



Mrs Meglena Kuneva  
Commissioner for Consumer Protection  
European Commission  
200 rue de la Loi  
B-1049 Brussels

3 June 2008

Dear Commissioner Kuneva,

RE: FORTHCOMING PROPOSAL FOR A DIRECTIVE ON CONSUMER CONTRACTUAL RIGHTS

In the context of the ongoing preparation of a proposal for a EU directive on consumer contractual rights, the undersigned organisations would like to reiterate the importance of ensuring that the better regulation principles, particularly as regards legal certainty, are respected.

Business is also of the opinion that for the good operation of markets it is important that consumers are adequately protected and feel confident. Equally important is that the regulatory environment provides sufficient legal certainty so that business and more particularly SMEs, are able to make use of the opportunities of the Single Market.

The signatories therefore continue to support targeted full harmonisation of certain contractual aspects which are proven to represent bottlenecks to the functioning of the Single Market. It can facilitate cross-border trade and boost consumer confidence.

However the future directive must result in effective and real full harmonisation and provide legal clarity. Regarding the aspects to be covered by the directive, the Commission must foresee the necessary means to achieve harmonisation of the relevant national laws. This is particularly important in the light of the mixed experience from the transposition of the directive on unfair commercial practices. As for the aspects not covered, we urge the Commission to provide a system that that would overcome the difficulties linked to the existence of different national legal traditions and rules, which have a particularly negative impact on the capacity of small businesses to take advantage of the Single Market.

As envisaged first in the Commission's Green Paper on the revision of the consumer acquis and strongly supported by the European Parliament in its resolution of 6 September 2007, the combination of a coherent strategy for targeted harmonisation of consumer legislation combined with an internal market clause will offer the necessary clarity. For business, this is of paramount importance.

We hope that the above comments are given due consideration in preparation of this important proposal.

In view of the future discussions of the College on this proposal, a copy of this letter is being sent to President Barroso and the other Commissioners.

We thank you in advance and remain at your disposal should you wish to discuss this further.

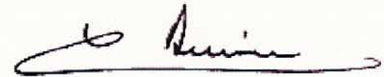
Yours sincerely,



Andrea Benassi  
Secretary General  
UEAPME



Philippe de Buck  
Secretary General  
BUSINESSEUROPE



Xavier R Durieu  
Secretary general  
Eurocommerce