

Public consultation on an EU Anti-Coercion Instrument

Fields marked with * are mandatory.

Introduction

In recent years, there has been an increase in the practice of non-EU countries seeking to coerce the EU or EU Member States to take – or not take – particular measures. Non-EU countries seek to coerce sometimes by using measures that restrict trade or investment to the detriment of EU economic operators. Such practices unduly interfere with the legitimate policymaking space of the EU and its Member States.

This consultation is about the European Commission's commitment to propose a [new legal instrument to deter and counteract such coercion](#). The consultation is open to all organisations and individuals (both in the EU and outside). It is available in all official EU languages, and respondents may reply in any of those languages. It consists of a survey divided into 4 substantive sections, with an opportunity for respondents to submit further information (such as a position paper) at the end.

This initiative is distinct from initiatives announced in the [Communication "The European economic and financial system: fostering openness, strength and resilience"](#). As announced in that Communication, the Commission will work on additional policy options to further deter and counteract the unlawful extra-territorial application of unilateral sanctions by non-EU countries to EU economic operators (including possibly by amending [Regulation \(EC\) No 2271/96](#), the 'Blocking Statute').

The Commission will pursue both initiatives and will ensure they are consistent. Information obtained in the consultations for each initiative that is relevant to the other will be shared (and any confidential information protected).

About you

* Language of my contribution

- Bulgarian
- Croatian

- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* First name

Angelina

* Surname

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* Organisation name

255 character(s) maximum

CEEP-Central Europe Energy Partners

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

* Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
|-------------------------------------|--|-------------------------------------|--|
| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |

- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden

- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom

- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

If you have questions about the treatment of confidential information or generally about the initiative, contact us: trade-anti-coercion@ec.europa.eu

* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

Coercive practices by non-EU countries - problem definition

1. Do you agree with the following provisional definition for coercive practices by non-EU countries?

Coercive practices by non-EU countries are measures which seek to, or could, coerce public authorities in the EU to take, not take, or withdraw, particular policy measures. These practices may include the use or threat of coercion, possibly in the form of trade or investment restrictions. The coercion may or may not be based on existing legislation, and can affect any field in which the EU or its Member States are active.

- Yes
 Partly
 No
 Neutral

Would you suggest to change it or add anything?

1500 character(s) maximum

The EU is a credible supporter of international cooperation, multilateralism and the rules based order, which are critical to the EU's interests. For this reason EU needs to be extremely precise about measures countering coercive action. The currently proposed scope defining coercive action as aimed at public authorities policy goes in the right direction. However, additional adjustments for making the definition more precise would be advisable.

In the proposed definition of coercive practices, the wording: 'which seek to' and 'could seek to...' is too vague. Not always measures which 'could seek to coerce public authorities in the EU' should be describes as coervise practises. Similarly, the phrase 'possible in the form of' is not precise enough and could cause interpretation problems.

2. In your experience, are the following elements present when a non-EU country takes coercive action (whether directed at the EU, an EU Member State or another non-EU country)?

	Always	Often	Sometimes	Rarely	Never	No opinion
Intention or potential to interfere with policy choices of another country	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reaction to a specific policy measure or inaction by another country	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In the form of measures that restrict trade	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In the form of measures that restrict investment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In the form of other economic restrictions	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In breach of international law	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other elements and further comments

1500 character(s) maximum

3. Would you differentiate between different types of coercion – in general or by describing a specific case? If you describe a case, try to provide evidence.

1500 character(s) maximum

4. Do you have evidence of non-EU countries' legislation either specifically designed to impose coercive measures on other countries or that can be used for that? Or evidence of unwritten measures or practices that are used for coercion?

Please make your entries in the table below.

We recall that your contribution will be published only in accordance with your indicated preferences. If you want to submit confidential information please contact us at trade-anti-coercion@ec.europa.eu.

	Country	Piece of legislation, written or unwritten measure - describe	Type of coercive action	Cases when the coercion was applied (countries involved/timing /sector, etc.)	Objective	Effect	Other relevant information
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

5. For the countries indicated above (or for other countries), can you specify how long the internal decision-making process took or the adoption of coercive measures took or would take, counting from the internal decision until entry into force?

	Country	Instantly / Under 10/30/60/90 /180 days/ Under a year / Longer	Further comments
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

6. Is there currently an imminent threat of a coercive action by a non-EU country towards the EU, its Member States or another non-EU country? Please indicate the countries involved and situation.

