



REA comments on Trade Remedies Policy Papers

The REA is now taking steps to join the MTRA. The comments below are therefore additional to those already made by the MTRA in relation to the following Policy Papers:

- “Stakeholder Engagement Trade Remedies Reviews – Policy Paper”
- “Stakeholder Engagement Reconsideration and Appeals of Trade Remedies Decisions – Policy Paper”

Comments on “Stakeholder Engagement Initiation and Conduct of Investigations – Policy Paper” have been submitted separately. We look forward to receiving the “mature policy proposals” relevant to Schedule 4, Paragraph 9(3) (e), (f), (g), (h). These are areas of particular concern to our members.

As an overarching question to the entire trade legislation package, we would like to know where the many public notices referred to are to be published. The European Commission makes use of the Official Journal for such communication. Will there be a similar communication medium in the UK system?

“Stakeholder Engagement Trade Remedies Reviews – Policy Paper”

Additional comments

1. In the REA response to the Policy Paper on “Initiation” we made the point that an individual company should be able to make an application provided it met the WTO “standing requirements”. This option should also be available for “Reviews”.
2. The MTRA response on “Reviews” picked up on the unclear wording on the definition of a trade or business association in the Policy Papers on “Initiation”, “Reviews” and “Appeals”. The REA represents a very wide range of often competing technologies and sectors. It would be impossible for the REA as a trade association to initiate action based on the definition - “a majority of members of which are producers, exporters or importers of the product concerned”. The definition should be, as suggested by the MTRA, that the trade association should represent “a majority of the producers of the product concerned” in all 3 Policy Papers – i.e. for initiation, review and appeal.
3. We look forward to receiving proposals on transition reviews as referred to in paragraph 5 of the Policy Paper.

“Stakeholder Engagement Reconsideration and Appeals of Trade Remedies Decisions – Policy Paper”

Additional comments

1. Application for reconsideration (29-30). The MTRA has requested that there should be some governing principles to ensure that it does not become automatic that all more substantive issues are referred on to the Upper Tribunal. The REA supports this and notes that the involvement of the Upper Tribunal has cost implications for the interested parties that would not be present for reconsideration.
2. Representations and information in application for reconsideration/Treatment of confidential/non-confidential. The REA would repeat its comments on “Initiation” where we said:
 - On “Treatment of Commercial Information”, is there to be a specified form of wording to denote “confidential” information?
 - The requirement for a non-confidential summary is noted, but guidance must be given on what to provide if information cannot be summarised – for example, specific data/numbers on individual company production and sales volumes and values which, if disclosed, would give advantage to a competitor.”
3. Outcome of TRA’s reconsideration (42-46). If the TRA recommends a variation of duties as a result of a calculation error, the procedure outlined involving the Secretary of State seems unnecessarily cumbersome.

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