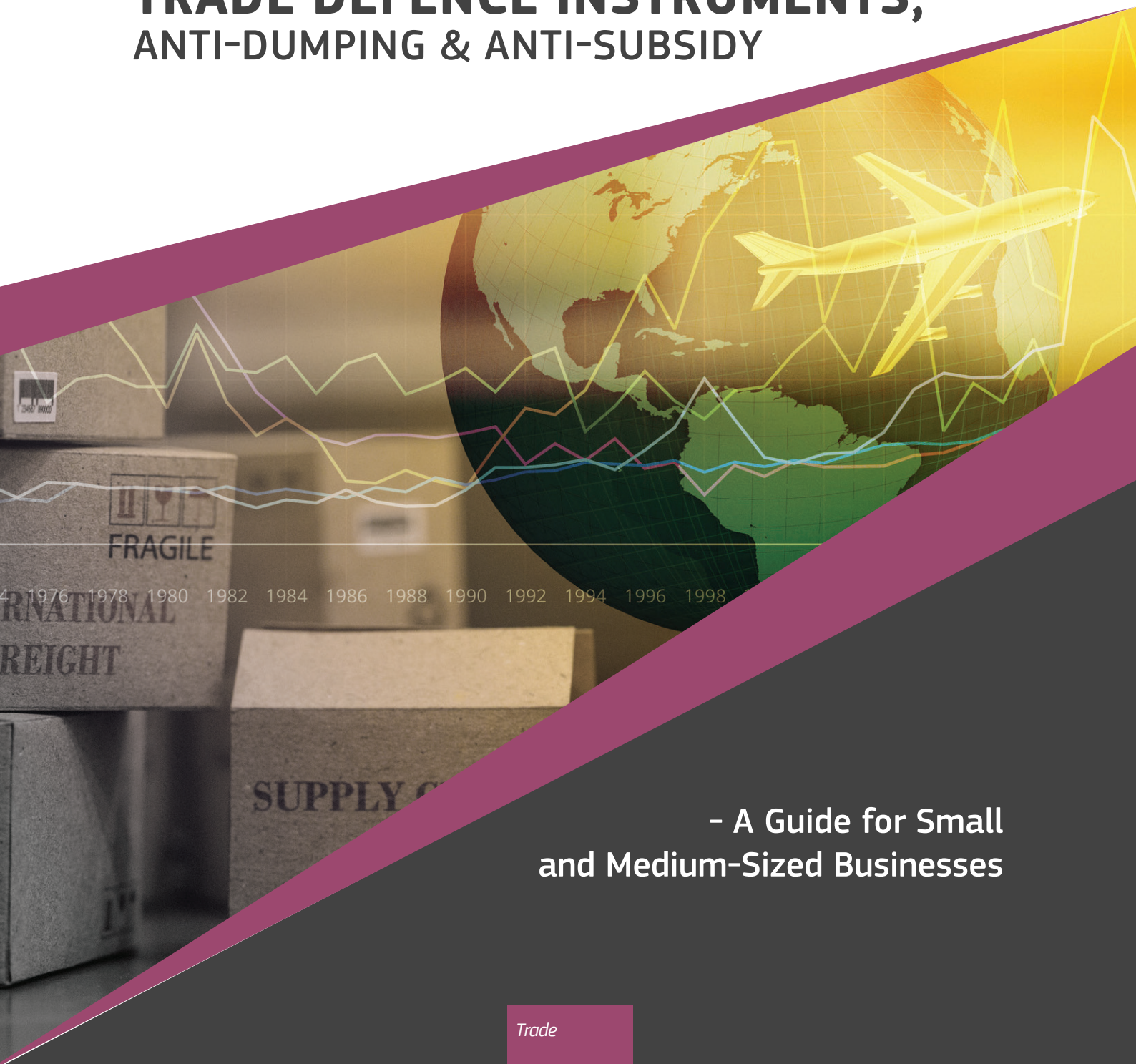


European  
Commission

# TDI

## TRADE DEFENCE INSTRUMENTS, ANTI-DUMPING & ANTI-SUBSIDY



- A Guide for Small  
and Medium-Sized Businesses

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|-------|------------------------|--------------------|-------------------|
| Print | ISBN 978-92-79-89039-0 | doi:10.2781/852049 | NG-01-18-710-EN-C |
| PDF   | ISBN 978-92-79-89073-4 | doi:10.2781/39784  | NG-01-18-710-EN-N |

