION

to obtain the degree of Doctor
at Maastricht University,
on the authority of the Rector Magnificus,
Prof. dr. Rianne Letschert
in accordance with the decision of the Board of Deans,
to be defended in public
on Tuesday 4 October 2016, at 16.00 hours

by

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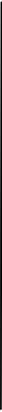
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Lay-out by Marina Jodogne.

A commercial edition of this PhD thesis will be published by Intersentia in the Ius Commune Europaeum Series, No. 154 under ISBN 978-1-78068-431-4.

In loving memory of Grandfather
'S-a stins lumina lumii.'



ACKNOWLEDGEMENTS

The journey of writing one's first book, especially of an academic nature, is infamously difficult. The rainbow of situations and emotions that come with this experience can barely be put into words, but this preface is dedicated to just that. After all, legal scholars might not have microspectrometers or telescopes (at least private lawyers do not), but we are supposed to master the art of the written or spoken word.

I have finally managed to complete my very own PhD saga. In other words, I made it through the extreme ups and downs inherent to this process: from the early confidence and enthusiasm in a new topic, to the troubled times of working out methodological details and finding the best way to package thoughts, to the gained ownership of the final result. This journey has been overwhelming in many ways, and the engine of the entire undertaking has not been my individual perseverance, but the amazing individuals who both guided and accompanied me through this odyssey.

In a world full of people who generally could not care less, I have been blessed to be surrounded by people who could not care more, and that first and foremost applies to my supervisors, *Jan Smits* and *Caroline Cauffman*. I genuinely could not have wished for better supervisors, better academics, or better persons. The amount of time and effort that both of them have put into the development of the ideas behind this manuscript, consisting of precious feedback and endless support, has been out of this world. Our dense meetings, for which both *Jan* and *Caroline* managed to always make enough room, have constantly challenged me to look at the project from their two very different perspectives and styles, one Dutch, the other Belgian, that had, among others, an essential commonality: the strive for academic excellence. They have taught me the value of high research standards and in the light of that I was inspired to follow in their footsteps and attempt to make a meaningful contribution to European consumer law. To achieve that, my research has taken me to an empirical territory considered controversial by some; yet I have learned from my supervisors that trying to be innovative might come with risks one needs to courageously assume, instead of shy away from. I am equally eternally grateful to both *Jan* and *Caroline* for all the opportunities they have given me in terms of personal development, both in research as well as in teaching. Had it not

been for Jan's endorsement and nomination, I would have never been anywhere close to the Wynand Wijnen Education Prize, and had it not been for Caroline's support and advice, I would have perhaps never become a doctoral candidate in the first place. I have listed here only a handful of reasons why I will forever be thankful to and for my supervisors; and while the complete list would probably be a self-standing novel, for now I would just like to emphasise that working under their supervision has been an amazing time that I will forever cherish, and I hope my manuscript does this experience justice.

My appreciation is also directed towards the Assessment Committee, for the time and willingness to assess my PhD manuscript. *Gerard-René de Groot* has been a constant source of wisdom on comparative law methodologies, which I have gotten glimpses of through long discussions but also through our great collaboration within the ambit of a course on this very topic. I am thus honoured that he has accepted to be the Chairperson of the Committee. I can say the same for the rest of the Committee members. *Hans Schulte-Nölke* has authored some of the most extensive studies in European consumer law to date, which have been a valuable stepping stone for this project. *Mathias Siems'* work on numerical comparative law as an empirically-oriented methodology has also been central to this study, and I am thankful for having had the opportunity to discuss this with its original author in September 2015, with the occasion of the MEPLI Conference 'Consumers Without Borders'. Lastly, but most certainly not least, I am especially indebted to *Bram Akkermans*, whose challenging questions and feedback pushed me to refine my understanding of what I wanted to achieve with this study (#bakebread), and nudged me to look into policy-making to obtain a better understanding of how harmonisation really works.

