**Trade Defence Modernisation**

**Key messages**

1. **More predictability**: Importers need a clause covering effective shipment times from the countries of origin. Pre-disclosure and advance notice are welcome.

2. **Transparency**: EuroCommerce supports the proposed guidelines and additional information on the Antidumping and Antisubsidy Committee.

3. **Involve demandeurs**: Ex officio investigations should not be possible in EU TDI.

4. **Pro lesser duty rule**: The EU should not water down this example of good practice.

5. **Facilitate cooperation**: Importers welcome the proposed longer time-limits for importers, simplified refund procedures and an upgrade of the SME Helpdesk.

6. **Optimise reviews**: The Commission proposals are welcome as far as they reach.

**Background**

Intended to help domestic manufacturers, antidumping, antisubsidy and safeguards cause considerable damage to EU importers and consumers. The latter have a legitimate interest to be spared the adverse effects of EU trade defence action. The trade defence modernisation exercise 2012 can deliver tangible improvements.

**What is EuroCommerce’s position?**

**More predictability**

Uncertainty over new provisional antidumping measures damages business confidence. Importers need to calculate price, quality and quantity in due time. Once passed, orders are binding. They are paid long time in advance, often by irrevocable letter of credit.

**Shipment clause**: No provisional measures should be imposed on goods already being shipped towards the EU. The proposed 3 weeks might cover shipments from some countries nearby, but for imports from other regions more time is needed. EuroCommerce is willing to discuss concerns regarding circumvention and any built-in securities needed.

**Pre-disclosure, advance notice**: The proposed pre-disclosure and advance notice of measures go into the right direction.
**Transparency**
EuroCommerce welcomes improved access to information on TDI cases, including via a new password-protected website. Interested parties need more information on the documents up in the Antidumping and Antisubsidy Committee. The publication of guidelines for Union Interest Test, analogue country, injury margin and expiry reviews is indispensable to enhance confidence in investigation methodology.

**Involve demandeurs**
Ex officio investigations are less effective to discourage retaliation than directly raising such concerns with trading partners in the WTO. Manufacturers demanding action against imports should have to make their case. If at the Commission’s discretion, EU trade defence will appear even more politicised without offering producers reliable protection retaliation. To avoid proliferation of TDI, any obligation to cooperate and ultimately sanctions need to be effective.

**Pro lesser duty rule**
EuroCommerce strictly opposes fraud, circumvention and subsidisation. However, the fight against such practices does not require watering down the same lesser duty rule which the EU itself recommends as a good practice at WTO level.

**Facilitate cooperation**
Extended time limits for importers following notices of initiation, to register as interested party and to answer questionnaires, are welcomed. EuroCommerce supports facilitated refund applications and to make such decisions more easily accessible. Small and medium-sized importers welcome the proposal to upgrade the SME Helpdesk equipping it with two full-time officials and to hold seminars in member states.

**Optimise reviews**
EuroCommerce welcomes the proposed reimbursement of duties paid during expiry reviews. Moreover, if no such review was requested until 3 months before expiry, the Commission should publish a note to importers. Expiry reviews and interim reviews should be combined; interim reviews should be launched systematically by the Commission in case of relevant evidence.

---

Ralph Kamphöner
kamphoener@eurocommerce.be

Last modification: 3 July 2012

---

**EuroCommerce and the commerce sector**
EuroCommerce represents the retail, wholesale and international trade sectors in Europe. Its membership includes commerce federations and companies in 31 European countries. Commerce is a dynamic and labour-intensive sector, generating 11% of the EU’s GDP. Over 99% of the 6 million companies in commerce are small and medium-sized enterprises. The sector is a major source of employment creation: 33 million Europeans work in commerce.