# **TDI-TRADE DEFENCE INSTRUMENTS, ANTI-DUMPING & ANTI-SUBSIDY**

**- A Guide for Small and Medium-Sized Businesses**

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# Foreword by Cecilia Malmström

Small and medium-sized enterprises (SMEs) are the backbone of the European economy. They deserve special attention when we make EU trade policy.

We do this in two ways.

Firstly, we take into account the specific needs of smaller companies when we negotiate trade agreements. By opening up markets, reducing trade barriers and levelling the playing field, we are empowering SMEs to make the most out of global opportunities.

Secondly, we stand prepared to protect them from unfair competition. A level playing field is all the more important, as smaller companies are especially vulnerable to unfair competition. They also have less experience when it comes to participating in trade defence investigations at the EU level.

This second area is the focus of this guide.

We have recently upgraded the EU's trade defence instruments (TDIs) to make them more effective and easier to use. During this process, it became clear that we have to do more to overcome the barriers that stop smaller companies accessing and using these tools. This includes raising awareness, making information available in all the official languages of the EU and better explaining the different steps in the procedures.

This guide provides an introduction and overview to the various stages and elements of a TDI investigation. If your industry faces unfair competition, if investigations concern one of your input materials or if you are working in exports and imports, this information is relevant for you.

Furthermore, a new TDI helpdesk is available to make it easier for SMEs to access and use the TDIs on offer.

Trade defence is an important part of the EU's trade policy. Our main goal remains to open up markets. However, to ensure a fair playing field, we need to make sure that other countries play by World Trade Organisation rules. These instruments allow us to enforce the rules and look out for our companies, including smaller ones, in cases of unfair competition.

**Cecilia Malmström**  
EU Trade Commissioner  
June 2018

## Introduction

Many changes have occurred in the world of business over the last decade, changes that affect all players in the marketplace, but often in very different ways. Many goods are no longer produced in just one country but are 'made in the world'. Components and semi-finished products are traded and shipped all over the globe to be finally assembled elsewhere. While this globalised economy offers many opportunities for businesses, it also creates many challenges.

Businesses of all types and sizes can seize market opportunities in countries all over the world, but they may also be exposed to competition from faraway countries, which is only reasonable and legitimate.

Global competition is not always fair, however, and EU competition law does not in general apply beyond EU borders. In cases of unfair competition from non-EU countries, producers in the EU can consider filing a trade defence complaint with the European Commission in order to remedy the situation, provided that the unfair competition creates difficulties for their business. Trade defence instruments (TDIs) are part of the legal framework of global trade rules established by the World Trade Organisation (WTO) in Geneva.

Importers and users of a product that is subject to a trade defence investigation may want to know what the options are, and if and how to best cooperate in an investigation.

This guide provides you with the necessary basic knowledge of TDIs and sets out the practical steps you may want to take. It is specifically aimed at small and medium-sized businesses (also referred to as small and medium-sized enterprises or SMEs).

# 1. Basic principles

## 1.1 Trade defence instruments

### *What is trade defence?*

The WTO agreements cover three TDIs:

- **anti-dumping**
- **anti-subsidy**
- **safeguards.**

The first two instruments act against unfair trade practices (dumping or subsidies). Safeguards are measures designed to give an industry time to adjust to a significant increase in imports.

To start an investigation and subsequently impose trade defence measures, there has to be sufficient evidence of unfair practices or of a significant increase in imports. In each case, a number of specific criteria have to be met, which are explained below.