1500 character(s) maximum

We are not aware of any imminent treat, however in our opinion energy market needs to be closely monitored in this regard. The EU must be able to secure its energy security and to apply its own energy regulations. It refers in particular to relations between the EU and the countries that have used energy export as a foreign policy tool in the past.

7. Do you know of any particular coercive action that was planned by a non-EU country towards the EU, its Member States or another non-EU country (for example over the last 5 years) but did not materialise? Please indicate the countries involved and situation.

1500 character(s) maximum

See answer to the Q6.

8. Is there any threat in the medium to long term of a particular coercive action by a non-EU country towards the EU, its Member States or another non-EU country? Please indicate the countries involved and situation.

1500 character(s) maximum

See answer to the Q6.

9. Could you tell which areas or sectors could be affected most if a particular non-EU country uses coercion? Why?

1500 character(s) maximum

See answer to the Q6.

10. What do you think are the possible drivers of the coercive practices by non-EU countries?

	Very often	Often	Sometimes	Rarely	Never
Efforts to avoid political, economic or other effects of actions by the EU, Member States or other countries	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Efforts to prevent EU, Member States or other countries from regulating	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Imposing one's own economic or other model abroad	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Imposing the commercial interests of their national companies abroad	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Efforts to limit or influence the conduct of other countries' economic operators somewhere in the world	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Further comments

1500 character(s) maximum

The behaviour of countries with have used energy export as a foreign policy tool should be closely monitored. Especially it should be closely analysed, what influence these third countries have on the EU (and individual MS) policy-making process, and whether this influence has impact on level playing field in the energy market. This should include the actions as defined in Q1

11. What are the consequences for the EU or its Member States as a target of coercive practices by non-EU countries?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Loss of jobs and business (opportunities) or investment (opportunities) abroad	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic costs (other than those above) which distort competition	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They weaken the EU's open strategic autonomy .	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They undermine the freedom of action for the EU or its Member States to regulate within their own jurisdictions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Further comments

1500 character(s) maximum

See comment to Q10.

12. If you are a public authority, or could describe the experience of a public authority, what effects, including costs (direct or indirect), have been experienced because of coercive practices?

Try to provide evidence (if possible, quantitative) and link these effects to the examples of coercive practices you have given in questions 4 to 8. If some of the effects are also due to the extra-territorial application of sanctions by a non-EU-country, please mention those separately.

1500 character(s) maximum

13. If you are an economic operator or could describe its experience, describe any specific effects, including costs (direct or indirect), experienced because of coercive practices. What effect did this have on the sector or other interests, economic or otherwise?

Try to provide evidence (if possible, quantitative) and link these effects to the examples of coercive practices you have given in questions 4 to 8. If the costs are economic, can you estimate by what percentage they increase the cost of selling your product/service? If some of the effects are also due to the extra-territorial application of sanctions by a non-EU-country, please mention those separately.

1500 character(s) maximum

14. As announced in the [Communication "The European economic and financial system: fostering openness, strength and resilience"](#), the Commission will work on additional policy options to further deter and counteract the unlawful extra-territorial application of unilateral sanctions by non-EU countries to EU economic operators (including possibly by amending Regulation (EC) No 2271/96, the 'Blocking Statute').

How the present anti-coercion initiative and future EU initiatives countering the extra-territorial application of non-EU countries' sanctions can reinforce each other to guarantee the EU's [open strategic autonomy](#)?

1500 character(s) maximum

The EC should be very careful not to duplicate similar initiatives, as this would lead to a suboptimal allocation of resources. The EU should focus on further developing the EU mechanism of monitoring foreign direct investments. Furthermore, the coherence with the existing instruments like the blocking statute should be considered. In case of any planned adjustments, the options need to be carefully analysed, in order to achieve balance between the protection of the EU companies and respect for contractual arrangements as well as the freedom of companies to conduct their individual business strategies.

Policy Intervention

The initiative is considering various policy measures in designing a regulation (by the European Parliament and the Council) to empower the Commission – in specific situations where coercion is involved – to intervene in the form of trade, investment or other policy measures against the non-EU country responsible.

Provisionally, such regulation would:

- Specify the situations ("**triggers**" – economic coercion or other coercive activities inconsistent with international law) in which action could be taken. These triggers would be the same for all non-EU countries.

- Specify the types of **countermeasures** to be used when a concrete situation arises: trade, investment or other measures in the remit of the EU, which would be adopted consistently with public international law.
- Be applied by the Commission through either implementing or delegating acts within the meaning of Articles 290 and 291 of the Treaty on the Functioning of the EU.
- Include specific procedures for stakeholder consultation and participation.

