

**To: European private Law Committee**

For your information (P.S. the adopted version of the text is not available yet):

## **Common European sales law: JURI preparing for three-way talks**

By Sophie Petitjean | Wednesday 18 September 2013

Unlike their colleagues in the Committee on the Internal Market and Consumer Protection (IMCO), the members of the European Parliament's Committee on Legal Affairs (JURI) support the implementation of an optional uniform European contract law regime. In a vote, on 17 September, they amended the European Commission's proposal for a regulation and adopted a mandate for negotiations with the Council.

"With this vote, we can now get started on the details with the member states. [...] We should definitely use this opportunity to reinforce e-commerce," declared rapporteur Klaus-Heiner Lehne (EPP, Germany). His enthusiasm was not shared by everyone, as was evident from a tweet from François Castex (S&D, France), who denounced it by saying that the "passage run by the JURI committee" is leading to a "denial of democracy".

Whatever happens, the three-way talks are not likely to start that soon, since the Council has yet to adopt a general approach. According to the agenda, the Lithuanian Presidency should be organising an orientation debate during the Justice and Home Affairs Council, on 5-6 December. Various member states - among them Germany, France and the UK - have already announced that they were not convinced by this tool.

### **JURI VS IMCO**

In order to resolve the current fragmentation of EU contract law, the Commission proposed, in October 2011, to implement an optional instrument, which would serve as an alternative to national legislation or international law. It would apply to contracts signed between companies or between companies and consumers for the sale of products or digital content. This optional instrument can only be used if the two parties expressly consent to it based on a proposal from the company and that at least one of the two parties is established in a member state.

In July, the IMCO committee – associated – came to the conclusion that it was in favour of minimum harmonisation in certain aspects involving the guarantee, and sales contracts signed with consumers, related services and digital content. The committee rejected the idea of an optional instrument and said it preferred a directive to a regulation.

Two months later, the JURI committee – in charge of the file – decided to adopt a completely different approach: it supported the idea of an optional instrument for purchases coming from other member states, but restricted the scope of a new legislation on distance selling. In addition, it specified the laws that apply to sellers and buyers in the event of a problem.

Once aware of the Council's position, EP negotiators will initiate three-way talks based on the JURI committee's stance. In compliance with Article 50 of the EP regulation, IMCO may present its amendments again in plenary, where MEPs are supposed to validate the compromise.

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