

# UNICE

THE VOICE OF BUSINESS IN EUROPE

Mr Frits Bolkestein  
Member of the European Commission  
Rue de la Loi, 200

B-1049 Bruxelles

7 July 2003

THE SECRETARY GENERAL

Dear Commissioner,

RE: PROPOSAL FOR THE 10<sup>TH</sup> AND 14<sup>TH</sup> COMPANY LAW DIRECTIVES ON CROSS-BORDER MERGERS AND TRANSFER OF SEAT

UNICE understands that in the context of the Company Law Action-Plan, the Commission is currently working on new proposals on the above-mentioned 10<sup>th</sup> and 14<sup>th</sup> Directives.

These subjects are of high importance for the mobility of companies and therefore for UNICE.

UNICE is particularly concerned about the regime that will be chosen for workers involvement in case of cross-border merger. UNICE could not accept that the regime agreed for the European Companies statute, which remains voluntary, be applied in a compulsory way in case of cross-border merger.

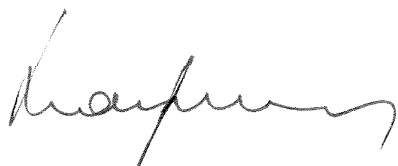
It is key that the right approach is chosen by the Commission on the actions needed to meet companies needs and, in this context UNICE would like to urge the Commission to launch a consultation with the appropriate stakeholders on these topics.

Consultation remains one of the basic principles of participatory democracy. UNICE notes that the new draft EU Constitution in its article I.46 stresses that the Commission shall carry-out broad prior consultations with parties concerned in order to ensure that the Unions' actions are coherent and transparent.

In this context, we look very much forward to engaging into a constructive dialogue with Commission services on the two above-mentioned instruments prior to official adoption of the proposals.

We thank you in advance for any action you will take in this regard.

Yours sincerely,



Philippe de Buck