Basic information

2001/2187(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Civil and commercial law: alignment, contract law **Subject** 7.40.02 Judicial cooperation in civil and commercial matters	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	JURI Legal Affairs and Internal Market	LEHNE Klaus-Heiner (PPE-DE)	18/04/2000
Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Competitiveness (Internal Market, Industry, Research and Space)	2371	2001-09-27
European Commission	**Commission DG**	**Commissioner**	
	Health and Food Safety		

Key events

Date	Event	Reference	Summary
14/04/2000	Committee referral announced in Parliament		
11/07/2001	Non-legislative basic document published	COM(2001)0398	Summary
27/09/2001	Debate in Council		
06/11/2001	Vote in committee		
06/11/2001	Committee report tabled for plenary	A5-0384/2001	
13/11/2001	Debate in Parliament		
15/11/2001	Decision by Parliament	T5-0608/2001	Summary
15/11/2001	End of procedure in Parliament		
13/06/2002	Final act published in Official Journal		

Technical information

Procedure reference	2001/2187(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/12601

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0384/2001	06/11/2001	
Text adopted by Parliament, single reading		T5-0608/2001 OJ C 140 13.06.2002, p. 0381-0538 E	15/11/2001	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2001)0398 OJ C 255 13.09.2001, p. 0001	11/07/2001	Summary
Non-legislative basic document	COM(2003)0068	12/02/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0836/2002 OJ C 241 07.10.2002, p. 0001	17/07/2002	

Civil and commercial law: alignment, contract law

2001/2187(COS) - 11/07/2001 - Non-legislative basic document

The purpose of this communication is to initiate an open, wide-ranging and detailed debate with the participation of the institutions of the European Community as well as of the general public, including businesses, consumer associations, academics and legal practitioners. The approximation of certain specific areas of contract law at EC level has covered an increasing number of issues. The EC legislator has followed a selective approach adopting directives on specific contracts or specific marketing techniques where a particular need for harmonisation was identified. At this stage, the European Commission is interested in gathering information on the need for farther-reaching EC action in the area of contract law. The Commission is seeking inforamtion as to whether problems result from divergences in contract law between Member States and if so, what. In particular, the Communication asks whether the proper functioning of the internal market may be hindered by problems in relation to the conclusion, interpretation and application of cross-border contracts. Also, the Commission is interested in whether different national contract laws discourage or increase the costs of cross-border transactions. The Communication also seeks view on whether the existing approach of sectoral harmonisation of contract law could lead to possible inconsistencies at EC level, or to problems of non-uniform implementation of EC law and applciation of national transposition measures. If concrete problems are identified, the Commission would also like to receive views on what forms of solutions should or could take. In order to assist in defining possible solutions, the Communication includes a non-exhaustive list of possible solutions. The areas concerned by this Communication include contracts of sale and all kind of service contracts, including financial services. General rules on performance, non-performance and remedies are an indispensable basis for these contracts and are therefore also covered. Additionality, rules on general issues such as the formation of a contract and its validity and interpretation are also essential. Furthermore, because of the economic context, rules on credit securities

regarding movable goods as well as the law unjust enrichment may also be relevant. Lastly, the aspects of tort law linked to contracts and to its other features relevant to internal market should also be taken into consideration insofar as they are already part of existing EC law.

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.

Civil and commercial law: alignment, contract law

2001/2187(COS) - 12/02/2003

The Commission Communication on European contract law of July 2001 launched a process of consultation and discussion about the way in which problems resulting from divergences between national contract laws in the EU should be dealt with at the European level. The present Action Plan maintains the consultative character of this process and presents the Commission's conclusions. It confirms the outcome of that process, i.e. that there is no need to abandon the current sector-specific approach. It also summarises the problems identified during the consultation process, which concern the need for uniform application of EC contract law as well as the smooth functioning of the internal market. This Action Plan suggests a mix of non-regulatory and regulatory measures in order to solve those problems. In addition to appropriate sector-specific interventions, this includes measures: - to increase the coherence of the EC acquis in the area of contract law, - to promote the elaboration of EU-wide general contract terms, and - to examine further whether problems in the European contract law area may require non-sector-specific solutions such as an optional instrument. In order to promote the elaboration by interested parties of EU-wide general contract terms, the Commission intends to facilitate the exchange of information on existing and planned initiatives both at a European level and within the Member States. Furthermore, the Commission intends to publish guidelines, which will clarify to interested parties the limits which apply. All parties that wish to contribute to the debate are requested to send their contribution by 16.5.2003.