

KLAUS LÖBER

Copy to: Peter Werner, ISDA
Niall Lenihan, EFMLG

From Martin Thomas

**EUROPEAN FINANCIAL MARKET LAWYERS GROUP
NETTING DIRECTIVE**

In the EFMLG we have done some valuable work looking at the status of netting legislation in the accession countries. I think these may have a role to play in the necessary analysis of the request made by ISDA for a netting directive. The focus as I understand it of their request for a netting directive relates to accession countries, present and future. It seem to me that for the community properly to analyse the suggestion, a kind of disparity report is needed, to see what the current gaps are in the netting regime in accession countries, before a decision can be made about whether a directive is needed to fill them.

Do you think the EFMLG would be willing to collaborate with ISDA, ISMA and EBF (these three being the sponsors of the main market standard contracts which relate to business that relies on netting) in preparing such a report?

I am copying this note to Peter Werner at ISDA, with whom I have discussed the idea. I have not mentioned any of this to ISMA or EBF.

Financial Markets Law Committee (HO-1)
16 August 2004

Martin Thomas (3918)

