

# **THE DILEMMA OF EUROPEAN CONSUMER REPRESENTATION IN DELIBERATIVE NETWORKS – THE DEMOCRATIC DEFICIT IN THE CONTEXT OF THE DRAFTING OF THE COMMON EUROPEAN SALES LAW**

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When writing about the EU and its Internal Market one might be tempted to put the focus on businesses acting beyond borders. While it is true that the EU aims at serving economic interests, the number of consumers potentially affected by the supranational European lawmaking, however, outweighs the number of businesses by far: more than 500 million people, potential consumers, live in the EU, and many more shop in the EU when visiting as tourists or consummating goods or services from abroad.

In times of rapid internationalization and globalization, the supranational character of the EU is supplemented by a more vivid term: ‘transnational networking’. When it comes to lawmaking, transnational networks are of increasing importance due to the expertise of the network members and their diverse geographic backgrounds. In addition, in many cases network members represent interests of groups potentially affected by new legislation and by the means of lobbying can thus further ‘democratize’ the drafting process of legal texts.

Transnational networks also play an important role in the field of consumer law, as European policy-making has shifted towards a broader regulation of consumer related issues over the last few decades. The European Commission also began to make its policy-making more ‘transparent’ and ‘interactive’ by installing networks composed of external experts and interest representatives. One of the most recent examples of consumer interest representation in transnational networks is closely linked to the drafting of the Proposal for a Regulation on a Common European Sales Law.

The aim of this paper is to briefly analyze the role of consumer interest representation in this drafting process, putting the focus on the role of the European Consumers’ Organisation, BEUC. The paper will start by taking a look at the perceived ‘democratic deficit’ in the EU in general, the role of interest groups and their lobbying activities, before analyzing these issues in the context of European consumer law. The paper will continue with a brief introduction of the proposed Common European Sales Law. It concludes with an analysis of the role consumer representation and transnational networks played in the drafting process of the Common European Sales Law.