

To the Secretary General, Mr Fabrice Demarigny,

With great interest we have taken notice of the document (CESR/04-021) concerning the Provisional Mandates under the Future Directive on Financial Instruments Markets (ISD2).

Given the broad range of different investment professionals the VBA represents it is difficult to give a reaction on all the specific topics addressed to in the document.

In general we want to remark that we subscribe to the objectives that are mentioned in paragraph 2.3, access to finance and investor protection. The common objective is that we are all as much as possible shielded from fraudulent and intransparent transactions and we'll all benefit from efficient, fair and competitive markets.

However, we do think that rules must always have a balance for both parties, investors and investment firms. Rules should not have the single objective of protecting the investor or the investment firm only.

We welcome harmonization of rules in the investment arena, but too much detail in the regulation has the risk of suffocating the business by creating a defensive attitude of investment firms such that innovation is slowed or even stopped.

Yours sincerely,  
on behalf of the VBA (Association of Financial Analysts)  
R.Th.H. Willemsen  
S.H.C.M. van de Kamp-Vergeer