

Courtesy Translation

**TO
MR JOSÉ MANUEL BARROSO
PRESIDENT OF THE
EUROPEAN COMMISSION**

Subject: Statement of the National Assembly of the Republic of Bulgaria on the Proposal for a Regulation of the European Parliament and of the Council on a common European Sales Law COM(2011) 635

DEAR MR BARROSO,

On a regular sitting held on February 15, 2012, the Committee on European Affairs and Oversight of the European Funds (CEAOEF) within the National assembly of the Republic of Bulgaria discussed the Proposal for a Regulation of the European Parliament and of the Council on a common European Sales Law COM(2011) 635., included as item 56 of Annual Working Programme of the National assembly on EU Affairs (2011).

In the course of the committee debates, the following accents were brought to the fore:

- the importance of such act for the further development of the internal market of the EU and for the encouragement of the cross-border sales has been pointed out;
- emphasizing the significance of a number of law institutes mentioned, the need for a prolongation of the negotiations has been recognized, so that numerous texts and law definitions are further specified and complemented;

In the framework of the intensive political dialogue, between the Bulgarian Parliament and the European Institutions on the EU draft acts, enclosed herewith please find the unanimously approved CEAOEF report and statement, which also incorporates the vision of the Legal Affairs Committee and reflects the Bulgarian Parliament's position on the issue.

ENCLOSURE: as per text.

Yours sincerely,

**PRESIDENT
OF THE NATIONAL ASSEMBLY**

TSETSKA TSACHEVA



**NATIONAL ASSEMBLY
OF THE REPUBLIC OF BULGARIA**

STATEMENT

**OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF BULGARIA
ON THE PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL ON A COMMON EUROPEAN SALES LAW**

On a regular sitting held on February 15, 2012, the Committee on European Affairs and Oversight of the European Funds (CEAOEF) within the National assembly of the Republic of Bulgaria discussed the Proposal for a Regulation of the European Parliament and of the Council on a common European Sales Law COM(2011) 635, included as item 56 of the Bulgarian Parliament Annual Working Programme (AWP) on EU Affairs (2011):

Having debated on the Proposal for a Regulation of the European Parliament and of the Council on a common European Sales Law COM(2011) 635, CEAOEF **expressed its unanimous support for the following statement** which also reflects the position of the Legal Affairs Committee within the Bulgarian Parliament and is to be sent to the EU institutions:

1. The Proposal for a Regulation follows the principle of subsidiarity, as established in article 5, para 3 of the Treaty on European Union, as the goals of the Proposal could be reached better on EU level, considering the fact that the Proposal refers to cross-border trade within the internal market.
2. The Proposal for a Regulation does not comply with the principle of proportionality, as set out in article 5, para 4 of the Treaty on European Union, for of the following reasons:
 - 2.1. A careful assessment needs to be carried out on the adoption of such comprehensive act, as the joint existence of different regulatory systems could provoke legislative uncertainty, which on its turn, could rise a risk for greater expenses for the contracting parties engaged in such deals.
 - 2.2. A number of significant and frequently used law institutes associated with Sales contracts – such as imputations of payments, renewal of contract, cancellation (release) of debts, transfer of property, arrangements of situations with many creditors and debtors, etc. are not regulated in the Proposal. In this regard, there are too many references to the national legislations, which could threaten the independent existence of the regime.
3. CEAOEF considers that within the framework of the ongoing negotiations on the Proposal for a Regulation, some texts need to be further discussed and specified, as an advanced clarification on a number of Contract law institutes is imperative.