

**Eurometaux position**  
**Modernisation of EU's Trade Defence Instruments**  
**14/11/2013**

In view of the package of the European Commission proposals on modernisation of Trade Defence Instruments (TDIs) and following the discussion in the European Parliament, Eurometaux would like to point out its main priorities on the matter.

Eurometaux is a devoted supporter of free trade, provided this trade is fair. Trade defence instruments – anti-subsidy and anti-dumping measures – are the tools available to the European industry to defend its companies against these unfair practices and restoring fair global competition.

**Remove the lesser duty rule**

The provision in the legislative proposal to remove the lesser duty rule reflects the broader EU Trade strategy on raw materials. Indeed, distortions in the costs of raw materials and energy provide EU competitors with an unfair advantage resulting in a disproportionate high impact on the competitiveness of EU industry. Therefore, our industry would welcome the removal of the lesser duty rule, which will make sure that third countries government distortions are fully corrected.

**Ensure faster introduction of provisional duties**

While the EC Basic Regulation on Anti-Dumping and EC Anti-Subsidy Rules provide for the possibility of imposing provisional anti-dumping measures in 60 days after the official launch of investigation, in the current EU practice the provisional measures are usually imposed after nine months. From the moment industry raises its concerns with the Commission and given the time of preparation to lodge a complaint, it takes far too long in the EU to impose provisional measures. Thus, we consider as a positive step Commission's commitment that was introduced in the Communication's document, to introduce provisional measures two months faster in anti-dumping and anti-subsidy cases. If compared with the practice of major trading partners (three to five months) – we believe that even six months is widely recognized as necessary in today's fast moving trading environment.

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In addition to that, we strongly believe, that the commitment to faster imposition of the provisional measures should be incorporated as a part of the legislative proposal and as consequence, become a normal EU practice.

**Prevent any further weakening of TDIs via introduction of the shipping clause and the automatic refund of anti-dumping duties in expiry reviews**

While supporting the Commission's initiative to increase transparency and predictability of EU Trade Defence Instruments, Eurometaux believes that the changes introduced in European TDIs should not result in any further weakening of the system. This would be the case should the shipping clause and the automatic refund of anti-dumping duties in expiry reviews be introduced. European TDIs system is already very advanced in comparison with the main global partners. Therefore, Europe should desist of further "WTO +" provisions, especially at the moment when the WTO DDA negotiations are making no progress.

**Secure TDI modernisation measures adopted as a single package**

In line with the European Parliament, we believe, that the TDI modernisation measures should be adopted as a single package. Once adopted, the legislative proposal may have consequences on the TDIs Guidelines. Furthermore, the adoption of TDI's modernisation measures as a single package will allow all stakeholders to have an overall understanding of the impact of the new measures proposed.

In addition to that, we are convinced that TDIs Guidelines should only reflect the consistent practice of the Commission remaining within the scope of the EC Basic Regulation on Anti-Dumping and EC Anti-Subsidy Rules and should not introduce new elements or concepts that are not clearly covered in the Basic Regulations.

**Eurometaux represents the European Non-Ferrous Metals industry**

- **Non-ferrous metals contribute to the European creation of wealth and jobs:** they represent 2% of EU GDP and create **450,000 direct jobs and over 1 million indirect jobs** in Europe. Their use in high-tech and high added-value activities makes them very valuable to the EU's economy and competitiveness.
- **The non-ferrous metals industry is indispensable for modern society.** Thanks to their intrinsic properties – including durability and recyclability - non-ferrous metals are vital in order to meet essential societal needs and to build a low-carbon economy.

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