

European Private Law News

Proposal for a Common European Sales Law withdrawn

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On 16 December 2014 the EU Commission presented its Work Programme for 2015 to the European Parliament. The general theme was a thinning down of initiatives and a concentration on those most likely to succeed and to have a positive impact.

Sadly, given all the work which has gone into it and the positive and liberating effect it could have for small businesses trying to trade online across Europe, the existing proposal for a Common European Sales Law (CESL) is listed as item 60 in the Annex of withdrawn proposals. However, the reason given for the withdrawal is “Modified proposal in order to fully unleash the potential of e-commerce in the Digital Single Market”. This new emphasis was stressed in the speech by the First Vice-President Frans Timmermans who said that one of the Commission’s priorities for 2015 would be an ambitious digital single market package which would, among other things, modernise copyright laws and simplify rules for consumers making online digital purchases.

It remains to be seen what the modified proposal will look like. Presumably it will take into account amendments proposed by the European Parliament in a new and well-integrated way. The opportunity will be there to make other changes. For example, if it is designed to make online purchases by consumers easier then the rules on opting into the instrument should be very much simpler. The name should also be reconsidered. The name “Common European Sales Law” invites the misconception that this is a law which would replace national sales laws. This misconception is used by opponents of most EU initiatives who can say that they consider existing national laws to be good enough. The name of the new instrument should reflect the fact that it would (if this is indeed the case) be an optional instrument which would not replace existing national laws.