What can EU Law learn from Behavioural Sciences?

Where?
CROWNE PLAZA LIÈGE

When?
December 12 & 13, 2013
NUDGING IN EUROPE

What can EU Law learn from Behavioural Sciences?

Crowne Plaza Liège, 12 and 13 December 2013

PROGRAMME*

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**DAY 1 – Thursday 12 December 2013**

13:00 – 14:00 Registration and welcome lunch

14:00 – 14:15 Welcome address

**Ann Lawrence Durviaux**, Vice-Dean of Liège Law School

14:15 – 14:30

**Anne-Lise Sibony**, University of Liège (ULg) & **Alberto Alemanno**, HEC Paris, “Setting the Scene: Behavioural Sciences and EU Law”

These introductory remarks will seek to map out the actual and possible uses of behavioural insights in EU law and beyond.

14:30 – 15:45

**PANEL I HOW BEHAVIOURAL SCIENCES MAY BE INTEGRATED INTO EU LAW-MAKING**

This panel will focus on normative and legal issues raised by the incorporation of behavioural teachings into the law.

**Chair: Jan Smits, Maastricht University**

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* May be subject to alterations (Version of 10/12/2013).
- Murieann Quigley, University of Bristol & Elen Stokes, Cardiff University: “Nudging and Evidence-based Policy in Europe: On Normative Legitimacy and Effectiveness”

Discussant: Anne van Aaken, University of St. Gallen

- Fabiana di Porto, University of Salento & Nicoletta Rangone, Politecnico of Milan: “Cognitive-Based Regulation: New Challenges for Regulators?”

Discussants: Emanuele Ciriolo, EU Commission (DG SANCO) & Gabriele Esposito, EU Commission (JRC)

15:45 – 16:00 Coffee break

16:00 – 17:15

PANEL II DEBIASING THROUGH EU LAW AND BEYOND

One particular type of legal use of behavioural sciences has received a lot of attention: ‘debiaising through law’. This panel will explore the potential and the shortcoming of this idea when applied not only to economic actors but also to policymakers and experts.

Chair: Alberto Alemanno, HEC Paris

- Oren Perez, Bar-Ilan University: “Can Experts be Trusted and What Can be Done about it? Insights from the Biases and Heuristics Literature”

Discussant: Alberto Alemanno, HEC Paris

- Claire Dunlop & Claudio Radaelli, University of Exeter: “De-Biasing Regulators in Impact Assessment: Illusion of Control and Humility”

Discussant: Samuel Ferey, University of Lorraine

- Yuval Feldman, Bar-Ilan University & Orly Lobel, University of San Diego, “Behavioral Tradeoffs: Beyond the Land of Nudges Spans the World of Law and Psychology”

Discussant: Anne-Lise Sibony, ULg

17:30 – 19:00

PANEL III WHAT ROLES – IF ANY – COULD BEHAVIOURAL SCIENCES PLAY IN EACH SUB-FIELD OF EU LAW

This will be the first of several thematic panels exploring the application of general insights gained in the first two panels across various policy areas with a view to find analogies and differences.

17:30 – 19:00: Data Protection

Chair: Fergal O’Regan, European Ombudsman Office
**Topic 1:** EU Data Protection

- **Alessandro Spina,** *European Medicines Agency & Eoin Carolan,* *University College Dublin:* “Protecting Privacy by Nudging: Theoretical Issues and Practical Examples from EU Data Protection Law”

  Discussant: **Fergal O’Regan,** *European Ombudsman Office*

**Topic 2:** Online Privacy Notice and Web-track Technologies

- **Frederik Zuiderveen Borgesius,** *University of Amsterdam:* “Data Protection Law and Consent to Behavioural Targeting through a Behavioural Economics Lens”
- **Joasia Luzak,** *University of Amsterdam:* “Privacy Notice for Dummies?”

