BUSINESSEUROPE

Ref:
Contact:

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Dear Mr. Depypere, Dear Stefaan

Thank you for your letter on enhanced transparency in trade defence investigations on 25 June 2009. BUSINESSEUROPE looks forward to the implementation and further development of the plan on transparency. We are pleased to see that this plan addresses a number of aspects raised by industry in the course of the dialogue which the Commission re-launched a year ago. In the spirit of this dialogue we would like to share our initial reactions to the initiative.

The quality, structure and accessibility of non-confidential files are important elements in many respects. We believe that the most challenging and fundamental factor here is "quality". Progress in this area will require education of interested parties but also rigorous enforcement of established criteria and guidelines by case handlers. It is essential to ensure equal treatment of all parties in this domain and to establish clearly under which circumstances insufficient non-confidential content would allow recourse to the best-facts-available principle.

Access to a truly informative website will encourage involvement in trade defence initiatives and will facilitate the follow-up of proceedings. Basic information on the progress of proceedings should facilitate communication between the Commission and the interested parties, whilst providing the latter with a communication tool to enable them to act and react on time.

SMEs remain a very difficult issue to address. We share the Commission's frustration in finding the right means to facilitate their involvement in trade defence cases. Both BUSINESSEUROPE and the Commission have made various attempts in the past to encourage and support SMEs in the TDI area with limited success. The strengthening of the European Commission's SME helpdesk is certainly desirable. We would also like to examine the feasibility of establishing a BUSINESSEUROPE network of experts at the disposal of SMEs. This would reduce the human resource requirements on the Commission side and could make the helpdesk more attractive to SMEs by offering them alternative contact points at the initial stages. We will raise this matter at future dialogue meetings.

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Regarding the simplification of questionnaires, BUSINESSEUROPE would greatly appreciate the opportunity to exchange views on this matter with your Services in due course. If simplification focuses on information not directly linked to dumping and injury calculations, it would concern mostly importer and user questionnaires as well as qualitative information which may be relevant to the proper assessment of the situation. If simplification refers solely to the information used for the assessment of community interest, this is a cause for concern. Simplification should not undermine the quality of the assessment of any of the parameters of a case, and it should not be pursued at the cost of reliability and relevance of information, regardless of the interested party.

We also support clarifying and broadening the role of the Hearing Officer. BUSINESSEUROPE is convinced of the importance and usefulness of this function. We realise that there is a significant challenge in establishing boundaries to avoid abusive recourse to the hearing officer which might undermine his effectiveness.

Finally, I wish to take this opportunity to also thank you for an excellent seminar on anti-subsidy which was organised by Mr. Mueller on 23 July 2009. Reactions from our members were very positive on the open minded approach of the Commission to the challenges faced by business in this field. In our opinion, two issues require further clarification. First, there is still a clear imbalance between the time and resources industry needs to devote to anti-subsidy cases and the expected result – even in clear cases of verified and injurious use of subsidies. Second, there is a need to join up Commission policy action to remove subsidies permanently; notably through an improved TBR procedure and strong action at the WTO level. We look forward to future seminars of this type with the Commission on a wide range of subjects in TDI.

Sincerely yours,

Adrian van den Hoven