

Flash Eurobarometer 320
January 2011

European Contract Law in Business-to-Business transactions

Basic questionnaire

The GALLUP Organization

FLASH EUROBAROMETER 320
Business attitudes towards cross-border business-to-business transactions and the usefulness of a European contract law

SCREENER

D01. Are you involved in business-to-business transactions(i.e. transactions between your business – as a seller or buyer - and other businesses)?

- Yes 1
- No 2 [THANK AND TERMINATE]
- [DK/NA] 9 [THANK AND TERMINATE]

D02. Which of the following statements correspond to your situation?

- We currently sell / buy cross-border to /from businesses from other EU countries 1
- We are considering selling / buying cross-border to /from businesses in other EU countries in the future 2
- We are NOT interested in selling / buying cross-border to businesses from other EU countries 3 [THANK AND TERMINATE]
- [DK/NA] 9 [THANK AND TERMINATE]

D03. In which type of business-to-business transactions are you mainly involved?

- Sales/purchase of goods (...including products from manufacturing, leisure goods and Hotel/Restaurants etc) 1
- Sales/purchases of digital products (for instance CDs, DVDs, software, downloadable music and films) 2
- Sales/purchases of financial services 3
- Sales/purchase of other services 4 [THANK AND TERMINATE]
- [DK/NA] 9

DEMOGRAPHICS

D1. How many employees do you have in your company?

- Employees
- DK/NA..... 99999999

D2. What was your company's turnover in 2009?

-€
- DK/NA..... 99999999

D3. Which of the following product categories is the largest in your sales?

[ONLY ONE ANSWER IS POSSIBLE]

- Cars, motor vehicles and parts 1
- Clothing, footwear and accessories (including jewellery and cosmetics) 2
- Financial and insurance services 3
- Food and drinks 4
- Furniture, furnishings and decoration (including do-it-yourself goods and maintenance products) 5
- Household appliances, electronic goods and information technology goods..... 6
- Leisure goods (ex. books, audiovisual material, toys...) 7
- Products from the engineering sector, e.g. machinery 8
- Digital products 9
- Other goods..... 10
- [DK/NA] 99

D4. Are you mainly involved in business-to-business transactions as a buyer or a seller?

- Mainly as a buyer 1
- Mainly as a seller 2
- Equal involvement as a buyer and as a seller 3
- [DK/NA] 9

D5. Which of the following sales channels do you use?

[MULTIPLE ANSWER IS POSSIBLE]

- In-premises sales 1
- Internet..... 2
- Phone, post and other means of distance communication..... 3
- Doorstep selling and other out of premises channels..... 4
- [DK/NA] 9

D6. Besides [COUNTRY], in how many other EU countries do you currently make cross-border transactions?

[ONE ANSWER ONLY]

- [][]Countries (0 – 26)
- [DK/NA] 99

MAIN QUESTIONNAIRE

[ASK ALL]

Q1. Which contract law most often governs your business-to-business cross-border transactions in the EU?

[ONLY ONE ANSWER IS POSSIBLE]

- The national contract law of [COUNTRY] 1
- The national contract law of the country where the other party is based 2
- The national contract law of a third country..... 3
- Contract laws not related to any particular country e.g. international conventions or UNIDROIT principles
☐..... 4
- [DK/NA] 9

[ASK ALL]

Q2. What impact do the following potential obstacles have on your decision to sell / purchase across border to / from businesses from other EU countries?

[READ OUT – ROTATE - ONE ANSWER PER LINE]

- Large impact..... 4
 - Some impact 3
 - Minimal impact 2
 - No impact 1
 - [DK/NA] 9
-
- A - Language (communication problems, translating documents, etc.) 1 2 3 4 9
 - B - Difficulty in agreeing on the foreign applicable contract law 1 2 3 4 9
 - C - Difficulty in finding out about the provisions of a foreign contract law 1 2 3 4 9
 - D - Cultural differences 1 2 3 4 9
 - E - Tax regulations..... 1 2 3 4 9
 - F - Formal requirements e.g. licensing, registration procedures 1 2 3 4 9
 - G - Problems in resolving cross-border conflicts, including costs of litigation abroad
☐ 1 2 3 4 9
 - H - Obtaining legal advice on foreign contract law 1 2 3 4 9
 - I - Problems with cross-border delivery 1 2 3 4 9
 - J - After-sales maintenance abroad 1 2 3 4 9
 - K - Other 1 2 3 4 9

