



Phil Hogan
Commissioner for Trade
European Commission
200, rue de la Loi
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Dear Commissioner, dear Phil,

The post of Chief Trade Enforcement Officer was planned to be filled in early 2020 at the level of Deputy Director General within DG Trade. With the current situation severely challenging Europe on many fronts it is of course understandable if some initiatives are slightly delayed. Nevertheless, we would like to share with you our thoughts on the role and the tasks of the new Chief Trade Enforcement Officer.

Appointed by the College of Commissioners, the Enforcement Officer will be responsible for monitoring and improving the compliance of the partners of the European Union with the trade agreements to which the European Union is a party.

BusinessEurope welcomes the efforts aimed at providing the European Union with more effective instruments and efficient structures to defend its interests at a time of unprecedented global uncertainty in trade policy. We believe the Chief Trade Enforcement Officer will contribute to furthering the objective of a European Union that shows leadership and assertiveness in the area of international trade. We also welcome the efforts by the Commission to better implement the EU's trade agreements to make sure they are used to their fullest potential.

As the responsibilities for the new post will be defined in the coming weeks, we would like to seize the opportunity to present proposals for principles that should inform the role and specific tasks of the Chief Trade Enforcement Officer.

- The Chief Trade Enforcement Officer should focus on the enforcement of trade agreements to which the EU is a party, be them multilateral, plurilateral or bilateral, as well as on problems to access third markets that arise within the context of the Market Access Partnership.
- The creation of the position of Chief Trade Enforcement Officer should not lead to protectionist measures.
- The first objective of the Chief Trade Enforcement Officer should be to find an amicable solution with the relevant authorities of the Third Country in the shortest period of time. This requires action as soon as a problem has been identified and reported with substantiated evidence by member states, EU delegations in third countries or relevant Commission services, business or other representative stakeholders. The Chief Trade Enforcement Officer should be able to initiate cases at his/her own initiative, too.
- Free trade agreements (FTAs) are of limited value to business if there is insufficient capacity or willingness to secure their full implementation and enforcement. The



European Union should not shy away from launching dispute settlement mechanisms if an FTA partner does not comply with the agreements' terms and from withdrawing FTA commitments when warranted.

- For issues arising in the context of the Market Access Partnership, a better coordination between national efforts on trade diplomacy and EU-level efforts is needed. In this regard, business should be involved. Member States' efforts should be further encouraged to support the EU's efforts in solving trade irritants.
- The Chief Trade Enforcement Officer should act on the basis of a clear mandate and be accountable and transparent. A report on the ongoing and planned activities and priorities should be published yearly.
- The Chief Trade Enforcement Officer should engage in a regular and structured dialogue with stakeholders and civil society organisations, to ensure all views are represented in a balanced manner.
- The level of ambition mentioned by Commission President Ursula Von der Leyen and yourself should translate into a higher level of resourcing for this function. If his/her Office only gathers existing staff allocated to market access, Anti-Dumping/Anti-Subsidies and dispute settlement, it will be only a reorganization and not a step change. The Chief Trade Enforcement Officer should have enough resources and responsibilities to ensure the consistency of enforcement-related actions across Commission services. In the worst-case scenario that we hope will not materialise, the Commission should be prepared to handle a heavy workload in the years ahead, and at least until the WTO Dispute Settlement function is fully restored.
- The creation of a Chief Trade Enforcement Officer should be streamlined and not lead to duplication or competing responsibilities with existing structures in the European Commission.

We trust you will give due consideration to the suggestions we put forward and remain available to discuss them further with you and your services.

Yours sincerely,

Markus J. Beyrer