



European Commission Green Paper on Contract Law

European Commission's proposal to harmonise European Contract Law

As a result of the EC's concern that differences between national contract laws may hinder cross border trade within the EU, the Commission has recently published a Green Paper containing its proposals for the harmonisation of contract law across EU Member States. The proposals contained in the Green Paper, if implemented, would have a significant impact on entities doing business in the EU.

The Green Paper sets out a range of possible methods by which the aim of harmonisation of European Contract Law might be achieved, some of which are more radical than others. These are:

- publication of the Commission's research for use by European and national legislators and contractual parties when drafting standard terms and conditions;
- a "toolbox" of provisions for European legislators to refer to when drafting legislative proposals;
- a non-binding Commission Recommendation calling on EU Member States to incorporate an instrument of European Contract Law into their national legal systems on a voluntary basis, similar to the model adopted in the US for the Uniform Commercial Code;
- an optional instrument of European Contract Law (a "2nd Regime") directly applicable in each EU Member State, which consumers



Contacts

Belgium

Catriona Hatton

Local Managing Partner

catriona.hatton@hoganlovells.com

+32 2 505 0927

Czech Republic

Miroslav Dubovsky

Local Managing Partner

miroslav.dubovsky@hoganlovells.com

+42 2 2141 1729

France

Thomas Rouhette

Partner

thomas.rouhette@hoganlovells.com

and businesses could choose to adopt in their contracts;

- harmonisation of national contract laws by means of an EU Directive setting out minimum common standards;
- a European Contract Law established by EU Regulation, replacing all national contract law in domestic and/or cross-border contracts; and
- a European Civil Code established by EU Regulation, replacing not only all national contract laws but also national laws on non-contractual obligations such as tort and restitution.

Consultation process

The Commission's proposals are at an early stage of development and the Green Paper invites comment on the form, scope and application of the harmonisation proposals. Given the potential significance of the debate, Hogan Lovells will be participating in the public consultation on the Green Paper, which is scheduled to conclude on 31 January 2011.

A full copy of the Green Paper can be viewed by [clicking here](#).

If you have any queries in relation to the Green Paper, or would like to raise any points in the consultation process, please contact [Kieron O'Callaghan](#), [Nathan Searle](#), [Yacine Francis](#) or your usual Hogan Lovells contact.

+33 1 5367 1809

Mikael Salmela

Counsel

mikael.salmela@hoganlovells.com

+33 1 5367 4816

Germany

Detlef Hass

Partner

detlef.hass@hoganlovells.com

+49 89 2901 2214

Patrick Ayad

Partner

patrick.ayad@hoganlovells.com

+49 89 2901 2236

Italy

Cristina Pagni

Partner

cristina.pagni@hoganlovells.com

+39 02 7202 5220

Francesca Rolla

Partner

francesca.rolla@hoganlovells.com

+39 02 7202 5249

Marco Berliri

Partner

marco.berliri@hoganlovells.com

+39 06 6758 2329

The Netherlands

Klaas Bisschop

Local Managing Partner

klaas.bisschop@hoganlovells.com

+31 20 553 3714

Johannes Buntjer

Partner

johannes.buntjer@hoganlovells.com

+31 20 5533 727

Poland

Marek Wroniak

Partner

marek.wroniak@hoganlovells.com

+48 22 529 2970

Beata Balas-Noszczyk

Partner

beata.balasnosczyk@hoganlovells.com

+48 22 529 2920

Spain

Jose Luis Huerta

Partner

joseluis.huerta@hoganlovells.com

+34 91 349 8250

Alex Dolmans

Partner

alex.dolmans@hoganlovells.com

+34 91 349 8242

UK

Kieron O'Callaghan

Partner

kieron.ocallaghan@hoganlovells.com

+44 20 7296 5970

Patrick Sherrington

Partner

patrick.sherrington@hoganlovells.com

+44 20 7296 2507

Peter Watts

Partner

peter.watts@hoganlovells.com

+44 20 7296 2769

Visit us at

www.hoganlovells.com

Disclaimer

This publication is for information only. It is not intended to create, and receipt of it does not constitute, a lawyer-client relationship.

So that we can send you this email and other marketing material we believe may interest you, we keep your email address and other information supplied by you on a database. The database is accessible by all Hogan Lovells' offices, which includes offices both inside and outside the European Economic Area (EEA). The level of protection for personal data outside the EEA may not be as comprehensive as within the EEA. To stop receiving email communications from us please [click here](#).

This is a commercial communication from Hogan Lovells. "Hogan Lovells" or the "firm" refers to the international legal practice comprising Hogan Lovells International LLP, Hogan Lovells US LLP, Hogan Lovells Worldwide Group (a Swiss Verein), and their affiliated businesses, each of which is a separate legal entity. Hogan Lovells International LLP is a limited liability partnership registered in England and Wales with registered number OC323639. Registered office and principal place of business: Atlantic House, Holborn Viaduct, London EC1A 2FG. Hogan Lovells US LLP is a limited liability partnership registered in the District of Columbia with offices at 555 13th Street, NW, Washington,

DC 20004, USA.

The word "partner" is used to refer to a member of Hogan Lovells International LLP or a partner of Hogan Lovells US LLP, or an employee or consultant with equivalent standing and qualifications, and to a partner, member, employee or consultant in any of their affiliated businesses who has equivalent standing. Rankings and quotes from legal directories and other sources may refer to the former firms of Hogan & Hartson LLP and Lovells LLP. Where case studies are included, results achieved do not guarantee similar outcomes for other clients.

New York State Notice: Attorney Advertising.

© Hogan Lovells 2010. All rights reserved.