

Cecilia Malmström
EU Commissioner for Trade
European Commission
Rue de la Loi 200
1040 Brussels

9 January 2018 - Brussels

Dear Commissioner Malmström,

First of all, let me wish you all the best for 2018. I hope that you had a relaxing and festive break over the Christmas period.

At the last General Assembly in June, our members voted in favour of a name change of the organisation from *Foreign Trade Association* to *amfori* – a name that reflects the sustainable trade of goods and commodities that was for centuries conducted via the use of amphorae. The change became effective on 1 January 2018. We also introduced our new strategy: *Vision 2030*. This embraces an increased understanding of the relationship between trade and sustainability, with a greater concentration on sustainability issues, and is reflected by our underlying principle “Trade with purpose”.

Linked to new patterns of trade and commercial policies, one area I and my team have greatly appreciated is the openness, that is now established policy, concerning negotiations with third countries and with trade policy in general. This greatly enhances our ability to do what we do. However, one area of trade policy that is sadly lacking in transparency is anti-dumping and anti-subsidy.

Our 2015 position paper on this issue was well-received by you and your team and so I was delighted to find that transparency in AD investigation was included in your strategy *Trade For All* and later to see that an impact assessment and/or public consultation was scheduled for Q3 in the DG Trade Management Programme for 2017. Unfortunately, this did not take place and whilst I fully appreciate that work on the new methodology and modernisation will have taken up a great deal of time (and was the reason my team did not raise transparency in 2017), I hope that this has only been postponed rather than abandoned.

Our proposal, which I attach as a reminder, envisages a system that would allow authorised parties taking part in an anti-dumping/subsidy investigation to have access to confidential information held on file. Evidently, this would be subject to certain restrictions – notably the signing of a non-disclosure agreement and penalties for any abuse. A similar system has been in place in the US, the Administrative Protective Order (APO), since 1979 and practitioners acting for importers, users and producers consider it an invaluable tool. The seriousness that it is taken in the US has resulted in no instances of confidential information being distributed and I see no reason to doubt the same would apply here.

Although there has been some improvement in transparency, notably the TRON system giving access to interested parties to the “open file”, full transparency is crucial to enable interested parties to properly take part in investigations. I believe that with your support a system similar to the APO can be implemented in the EU to allow this to happen. The idea is also gaining support in the EU Courts where recent judgments have highlighted the need for proper rights of defence. Now that the new methodology has come into force, and the modernisation changes almost at a close, I believe the time is now right to address the transparency issue once again.

I look forward to hearing that you are still committed to this idea and remain open to meet with you, or your cabinet, at your convenience.



Christian Ewert
Director General