

Dr Martin Bartenstein  
Federal Minister of Economy and Labour  
President of the EU Competitiveness Council  
Stubenring 1  
A-1010 Wien

13 April 2006

THE PRESIDENT

**Subject: Informal Competitiveness Council 21-22 April 2006**

Dear President,

We note that an extensive discussion on the Commission's recently-adopted amended proposal on services will be held at the forthcoming Informal Competitiveness Council on 21-22 April in Graz.

We draw to your attention the fact that the European Commission has ordered a new impact assessment of the agreed substantive changes to the original proposal. UNICE welcomes this, although it would have preferred the assessment to have been carried out before elaboration of the amended proposal.


According to the better regulation policy endorsed by the EU Institutions, we urge the Council to take into account the findings of this impact assessment before it decides its official position. The legislative procedure should not be rushed through, and the necessary time should be made available to carry out the above-mentioned assessment and look for improvements in the text.

Regarding the Commission's amended proposal, UNICE acknowledges that some improvements have been made. However, UNICE still has two major concerns where improvement are necessary:

- scope of the directive: it has been excessively reduced, UNICE particularly opposes the exclusion of temporary work agencies;
- legal uncertainty: the ambiguity of articles 16 and 17 dealing with the freedom to provide services will make companies dependent on ECJ's case-law in order to know the obligations they have to respect.

UNICE hopes that our concerns will be taken into account in these important discussions on 21-22 April.

Yours sincerely,



Ernest-Antoine Seillière