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In October 2011, the European Commission published its proposal for a Regulation on a Common European Sales Law (CESL). The proposal is highly controversial and concerns have been raised by some Member States and numerous other institutions.

The objective of this conference is to promote a far-reaching and thorough debate concerning the most important or complex legal issues inherent to cross-border sales.

Key topics

- Legal basis and scope of application
- CESL and conflict of laws
- Information duties
- Unfair terms
- Remedies
- Different rules for different players?
- Added value for consumers or cost driver for enterprises?

Who should attend?

Lawyers practising in the field of cross-border sales, in-house counsel, notaries, ministry officials, judges, academics, representatives of consumer and business organisations.

Travel to Trier:

Shuttle services from Luxembourg airport to the ERA Conference Centre can be booked at special rates with our partner Taxi Franken: www.taxi-franken.de/era

Speakers

Professor Hugh Beale, University of Warwick

Professor Eric Clive, University of Edinburgh

Professor Gilles Cuniberti, University of Luxembourg

Mr Andreas Dietzel, General Counsel, Siemens AG, Munich

Ms Hanne Melin, Legislative Counsel, Ebay, Brussels Office

Ms Ursula Pachi, Deputy Head of Unit, BEUC – European Consumers' Organisation, Brussels

Professor Martin Schmidt-Kessel, University of Bayreuth

Professor Morten Midtgaard Fogt, University of Aarhus

Mr Bob Schmitz, Consumer Union of Luxembourg

Ms Tina Sommer, President of the European Small Businesses Alliance, Brussels

Dr Dirk Staudenmayer, Head of Contract Law, Civil Justice, European Commission, Brussels

Professor Matthias Storme, University of Leuven, Attorney, Brussels

Ms Dora Szentpaly-Kleis, Legal Advisor, European Association of Craft, Small and Medium-Sized Enterprises (UEAPME), Brussels

Professor Anna Veneziano, University of Teramo

Ms Diana Wallis MEP, Vice-President of the European Parliament, Brussels/Strasbourg

Professor Christiane Wendehorst, University of Vienna

Professor Friedrich Graf von Westphalen, Chair of the CCBE European Contract Law Working Group, Brussels

Ms Aneta Wiewiórowska, Ministry of Justice, Warsaw

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AN OPTIONAL EUROPEAN SALES LAW

THE COMMISSION PROPOSAL AND ITS PERSPECTIVES

Trier, 9-10 February 2012
ERA Conference Centre
Metzer Allee 4, Trier, Germany

Language: English

Organiser: Dr Angelika Fuchs

Event number: 112D36



Lifelong Learning Programme

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Thursday, 9 February 2012

08:30 Arrival and registration

09:00 **Welcome**
Angelika Fuchs

Chair: *Hugh Beale*

I. SETTING THE SCENE

09:05 **The ongoing political debate**

- European Parliament: *Diana Wallis*
- Polish EU Presidency: *Aneta Wiewiórowska*
- Danish EU Presidency: *Morten Fogt*

09:45 Discussion

II. LEGAL CHALLENGES FOR THE CESL

10:00 **Legal basis, content and scope**
Christiane Wendehorst

10:20 **CESL and the conflict of laws**

- CESL and Rome I
- How to fill the gaps? Set-off, assignment, representation and other issues
Gilles Cuniberti

10:45 Discussion

11:00 Coffee break

Chair: *Diana Wallis*

III. CESL RULES FOR B2C SALES CONTRACTS

11:30 **Pre-contractual information**

- Distance / off-premises contracts
- Contents and sanctions
Eric Clive

11:50 **Making a binding contract**

- Offer and acceptance
- Defects in consent
- Right of withdrawal
Anna Veneziano

12:15 Discussion

12:30 **Unfair contract terms: assessing unfairness**
Friedrich Graf von Westphalen

12:50 Discussion

13:00 Lunch

Chair: *Friedrich Graf von Westphalen*

14:00 **Obligations and remedies of the parties**

- Consumer choices
- Requirements
- Prescription periods
Hugh Beale

14:25 Discussion

14:40 **Goods, supply of digital content and provision of related services**
Matthias Storme

15:00 Discussion

IV. WORKSHOP (with coffee & tea)

15:15 **Life-cycle of a contract: a case study on the CESL in legal practice**
Martin Schmidt-Kessel

17:00 End of the first conference day

19:00 Evening programme and dinner

Friday, 10 February 2012

Chair: *Anna Veneziano*

V. CONSUMER AND COMMERCIAL CONTRACTS

09:00 **Comparing B2C and B2B contracts**

- Which rules are different?
- Why?

Dora Szentpaly-Kleis
Ursula Pachl

09:40 **What is required to make the optional instrument work in practice?**
Dirk Staudenmayer

10:00 Discussion

10:30 Coffee break

Chair: *Morten Midtgaard Fogt*

VI. PANEL DISCUSSION

11:00 **B2C: Added value for consumers or cost driver for enterprises?**

Hanne Melin
Bob Schmitz

B2B: What does the CESL offer to businesses?

Tina Sommer
Andreas Dietzel

13:00 Lunch and end of the conference

Programme may be subject to amendment.
For programme updates: www.era.int