### *What is dumping?*

A company is dumping if it is exporting a product at a price lower than its 'normal value'. The normal value of a product is considered to be the profitable price of the product when sold in the domestic market of the exporting country or the cost of production plus a reasonable profit.

An **anti-dumping measure** — usually in the form of a duty — is applied to counteract the injurious effects of dumped imports and restore fair competition. The measure is often based on the dumping margin<sup>1</sup>, which consists of a comparison between the export price and the normal value. This comparison is made for identical or comparable product types. To ensure fair comparison, adjustments may be applied for differences affecting price comparability such as differences in the conditions and terms of sale, levels of trade or physical characteristics.

#### **What is dumping?**

Domestic price = 120  
 Export price = 100  
 Dumping margin = 20 ←

### *What is a subsidy?*

A subsidy is a financial contribution by a government or a public body that confers a benefit on a recipient (company, industry, sector). A financial contribution may take various forms such as:

- grants
- loans
- tax credits
- government-provided goods or services

A benefit is conferred if any of these contributions are provided on more favourable terms than are available on the market, for example if a government provides electricity at below market price or

<sup>1</sup> For the application of the lesser duty rule, see Section 1.3.

buys a product at above its market value. Subsidies can normally be acted against only if they are specific to one company or one sector, that is, not available throughout the economy.

A **subsidy** is a financial contribution by a government or a public body that confers a benefit on a recipient.

An **anti-subsidy measure** (also called a countervailing measure) — usually in the form of a duty — is applied to counteract the injurious effects of subsidised imports and restore fair competition. The level of an anti-subsidy duty should thus correspond to the difference between a subsidised export price and a non-subsidised export price.

### **What is a safeguard?**

Safeguard measures may be introduced when an industry is negatively affected by an unforeseen, sharp and sudden increase of imports.

Unlike anti-dumping and anti-subsidy instruments, safeguards do not focus on whether trade is fair or not. The safeguard procedure differs significantly from the anti-dumping and anti-subsidy proceedings in several respects.

- A safeguard investigation is initiated at the request of an EU Member State or on the European Commission's own initiative and not on the basis of a complaint by the EU industry concerned. Therefore, this guide does not cover safeguards.
- A safeguard measure does not apply against imports from a specific country, but rather — in principle — against imports from everywhere into the EU.
- The form of a safeguard measure is different. It usually consists of a tariff rate quota. Imports within the quota are duty free but imports above the quota will be subject to a duty.

More information regarding safeguards can be found on the Directorate-General for Trade (DG Trade) website: <http://ec.europa.eu/trade/policy/accessing-markets/trade-defence/actions-against-imports-into-the-eu/safeguards/>



## 1.2 What are the requirements for imposing measures?

Four conditions must be met before measures can be imposed.

- It must be shown that the imports are being **dumped** (anti-dumping) or **subsidised** (anti-subsidy).
- It must be shown that the imports have a negative impact on the economic situation of the EU industry concerned, that is, that there is **injury**. It is not sufficient to show that one single company suffers from unfair imports. Rather, the negative impact of imports must be widespread within the EU industry.
- The investigating authorities need to demonstrate that there is a **causal relationship** between the imports and the injury to the EU industry.
- The imposition of measures must pass the 'Union interest test'. The Union interest test is a public interest test. Measures are normally in the public interest if there is dumping/subsidisation, injury and a causal link. In exceptional circumstances, however — for instance if measures would have disproportionate consequences for users of the imported products — they would not be imposed because they would be against the interest of the Union

### What is injury?

An industry suffers injury when there is a deterioration in its economic situation.

Injury is determined through an objective examination of all the relevant economic factors, such as:

- production;
- sales;
- market share;
- profits;
- productivity;
- capacity;
- capacity utilisation.

This list is not exhaustive, nor can one or several of these factors be decisive

### What is causality?

The imports in question must be shown to have caused the injury to an EU industry.

