

DFH/FM/nd/6.2/2/1

20 November 1998

Mr Michel Rocard,
Chairman of the Development and
Cooperation Committee,
European Parliament,
Rue Wiertz,
B - 1047 BRUXELLES

Dear Mr Rocard,

RE: CODE OF CONDUCT FOR EUROPEAN ENTERPRISES OPERATING IN DEVELOPING COUNTRIES

UNICE has noted the draft report on EU standards for European Enterprises operating in developing countries, an own-initiative report drafted by MEP Richard Howitt on behalf of the Development and Cooperation Committee which you chair.

UNICE would like to express the serious concerns of the entire European business community regarding this report and would like to point out in particular the following key elements:

- The report seeks to establish a European Monitoring Platform to investigate corporate behaviour even though there appears to be no legal basis for such proposals.
- It is suggested to appoint “special rapporteurs” who would receive cases submitted by different actors on corporate conduct and investigate complaints. This would amount to creation, within the European Parliament, of a quasi-judicial body entrusted with the mission of controlling the behaviour of individuals, whether the latter are private persons or companies. UNICE questions such an arrangement which it believes would threaten the necessary separation between the legislature and the judiciary.
- The institutional arrangements proposed in the report do not offer any of the guarantees of due process, impartiality and objectivity which the citizen is entitled to expect from any institution entrusted with quasi-judicial powers.
- Finally, the proposals would introduce the concept of extra-territorial action.

I thought it important to highlight these points at this early stage in the debate and thank you in advance for your consideration of this matter.

Yours sincerely,

Dirk F. Hudig
Secretary General