



20 February 2014

**RE: Business views on the upcoming Plenary vote on the Common European Sales Law proposal**

Dear Member of the European Parliament,

On 26 February you will vote on the draft report by MEPs Mr. Klaus-Heiner Lehne and Mr. Luigi Berlinguer regarding the proposal for a draft regulation on a Common European Sales Law (CESL). In the context of the vote and of the future legislative debate, the European Business Community would like to reiterate its main concerns with regard to CESL.

We agree that one of the conditions for a fully operational internal market for businesses is to increase the overall coherence of European contract law. We have always supported a targeted full harmonisation of consumer rights and therefore regretted the reduced scope of the application of the Consumer Rights Directive (CRD) (2011/83/EU). CESL tries to attain that goal by filling the gaps left by the CRD.

We acknowledge the efforts made by the Legal Affairs Committee to clarify some legal concerns regarding the instrument. Nevertheless, we believe that further work needs to be done to ensure legal security and an appropriate balance in order to make it attractive for businesses. Provisions like the free choice of remedies and interdiction of right to cure are still cumbersome for traders.

We would oppose the idea of changing the nature of the optional instrument into a mixed harmonisation directive for some contractual provisions as voted for by the IMCO Committee. We believe that this conversion or any amendment of the original proposal that would have a similar effect would endanger the objective of fighting legal fragmentation. In addition, it would be counterproductive in a time where the Consumer Rights Directive approaches a crucial phase of its implementation.

We count on your support with regard to these concerns when voting on this dossier next week.

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