



**Mrs Maud Olofsson**

Chair of the Competitiveness Council  
Deputy Prime Minister  
Minister for Enterprise and Energy  
Ministry of Enterprise, Energy and Communications  
Mäster Samuelsgatan 70  
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Dear Minister,

On 3 and 4 December 2009, the Competitiveness Council will discuss legislative proposals on the European Private Company, the Community Patent and consumer rights. In the context of the post-2010 Lisbon Strategy, it will also define its priorities for research, innovation, better regulation, an integrated industrial policy, the Internal Market and the transition to an eco-efficient economy.

On the eve of the **Copenhagen Climate Conference**, BUSINESSEUROPE recalls that any increase of the EU 2020 carbon target to 30 % must be conditional on:

- Equally strong emission reduction targets for developed countries
- Starting a process to create a level playing field for internationally traded goods
- Binding emission targets or policies from advanced developing countries by 2020.

BUSINESSEUROPE strongly supports the Commission proposal on the **European Private Company Statute** (SPE). However, the following elements are key for its success: absence of a cross-border requirement; possibility for the SPE to transfer its registered office to any Member State without any dissolution or creation of any legal person; low minimum capital requirements; and rules on workers' participation determined by the laws governing the SPE's registered office without imposing extra burdens on companies. If amendments to these elements were adopted, the SPE would no longer be attractive for companies and miss its overall objective.

Member States should aim to reach a political agreement on a European common patent jurisdiction and the **Community Patent** dossier. Quality, cost-effectiveness and legal certainty should be ensured. A common patent jurisdictional system should do away with the existing fragmented patchwork of national systems. It should also establish multinational panels with highly experienced judges to apply common procedural rules. Lastly, the Community Patent should meet users' needs and be set up in the framework of the European Patent Convention and article 118 of the Treaty on the Functioning of the European Union (TFEU).

BUSINESSEUROPE is concerned about the ongoing Council discussions on the proposed directive on **consumer rights**, which is being examined almost exclusively from a national angle. Discussions focus on minimising changes to national legal orders. This would undermine the full harmonisation effect and create legal uncertainty and excessive burdens on traders. We urge the Council to make sure that the European interest and the well functioning of the Single Market are at the centre of this proposal.

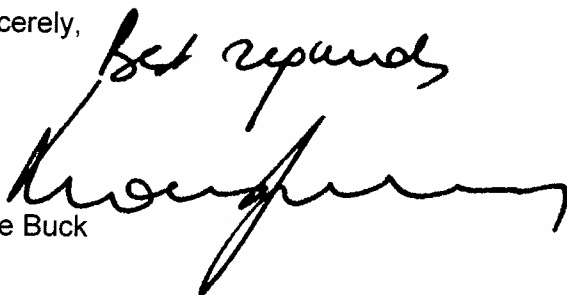
With regard to your debate on an integrated industrial policy for Europe, research, better regulation and priorities for the Internal Market, we urge you to take account of the following points:

- Integrated industrial policy: The conclusions of the May 2009 Competitiveness Council state that favourable, stable and predictable framework conditions should be created, better regulation and internal-market principles should be respected and the volume and effectiveness of public investment in R&D and innovation should be increased. These policy guidelines should be fully implemented by the EU institutions.
- Internal Market: Revitalising the Single Market must be at the centre of Europe's agenda in the coming years. Its growth and jobs potential of the Single Market is not fully realised and has been put to the test by protectionism. Ensuring free movement of people, goods, services and capital must remain at the heart of EU and national policies. Special attention must be paid to improving enforcement and implementation of legislation and information about the benefits of the Single Market.
- Research: The forthcoming European Innovation Plan should enable Europe to raise its profile in the global research and innovation competition. Europe's innovation policy should: increase public and private investments in R&D and innovation, enhance the efficiency of national and EU public support policies, stimulate demand and markets for innovation and integrate better the EU policies which influence innovation

Better regulation: Reaching the target of reducing administrative burdens with 25% by 2012 will be a challenge but remains essential. More must be done for businesses to see real effects in their day-to-day operations. Pending simplification proposals, such as electronic invoicing, should be adopted rapidly. Impact assessments should be used throughout the legislative process. Independent and transparent scrutiny by stakeholders and impartial oversight bodies is crucial. Systematic post-implementation monitoring should be compulsory.

We very much hope that the Competitiveness Council will take our views into account when drawing conclusions from its debates.

Yours sincerely,



Philippe de Buck