

DFH/HL/nd/24.1/2/1

16 June 1999

Mr Jacques Santer,
President of the European Commission,
BREY 12/100
European Commission,
Rue de la Loi, 200,
1049 BRUXELLES

Brussels and Rome conventions

Dear Sir,

UNICE has very serious concerns about a Commission proposal for a regulation on jurisdiction, recognition and enforcement of decisions in civil and commercial matters. We understand that such a proposal is currently the subject of internal consultation within the Commission.

We consider that this proposal would:

- ◆ *omit* to take account of the major economic impact of such a regulation. Indeed, it would appear that the proposal does not at this stage include any assessment of its economic impact;
- ◆ *disregard* fallout on other policies. It is essential that any proposal should include an analysis of its likely impact on other major EU policies, including *electronic commerce*;
- ◆ *fail* to ascertain the appropriateness of such a regulation through democratic consultation and public scrutiny.

UNICE understands that proposals in the area of commercial and judicial law are being presented in the wake of entry into force of the Amsterdam Treaty.

We would, however, like to stress that the Protocol on application of the principles of proportionality and subsidiarity now also imposes on the Commission an obligation to consult widely before proposing legislation, and a duty to assess the burden falling on economic operators. UNICE regrets that the business community has not been consulted on any of the proposals adopted so far in this area.

Bearing in mind the probable political and economic effects the above-mentioned proposed instrument, UNICE urges the Commission to hold a public consultation with interested parties before adopting its proposal for a regulation, or any other proposals in the area of commercial or judicial law that may affect business.

I am taking the liberty of sending a copy of this letter to the President Elect, Mr Prodi, and to the Secretary General of the Commission, Mr Trojan.

Yours sincerely,

(original signed by)
Dirk F. Hudig
Secretary General