

Preface

I began the Preface to the first edition of this book, published in 1997, by observing that

I have always believed that a lot of interesting research has been and is being conducted into EC consumer law and policy. And yet it seems to me that many EC lawyers and students have tended to treat consumer policy as peripheral.

Do they still? Not to the same extent, I think. EC consumer policy has ever more energetically developed its own body of scholarship. And I warmly welcome that.

My purpose in writing this book has not changed between the first and second editions. It remains to construct a bridge between basic EC law principles and the particular context in which they are applied in consumer policy. To this end, I assume a basic grasp of the pattern of the EC legal order, but do not assume any advanced knowledge. So the book should be readily accessible to anyone who has followed an introductory EC law course, covering institutional and constitutional law and the basic framework of trade law. The book should be perfectly intelligible on its own, although the reader could usefully have the texts of relevant Treaty provisions, Directives and Resolutions to hand. And naturally I provide plenty of sources of further reading.

I deliberately wrote the first edition as a short book. It was designed to set out the main themes in EC consumer policy. It did not immerse the reader in a highly technical research agenda, though it did make clear where the difficult areas requiring further theoretical and empirical analysis lie. My initial intention on approaching this second edition was to hold the book to the same length. So whatever material I added, I would subtract the same amount. But this proved impossible. There is a great deal of legislative and judicial development to take into account. There are Treaty revisions – already in force and, in the shape of the Treaty establishing a Constitution for Europe, pending. But I could just about have coped with this updating without extending the book. I was, however, defeated by the vast increase in scholarly examination of EC consumer law and by the rise of major questions of policy – to what extent does the market serve the consumer? Is the Commission's shift away from minimum to maximum harmonization justified? Is EC consumer law the driving force for European private law? Should it be? I concluded that if I wrote a second edition that was no longer than the first, I would not do justice

to the profound nature of the debates that attend the evolution of consumer policy in the EU – and I would cheat the reader. So this second edition is longer than its predecessor. But I hope it is no less readable. Most of all, I have maintained a concern to trace the trends in the evolution of consumer policy in the belief that they illustrate much about the evolution of the EU generally.

Any book on ‘consumer law’, whether national or transnational, has to make difficult choices about its subject matter. Consumer law is notoriously fuzzy-edged. I have picked the areas which I think would normally be regarded as the core of consumer policy. Separate treatment of detailed areas such as food and pharmaceuticals has been omitted with reluctance largely because to include them would have left me with too much detailed explanation, which would have precluded discussion of policy. There are two new chapters in this second edition. A new Chapter 3 devotes attention to the rhythms of harmonization in the EC. There are important questions about the constitutional reach of harmonization and its impact on national regulatory competence which deserve to be examined separately from the general sweep found in Chapter 1 and the sector-specific examination in the individual chapters that follow. I have also added a new Chapter 7 dealing with European private law. This ranges beyond the normal map of consumer law, but it is predominantly consumer law that has driven the EC deep into private law and so the wider horizons deserve inspection.

I owe thanks to many people, most of all, in the EC consumer field, to Geoffrey Woodroffe, Hans Micklitz, Norbert Reich, Thomas Wilhelmsson and Geraint Howells. All have inspired me, and I am grateful to them.

Stephen Weatherill