

Empowering consumers through law?

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IMPACT PARAGRAPH

The concept of consumer empowerment developed by the Commission in EU consumer policy and the practice of empowering consumers through secondary legislation are both incredibly important yet underexplored topics in consumer law scholarship. In the years following the introduction of consumer empowerment as a primary goal of consumer policy in 2007, the EU Commission's goal of empowering all consumers through law has become deeply embedded in the fabric of consumer policy and established as a new aim of several directives in the consumer law acquis. It was predicated that the consumer empowerment agenda would quietly diminish in importance as the EU Commission shifted the focus in consumer policy towards achieving the goals of the Green Transition. This thesis has demonstrated that the opposite is true. Instead, in several key policy areas, the Commission consistently adopts an agenda of consumer empowerment as a strategic approach for driving the transformation in the EU to a circular, decarbonized economy by addressing EU citizens in their role as consumers. A primary objective of this thesis is to offer a more theoretically robust understanding of EU consumer empowerment and on the Commission's practice of empowering consumers through law. This was achieved through the development of a theoretical framework on empowerment that was subsequently used to reframe and analyse the Commission's narratives on empowerment in policy and the reorientation of consumer legislation towards empowerment ends.

The findings in this thesis make a valuable scholarly contribution to the legal academic community by offering a rethinking of the established understandings of the concept and the practice of EU consumer empowerment. This thesis has demonstrated that empowerment is a contested concept and therefore garners meaning depending on, for example, social and political contexts. EU consumer empowerment is no different. However, despite the growing significance of the EU consumer empowerment agenda in consumer policy and law, in consumer law scholarship there has been to date no systemic analysis that focuses on the question of how this concept can or should be understood in the EU context. In this regard, the theory of empowerment developed in Chapter 2 is of particular relevance for the academic community on two fronts. First, this theory offers a conceptual starting point and a common vocabulary that can be adopted (and developed) by subsequent studies on EU consumer empowerment. Second, existing understandings of the concept of empowerment in the consumer law literature tend to be flat and one-dimensional. The multi-dimensional character of the conceptual categories developed in Chapter 2 do not negate these established understandings of the concept of empowerment in EU consumer law. Instead, these categories both encompass existing understandings of empowerment and widen these narrow boundaries so that a richer and more theoretically complex view of this concept is revealed. In addition, the findings in this study also illustrate that EU consumer

empowerment is not simply a theoretical construct but is an actual practice that is pursued through the legislative framework. This demonstrates the need for future research that considers both the objective and the subjective dimensions of consumer empowerment and the role of consumer law in this process.

From a social perspective, the findings in this thesis draw attention to the relationship between the consumer empowerment agenda and the pressing social concerns that emanate from global warming and unsustainable practices of production and consumption. The EU Commission's aim of empowering consumers to become drivers of the Green Transition to a circular and decarbonized economy is not simply academic. In practice, consumer empowerment is one of the primary strategic approaches of this supranational institution in responding to the worldwide crisis of global warming and the over-extraction of natural resources. To exemplify the point, during the completion of this thesis, Europe was struck by an energy crisis with untenably high gas and electricity costs. This complex social crisis has thrown sharply into focus the disempowered status of the most vulnerable and disadvantaged persons in European society, such as tenants, low-income households and all persons who cannot afford to implement energy efficiency measures. In an agenda that aims to empower consumers for these ends there is therefore much at stake that goes beyond the traditional concerns of consumer protection in the internal market. The findings in this thesis offer a novel way for the academic community, policy makers and legislators to think about the causes of disempowerment and to reconsider what can or needs to be done to both objectively and subjectively empower consumers in the transforming marketplace.