This section discusses the need for and appropriateness of an EU policy instrument, and the possible triggers and countermeasures it might contain.

15. Is an EU policy instrument needed to tackle coercive practices by non-EU countries that are directed at the EU or its Member States?

Please bear in mind that when the coercive action is directed at the EU, action at Member State-level is not possible (trade policy measures are taken exclusively at EU level).

- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

Further comments

1500 character(s) maximum

The framework needs to be coherent and needs to include MS. However such a measure should be adopted in a form of a Regulation. Adopting the EU countermeasures through either implementing Act or Delegated Act would ignore complicated nature of coercive practices of third countries. Without properly established process including a consent of Member States, enacting of trade, investment or other policy countermeasures might lead to more harm than gains. Moreover, any attempt of top-down approach in this regard may force some Member States to act inconsistently with their foreign policy objectives. It is of great importance to specify these "triggers" carefully and responsibly so that the proposed instrument would be used only when vital interests are at stake.

16. If you think there is a need for an EU policy instrument to tackle coercive practices, how pressing is it?

- Pressing need
- Medium to long term need
- Possible need
- No need
- Neutral

Further comments

1500 character(s) maximum

17. Assuming an EU policy instrument is necessary, its general objectives (including for its concrete use) should be the following, to ensure the degree of intervention is appropriate:

	Yes	No	Neutral
Deterrent effect, discouraging non-EU countries from attempting to coerce the EU or a Member State, given that doing so could trigger an EU reaction under the instrument	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Imposing an economic cost on the non-EU country coercing the EU or a Member State through countermeasures under the instrument	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inducing the non-EU country to discontinue its coercive action, through the effect of the EU's (potential) use of the instrument	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enhancing the EU's open strategic autonomy (and safeguarding EU interests) through the existence and the use of the instrument	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Further comments

1500 character(s) maximum

The EU policy framework should be coherent and should support international cooperation, multilateralism and the rules based order. Therefore, the framework should be focused on enforcing WTO rules and EU legislation. It should also involve MS in order to keep maximum coherence between the EU actions and MS actions in foreign policy.

18. Assuming an EU policy instrument is necessary, in which circumstances should the EU use it to take countermeasures?

	Yes	No	Neutral
In any case of coercion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Only when the coercion breaches international law	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Only if there is no international adjudicative decision against the EU on the matter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Only when the coercion has significant negative impact	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Only when the coercion has significant negative economic impact	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Only when the coercion has significant negative impact on autonomous decision-making in the EU	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Only in exceptionally sensitive cases	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Only when the coercion affects certain areas	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Only after an attempt for a negotiated or diplomatic solution	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Only after giving the non-EU country a period to withdraw its measures	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Only as a last resort	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Further comments

1500 character(s) maximum

Any consideration for usage of countermeasures should take into account possible negative impact these measures may have on the UE efforts to strengthen its relations with strategic partners in line with the values of democratic, open and inclusive societies. The EU has to consider not only short-term consequences of conflict escalation, but also long-term consequences for the international cooperation, multilateralism and the rules based order.

19. Should the instrument be used by the EU only if the seriousness of the coercion surpasses a certain threshold?

- Yes
 No
 Neutral

20. Assuming an EU policy instrument is necessary and appropriate, are there circumstances in which the EU should not act? In other words, should there be exceptions to using the instrument? If so, which, and why?

1500 character(s) maximum

21. Indicate in the table below any concerns you might have about an EU policy instrument and its application.

Note that this question seeks general information only. Specific effects in relation to the scenarios of policy intervention or no intervention are discussed in separate questions below.

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Cannot effectively address coercion	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Would harm relations with non-EU countries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
May result in costs to businesses and consumers, if the measures under the instrument are applied	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Would lead to escalation in international relations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Would risk retaliatory measures (albeit illegal) which will result in costs to businesses and consumers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not needed. There are other means (and instruments) to tackle coercion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Further comments

1500 character(s) maximum

We agree that the EU needs tools to protect its trade interests and counter coercion. In this regard it should be an EU priority to pursue reform of the World Trade Organization (WTO) across all of its functions. The WTO has provided a stable and predictable trading environment, allowing for a massive expansion of global trade, whilst providing a framework for settling trade disputes through adjudication. This system has been functioning since 1995. Since then, 600 disputes have been brought to the WTO and over 350 rulings have been issued. In view of this, the EU, together with the like-minded global partners, should strive for adoption of reforms of the WTO focusing on restoration of a fully-functioning WTO dispute settlement mechanism with a reformed Appellate Body. Moreover, the Commission announced its work amending Regulation (EC) No 2271/96, the 'Blocking Statute'. This, together with the WTO reform may prove to be sufficient set of tools to defend the EU's trade interests.

