



PARLIAMENT
OF THE CZECH REPUBLIC
Chamber of Deputies
Jan Bauer
Chairman
Committee for European Affairs

Prague, 31th January 2012

Dear Mr. President,

I would like to inform you about the opinion of the Committee for European Affairs of the Chamber of Deputies of the Parliament of the Czech Republic on the Proposal for Executive summary of the Impact Assessment Accompanying the document Proposal for a Regulation of the European Parliament and of the Council on a Common European Sales Law /Council No. 15429/11, COM(2011) 635/.

The respective document was included in the agenda of the 24th session of the Committee for European Affairs and was scrutinized on 12th January 2012. According to the Rules of Procedure of the Chamber of Deputies a Deputy Minister of Justice was present at the session to introduce the preliminary government's framework position.

After the hearing of the rapporteur's review and after the discussion the Committee has adopted the resolution No. 178 which is enclosed to this letter. According to this resolution the Committee i. a. thinks, that the present version does not respect the views of member states as in a European contract law for consumers and businesses COM (2010) 348 final as of July 2010 that addressed similar issues contained in the Green Paper. Hence there is a preference of a less radical solution in the form of auxiliary measures, or rather recommending character.

Enclosure

Mr. José Manuel Barroso
President of the European Commission

Brussels

PARLIAMENT OF THE CZECH REPUBLIC
Chamber of Deputies
Committee for European Affairs

Resolution No. 178

24th session on 12th January 2012

**Commission Staff working paper Executive summary of the Impact Assessment
Accompanying the document Proposal for a Regulation of the European Parliament and
of the Council on a Common European Sales Law /Council No. 15429/11, COM(2011)
635/**

Enclosure of the Resolution:

Committee for European Affairs

1. appreciates the efforts of the European Commission to create better conditions for the functioning of the internal market and improving European sales law;
2. however thinks, that the present version does not respect views of member states as in a European contract law for consumers and businesses COM (2010) 348 final as of July 2010 that addressed similar issues contained in the Green Paper. Hence there is a preference of a less radical solution in the form of auxiliary measures, or rather recommending character;
3. does not considered appropriate the European contract law in terms of current needs to extensively follow the path of unification. The submitted version, which consists of an introduction of an optional instrument of Common European Sales Law, is considered problematic, both in terms of the legal basis in EU primary law and in terms of compliance with the principle of subsidiarity;
4. believes that behind the reasons of less intensive involvement of consumers and small and medium enterprises in cross-border transactions are not only differences between national legal arrangements, but also largely practical reasons (such as inadequate knowledge of foreign language, consumers often do not know their rights, preferences of local stores and local goods etc.);
5. believes that the adoption of the regulation could lead to even greater confusion with regard to the complex rules for consumers. This context also points out that similar aim of protection of customers in all member states is followed by recently adopted directive on consumer rights that introduces specific tools;
6. asks government to inform the Committee about further course of discussion of the Proposal for a Regulation on the Common European Sales Law