

DFH/HL/mgh/22.3/3/1

31 August 2000

Mrs Diana Paulette Wallis,
Member of the Committee on
Legal Affairs and the Internal Market,
European Parliament,
ASP 10G253,
Rue Wiertz, 60,

1047 - BRUXELLES

Dear Mrs Wallis,

RE: BRUSSELS REGULATION

We convey our compliments to the Members of the European Parliament's "Committee on Legal Affairs and the Internal Market" and express our sympathy for the progress made to find a compromise on amendments concerning the draft report by the Committee on the "Brussels Regulation".

The large majority of e-commerce industry and trade across Europe supports efforts made to include in the final wording of the report by the Committee proposals for a legally acceptable disclaimer clause permitting parties to an on-line contract to refer disputes to extrajudicial or alternative dispute resolutions of their choice not to be recognised or accredited other than by market-based solutions.

However, on-line traders express substantial concern that these ADRs or EDRs would have to be recognised under possible accreditation schemes not jointly developed by e-commerce stakeholders themselves, but imposed on them by third parties, the European Commission, governments or others.

We are of the considered opinion, that a modern governance approach of co-regulation and tri-partite cooperation between government, business and consumers makes it mandatory that any ADR/EDR recognition or accreditation schemes (if other than market-based) are jointly developed and agreed upon by parties concerned and not decided upon against the expressed interest of e-commerce stakeholders involved.

Any accreditation scheme developed and applied without the direct support and commitment of e-commerce stakeholders, companies and consumers alike, will transform the extrajudicial dispute resolution mechanism into a fourth instance and as such will act against the declared intention to simplify the procedures and to make them more efficient and cheaper for the parties concerned.

Therefore, UNICE urges you not to overlook or at least underestimate the negative ramifications of potentially bureaucratic accreditation schemes for the development of electronic commerce in Europe and the resultant damaging effects on economic growth and employment.

Yours sincerely,

Dirk F. Hudig
Secretary General

