



Ms Eluned Morgan  
European Parliament  
Bât. Altiero Spinelli  
13G254  
60, rue Wiertz  
B-1047 Brussel

9 February 2009

Dear Ms Morgan,

In its position paper of 29 April 2008, BUSINESSEUROPE calls for a framework to be put in place, without hindering development of the internal market, facilitating:

- long-term commercial arrangements based on long-term economics;
- co-investment projects and other projects where risks are shared between producers and users, with prices based on long-term economics and costs actually incurred.

In order to facilitate the creation of such a framework, BUSINESSEUROPE is advocating for the recognition and promotion of downstream long-term contracts within the "Third Package" on the internal energy market.

We were extremely satisfied by the results of the European Parliament's first reading as two amendments on this issue were included in the electricity directive and specifically on Art. 22 c), dealing with Duties and Powers of National Regulatory Authorities.

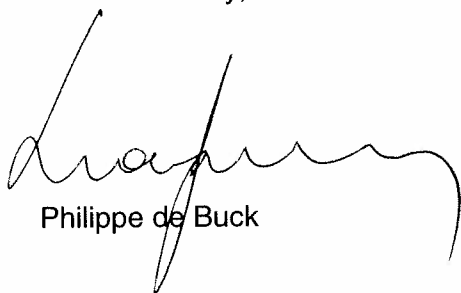
However, in its common position, the Council did not take these amendments into account.

BUSINESSEUROPE believes that the second reading of the "Third Package" should provide an opportunity to insert these amendments in the final provisions.

As you have taken a particular interest in the issue of long-term contracts, we trust that you will be able to support the amendments in the second reading. For ease of reference, the text of these amendments is given in the foot-note below.<sup>1</sup>

We remain at your disposal for any questions you may have.

Yours sincerely,



Philippe de Buck

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<sup>1</sup> The first amendment, number 109, is the following: "*Recognising contractual freedom with regards to long-term contracts and the possibility to conclude asset based contracts providing these are compatible with existing EU legislation.*" The second amendment, number 149, is the following: "*Promoting, having full regard to the Treaty, agreements on a long-term basis between energy consumers and suppliers that contribute to improvement of the energy production and distribution while at the same time allow consumers to share resulting benefits, provided that these agreements can contribute to an optimal level of investments in the energy sector.*"

The second amendment was also adopted by the European Parliament for Art. 24 c) of the gas directive.