

EuSoCo Declarationⁱ

¹We, a group of academics knowledgeable in consumer, tenancy and labour law, are deeply concerned that the path to a harmonised European system of contract law as envisaged by the European Commission and the Parliament will be built on a reductive model of commercial and consumer sales where information is the only substantive gift to social interests. ²Economic and social rights of workers, consumers and tenants in long-term relations have instead found no adequate place, neither in the general principles nor in the specific parts of the existing drafts nor in the composition of the mandated expertise. ³Its legal outcome, a European contract law as a 28th regime, will anyhow deeply affect those areas in the modern service and credit society where labour, consumption and housing is increasingly dealt with outside the shelter of the traditional labour or tenancy law and debtor's protection realm.

⁴The liberal sales model of information indifferent to lifetime provides no sufficient protection for the weak and no regard for the productivity of those who work for their living. Commercial sales contracts need to be completed by a second model based on what we call lifetime contracts. ⁵It should provide social justice related to human needs and lifetime to which economic efficiency in the pure sense of profitability can only be a means. ⁶It should be able to cope with long-term relational problems of changes in human lives instead of providing only remedies typical for spot contracts. ⁷It should provide a substantive shelter for the weak instead of information for choice only, it should acknowledge the collective and social dimension of labour and consumption expressed in collective agreements and declarations of principles.

⁸The contractual freedom of suppliers and employers in the traditional sales based contract model should be complemented with the freedom of social interests to be sheltered from the three perils of our time: unemployment, over-indebtedness and homelessness.

⁹We shall work together internationally, make use of all three official EU languages and incorporate the treasure of national legal cultures in labour and private law. ¹⁰This will be done in order to study the basic contractual forms, principles, common approaches and achievements in the existing as well as the historical national social contract law.

¹¹The results will be offered to the existing EU project on a Common Frame of Reference for a European Contract Law in 2013. We offer our professional support not only to trade unions, consumer organisations, tenant organisations and community groups in the civil society. ¹²We would like to also support those officials involved in the legislative processes (see www.finance-watch.org) who believe that only a social Europe will compensate for the loss of national autonomy and who hold that a social Europe needs social law based on democratic experience in its Member States.

ⁱ This Declaration has been made by the European Social Contract Law Group. The EuSoCo Group was formed in 2005 to promote the social aspects of Member State national law for consumers. It is an expert group set up as an initiative from within the European Coalition for Responsible Credit. Information on the work of the Group is available from the working blog: <http://eusoco.com>. This Declaration is available in English and German.