European contract law: action plan

2003/2093(INI) - 02/09/2003 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on its own-initiative report drafted by Klaus- Heiner LEHNE (EPP-ED, Germany). It welcomed the fact that, in its 'common frame of reference', the Action Plan initiates a common terminology for particular fundamental concepts and typical problems. The Commission was asked to encourage the development of the 'common frame of reference' as a priority and to tighten up the provisional timetable to 2008-9. The Commission should complete the 'common frame of reference' by the end of 2006. Parliament expressed its regret that the Commission did not act on Parliament's call to set up, by 2004, a data bank of national legal provisions and case law in the field of contract law. Such a data bank is necessary in order to begin work on the 'common frame of reference.' The launching of a website is not an appropriate tool for this. An additional point made was that users of the law such as judges, lawyers, notaries, undertakings and consumers should be involved in the process of elaborating the 'common frame of reference'. The Commission's earlier efforts to consult civil society, in particular the users of law and interested sectors, had been inadequate, particularly since the contributions submitted in the context of this consultation were not representative of all Member States. Parliament also regretted the fact that the development of e-commerce had not been sufficiently reflected in the Action Plan. On the question of optional instruments, Parliament stated that there must be early action in certain sectors, such as consumer transactions and insurance. Substantial benefits could accrue to the internal market as well as increase intra-Community transactions. There should be, therefore, a body of rules based on the 'common frame of reference'. Parties would initially have the option of using it voluntarily, and it could later become binding. Finally, Parliament called for the practical application of the 'common frame of reference' in conciliation proceedings, either through the existing 'European Extra-Judicial Network' or through a new European conciliation system in which only the 'common frame of reference' would be used.