

Mr Romano Prodi
President of the European Commission
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THE PRESIDENT

Dear President,

We understand that the Commission should soon discuss a proposal for a 10th directive in the area of company law concerning cross-border mergers. Harmonisation and streamlining of company law procedures to support cross-border mergers have indeed been requested by companies for many years. In this context, we welcome the proposal. Nevertheless we are very much concerned that the proposal's added value for companies will be put at stake by the provisions concerning workers' involvement.

The information we have is that the regime that will be proposed for workers' involvement in the case of cross-border mergers will be based on the one adopted for the European Company Statute. This regime has been agreed for what is an optional statute and our view is that its complexity and burdensome nature renders it ill-suited to encourage companies to engage into cross-border mergers.

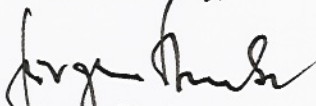
It is key that the right approach is chosen by the Commission to meet companies' needs and, in this context, UNICE would like to urge the Commission to launch a consultation and political debate on the proposed instrument before adoption of any proposal.

Consultation remains one of the basic principles of participatory democracy. There was no consultation on the content of this proposal. We therefore trust very much that the Commission will listen to the voice of industry and allow the necessary period of time for a thorough reflection on such a proposal.

We look very much forward to engage into a constructive dialogue with Commission services on this proposal prior to its official adoption.

We thank you in advance for your support on this.

Yours sincerely,



Jürgen Strube

Cc: College of Commissioners