  Discussant: **Shara Monteleone,** *European Commission (JRC):* “Intuitive Privacy Notices for Effective Privacy Law: Lessons from Behavioural Studies”

20:00 Dinner for conference speakers/chairs/discussants

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**DAY 2 – Friday 13 December 2013**

9:00 – 13:00

**PANEL III** **WHAT ROLES – IF ANY – COULD BEHAVIOURAL SCIENCES PLAY IN EACH SUB-FIELD OF EU LAW (CONTINUES)**

9:00 – 10:30: **Consumer Protection Law**

  Chair: **Paul Nihoul,** *Université Catholique de Louvain (UCL)*

**Topic 1:** Consumer Contracts

- **Eva Tscherner,** *University of Graz:* “Consumer Contract Law and Behavioural Sciences”
  Discussant: **Geneviève Helleringer,** *ESSEC Business School and University of Oxford*

  Discussant: **Paul Nihoul,** *UCL*

**Topic 2:** Unfair Commercial Practices

  Discussant: **Nicolao Bonini,** *University of Trento*

- **Nicolao Bonini,** *University of Trento:* “Decision Anomaly and Behavioural Law: Implications for Consumer and Competition Policies”
  Discussant: **Anne-Lise Sibony,** *ULg*
10:30 – 10:50: Coffee break

10:50 – 11:40: **Financial Law and Energy Law**

Chair: **Emanuele Ciriolo**, *European Commission (DG SANCO)*

- **Pieter Van Cleynenbreugel**, *Leiden University*: “EU Financial Services Regulation: Behavioural Conduct of Business Rules Devoid of Behavioural Analysis”
- **Saskia Lavrijssen**, *University of Amsterdam*: “The Different Faces of Energy Consumers – Towards a Behavioural Economics Approach”

Discussants: **Janneke Toussaint**, *Netherlands Authority for the Financial Markets & Geneviève Helleringer*, *ESSEC Business School and University of Oxford*

11:50 – 13:00: **Competition Law**

Chair: **Anne-Lise Sibony**, *ULg*

- **Adi Ayal**, *Bar-Ilan University*: “Cellular Freedom of Choice and Strategic Complexity”
- **Michele Giannino**, *Desogus Law Office*: “Behavioural Economics and the EU Merger Control Regime”
- **Shilpi Bhattacharya**, *Erasmus University Rotterdam*: “Should Competition Law Consider the Behavioural Biases of Firms?”

Discussants: **Alexander Winterstein**, *European Commission (DG COMP) & Samuel Ferey*, *University of Lorraine*

13:00 – 14:00 Lunch

14:00 – 16:00

**PANEL IV PROBLEMS WITH BEHAVIOURAL INFORMED REGULATION**

This panel provides a critical reflection upon the difficulties and challenges of integrating behavioural insights into the legal system.

Chair: **Jan Smits**, *Maastricht University*

- **Anne van Aaken**, *University of St. Gallen*: “Judge the Nudge: A Proportionality Analysis”

Discussant: **Murieann Quigley**, *University of Bristol*

- **Peter Cserne**, *University of Hull*: “Making Sense of Nudge-Scepticism: Three Kinds of Limits to EU’s Law Learning from Behavioural Sciences”

Discussant: **Jan Smits**, *Maastricht University*
• Magdalena Malecka, European University Institute (EUI): “Incentives, Norms, Decisions. Problems with Behavioral Approach to Law”

Discussant: Peter Cserne, University of Hull

16:15

Conclusions: Anne-Lise Sibony, ULg & Alberto Alemanno, HEC Paris
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Practical Information

WHEN?

Thursday 12 December 2013
13:00 to 19:00

Friday 13 December 2013
9:00 to 17:00

WHERE?

Crowne Plaza Liège
Mont Saint Martin 9-11
4000 Liège | Belgium
Tel.: +32 4 222 94 94

Train: Gare de Liège Guillemins / Gare de Liège Palais

REGISTRATION FEE

120 € (students, academics, civil servants)
350 € (others)

Online Registration: www.nudging-europe.eu
Deadline: **Before 3 December 2013**

CONTACT

Travel arrangement, accommodation and dietary preferences:
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