I would also like to thank *Omri Ben-Shahar* and *Richard McAdams* for their challenging yet enthusiastic comments on my research. I had the opportunity to present the findings of this study in the 2016 Summer Institute of Law and Economics organised by the Coase-Sandor Institute at the University of Chicago. The law and economics views expressed by Chicago faculty have tremendously helped me with improving the communication of my findings, as well as with endless inspiration for research spin-offs for the short-term future.

In the same vein, our own faculty members, *Marcel Schaper*, *Niels Philipsen* and *Mariolina Eliantonio* have played meaningful roles in the fine-tuning of my empirical ideas, either by participating in random creative brainstorming sessions, or suggesting literature from very different fields of law. Thus I am greatly indebted to their availability and feedback.

A self-standing recognition of appreciation must, without a doubt, be directed to our amazing Dean, *Hildegard Schneider*. Her constant support during the years in which I have completed my PhD has had an incredible impact in terms of my overall development in the faculty. Her passion for moot court competitions, out-of-the-box thinking, and student development have been a constant source of inspiration as well as respect.

A special thank you goes to my beloved paranympths, *Anna Beckers* and *Lucian Mircescu*. *Anna* and I have bonded before through paranympthing duties, with the occasion of her outstanding PhD defense. However, her support has always gone

beyond any such duty. Her kind advice helped me soldier on through writing this manuscript, and it is all the more impressive as it comes from true friendship, and not just mere collegiality. As for *Lucian*, I am happy to have shared with him a fantastic UNU-MERIT Graduate School of Governance experience, which has been defining in my endeavour to embrace a more empirical view of the law, and to understand the importance of such a view for public policy.

Also deserving endless praise is my family: my mother, *Cornelia Goanță*, my father, *Viorel Goanță*, my brother *Florin Goanță* and my sister-in-law, *Loredana Din*. Apart from being incredibly supportive, they have all been greatly helpful as well. My mother – also a lawyer – has given me priceless legal advice on procedural aspects of Romanian unfair contract terms, and my bother and sister-in-law have provided me with daily consumer experiences in the field of online sales, in the light of their online tyre business. As for my father, words are not enough to thank him for the hundreds of hours he spent helping me on a wide array of research tasks: finding case law, finding sources, double-checking bibliographic references, and so on and so forth. With this occasion I have witnessed how my father, a military engineer, has achieved outstanding legal research skills.

Moreover, I would also like to thank my Japanese brother, *Mark Kawakami*, for being an inspiration and always playing devil's advocate during our numerous formal and informal discussions. This helped me become absolutely convinced that the world needs empirical legal research. I am also grateful for Mark's delicious Juicy Lucys, and shared scifi preferences: watching Star Wars and Star Trek in good company can definitely alleviate some of the negative side-effects of PhD editing.

As part of my teaching obligations during my PhD time I have been engaged in many activities, but I hold one of them particularly dear to my heart, as its inspiring nature has most certainly changed the way in which I see legal education. My new colleague and friend, *Gwen Noteborn*, has been the mastermind behind our 2015 'Google Glass in the legal classroom' project, one of the most fun teaching activities I have ever undertaken. I am incredibly grateful to have been a part of this.

Also during my PhD time in Maastricht, our MEPLI corridor has been our home (perhaps too much so). My fantastic MEPLI colleagues *Anna Berlee*, *Jiangqiu Ge*, *William Bull*, *Daniel On*, *Nicole Kornet*, *Katja Zimmerman*, *Caroline Calomme*, *Pim Oosterhuis*, *Kate O'Reilly*, *Adela Ognean*, *Serban Vacarelu*, *Thera Dieleman*, *Agustin Parise*, *Lars van Vliet* as well as non-MEPLI colleagues *Matteo Bonelli*, *Mieke Olaerts*, *Sascha Hardt*, *Tanja van der Meer*, *Catherine de Rijdt*, *Ria Wolleswinkel*, have contributed to making Maastricht University feel like a family, and not just a workplace. I will forever treasure this.

