



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Economic and Monetary Affairs*

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**2011/2013(INI)**

23.3.2011

## **OPINION**

of the Committee on Economic and Monetary Affairs

for the Committee on Legal Affairs

on policy options for progress towards a European Contract Law for consumers  
and businesses  
(2011/2013(INI))

Rapporteur: Sirpa Pietikäinen

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## SUGGESTIONS

The Committee on Economic and Monetary Affairs calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Supports action to address the range of barriers faced by those who wish to enter into cross-border transactions in the Internal Market and considers that, along with other measures, the European Contract Law project could be useful for realising the full potential of the internal market, entailing substantial economic and employment benefits;
2. Insists that the Commission carry out an impact assessment to provide a factual basis for assessing the implementation costs of a contract law instrument as well as whether the harmonisation of European contract law would bring added value in practice to businesses, particularly SMEs, and to consumers;
3. Urges the Commission to address in its impact assessment how the contract law instrument would bring benefits to businesses given the other internal market barriers SMEs face which may have a more immediate and significant impact, and to consider alternative approaches to addressing the barriers faced;
4. Considers, pending the completion of such an impact assessment, that, while EU-level harmonisation of contract law practices could be an efficient means of ensuring convergence and a more level playing field, nonetheless, given the challenges of harmonising the legal systems not only of Member States but also of regions with legislative competences on this matter, an optional instrument could be more feasible as long as it is ensured that it implies added value for both consumers and businesses;
5. Considers that such an instrument should be based on the Lex Generalis principle of prescribing general provisions which would be overridden should special legislation exist at national or Community level and provided that it ensures a higher level of legal protection;
6. Considers it likely, subject to impact assessment, that in order to add value for SMEs the instrument would need to cover both business-to-consumer and business-to-business relationships and that the widest possible scope might be needed to reduce the risk of unfair competition within the internal market, and invites the Commission to address the scope for such unfair competition explicitly in its impact assessment;
7. Considers that, whatever the merits of covering some limited parts of financial services in the longer term, the Commission should specifically exclude financial services from any contract law instrument proposed at this stage;
8. Calls on the Commission to establish a dedicated intra-service expert group for any future preparatory work on financial services to ensure that any future instrument takes into account the possible specific characteristics of the financial services sector and any related initiatives led by other parts of the Commission, and to involve the European Parliament at an early stage;

9. Notes that in order to be acceptable and successful a contract law instrument will need to provide a very high level of consumer protection, remaining coherent with the Consumer Rights Directive and in some areas offering even greater protection;
10. Calls on the Commission to ensure close alignment of the proposed Consumer Rights Directive and any potential European Contract Law instrument by waiting until the outcome of the negotiations on the Consumer Rights Directive, and by providing legal clarity on the relationship between the two measures, and also to ensure that, in case of conflict, the higher provisions in national mandatory consumer law take precedence;
11. In this respect, calls on the Commission also to ensure that the European Contract Law instrument requires contracts to be in clear, everyday language, so that consumers can understand the terms, and to take account of the linguistic protection of citizens speaking any of the official languages in Member States;
12. Urges the Commission to closely link the work being done on the anticipated legislative proposal on an EU-wide Alternative Dispute Resolution (ADR) system to the preparatory work carried out in the field of European contract law so as to ensure that the possible future contract law tool provides for appropriate access to ADR.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	22.3.2011
<b>Result of final vote</b>	+: 42 -: 2 0: 0
<b>Members present for the final vote</b>	Sharon Bowles, Udo Bullmann, Pascal Canfin, Rachida Dati, Leonardo Domenici, Derk Jan Eppink, Diogo Feio, Markus Ferber, Elisa Ferreira, Vicky Ford, Ildikó Gáll-Pelcz, José Manuel García-Margallo y Marfil, Jean-Paul Gauzès, Sven Giegold, Sylvie Goulard, Jürgen Klute, Rodi Kratsa-Tsagaropoulou, Philippe Lamberts, Werner Langen, Astrid Lulling, Íñigo Méndez de Vigo, Sławomir Witold Nitras, Ivari Padar, Alfredo Pallone, Olle Schmidt, Edward Scicluna, Peter Simon, Peter Skinner, Theodor Dumitru Stolojan, Ivo Strejček, Marianne Thyssen, Ramon Tremosa i Balcells, Corien Wortmann-Kool
<b>Substitute(s) present for the final vote</b>	Marta Andreasen, Sophie Auconie, Lajos Bokros, David Casa, Robert Goebbels, Enrique Guerrero Salom, Carl Haglund, Olle Ludvigsson, Thomas Mann, Jiří Maštálka, Sylvana Rapti, Gianluca Susta