



Romanian Parliament  
Senate

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Bucharest, March 1, 2016

**OPINION**

**Regarding the Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the supply of digital content and**

**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**

**COM (2015) 634 final and**

**COM (2015) 635 final**

The **Romanian Senate** examined the Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the supply of digital content – **COM (2015) 634 final** and 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 – **COM (2015) 635 final** – according to the provisions of the Treaty of Lisbon (Protocol no. 2).

Taking into account the report of February 24, 2016 of our permanent Committee on European Affairs, **the Plenum of the Senate**, during its session of February 29, 2016, decided as follows:

- 1. This Regulation does not violate principles of subsidiarity and proportionality.**
- 2. Within digital content, the following are noted:**
  - a. The fact that both proposals are measures based on its experience in negotiating proposal for a Regulation on common European legislation sales and contain a targeted and focused set of fully harmonized rules;
  - b. The fact that both proposals to restrict the scope of online sales and other types of distance sales contracts for goods and extend the scope to specific digital content supplied for non-monetary consideration;

**3. The following are considered necessary and mandatory:**

- a. The obligation of Member States to ensure that there are adequate and effective to ensure compliance with these directives, and clause to be bound by the rules of law relating to contracts of consumption, namely that any derogation from the requirements contained in documents and which are detrimental to the consumer are not binding on them;
- b. Coverage of current legal vacuum in the Community acquis in the field of consumer protection on certain contractual matters not covered yet;
- c. Harmonization of certain aspects of sales contracts for goods, taking as a basis a high level of consumer protection;

**4. The following are considered insufficiently explained within the permanent feature of the crisis relocation mechanism:**

Defining “digital products” appears in Art. 3 (2) of the COM (2015) 634;

**5. It is strongly recommended to pursue:**

- a. Ensure a level of security appropriate to the exchange of personal data;
- b. Ensure an appropriate level of security of online payments;
- c. Periodic review of minimum quality standards and technical regulations, to ensure compliance with European standards in the field.

**p. Speaker of the Senate**



**Ioan CHELARU**