[ASK Q3 ONLY IF answers include large, some or minimal impacts for at least one of the following:

Q2 B - difficulty in agreeing on the foreign applicable contract law = 4 OR 3 OR 2

☐OR

Q2 C difficulty in finding out about the provisions of a foreign contract law=4 OR 3 OR 2

☐OR

☐

Q2 G - problems in resolving conflicts cross-border, including costs of litigation abroad=4 OR 3 OR 2

☐OR

☐

Q2 H- obtaining legal advice on foreign contract law= 4 OR 3 OR 2]

Q3. You said that some issues relating to contract law have an impact on your cross-border business-to-business transactions. How often did these obstacles deter you from conducting cross-border transactions?

[ONLY ONE ANSWER IS POSSIBLE]

- Always 4
- Often..... 3
- Not very often 2
- Never 1
- [DK/NA] 9

[ASK ALL]

Q4. If you were able to choose, for your business-to-business cross-border transactions with a partner from another EU country one single European contract law, how likely would it be that you would use it?

[ONLY ONE ANSWER IS POSSIBLE]

- Very likely 4
- Likely..... 3
- Unlikely 2
- Very unlikely 1
- [DK/NA] 9

[ASK ALL]

Q5. If you were able to choose one single European contract law for your business-to-business cross-border transactions in the EU, would your cross-border operations ...

[ONLY ONE ANSWER IS POSSIBLE]

- Increase a lot 4
- Increase a little 3
- Not change or 2
- Decrease? 1
- [DK/NA] 9

[ASK IF Q5="increase a lot" or "increase a little"]

Q6. If you were able to choose one single European contract law, in how many additional EU countries do you estimate you would make business-to-business cross-border transactions?

[ONLY ONE ANSWER IS POSSIBLE]

- in 6 or more new EU countries 4
- in 3-5 new EU countries..... 3
- in 1-2 new EU countries..... 2
- [no increase in number of countries] 1
- [DK/NA] 9

[ASK ALL]

Q7. If a European contract law was developed, what would you prefer for your business-to-business transactions?

[ONLY ONE ANSWER IS POSSIBLE]

- A common EU contract law replacing 27 national contract laws 1
- A European contract law that you could choose as an alternative to the national laws for your cross-border transactions only
- ☐ 2
- A European contract law that you could choose as an alternative to the national laws for both your cross-border and domestic transactions
- ☐ 3
- [DK/NA] 9

Flash EB Series #320

European contract law business-to-business transactions

Conducted by
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are solely those of the authors.

THE GALLUP ORGANIZATION

Survey details

This Flash Eurobarometer: “Business attitudes towards cross-border business-to-business transactions and the usefulness of a European contract law” (No. 320) telephone survey was conducted on behalf of the DG JUSTICE of the European Commission, Unit A2 Civil and contract law. The objective of the survey is to collect information about the enterprises’ perceived barriers of cross-border B2B trade and their attitudes towards a single European contract law.

The interviews in most countries were conducted between the 14 and 22 January 2011, by partner institutes of The Gallup Organization Hungary:

Belgium	BE	Gallup Europe	(Interviews : 14/01/2011 – 22/01/2011)
Czech Republic	CZ	Focus Agency	(Interviews : 14/01/2011 – 22/01/2011)
Denmark	DK	Norstat Denmark	(Interviews : 14/01/2011 – 22/01/2011)
Germany	DE	IFAK	(Interviews : 14/01/2011 – 22/01/2011)
Estonia	EE	Saar Poll	(Interviews : 14/01/2011 – 22/01/2011)
Greece	EL	Metroanalysis	(Interviews : 14/01/2011 – 22/01/2011)
Spain	ES	Gallup Spain	(Interviews : 14/01/2011 – 22/01/2011)
France	FR	Efficienc3	(Interviews : 14/01/2011 – 22/01/2011)
Ireland	IE	Gallup UK	(Interviews : 14/01/2011 – 22/01/2011)
Italy	IT	Demoskopea	(Interviews : 14/01/2011 – 22/01/2011)
Cyprus	CY	CYMAR	(Interviews : 14/01/2011 – 22/01/2011)
Latvia	LV	Latvian Facts	(Interviews : 14/01/2011 – 22/01/2011)
Lithuania	LT	Baltic Survey	(Interviews : 14/01/2011 – 22/01/2011)
Luxembourg	LU	Gallup Europe	(Interviews : 14/01/2011 – 22/01/2011)
Hungary	HU	Gallup Hungary	(Interviews : 14/01/2011 – 22/01/2011)
Malta	MT	MISCO	(Interviews : 14/01/2011 – 22/01/2011)
Netherlands	NL	MSR	(Interviews : 14/01/2011 – 22/01/2011)
Austria	AT	Spectra	(Interviews : 14/01/2011 – 22/01/2011)
Poland	PL	Gallup Poland	(Interviews : 14/01/2011 – 22/01/2011)
Portugal	PT	Consulmark	(Interviews : 14/01/2011 – 22/01/2011)
Slovenia	SI	Cati d.o.o.	(Interviews : 14/01/2011 – 22/01/2011)
Slovakia	SK	Focus Agency	(Interviews : 14/01/2011 – 22/01/2011)
Finland	FI	Norstat Finland Oy	(Interviews : 14/01/2011 – 22/01/2011)
Sweden	SE	Norstat Sweden	(Interviews : 14/01/2011 – 22/01/2011)
United Kingdom	UK	Gallup UK	(Interviews : 14/01/2011 – 22/01/2011)
Bulgaria	BG	Vitosha Research	(Interviews : 14/01/2011 – 22/01/2011)
Romania	RO	Gallup Romania	(Interviews : 14/01/2011 – 22/01/2011)

