

Do we need trade defence instruments ?
 Are TDI still relevant in an enlarged EU ?

Monique Jones
 Chair UNICE TPI WG

EC-UNICE Seminar on TDI
 Genvat, 14-15 October 2004

YES

- ✓ the rule-based multilateral trade system is about FREE and FAIR trade
- ✓ commitment to the rules ⊃ *legitimate right of defence in case of infringement*
- ✓ globalisation of trade (and industrial activity) ⊃ *greater sensitiveness to disruptive & distorting factors*

Take the TDI for what they are

Trade defence instruments
 =
 tools of a rule-based system

- ⊃ no point in speaking of trade defence policy
- ⊃ need for adjusting, developing these tools in relation to the changing trade and industrial environment

Be consistent with commitments

- Commitment to the rules of free and fair trade
 =
commitment to address injury caused by infringement
- Industry must play by the rules
 =
industry must have the right to effective and unconditional defence

NO COMPROMISE

Operating TDI without compromise

® EC and Member States commitment

- ! attitude vis-à-vis *urgency*
- ! attitude vis-à-vis *other policy considerations*
- ! attitude in respect of *size and mapping of the Community industry*
- ! attitude towards *legal texts (interpretation, adjustments), case law, ...*

Operating TDI with commensurate resources

® EC and Member States commitment

- ✓ to inform about possible recourse actions
- ✓ to conduct proceedings in a consistent, transparent and timely manner
- ✓ to conduct monitoring and take initiative in case of lack of effectiveness
- ✓ to adjust TDI regulations

Operating TDI with effectiveness

® EC and Member States commitment

- ✓ our rights should not be played down
 - ® retroactivity, own initiative provisions ?
 - ® safeguards ?
 - ® gap between EU TDI standards and other countries'
 - ® gap between EU image in trade defence and EU standards and practices
- ✓ administrative timeline should match business timeline
- ✓ lessons should be drawn from lack of effectiveness
- ✓ advantage should be taken from internal EC expertise

The challenges ahead

CONSISTENCY

- ✓ *between and* committing Europe, and its industry, to rules for free and fair trade being cautious in operating the instruments of the right of defence
- ✓ *between and* committing to build a European Union maintaining a fragmented vision of the European Union's industry
- ✓ *between and* committing to a competitive industrial Europe being indulgent to the causes for injury affecting the industry