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**Abstract:**

On 11<sup>th</sup> of October 2011 the European Commission (EC) announced draft of the Regulation of the European Parliament and of the Council on Common European Sales Law (Regulation). This is a result of works on harmonization of European private law, especially contract law, lasting for a long time. Draft Common Frame of Reference (DCFR), Green Paper from the Commission on policy options for progress towards a European Contracts Law for Consumers and Businesses and drawn up by the Expert Group Feasibility Study (last version dated on 19<sup>th</sup> of August 2011) are considered as the main stages in the harmonization of European contract law process. Finally, the European Commission decided to limit the scope of draft of the Regulation presented last year to B2C and certain B2B cross-border transactions within the European Union. This means that the scope of current EC proposal significantly differs in particularly from DCFR, which encompassed not only almost all contract law relations, but also non-contractual liability. Consequently, such a ‘narrow’ scope of the EC proposal as well as its binding force may rise some doubts. Nevertheless, there are also more concerns against the background of draft of the Regulation. First of all, the legal basis of the proposed Regulation can rise significant objections. To this extend EC indicated art. 114 the Treaty of the Functioning of the European Union (TFEU), which is deemed as a basis of all actions undertaken within the scope of harmonization of EU law. On the other hand, art. 114 of TFEU is considered only as a basis of harmonization leading to internal market establishing and development. At this moment first doubt as regards to discussed EC proposal can be faced. Equally important concerns can rise on the basis of proportionality and subsidiarity principles. Against the background of consistency EC proposal with these two main principles of EU law a few important doubts can be seen. Unfortunately, the justification of EC accompanying the announcement of draft of the Regulation does not dispel mentioned concerns. All features mentioned above result the need of re-analyzing EC proposal, in particular from the perspective of treaty basis and main principles of EU law. Moreover, in the line of proposed Regulation, its rules should be interpreted autonomously and without any recourses to legal systems of member states. This causes another concerns, because it is difficult to imagine, especially by such narrow scope of applicability, that EC project can be use independently. Even more, this interpretation and applicability rules will be lead to many conflicts with the law of member states. Since the project is still in consultation phase, issues mentioned above are worth to re-thinking which will be served the avoidance of serious problems when the EC proposal will come into force.