Civil and commercial law: alignment, contract law

2001/2187(COS) - 15/11/2001 - Text adopted by Parliament, single reading

By approving the resolution by Mr Klaus-Heiner LEHNE (EPP-ED, D), the European Parliament adopts the Commission's communication on the approximation of the civil and commercial law of the Member States and urges the Commission to submit a detailed action plan in order to achieve this goal as soon as possible. The Parliament says that the approximation of the civil and commercial law of the Member States, which was given a new boost after the Tampere Council, is needed in order to ensure better coordination of existing Community legislation in that area and keep pace with the substantial increase in the number of cross-border economic and legal relationships which will inevitably result from the introduction of the euro in twelve Member States and the constant expansion of electronic commerce. According to Parliament, the Commission should take the following steps under this action plan: - by the end of 2004: compile a database in all Community languages of national legislation and case-law in the field of contract law, while at the same time promoting comparative law research in order to find common legal concepts and solutions; - from 2005: promote the dissemination of the results of comparative analyisis and common legal concepts and solutions in academic training and the legal professions, and guarantee the the consistent application of these results by all EU institutions professions involved in the legislative drafting; - from 2006: submit proposals for European legislation implementing these results in the areas of both cross-border and national contractual obligations; - from 2010: to establish and adopt a body of rules on contract law in the EU that takes account of the common legal concepts and solutions established under previous intiatives. The Parliament advocates setting up by the end of 2002 a 'European Legal Institute' in which legal policy-makers, the administrative authorities, the judiciary and those responsible for applying the law cooperate on a scientific basis in the drawing-up of the principles of the abovementioned reforms. Moreover, Parliament calls on the Commission to base its proposals on Article 95 of the EC Treaty, thereby ensuring the application of the codecision procedure, and to examine whether it might be more effective to use the instrument of the regulation for future single market legislation in order to achieve genuine unification. At the same time, however, it takes the view that directives which are not aimed at complete harmonisation of but pursue specific objectives such as consumer protection, product safety or product liability should continue to be drafted as directives.