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WORKING DOCUMENT

From:	DK Delegation
To:	Working Party on Trade Questions
Subject:	Amended Enforcement Regulation - Comments by Denmark

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 654/2014 of the European Parliament and of the Council concerning the exercise of the Union's rights for the application and enforcement of international trade rules (doc. 15088/19)

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Comments by Denmark

Denmark would like to thank the Presidency for the opportunity to provide comments and questions to the proposal for regulation amending Regulation (EU) no 654/2014.

Please find below the following questions from Denmark to proposal for regulation;

Method of calculation

In relation to a question raised at the previous working party on 14 January2020, we would like to know more about the precise calculation of a measure under article 3.a.a and 3.b.b of the proposed regulation. At the working party, the Commission referred – in general terms – to the usages of established guidelines and principles within this area. We would like to understand which specific guidelines and principles are meant, how they are applied and preferably, if examples of their application could be provided?

Access to recourse

- In terms of application of either article 3.a.a. and 3.b.b. by an implementing act, we would like to understand *who* and *how* it will be decided, if and when the third country concerned has brought itself into compliance?
- In relation to this question, would the third party have access to recourse within article 21.5 of the DSU and thereby have the possibility for an independent panel to determine, whether it has complied with the conclusions and recommendations contained in the unadopted panel report?

Application of the enforcement regulation

In term of expectations, would the expansion of the amendment lead to further application of the regulation – compared to the past?