

28 October 2011

COMMON SALES LAW FOR THE EU

KEY MESSAGES

- 1** BUSINESSEUROPE supports the objective of increasing the overall coherence of European contract law as a contribution to a fully operational internal market and in the spirit of the better regulation agenda.
- 2** BUSINESSEUROPE will carefully analyse the new proposed regulation for a Common Sales law for the EU. We still have a number of questions that need to be answered to better assess the added value of the project.
- 3** No added value seems to be found in a contract law instrument directed towards business-to-business (B2B) relations.

WHAT DOES BUSINESSEUROPE AIM FOR?

- The interaction between the consumer rights directive and the Common Sales Law proposal is key. This directive is a vital piece of the business-to-consumer contractual framework in Europe. Any optional instrument would need to be aligned with the new directive.
- Proper analysis and impact assessment need to be carried out with the involvement of relevant stakeholders when it comes to tackle the area of digital content. This is a complex subject that should not be rushed.
- Ensure that contractual freedom, a fundamental value of business-to-business contracts is preserved.
- The special circumstances resulting from an imbalance in bargaining power which underpin the need for additional protection for consumers do not apply to business. Therefore, No added value seems to be found in a contract law instrument directed towards business-to-business (B2B) relations.

KEY FACTS AND FIGURES

The adoption of the consumer rights directive already brought an acceptable level of harmonisation business-to-consumers contracts at European level.