

Brussels, **01 FEB. 2018**  
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Dear Mr Ewert,

Thank you very much for your letter of 9 January 2018 concerning your proposal for increased transparency of the EU trade defence instruments (TDI) system. Let me also use the occasion to convey to you my best wishes for a successful year.

You can rest assured that I remain committed to as transparent trade policy action as possible and that this commitment certainly also extends to TDI.

As you know, in line with the "Trade for All" Communication, the Commission has implemented a series of transparency initiatives. Indeed, in view to increase access to the files for interested parties, the TRON platform is now fully operational, including a notification module through which the Commission formally communicates and notifies the parties in each procedural step. Secondly, with regard to transparency towards the general public, since May 2016, we systematically publish online executive summaries of all complaints or requests for a review. Thirdly, and beyond the commitments set out in the 2015 Communication, my services now disclose to each interested party that has been subject to a verification visit a full mission report of that visit. Also, a non-confidential version of such a report is included in the file accessible to other interested parties. Indeed, the outcome of the verification visits can prove critical for the findings in relation to certain companies, and such a move can contribute to avoid unnecessary litigation. This specific transparency measure applies to all proceedings initiated since 1 August 2017.

I remain open to considering further initiatives to increase transparency and your attached proposal indeed provides a useful perspective, together with interesting practical elements. That said, the proposals you have made are rather complex and would require legislative changes.

However, as you rightly point out in your letter, 2017 was a busy year in the TDI area, with intense work on the two legislative proposals on a new calculation methodology and the modernisation of trade defence rules.

Mr Christian Ewert, Director General  
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Many of these revamped rules, once in force, will feature improvements in the transparency front. For example, a three-week pre-disclosure period will be introduced prior to the imposition of provisional measures. Moreover, there will be a three-week advance notice by the Commission in case of non-imposition of measures. There will also be more general information made available to the public on the functioning of the TDI system in the EU. For instance, in order to render the SME Helpdesk function effective, we will prepare a new SME guide for stakeholders potentially affected by TDIs and organise as well a series of targeted seminars for SMEs.

The implementation of this legislation, including the above-mentioned transparency measures, entails a considerable workload. It is paramount that the Commission concentrates on the transposition of the new rules with a view to ensuring an efficient and effective TDI system. I want to be certain that our new legislation is fully implemented, and functions well before considering any further initiatives, such as granting further access to TDI files.

I am confident that the robustness of these reforms will bring benefits to all operators and constituencies, including yours.

I remain open to continuing the discussion on the best ways to further improve transparency in TDI proceedings.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Cecilia Malmström', with a large, stylized initial 'C' on the left and a horizontal flourish at the end.

Cecilia Malmström