Marina Jodogne has been my rock in the weeks leading up to the submission of this manuscript. Her eagle-eye editing, her amazing composure in front of deadlines and her wise advice have been the balancing act ensuring the successful completion of this project. *Marina*, I know you will have to review these lines, so let me say it here as well: thank you from the bottom of my heart.

Of course, no list would be complete without acknowledging some of the amazing students I have had the pleasure of getting to know and work with along the years of my PhD and beyond. I would like to explicitly mention the fantastic *Jasmine Styles*, *Merle Temme*, *Andrea Rigamonti*, *Olav de Wit*, *Luca Bücken*, *Anca Bliort*, *Stefan Cirjan*, *Felix Pflücke*, *Benedikt Schmitz*, *Rikke Øksnes*, *Simon Schneider* and *Harvey*

Acknowledgements

Davies. Moreover, *Cristiana Cozac* and *Eddie King* have spent sleepless nights during their holiday to proofread and edit my manuscript, and I could not be more grateful for that.

I would also like to thank French bands *M83* and *Daft Punk* for having created the greatest legal writing soundtracks ever known to mankind (*M83's Oblivion* soundtrack and *Daft Punk's Random Access Memories* album).

I saved the most important kind of support for last. I would like to thank my absolutely one-in-a-million husband *Willem Loof* for his eternal patience as well as for his active support in the completion of my manuscript. I want to thank him for putting up with my (very) stressful deadlines, my spontaneous exhilaration with eureka moments, and my endless questions about Dutch terminology or literature. I want to also thank him for allowing me to make post-it maps of case law and to write graphic timelines and check-lists on our livingroom walls. I want to thank him for asking me more questions about my research than I have ever asked him about his, and helping me answer my own questions by using his outstanding knowledge of private law as a sounding board to fix my dead-ends. And more than anything, I want to thank him for being a researcher too, and for understanding me as well as he does. Without him by my side, I could not achieve anything.

Cătălina Goanță
Maastricht, October 2016

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LIST OF ABBREVIATIONS

AG	Advocate General
Art.	Article
B2B	Business to Business
B2C	Business to Consumer
BGB	Bürgerlich Gesetzbuch (German Civil Code)
BW	Burgerlijk Wetboek
CC	French Civil Code
CCAS	Consumer Codes Approval Scheme
CESL	Common European Sales Law
CFR	Common Frame of Reference
CI	Convergence Index
CISG	United Nations Convention on Contracts for the International Sale of Goods
CJEU	Court of Justice of the European Union
CPR	Consumer Protection for Unfair Trading Regulations
CRD	Consumer Rights Directive
CSE	Comparison Shopping Engine
DCFR	Draft Common Frame of Reference
DE	Deutschland (Germany)
DG	Directorate-General
ECR	European Case Report
EEC	European Economic Community
EFTA	European Free Trade Association
ESME	European Securities Market Expert
EU	European Union
EUR	Euros
FR	France
fsQCA	fuzzy set Qualitative Comparative Analysis
MvT	Memorie van Toelichting
NCA	National Consumer Agency
NL	the Netherlands
No.	Number

List of Abbreviations

OECD	Organisation for Economic Co-operation and Development
OFT	Office of Fair Trading
OHIM	Office for Harmonisation in the Internal Market (Trade Marks and Designs)
OJ	Official Journal
Para.	Paragraph
PECL	Principles on European Contract Law
PEL S	Principles of European Law of Sales
RO	Romania
SGSA	Supply of Goods and Services Act 1982 (UK)
SI	Statutory Instrument (Ireland)
SME	Small and Medium-Sized Enterprise
SoGA	Sale of Goods Act 1979 (UK)
TEC	Treaty Establishing the European Community
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
TSI	Trading Standards Institute
UK	United Kingdom
US	United States
UWG	Gesetz gegen den unlauteren Wettbewerb (German Unfair Commercial Practices Act)

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