



EUROPEAN COMMISSION
Internal Market and Services DG

Director-General

Brussels,
MARKT/G2//MT/SC D(2006)485

Mr Pierre Bézard
Président honoraire de la Chambre
économique et financière à la Cour
de Cassation
Comité de Droit Financier
Paris EUROPLACE
39-41, rue Cambon
F-75001 Paris

Professor Dr. Rüdiger von Rosen
Deutsches Aktieninstitut e. V.
Börsenplatz 5
60313 Frankfurt am Main
Germany
Fax +49 (0) 69/9 29 15-12

Mr Antonio Sainz de Vicuna
European Financial Markets
Lawyers Group
European Central Bank
Frankfurt-am-Main
Germany

Lord Woolf
Financial Markets Law Committee
Bank of England
Threadneedle Street
UK-London, EC1A 8AH

Subject: Financial services policy for the period 2005 to 2010
Better Regulation
Establishing one coherent corpus of law

Dear Sirs,

You may have seen that in December last year the Commission published its White Paper on financial services policy for the period 2005 to 2010.

Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1049 Brussel - Belgium. Telephone: (32-2) 299 11 11.

http://europa.eu.int/comm/internal_market/

One strand running through that paper is our desire to resolve any issues of legal uncertainty that arise within the corpus of Community law relating to financial services and markets.

This is an important part of the way in which the Commission's 'Better Regulation' agenda is being put into practice, to assist in establishing one coherent corpus of law. We recognise that an element of legal uncertainty is inevitable in financial markets that are international, competitive and innovative. Although the Community framework of law for these markets is highly developed and robust, new ideas or practices can sometimes raise uncertainties as to how the law will apply, sometimes existing law is misunderstood, and sometimes proposals for new law or regulation can give rise to uncertainties or misunderstandings, when specific features of financial markets practice have not been fully or accurately reflected by a legislator or other public authority.

The specific steps we are taking to deal with this are itemised in the White Paper at section 2.5 on 'Simplification, codification and clarification'. As we mention there, we aim to carry out a sectoral and cross-sectoral consistency check, that is to say, reading across the relevant law to ensure coherence of terminology and effect.

In order to put these practical steps in a wider context, we would like to survey the scene more generally. To that end, I am writing to invite you and a few of the members of your legal groupings to join a meeting we will be hosting here in Brussels on March 17th.

The purpose of the meeting will be to identify, debate and perhaps outline possible ways to address issues of legal uncertainty, or misunderstanding in the legal framework of the EU financial markets. The meeting will last from 10.00 until 5.00 and will include an informal sandwich lunch. If you would like to discuss what I have said in this letter please contact my staff as below.

I would be most grateful if could let me know whether you personally, and which members of your committee, will attend. As soon as we have an idea of the number of likely participants, we will finalise an agenda for the meeting. It would also be useful to know whether your committee is in a position to prepare any papers in advance of the meeting, that could be used to motivate parts of the discussion.

I look forward to hearing from you,

Yours sincerely



Alexander Schaub

Contact:

Martin Thomas, Telephone: +32-(0)2 292 13 95, Fax: +32-(0)2 299 30 71
martin.thomas@cec.eu.int