

DG Internal Market and Services
Company Law
Corporate Governance and Financial
Crime Unit
markt-cq-fin-inst@ec.europa.eu

Brussels, 14th September 2010

Dear Commissioner,

The Council of Bars and Law Societies of Europe (CCBE) is the representative organisation of around 1 million European lawyers through its member bars and law societies from 31 full member countries, and 11 further associate and observer countries.

Please find attached the CCBE response to the Green Paper on “Corporate governance in financial institutions and remuneration policies”.

We do believe that the questions asked in the Green Paper do not address the main causes and political and legal issues that have caused the financial crisis. The CCBE believes that the main causes/issues of the financial crisis still to be addressed politically and legally are the following: the lack of equity capital of the banks; multiple securitization; long-term financing with short-term refinancing; the establishment of Special Purpose Vehicles outside the balance sheets of the banks dealing with a large variety of MBS, ABS and derivative products; the lack of certification of these products and a lack of regulation of such product activities. The CCBE firmly believes that there remains an urgent need to cope with these problems, as they are still unresolved and may cause another financial global crisis in the foreseeable future.

Sincerely yours,



José-María Davó-Fernández
CCBE President