



THE PARLIAMENT OF THE CZECH REPUBLIC
SENATE

8th TERM

493rd

Resolution of the Senate

delivered on the 16th meeting held on 25th January 2012

**on the Proposal for a Regulation of the European Parliament and the Council on
Common European Sales Law**

(Senate Press no. N 086/08)

The Senate

I.

1. Has become thoroughly acquainted

with the proposal on the establishment of the optional instrument that was proposed by the European Commission as a follow-up to the Green Paper from the Commission on policy options for progress towards a European Contract Law for consumers and businesses;

2. Recalls

its resolution on the Green paper – 46th Resolution from the 8th term adopted on 9th of December 2010 where it expressed its belief that it did not find the establishment of the optional instrument suitable;

3. Is of the opinion

that the regulation of sales law at the European level presents an area that should be discussed and possible solutions for this area should be sought, but with regards to the current state of the debate and negative positions of a large part of the actors it considers the proposal to be premature;

II.

1. Is convinced

that the proposal is not a harmonisation measure and thus cannot be based on Article 114 of the TFEU; the Senate considers Article 352 of the TFEU (so called flexibility clause) to be a proper legal base;

2. Considers

the impact assessment to be inadequate and incomplete, with regard to the fact that it is based on a selective survey method, and thus is of the opinion that the

impact assessment study does not provide arguments for the adequacy of the proposal vis-à-vis its goal, its added value and proportionality;

3. Points at

the positions of several subjects representing the interests of stakeholders on the proposal, as is the European Association of Craft, Small and Medium-sized Enterprises, the European Consumers' Organisation or the Czech Chamber of Commerce, that do not find any added value in the proposal;

4. Reminds

that in the framework of direct communication with the European Commission on the Green paper the Commission has promised to inform national parliaments as to how their suggestions were considered and on the future steps, which did not happen before the proposal was submitted;

III.

1. Requests

the Government to inform the Senate about the way this position was taken into account and to provide the Senate with further information on the proceeding of negotiations;

2. Authorises

the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch
sign manual
President of the Senate

Jaromír Štetina
sign manual
Senate Verifier