22. If an EU policy instrument is not necessary or appropriate, what other options does the EU have to tackle coercive practices (if there is a need to tackle them)?

1500 character(s) maximum

23. Countermeasures

An anti-coercion instrument would include the possibility of responding to coercion with countermeasures. The countermeasures would be directed at the country responsible for the coercion.

EU law already includes instruments that allow countermeasures in specific situations. For instance, the [EU Trade Enforcement Regulation](#) covers a range of possible countermeasures, on trade in goods, trade in services, certain trade-related aspects of intellectual property rights and certain public procurement measures.

Note that any countermeasures can only be applied consistently with EU and international law. Therefore, please assume that all the examples below would meet this requirement.

23.1. Would the types of countermeasure of the [EU Trade Enforcement Regulation](#) be appropriate and effective in an anti-coercion instrument? Which areas should be prioritised in the selection?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Import and export restrictions on goods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Restrictions on trade in services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Restrictions on public procurement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Restrictions on trade-related aspects of intellectual property rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Further comments

1500 character(s) maximum

Any decision to launch countermeasures should take into account possible negative impact of these measures on the EU efforts to strengthen its relations with strategic partners in line with the values of democratic, open and inclusive societies. The EU has to consider not only short-term consequences of conflict escalation, but also long-term consequences for the international cooperation, multilateralism and the rules based order.

23.2. Bearing in mind the countermeasures available under the [EU Trade Enforcement Regulation](#), what additional types of countermeasures should feature in an EU anti-coercion instrument?

Note that the Commission will be reviewing the EU Trade Enforcement Regulation, in line with its Article 10, and your reply may also be of use in that review.

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Further restrictions on trade in goods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Restrictions on investment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Further restrictions on public procurement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Further restrictions on trade-related aspects of intellectual property rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Restrictions in other aspects of trade	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Further comments

1500 character(s) maximum

23.3. Is there any type of countermeasure, field or sector that should be excluded from an EU anti-coercion instrument? Which one and why? How would an exclusion affect the effectiveness of the instrument?

1500 character(s) maximum

23.4. For specific non-EU countries, which fields or sectors should be chosen for the countermeasures, if they are to be most effective in deterring coercion?

1500 character(s) maximum

24. An EU anti-coercion instrument should provide for clear, objective criteria for designing and applying countermeasures. Which ones?

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Minimum collateral effects, such as direct and indirect cost for EU business and consumers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Capable of inducing compliance by the coercing country	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary measures only (not indefinite)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Countermeasures proportionate to the harm inflicted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Smallest possible administrative burden for EU and national authorities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General EU interest (EU actors affected)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Type of countermeasure linked to the type of coercion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reaction in the same sector where the coercion takes place	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Further comments

1500 character(s) maximum

Undoubtedly, only properly established criteria could guarantee objective decisions to be taken. The challenge in this case is to formulate the criteria in a way that could reflect finely nuanced circumstances of international relations. Additional key criterion, that should be implemented is an assessment if the real target of “coercion or the threat of coercion against the EU or a member country” is an issue that all Member States support and is in line with the agreed EU policies.

Controversial issues, that are promoted by individual Member States (not the EU as a whole), against other EU Member States and also the EU's global partners, especially issues that contradict the principle of solidarity between Member States should not be eligible for countermeasures.

25. What should be the time limit for the countermeasures against a concrete coercive act?

- Never for longer than 3 months
- 6 months
- 1 year
- 2 years
- 5 years
- Longer
- Until the coercive act is removed

Your reasons

500 character(s) maximum

26. Timeframe for enacting measures - Imposing countermeasures swiftly is important for protecting the interests at stake, asserting the EU's international rights and protecting its autonomy firmly and effectively.

- Agree
- Partly agree
- Disagree
- Neutral

Further comments

1500 character(s) maximum

Any decision to launch countermeasures should take into account possible negative impact of these measures on the EU efforts to strengthen its relations with strategic partners in line with the values of democratic, open and inclusive societies. The EU has to consider not only-short term consequences of conflict escalation, but also long-term consequences for the international cooperation, multilateralism and the rules based order.

Moreover, full involvement of the EU Member States in decision-making process regarding individual countermeasures is necessary.

27. Involving stakeholders in the use of the instrument (in each specific case, not in advance) - Should the Commission consult relevant stakeholders on their respective interests before taking countermeasures?

