



Transparency in TDI

**Progress and perspectives
6 months later...**

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Commercial Questions Group
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Where do we stand in respect of...

- **Information and argumentations**
- **Development of proceedings**
- **Methodology**
- **Policy**
- **Decision making**

No quick fix – some quick wins – a lot in process

Major improvement in the general climate regarding TDI operation – back to rule-based approach and stable methodology

Transparency on submissions and EC disclosures

Recommendation

- 👉 uniformly structured, indexed and properly updated NL files – *on-line access strictly restricted* to interested parties and to indexed lists of available documents*work in progress*
- 👉 same level of compulsory requirements on substance in NL files for all parties and greater accountability of EC in ensuring compliance with set standards*experience will tell*
- 👉 no APO system*issue dropped*

Transparency on proceedings

Recommendation

- 👉 reshuffling of EC Trade Defence website → *more user friendly and informative* *well advanced*
- 👉 standardisation of investigation questionnaires (*per type of interested party*) and free access to the latter *work in progress – non-discriminatory simplification is key concern*
- 👉 restricted on-line access to « *case tracking sheets* » (interested parties only) *work in progress – securing confidentiality and restricted access is key concern*
- 👉 disclosure of provisional findings even in the absence of provisional measures *experience will tell*

Transparency on methodology and policy

Recommendation

- 👉 on-line access to a glossary of key terms and concepts used in the assessment of a case ***still to come – should be combined with clarifications on methodology***
- 👉 guide on how to « read » disclosure documents (*on the model of the Guide for drafting a complaint*) ***still to come***
- 👉 on-line comments on WTO DSU rulings concerning TDI methodology and information on EC resulting policy line ***still to come***

Transparency of decision process

Recommendation

- 👍 uniform standard lead-time for replies to disclosures
..... *experience will tell*
- 👍 substantive clarifications on last minute adjustments of findings *experience will tell*
- 👍 access of parties concerned to the composition of the ADC and meeting dates relevant for their case
..... *still to come*

Transparency in TDI

↪ **openness**

↪ **communication**

↪ **accountability**

Most of current action plan addresses openness and communication

The accountability dimension is not given enough attention

It concerns

- ✓ investigating authorities
- ✓ decision-making authorities
- ✓ complainant industry
- ✓ other interested parties

It requires more visible and actual commitment to play by the rules of the game (e.g. cooperation of interested parties, « positive » attitude of authorities)

Conclusions

The direction is taken for a successful process towards more transparency that is building on

- **compliance with the existing Rule**
- **no misuse of « transparency » for disguised changes to the Rule**
- **awareness of each other's obligations, and strict compliance by all to the latter**