European contract law and the revision of the acquis: the way forward

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The Council adopted the following conclusions on European Contract Law. It recalled its Resolution of 22 September 2003, in which it considered that community law rules, in particular in the area of contract law, should be consistent and ensure proper transposition into national law. In this context, the Common Frame of Reference could contribute to improving the quality and consistency of both existing and future Community legislation in this area.

The Council recognises the unique opportunity afforded by the proposed Review and the introduction of the Unfair Commercial Practices Directive (2005/29/EC) to update and modernise the consumer acquis.

The Council emphasises :

- the need for work to focus on practical issues in order to deliver real benefits to consumers and business;

- the need to acknowledge the distinction between business-to-consumer and business-to-business contracts;

- the need for the Consumer Acquis to be fit for purpose, to protect the legal and economic interests and rights of consumers, to enhance the confidence of the EU's citizens in the Internal Market, and to promote the cross-border provision of goods and services, thus guaranteeing a high level of consumer protection.

The Commission is invited to :

- come forward as soon as possible with a timetable, a detailed description of the process, and proposals for updating and modernising the Consumer Acquis and also to reprioritise accordingly the work on the Common Frame of Reference. The Council also looks forward to receiving more information from the Commission on the Review of the Consumer Acquis during 2006;

- keep the Council and European Parliament fully informed and consulted about its work in this area, to ensure maximum political engagement.

The Member States are invited to :

- co-operate with and help the Commission's work on gathering evidence concerning the implementation and functioning of the existing Consumer Acquis;

- actively participate in the Commission's work on the Common Frame of Reference encourage the contributions of stakeholders to the ongoing discussions at EU level.