



ORGALIME

*The President*

Mr. Günter Verheugen  
Vice President of the European Commission  
200, rue de la Loi  
B-1049 Brussels

Brussels, 2 June 2009

**Orgalime position on collective actions for damages for breach of antitrust rules at EU level**

Dear Commissioner, Dear Mr Verheugen,

*Dear Günter,*

Let me first of all thank you for being with us at our Presidents Board meeting. We very much appreciated the discussion with you and I look forward meeting you soon again as agreed. During the meeting you asked us what specific actions we would like to see taken in the short term to help our companies to face the economic crisis. I will shortly be sending you a list of proposals, but would first of all like to draw your attention to one issue which is extremely important to our companies and which we are very much against.

Orgalime calls upon the European Commission to avoid adopting in haste measures that will have a major impact on the legislative frameworks of the 27 Member States and could introduce in the EU a litigation culture that is alien to European legal traditions.

The European Engineering industry has always been in favour of developing and sustaining a competitive environment in the EU and, in general, agrees with the Commission on the recognition that the public and private enforcement of antitrust rules is fundamental for such an environment. However we are deeply concerned about the legislative instruments that the Commission is discussing and considering as a follow-up of the White Paper on damages actions for breach of EC antitrust rules. We are worried that policy actions and forms of collective redress inappropriate for the legal systems in the EU might emerge from the current discussions. In the attached position we further elaborate our thoughts.

We hope that the Commission will duly take into account our worries. A similar letter has been sent to your colleagues Commissioner Neelie Kroes and Commissioner Meglena Kuneva.

Yours sincerely,

*With best regards and looking forward to meeting you again later this month.*

Robert Mahler

Cc DG Enterprise and Industry: Mr Zourek, Ms Rute, Messrs Ortun, Curavic, Ms Woersdoerfer, Ms Jour-Schröder, Mr Calvo Basaran

*The European Engineering Industries Association*