Representativeness of the results

The target group for this Flash Eurobarometer was defined as all companies of the European Union that mainly sell goods or financial / insurance services, and currently conducted or planned to conduct B2B transactions across the EU's internal borders.

The sample was randomly selected in each country within certain activity sectors (NACE Rev 2.0):

- C: Manufacturing
- G: Wholesale and retail trade: repair of motor vehicles, motorcycles and personal and household goods
- I: Accommodation and food service activities
- J: Information and communication
- K: Financial and insurance activities.

The lists of companies qualified to be interviewed were developed by Dun and Bradstreet. Where the D&B database had a poor coverage (especially in the New Member States) the sample lists were developed by national institutes using local statistical data sources. The survey sample was selected randomly in each country.

The sampling proportions of the enterprises belonging to the various size categories were:

- 65% - micro enterprises (<10 persons employed)
- 25% - small enterprises (10-49 persons employed)
- 10% - medium & large enterprises (50+ persons employed).

The person interviewed in each company was the person who normally dealt with legal issues. The interviewers checked the identity of this person as well as the accuracy of the enterprise sampling characteristics, as delivered by sample list, namely: the number of employees and the activity of the company.

Weighting

As mentioned, the survey only interviewed enterprises that were involved in cross-border business-to-business transactions. As reference statistics for enterprises that are involved in cross-border trade were not available, a direct weighting of the achieved sample was not possible. Instead, sampling weights with regard to all issued sample were calculated in each country (to correct for the deliberate over- and under-sampling in the various size segments) and transferred to the respondent units that satisfied the above mentioned screening criteria.

In order to calculate EU27 averages, the county-level results were combined proportional to the size of the estimated number of enterprises in the specific sectors involved in cross-border transactions (the rate of which was defined by the result obtained from the sample).

Due to the low sample sizes at a national level, readers should be aware that the Member State level results are subject to a sampling error ranging from about $\pm 8.2\%$ (in countries with a sample size of 150) to $\pm 6.2\%$ (where the national sample size is 250). The sub-setting of the samples in various "filtered" questions further increases this range. Sampling errors for the EU level data are, however, much smaller; i.e. less than 2% for the total EU sample (depending on the question).

Sizes of the samples

The targeted number of main interviews was 250 in most countries, but in Luxembourg, Malta and Cyprus the target was 150 interviews.

	Total interviews conducted		Total interviews conducted
Belgium	250	Malta	150
Czech Republic	250	Netherlands	250
Denmark	250	Austria	252
Germany	250	Poland	251
Estonia	252	Portugal	250
Greece	250	Slovenia	253
Spain	251	Slovakia	251
France	253	Finland	251
Ireland	250	Sweden	253
Italy	251	UK	250
Cyprus	151	Bulgaria	251
Latvia	250	Romania	252
Lithuania	250		
Luxembourg	151		
Hungary	252	TOTAL	6475

Questionnaire

The questionnaire prepared for this survey contained two parts: the company information and the question regarding the main questionnaire.

The institutes listed above translated the questionnaire to their respective national language(s) using a centralized process of back-translation procedure, involving two initial local translations, independent back-translation and central verification of the localised questionnaires.

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