



Council of the  
European Union

Brussels, 11 October 2017  
(OR. en)

13124/17

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**Interinstitutional File:**  
2015/0288 (COD)

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JUSTCIV 238  
CONSOM 317  
CODEC 1572

#### COVER NOTE

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From:	Ms Vera Jourova, Member of the European Commission for Justice, Consumers and Gender Equality
date of receipt:	10 October 2017
To:	Mr Urmas Reinsalu, President of the Council Justice and Home Affairs
No. prev. doc.:	15252/16, 11619/17
Subject:	Proposal for a Directive on certain aspects concerning contracts for the online and other distance sales of goods - State of play on the digital contracts package in the Commission

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Delegations will find attached a letter of Ms Vera Jourova, Member of the European Commission for Justice, Consumers and Gender and Gender Equality.

**VĚRA JOUROVÁ**  
*Member of the European Commission*

Brussels, 09/10/2017  
SC/ps/D(17) \_\_\_\_\_

Dear President of the Justice and Home Affairs Council,

I am writing to inform the Council about the state of play on the digital contracts package: a proposal for a directive on contracts for the supply of digital content and a proposal for a directive on contracts for the online and other distance sales of goods. Finding agreement on the two proposals is crucial if we are to fulfil the call of the European Council "for the different Single Market strategies...to be completed and implemented by 2018", thus "deepening, implementing and enforcing the Single Market in all its aspects" with concrete benefits for EU consumers and businesses.

On the proposal for a directive on contracts for the supply of digital content, following the General Approach reached by the Council this June, we hope to maintain the political momentum. Once the position of the European Parliament has been received, we hope trilogues will start swiftly so as to make good progress before the end of the Estonian Presidency. This would then allow for final adoption of the proposal at the beginning of 2018.

On the proposal for a directive on contracts for the online and other distance sales of goods, discussions have not advanced in the Council as quickly as hoped. This was due to concerns on the scope of the proposal, especially the need to have the same rules for online and offline sales. In light of these concerns as raised by Member States at the informal JHA Council in July and reiterated during the Council Working Parties, the Commission intends to adopt an amendment to its proposal, extending the scope to all consumer sales of goods. The amended proposal will be accompanied by a comprehensive overview of the findings and data gathered on the possible impact of harmonised rules on consumer contracts for the online and offline sale of goods. This analysis will complement the impact assessment carried out for the digital contracts proposals.

It is envisaged to have the amended proposal adopted by the Commission before the end of October and submitted to the co-legislators. The decision of the Commission to submit an amended proposal is an important step forward and should allow the Council to begin substantive discussions at the beginning of November. Starting the discussions on the sales of goods proposal is important in view of the contribution which this proposal can bring to the EU single market and given the need to ensure coherence also with the proposal for a directive on contracts for the supply of digital content.

Mr Urmas REINSALU  
President of the Justice and Home Affairs Council  
Rue de la Loi 175  
B-1048 Bruxelles

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I would therefore be grateful if you could plan work on the amended proposal as quickly as possible in the remaining months of the Estonian Presidency. This would be important also in view of the work ongoing in the European Parliament as the two proposals are seen as part of a package. A swift start of the discussions in the Council on the substance of this amended proposal will ensure that both files can progress in the inter-institutional process.

I call on your kind support in sharing this letter with the Justice Ministers and I copy the letter to the respective chairs and rapporteurs in the European Parliament.

Thank you for your cooperation!

Yours faithfully,



Věra Jourová

c.c.: Pascal Arimont, Evelyne Gebhardt, Axel Voss - Rapporteurs on digital contracts