

Policing consumer contracts in China and the EU

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Propositions accompanying the thesis

Policing Consumer Contracts

in China and the EU:

A Comparative Analysis

Jiangqiu Ge

1. Many rules in Chinese consumer contract law are similar to their EU counterpart. However, several essential differences can be observed and be ascribed to the disparity of markets.
2. Chinese rules are usually much vaguer and open-ended, whilst EU rules are more precise and detailed. This can be observed from the comparison of the rules on the definition of consumer contract and the rules on withdrawal rights.
3. When assessing traders' misconduct, Chinese rules are more substantive, whilst EU rules focus more on procedural elements. This can be seen from the comparison of the rules on unfair terms.
4. In terms of the enforcement of consumer law rules, for example the rules on unfair terms, Chinese law relies much more on public enforcement, compared with some EU Member States where private enforcement plays a more important role.
5. The research results of this study may be tested by comparing other jurisdictions' consumer law rules, such as US and Japanese law, to see whether the link between markets and their consumer law observed by this study can be further consolidated.
6. Private law study should look not only into the formulation of the targeted rules, but also into how they are interpreted and enforced in practice.
7. More attention should be paid to new business modes, such as e-commerce, because they are developing rapidly in recent years and to some extent challenging our traditional understanding and cognition on private law.
8. Interdisciplinary insights from economic, cultural, and historical perspectives should be taken into account when a private law study is conducted.
9. Comparing the legal rules on policing consumer contracts in China and the EU can help traders, consumers, judges, and legislators be aware of how a similar situation is dealt with in other jurisdictions.
10. The comparative approach is essential in the field of private law, not only because it provides stakeholders with diverging solutions to similar problems, but also because it fits in well with the changing world, like it is said in <Romance of the Three Kingdoms>: 'those long divided shall be united; those long united shall be divided: such is the way of the universe.'