

Ms Mary HARNEY
Tánaiste and Minister for Enterprises, Trade and
Employment
Kildare Street
Dublin, 2
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5 March 2004

THE PRESIDENT

Competitiveness Council 11 March and Spring Summit 2004

Dear President,

Ahead of the Competitiveness Council meeting on 11 March please allow me to tell you that the European business community highly appreciates the close relations that have been established between the Irish Presidency and UNICE, thanks not least to your meeting on 7 January with UNICE Secretary General, Mr Philippe de Buck, and to my meeting on 22 January with An Taoiseach Bertie Ahern T.D.

On 11 March, the Competitiveness Council will have the opportunity to give input to the Spring Summit, which is to reinvigorate the economic elements of the Lisbon Strategy to make Europe the most competitive economy in the world. We would like to draw your particular attention to four items that are crucial and need to be discussed both at the next Competitiveness Council meeting and the Spring Summit.

Kyoto

The unilateral climate change policy that the EU is currently pursuing poses serious problems for European competitiveness. Therefore UNICE finds it essential that the European Council has a debate at the Spring Summit on the relationship between the EU climate change policy and EU competitiveness policy. It should call on the Commission to immediately launch a review of current EU climate-change policies concerning the period 2008-2012. This review should consider the case of non-ratification by the major economic areas and look at the negative consequences of a continuing unilateral European policy, both in environmental terms (non-achievement of the Kyoto global environmental goals; weakening of European potential for innovation and investment in climate-control technologies) and in economic terms (reduction of Europe's competitiveness and of its attractiveness as a place to invest). The review of the current EU climate-change policies should also be relevant as an alternative to the Kyoto Protocol in case it does not come into force.

Entrepreneurship

Furthermore, the Competitiveness Council will discuss entrepreneurship, an issue which UNICE considers a top priority in the Lisbon Strategy. UNICE very much approves the action plan on entrepreneurship launched by the European Commission and calls on Member States to commit to implementing the actions points specified in the *European Agenda for Entrepreneurship* at the Spring Summit.

REACH

As regards REACH, the Competitiveness Council should bear in mind that the overall situation has still not been properly assessed. The REACH proposal will have a strong impact on the whole of industry in Europe, which makes it necessary to conduct a comprehensive impact assessment.

Community Patent

UNICE appreciates the continuing efforts of the Irish presidency to find a solution for the issue of the legal effect of translations in the proposed Community Patent Regulation. UNICE wants to ensure that any solution found serves the interests of European industry and does not create legal uncertainty. Therefore, UNICE has suggested that there should be one authentic text for legal proceedings and that should be the text in the language in which the patent was granted before the European Patent Office. The translated claims should be of an informative nature but not legally binding and differences between the original and translated claims should have no legal effect. UNICE's strong view is that a bad Community Patent is not compatible with the principles of a unitary, cost-effective and of high quality Community Patent, and would be worse than no Community Patent at all.

UNICE hopes that the Competitiveness Council will take due account of our views. For more information on these and other issues you will find attached two documents, one on the Competitiveness Council meeting on 11 March and one on the Spring Summit 2004.

I wish the Irish Presidency every possible success in this important period for the Lisbon Strategy.

Yours sincerely,



Jürgen Strube