

Workshop

30 Years of the Unfair Contract Terms Directive

Madrid, 5 – 6 June 2023

This year marks the 30th anniversary of **Council Directive 93/13/EEC on unfair terms in consumer contracts** (the UCTD). The ‘childhood’ of the Directive went relatively unnoticed, with no judgment from the Court of Justice of the European Union (CJEU) until the beginning of the current century. However, the 2007–08 global financial crisis triggered the ‘awaking of Sleeping Beauty’ (following Micklitz and Reich’s analogy). Since then, the CJEU has issued dozens of decisions on the UCTD, almost reaching more than one hundred fifty of them, making it the most visited EU legal instrument in private law.

However, the relevance of the UCTD is not just quantitative. It has served to **tackle serious economic grievances and situations of over-indebtedness**. It fulfilled the purpose of a social safety net amid the financial crisis. Therefore, it brought EU law to the attention and pressing needs of citizens.

From a more technical perspective, the judgments of the CJEU on the UCTD have advanced EU private law by providing uniform interpretations of the Directive’s key concepts and, it is claimed, by covering other legal mechanisms that were not so evidently within the scope of the UCTD. The decisions of the CJEU have **reshaped national laws, including their procedural aspects**. Notwithstanding, as final decisions on the application of the CJEU’s judgments fall in the realm of national courts, the harmonising effects of CJEU judgments do not reach all Member States alike – a complexity inherent to pluralistic legal orders, and especially to EU law.

Against this backdrop, the workshop intends to assess the UCTD from the perspective of the case law of the CJEU and the possible future developments at the EU and national levels. Therefrom, the most important topics have been organised into **eight panels**. Each of them will be introduced by a speaker and followed by a discussant. Generous time has been reserved for an open discussion with the participants of the workshop. The topics covered will consider the fitness of the UCTD for the digital age.

The **two-day workshop** is the first milestone of a broader comparative law project on the UCTD. It will take place in a face-to-face format at the **[IE Tower](#) in Madrid, Spain**, with the following agenda:

Monday 5 June

14:00 – 15:30

Registration 

14:30 – 15:00

Welcome

ROOM 16.01

Aneta Wiewiorowska, Polish Academy of Science

Tatjana Josipovic, University of Zagreb

Francisco de Elizalde, IE Law School

Chair: **Fernando Pastor-Merchante**
Vice Dean, IE Law School

15:00 – 16:15

Scope of application &
level of harmonization

ROOM 16.01

Speaker: **Tatjana Josipovic**, University of Zagreb

Discussant: **Michel Cannarsa**, Catholic University of Lyon

Chair: **Guadalupe Martínez**,
IE Law School

16:30 – 17:45

General principles

ROOM 16.01

Speaker: **Hans Schulte-Nölke**, Osnabrück University

Discussant: **Francisco de Elizalde**, IE Law School

Chair: **Charlotte Leskinen**,
IE Law School

18:00 – 19:15

Unfairness assessment

ROOM 16.01

Speaker: **Marie Jull Sørensen**, Aalborg University

Discussant: **Aneta Wiewiorowska**, Polish Academy of Science

Chair: **Marie-José Garot**,
IE Law School

Tuesday 6 June

9:30 – 10:45

Transparency

ROOM 16.01

Speaker: **Aneta Wiewiorowska**, Polish Academy of Science

Chair: **Tatjana Josipovic**,
University of Zagreb

Discussant: **Pietro Sirena**, Bocconi University

11:00 – 12:15

Consequences of
unfairness

ROOM 16.01

Speaker: **Francisco de Elizalde**, IE Law School

Chair: **Bart Wauters**,
IE Law School

Discussant: **Charlotte Pavillon**, University of Groningen

12:30 – 13:45

Ex officio assessment

ROOM 16.01

Speaker: **Charlotte Pavillon**, University of Groningen

Chair: **Aneta Wiewiorowska**,
Polish Academy of Science

Discussant: **Marie Jull Sørensen**, Aalborg University

14:00 – 15:00

IE Tower – Tech Lab

Lunch 

15:00 – 16:15

Procedural aspects

ROOM 16.01

Speaker: **Pietro Sirena**, Bocconi University

Chair: **Marco de Benito**,
IE Law School

Discussant: **Tatjana Josipovic**, University of Zagreb

16:30 – 17:45

Enforcement

ROOM 16.01

Speaker: **Michel Cannarsa**, Catholic University of Lyon

Chair: **Francisco de Elizalde**,
IE Law School

Discussant: **Hans Schulte-Nölke**, Osnabrück University

18:00 – 18:30

Concluding remarks

ROOM 16.01

Aneta Wiewiorowska, Polish Academy of Science

Tatjana Josipovic, University of Zagreb

Francisco de Elizalde, IE Law School

Practical info

Participants are required to confirm their attendance before 26 May 2023 by completing the [online form here](#).

[Confirm your attendance here](#)

The conference will take place in Madrid, Spain, at the IE Tower. Directions can be found [here](#).

Located in the heart of the city's financial district, the 180-meter tower is a bastion of sustainable architecture, providing over 50,000 square meters of dynamic, multi-use space.

Presentations will be organised into chaired panels. The presentation time for each speaker will be 20 minutes, followed by an intervention of the discussant of 5-7 minutes, and an open discussion of a maximum of 50 minutes per panel.

There are no registration fees. Lunch and coffee breaks will be offered by IE University Law School.

Relevant dates

- Registration by: **May 26, 2023**
- Conference: **June 5 and 6, 2023**

Contact details

Convenors: Francisco de Elizalde, Tatjana Josipovic, Aneta Wiewiorowska; IE Law School, IE University.

If you have any questions, please contact us at Isabel.Garces@ie.edu

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