

# Münster Colloquia on EU Law and the Digital Economy

## **Data as Counter-Performance – Contract Law 2.0?**

**16th – 17th May 2019**

**JO 101**

Johannisstraße 4  
48143 Münster

### **Organisers**

Sebastian Lohsse (University of Münster)  
Reiner Schulze (University of Münster)  
Dirk Staudenmayer (European Commission)

**Thursday, 16<sup>th</sup> May 2019**

**12:45 Registration**

**13:00 I. Introduction**

**Welcome and Opening**

*Reiner Schulze (University of Münster)*

*Dirk Staudenmayer (European Commission)*

**13:30 II. Legal Nature and Economic Value of Data  
in the Contractual Relationship**

**A Market Model for Personal and Big Data: Preconditions and Challenges**

*Axel Metzger (Humboldt University of Berlin)*

**The Economic and Legal Value of Personal Data:**

**Lessons for the Unfair Contract Terms Directive and Beyond**

*Philipp Hacker (Humboldt-University of Berlin)*

**Do we need a Data Property Law next to Traditional Property Law?**

*Sjef van Erp (Maastricht University)*

**Data Extra Commercium**

*Vaclav Janecek (University of Oxford)*

**14:45 Discussion**

**15:45 Coffee break**

**16:15 III.1 Performance of Contract and Withdrawal from the Contract  
with respect to Data Protection – Contract Law at a Crossroads?**

**Binding Nature of the Contract despite the Right to Withdraw Consent**

*Martin Schmidt-Kessel (University of Bayreuth)*

**Impact of the Exercise of his Rights by the Data Subject on his Contractual  
Rights and Duties as a Contracting Party to a Consumer Contract**

*Juliette Sénéchal (University of Lille)*

**Extinction of the Contract and Availability of Data:**

**Problems with Portability and Erasure,**

**both in the Rules (GPDR and Proposed Directive) and in Practice**

*Sergio Cámara Lapuente (University of La Rioja)*

**17:15 Discussion**

**18:15 End**

**Friday, 17<sup>th</sup> May 2019**

**08:45 Registration**

**09:00 III.2 Performance of Contract and Withdrawal from the Contract  
with respect to Data Protection – Contract Law at a Crossroads?**

**Personal Data within Data Value Chains**

*Christiane Wendehorst (University of Vienna)*

**Cornerstones of a Legal Framework  
to Protect Consumers of 'Free' Services**

*Natali Helberger (University of Amsterdam)*

**Autonomy and Determinism – Proposal for a two-tier interpretation of  
Art. 6 I GDPR**

*Andreas Sattler (University of Munich)*

**Data as Counter-Performance in B2B-Contracts**

*Martin Fries (University of Munich)*

**10:15 Discussion**

**11:00 Coffee break**

**11:15 IV. Discussion Panel**

*Dirk Staudenmayer (European Commission) – moderation*

**Participants (i.a.):**

*Carsten Hayungs (German Federal Ministry for Justice and Consumers)*

*Anne Riechert (German Foundation for Data Protection)*

*Christoph Schmon (The European Consumer Organisation, BEUC)*

*Rebekka Weiß (German Federal Association for Information Technology,  
Telecommunications and New Media, BITKOM)*

*Friedrich Graf von Westphalen (Council of Bars and Law Societies of Europe,  
CCBE)*

**12:15 Discussion**

**13:00 Concluding Remarks**

*Sebastian Lohsse (University of Münster)*

**13:15 End**

## The Münster Colloquia on EU Law and the Digital Economy

The year 2019 will again feature a number of key developments in shaping the transition to the digital economy and progress towards the digital single market. Some of them require, in line with the objective of the Münster Colloquia on EU Law and the Digital Economy, an in-depth discussion as to how EU law reacts to the challenges and needs of the digital economy.

The 2019 Münster Colloquium will focus on an issue that is of great importance for contract law as well as for other areas of law, like data protection: "Data as Counter-Performance – Contract Law 2.0?". At EU level, it particularly deserves attention with regard to the future Directive on the supply of digital content which is likely to be adopted in 2019. Its scope includes contracts where the trader supplies digital content or a digital service while the consumer grants the supplier access to personal data. The EU and national legislators thus face the challenge to decide how this concept can be fitted into structure and system as well as the precise provisions of civil law, like the system of execution of contracts and remedies. The 2019 Münster colloquium will provide a forum for intense discussion of these and related questions between renowned experts on digital law as well as representatives from politics, and from industry.

The **volumes** of the first four Münster Colloquia on EU Law and the Digital Economy are available from Nomos publishers and have been well received.



NEW:

Lohsse/Schulze/ Staudenmayer (eds.),  
Liability for Artificial Intelligence and the Internet of Things,  
Nomos 2019

Schulze/Staudenmayer (eds.), Digital Revolution: Challenges for Contract Law in Practice, Nomos 2016

Schulze/Staudenmayer/Lohsse (eds.), Contracts for the Supply of Digital Content: Regulatory Challenges and Gaps, Nomos 2017

Lohsse/Schulze/ Staudenmayer (eds.), Trading Data in the Digital Economy: Legal Concepts and Tools, Nomos 2017

## Registration

There is no conference fee. You can register for the conference via E-Mail ([karen.schulenberg@uni-muenster.de](mailto:karen.schulenberg@uni-muenster.de)). On registration you will be provided with further information about accommodation possibilities and tips on travel to Münster.

This program will be updated frequently.