Basic information

2005/2022(INI) INI - Own-initiative procedure	Procedure completed
European contract law and the revision of the acquis: the way forward **Subject** 4.60.06 Consumers' economic and legal interests 7.40.02 Judicial cooperation in civil and commercial matters	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	LEHNE Klaus-Heiner (PPE-DE)	24/11/2004

Committee for opinion	Rapporteur for opinion	Appointed
IMCO Internal Market and Consumer Protection (Associated committee)	WALLIS Diana (ALDE)	18/04/2005
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2694	2005-11-28

European Commission

Commission DG	Commissioner
Health and Food Safety	

Key events

Date	Event	Reference	Summary
11/10/2004	Non-legislative basic document published	COM(2004)0651	Summary
12/05/2005	Committee referral announced in Parliament		
12/05/2005	Referral to associated committees announced in Parliament		
28/11/2005	Resolution/conclusions adopted by Council		Summary

23/02/2006	Vote in committee		Summary
03/03/2006	Committee report tabled for plenary	A6-0055/2006	
22/03/2006	Debate in Parliament		
23/03/2006	Decision by Parliament	T6-0109/2006	Summary
23/03/2006	Results of vote in Parliament		
23/03/2006	End of procedure in Parliament		

Technical information	
Procedure reference	2005/2022(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/26421

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE359.934	25/01/2006	
Committee opinion	IMCO	PE364.753	25/01/2006	
Amendments tabled in committee		PE369.914	08/02/2006	
Committee report tabled for plenary, single reading		A6-0055/2006	03/03/2006	
Text adopted by Parliament, single reading		T6-0109/2006	23/03/2006	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2004)0651	11/10/2004	Summary

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

2005/2022(INI) - 23/03/2006 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Klaus-Heiner **LEHNE** (EPP-ED, DE) on European contract law and the revision of the acquis. (Please see the summary of 23/02/2006.)

Parliament stated in the recitals that, even though the Commission denied that this is its objective, it was clear that many of the researchers and stakeholders working on the project believe that the ultimate long-term outcome will be a European code of obligations or even a full-blown European Civil Code. In any event, the project is by far the most important initiative under way in the civil law field. Even if the initiative in its present form were

limited to rationalising and tidying up the acquis in the field of consumer protection and to producing optional standard contract terms and conditions, it was essential that the political authorities had a proper input into the process.

Underlying principles and objectives: Parliament repeated its conviction that a uniform internal market cannot be fully functional without further steps towards the harmonisation of civil law. It called on the Commission to exploit straightaway the ongoing work with a view to using the results firstly towards the revision of the acquis in the field of civil law, and subsequently towards developing a system of Community civil law.

Substantive law issues: the Commission is asked to distinguish between legal provisions applicable to the business-to-business sector and those applicable to the business-to-consumer sector, and to separate the two systematically. Parliament highlighted the importance of taking into account the fundamental principle of freedom to conclude a contract, particularly in the business-to-business sector, and also highlighted the importance of taking into account the European social model when harmonising contract law.

Parliament noted that with over-detailed legal provisions on individual aspects of contract law there is a danger of being unable to react flexibly to altered legal circumstances. It favoured the adoption of general regulations including legal concepts which are not precisely defined, thus giving the courts the necessary margin of discretion in arriving at their judgments.

Procedural issues: Parliament called on the Commission to submit without delay a clear legislative plan setting out the future legal instruments by which it aimed to bring the results of the work of the research groups and the CFR-Net into use in legal transactions. The Commission should keep Parliament continually informed, at least in quarterly reports, of the results obtained and progress of the work of the research groups and of the Network. The resolution stressed the importance of Parliament’s need for information and consultation.

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

2005/2022(INI) - 11/10/2004 - Non-legislative basic document

PURPOSE: To present a communication entitled ‘European Contract Law and the revision of the *acquis*: the way forward’.

CONTENT: This Communication sets out the Commission's follow-up to the 2003 Action Plan ‘A more coherent European Contract Law’, in the light of the reactions from EU institutions, Member States and stakeholders. It outlines the plan for developing the Common Frame of Reference, which will provide clear definitions of legal terms, fundamental principles and coherent model rules of contract law, drawing on the EC acquis and on best solutions found in Member States' legal orders. The adoption of the Common Frame of Reference is foreseen for 2009 following extensive consultation and it will be used in particular as a "toolbox" for the Commission when presenting proposals to improve the quality and coherence of the existing and future acquis in the area of contract law.

The Communication also sets out the plans for further work on the other measures mentioned in the Action Plan: promoting the elaboration of EU-wide standard contract terms and reflection on the opportuneness of an optional instrument.

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

2005/2022(INI) - 28/11/2005

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.