- Yes
- No

What should be the minimum period for consultation? 5 days/10 days/ other?

500 character(s) maximum

The minimum period should not be predefined. It should take into account the specificity of the situations and be sufficient to establish the necessary issues.

28. Should an EU instrument also provide for compensation to EU businesses for the damage suffered due to the coercion?

- Yes
- No
- Neutral

Your reasons

1500 character(s) maximum

29. Should an EU instrument also provide for compensation to EU businesses for the damage suffered due to the EU countermeasures?

- Yes
- No
- Neutral

Your reasons

1500 character(s) maximum

Likely Impact of a Policy Intervention and of No-intervention

30. **No policy intervention** - in this scenario, the EU can rely on existing options. These include standard diplomatic means and the possibility, under certain conditions, for the European Parliament and the Council of the EU to act on the basis of Article 207 of the Treaty on the Functioning of the EU.

Since trade measures are taken exclusively at EU level, there is no possibility for Member States to act directly themselves in this respect.

30.1. What would be the expected benefits of no policy intervention at this stage?

	Very likely	Likely	Not likely	Neutral
Avoiding economic harm in the EU	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Avoiding the risk of negative impact on relations with non-EU countries (political or economic)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The possibility for a new policy intervention at a later stage remains open	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Further comments

1500 character(s) maximum

30.2. What would be the costs, including other negative impact?

	Very likely	Likely	Not likely	Neutral
Impaired autonomy for decision-making in the EU	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
More coercive measures as a result of the failure to deter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Direct costs to your business	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Direct costs to consumers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
EU's values not being defended sufficiently	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There are no costs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Further comments

1500 character(s) maximum

30.3. In the no-intervention scenario, what is the likely impact - social, environmental, affecting fundamental rights, administrative simplification or burden, etc., if any? Try to give evidence, including quantitative data.

1500 character(s) maximum

31. Policy intervention in the form of an EU anti-coercion instrument - this scenario refers to the various policy measures outlined in questions 15 to 26.

31.1. What would be the expected benefits of an EU anti-coercion instrument (its existence or use)?

	Very likely	Likely	Not likely	Neutral
An important dissuasive effect towards non-EU countries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A major role in inducing the discontinuation of coercion, once deployed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A rebalancing effect in international relations (in concrete cases)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Protecting EU economic interests (in general and in concrete cases)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Preserving the legitimate policymaking space of the EU and Member States	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Projecting the EU as a credible geopolitical actor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Increasing the EU and Member States's resilience	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Preserving and promoting international trade	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Overall effectiveness/potential for effectiveness	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Enhancing the EU's open strategic autonomy overall	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does not preclude the (simultaneous) use of diplomatic means	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Further comments

1500 character(s) maximum

31.2. What would be the cost or other negative impact of the EU anti-coercion instrument (its existence or use, as relevant)?

	Very likely	Likely	Not likely	Neutral
Harms political relations with non-EU countries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harms economic relations with non-EU countries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk of escalation (i.e. the country responsible for the coercion responds, leading to costs for businesses/consumers)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Direct cost for business and consumers if countermeasures are applied	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indirect cost for business and consumers if countermeasures are applied	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative burden, in relation to implementing countermeasures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Further comments

1500 character(s) maximum

31.3. What is the likely impact - social, environmental, affecting fundamental rights, administrative simplification or burden, etc., if any? Try to give specific evidence, including quantitative data.

1500 character(s) maximum

EU and International Law

32. Any EU policy intervention must be compatible with EU and international law. Comments:

1500 character(s) maximum

The need to counterbalance coercive effect of measures taken by third countries in breach of International law is undoubtful. It is however often difficult to clearly assess the legality of instruments based on international law, as a number of cases has clearly shown, such as Energy Charter Treaty based litigations against the EU. It is therefore imperative that any new legislation allows for the Commission and the Member States to be fully involved in assessing whether and how the actions taken by third countries are indeed unlawful, and which provisions of the international law there are in breach of. Therefore, it is of crucial importance for any new legislation in this respect to guarantee that a legal impact assessment is prepared by the EU institutions and presented for scrutiny for the Member States, before any EU action is taken. This will allow for the EC, in cooperation with the Member States, and the European Parliament to carefully assess the legality and impact of the third countries unlawful actions, and to respond in a coordinated, legal based approach.

Further Information

If you wish, you may submit further information (such as a position paper).

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

d57a5ea5-0012-4b1d-a6a8-0873deace61a/Public_consultation_on_an_EU_Anti-Coercion_Instrument__Further_information_.pdf

Contact

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