



EUROPEAN COMMISSION

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Dear President,

On behalf of the European Commission, I would like to thank you for transmitting the comments of the Assembleia da República on the 28th Annual Report on the EU's anti-dumping, anti-subsidy and safeguards activity (2009) {COM(2010)558 final}. I apologise for the extremely long delay in replying to your Opinion.

The European Commission would like to recall that this report to the European Parliament sets out a factual state of play on the EU's activity in the area of trade defence for the year under review. As such, it is limited in its scope and does not purport to present any policy initiatives in the area of trade defence. The data on activity is presented against a backdrop of information describing the most important aspects of the legislative framework in which this activity takes place.

The European Commission welcomes the comments on the report and would like to respond to some of the issues you have raised. The EU remains a vigilant, but also prudent, user of the trade defence instruments. The circumstances in which anti-dumping, anti-subsidy and safeguard measures may be applied are described in detail in the EU legislation, which fully reflects WTO disciplines in these areas. It is important to recall that the process is complaint-driven and the Commission examines all requests lodged for trade defence action by EU industry. It is only where the conditions for action are fully met that any measures will be imposed. In 2009, these justified actions impacted on 0.6% of imports into the EU. It should be recalled that the aim of these instruments is to address instances of unfair trade, not to hinder legitimate trade by creating unfair barriers.

The EU makes every effort to ensure that these instruments are not used in a protectionist way, as the EU's trade policy is based on the premise that trade liberalisation backed by internationally agreed trade rules is a key element in achieving economic growth.

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Improving access for SMEs to these instruments is only one aspect of an ongoing process to continually enhance the EU's application of trade defence rules. Other initiatives, such as improved transparency and access to information, are part of an ongoing EU strategy to achieve the highest possible standards, while fully ensuring the rights of interested parties in all trade defence cases. As regards EU exporting companies, the trade defence services actively monitor third country trade defence activity in order to identify and address, including if necessary at WTO level, protectionist measures by our trading partners. Assistance to EU industry affected by third countries cases as well as ongoing training for these authorities in the administration of trade defence rules are also key elements in the EU's efforts to ensure that trade defence is used only in full conformity with WTO rules.

The European Commission looks forward to continuing co-operation with the Assembleia on any future discussions on trade defence matters.

Yours faithfully,

*Maroš Šefčovič
Vice-President*