



EUROPEAN COMMISSION

Brussels, 20. 07. 2012
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Dear President,

The Commission would like to thank the Assembly of the Portuguese Republic for its Opinion on the proposal of a Regulation on a Common European Sales Law {COM(2011) 635 final} and apologizes for the delay in replying.

The European Commission very much appreciates the Portuguese Assembly's support for this proposal and shares its view that the co-existence of 27 different national sales law regimes leads to additional transaction costs and deters consumers and businesses from doing cross border transactions. Contract law related problems constitute an obstacle which hinders the smooth functioning of the internal market.

The Commission also agrees with the Portuguese Assembly's view that article 114 TFEU is the correct legal base. Indeed the Common European Sales Law can be based on article 114 TFEU as it helps to tackle contract law related obstacles by offering a voluntary optional sales law. The European Commission shares the view that a measure for the approximation in the sense of article 114 TFEU does not require that the wording of national laws has to be changed.

Furthermore, the Commission welcomes the Portuguese Assembly's viewpoint that there is a need for a Common European Sales Law, that the proposal could solve the contract law related problems and that the proposal respects the principles of subsidiarity and proportionality.

I look forward to continuing our political dialogue in the future.

Yours sincerely,

*Maroš Šefčovič
Vice-President*

*Mrs. Maria da Assunção Esteves
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