

Mr. David O'Sullivan
Director General
DG Trade
European Commission
B-1049 Brussels

Mr. Heinz Zourek
Director General
DG Enterprise
European Commission
B-1049 Brussels

3 March 2009

Dear Mr. O'Sullivan, Dear Mr. Zourek,



I write to you concerning the newly updated 'Impact Assessment Guidelines' and, in particular, the increased emphasis they now contain on the international impacts of new EU proposals. This development is a direct result of the work of the High Level Regulatory Cooperation Forum under the Transatlantic Economic Council. It is also a long called for objective of BUSINESSEUROPE. The new guidelines have the potential to be a powerful tool to enhance Europe's competitiveness, but only if they are correctly applied.

The crucial changes, from our perspective are that impact assessments must:

- take explicitly into account the impact on companies vis-à-vis their counterparts in other countries
- look at the regulatory systems of key trading partners and assess whether the EU proposal moves away or towards such systems
- take into account the impact on third country businesses of changes in regulation here.

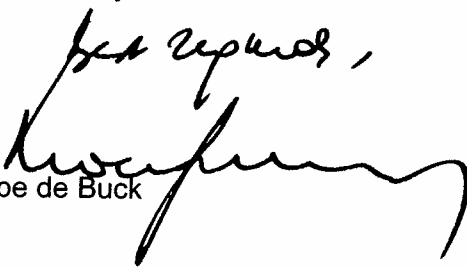
BUSINESSEUROPE also strongly supports the international points already included in the guidelines, particularly those on using international standards and regulatory approaches, and ensuring WTO compliance.

While the innovations are promising, however, they will have little impact if they are not properly implemented. There is a risk that a lack of robust analysis on these points will mean that they are not taken properly into account in political decision making, either within the Commission, or in the legislative process. BUSINESSEUROPE therefore calls on you to institute, within your respective DGs, procedures to play an enhanced role in monitoring the international impacts of new proposals, in recognition of the enhancement within the impact assessment process. We recognise the work that you are already doing but believe that it could be greatly enhanced and formalised.

Within DG Trade, the Industry Directorate and within DG Enterprise, the International Affairs Unit should be given the specific responsibility to participate in Impact Assessment Steering Groups to ensure compliance with the new guidelines. More resources may be required for both to achieve this goal. In addition DG Trade should nominate a representative to sit on the Impact Assessment Board. Finally, procedures need to be put in place to ensure that internationally focused bodies in the Council (such as the 133 Committee or regionally focused working groups) and the European Parliament (the International Trade Committee) are formally made aware when international impacts are identified so that they can play a similar role.

As we noted in our brochure and conference on *Going Global: the Way Forward*, the burden of EU regulatory measures on companies can be an important factor in their performance on world markets. At this time of economic difficulty, this issue is more important than ever. We look forward to working with you to maximise the potential of these new guidelines and are happy to answer any further questions you may have.

Yours sincerely,


Philippe de Buck