

Date
28 July 2008

Le Président

Fédération
des Experts
Comptables
Européens
AISBL

Avenue d'Auderghem 22-28/8
1040 Bruxelles
Tél. 32 (0) 2 285 40 85
Fax: 32 (0) 2 231 11 12
E-mail: secretariat@fee.be



Mr Mario Nava
Head of Unit
G2 Financial Markets Infrastructure
DG Internal Market and Services
European Commission
B-1049 BRUXELLES

cc Mr Mattias Levin

Dear Mr Nava,

Re: Terms of Reference for the process of Auditing Compliance with the Third Part of the Code of Conduct on Clearing and Settlement

FEE (Federation of European Accountants, Fédération des Experts Comptables Européens) is grateful for having the opportunity to contribute at several stages over the last year to the discussions related to the development of the Terms of Reference for the process of Auditing Compliance with Service Unbundling and Accounting Separation (section 2 of the Terms of Reference) and the related illustrative examples in annexes 2 and 3 of the Terms of Reference based on Articles 42 and 43 of the Code of Conduct on Clearing and Settlement. We appreciated having had the opportunity to participate in the MOG meeting of 21 January 2008 allowing us to clarify the role of the auditor and giving us the opportunity to meet with the infrastructures and regulators. We value the consideration that has been given to our suggestions and comments throughout the process of preparation of the Terms of Reference.

We note that we have not been involved in the development of the Code of Conduct on Clearing and Settlement itself.

We do not disagree with the wording of the Terms of Reference for the process of Auditing Compliance with Service Unbundling and Accounting Separation as specified in Articles 42 and 43 of the Code of Conduct on Clearing and Settlement and the related illustrative examples in annexes 2 and 3 of the Terms of Reference.

Yours sincerely,

Jacques Potdevin
President

Ref: BAN/JP/SS-SR