



THE SENATE  
OF THE PARLIAMENT OF THE CZECH REPUBLIC  
10<sup>TH</sup> TERM

404<sup>TH</sup>

**RESOLUTION OF THE SENATE**

Delivered on the 22<sup>nd</sup> session held on 20<sup>th</sup> April 2016

**on the Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the supply of digital content /Senate Print no. N 064/10, COM(2015) 634/**

**on the Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the online and other distance sales of goods /Senate Print no. N 065/10, COM(2015) 635/**

**The Senate**

**I.**

**1. Realizes**

that the development of the cross-border electronic commerce is currently hindered by the differences in contractual law between the Member States which follow from the minimum harmonization of the rules or, in the case of the digital content, from the absence of specific legal provisions;

**2. Welcomes**

therefore the submission of the proposals for directives which could help to develop cross-border electronic commerce by lowering the entrepreneurs' costs related to the need to analyse the national law of other Member States and increasing the consumers' confidence in cross-border shopping;

**3. Welcomes also**

that the Commission chose the option of full harmonisation of the contractual rules instead of the original concept of the Common European Sales Law which envisaged the creation of parallel optional EU provisions for contracts for goods and for supply of digital content for cross-border transactions;

**II.**

**1. Supports,**

in general, both proposals for directives;

**2. Believes, however,**

that consistent definitions should be respected in legislative acts and therefore definitions in the proposal for a directive should be unified, particularly the definition of digital content which differs from the definition in the Directive 2011/83/EU on consumers rights;

**3. Is of the opinion**

that it is not appropriate to introduce different rules on liability for defects depending on whether the goods are sold online or by other means of distance sales, or in brick and mortar shops;

**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

Jiří Vosecký  
sign manual  
Senate Verifier