

CONSUMER MODELS, CONSUMER POLICY AND MARKET INTEGRATION IN THE

EUROPEAN COMMUNITY:

CONSUMER IN A STRAIN BETWEEN MEMBER STATES AND COMMUNITY

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ABSTRACT

Ever since the beginnings of European integration the Single European Market has represented the foremost objective and has served as a lever for achieving an “ever closer Union among the peoples” of the Member States. The integrated market requires the removal of all national barriers to intra-Community trade, and the equalization of competitive conditions for producers located in different Member States. National consumer regulation, even if it does not discriminate between domestic and foreign producers, can disintegrate the European market by imposing additional costs for exports into different Member States. Furthermore, effective competition within the market calls for a consumer who reasons economically and makes ‘informed choices’. This notion of a European self-governing and knowledgeable consumer who bases his consumption decisions exclusively on careful economical considerations differs significantly from the notion (and debatably empirical reality) of the consumer in some Member States. This paper compares the role and place of consumers in European and in German law by using consumer models – operative notions of consumers as extracted from economical, legal, social, and cultural studies. It shows how the European information-focused consumer policy has emerged as a necessity from the vision of the European integrated market. In Germany, on the other hand, the origins of the consumer movement can be linked to the broader notion of the welfare state. Consumer protection is consequently more ethically motivated and concerned also with consumers whose abilities to acquire and process information are limited. In view of these differences the paper examines the ongoing reconstruction of national consumer laws under the European influence, and the

challenging task put before national courts. Furthermore, the paper argues that the relation between consumer protection and consumer sovereignty is not linear, and discusses the question of the 'optimum' level of consumer protection. It contends that different policies can fulfil consumer interests to a similar degree. The choice of consumer policy on the one hand is related to the system of values and vision of society, and on the other hand is a complex function of the existing conditions, such as balance of political power, governance structure, history, culture, and habits.

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