This would typically be the case when events occur simultaneously, for example if an increase in imports from outside the EU happens at the same time as a decrease in sales or production of the EU industry.

Very often factors other than imports also cause injury to the domestic industry, such as:

- prices and volume of non-dumped/subsidised imports;
- a contraction in demand;
- changes in trade patterns;
- developments in technology

The Union interest test is an obligation under EU legislation but not a requirement of the WTO. It represents an important element that improves on basic WTO rules and ensures the proportionality of any measures

**Four conditions** need to be met in order to impose **anti-dumping or anti-subsidy measures**.

Chapter 1 **Dumping/subsidisation** is happening.

Chapter 2 EU industry is suffering **injury**.

Chapter 3 A **causal link** exists, proving that the injury is caused by the imports and not by other factors.

Chapter 4 Measures should not be against the overall **interest of the Union**.

### **What is the Union interest test?**

It needs to be demonstrated that measures would not be against the overall public interest; in other words, that the measures would not cause more harm to the overall economy than the relief brought to the domestic industry suffering from the imports. So the interests of industrial users, importers and consumers of the imported products have to be taken into account.

## **1.3 What type of measures can be imposed?**

Anti-dumping and anti-subsidy measures are normally imposed for 5 years with the possibility of extending them on the basis of a review investigation for one or more 5-year periods (see Chapter 5).

Provisional anti-dumping and anti-subsidy measures may be imposed no earlier than 60 days after an investigation has begun and normally within 7 to 8 months. Provisional measures can be imposed for a maximum of:

- 4 months for anti-subsidy;
- 6 months for anti-dumping.

The measures usually take the form of:

- an **ad valorem or value-based duty** — a duty calculated on the value of the invoice, for example 15 %; this is the most common form;
- a **specific duty** —calculated on a parameter other than the value, such as weight, for example €15 per tonne;
- a **price undertaking** (see box below).

The duties are paid by the importer in the country that imposed the measures and collected by the national customs authorities.

Duties may be equivalent to the level of the dumping margin or to the amount of the subsidy found, but they may never exceed that level. There is also the possibility of limiting the level of the duty to the minimum level necessary to eliminate injury (this is called the injury margin). The EU selects the lower of the dumping/subsidy margin and the injury margin. This is called the lesser duty rule.

### **What is the lesser duty rule?**

*After the dumping/subsidy margin and the injury margin have been calculated, both are compared. If the injury margin is lower than the dumping/subsidy margin, the lower margin is used as the basis for the duty level.*

## Price undertakings: an alternative solution?

In anti-dumping proceedings, an exporter can offer a price undertaking, instead of being subject to an anti-dumping measure.

With a price undertaking, an exporter agrees to export the product under investigation above a certain price limit, that is, at non-dumped or non-subsidised prices.

When the export prices are above this price limit, the company's products are exempt from duties that would otherwise be charged when they are imported.

This is subject to certain conditions, usually including strict monitoring by the importing country's authorities and regular reporting of export prices and verification procedures.

The European Commission enjoys considerable discretion in deciding whether or not to accept the offer of a price undertaking. It will accept an offer only where it is satisfied, based on a prospective analysis, that the price undertaking effectively eliminates the injury caused by dumping. The European Commission may also take into consideration the exporting country's record on implementing core International Labour Organisation standards and environmental agreements.

In principle, this also applies to anti-subsidy proceedings, but there are some additional rules to be respected.

## 1.4 What is the legal framework?

The international legal framework is provided for by the WTO. The relevant EU legislation is the basic anti-dumping regulation and the basic anti-subsidy regulation<sup>2</sup>. For members of the WTO, the national legislation should as a minimum comply with WTO requirements. National legislation may, however, go beyond WTO provisions, that is, set a higher standard for applying measures than that laid down at WTO level. The EU legislation includes two such higher standards:

- the **lesser duty rule**;
- the **Union interest test**.

<sup>2</sup> Council Regulation (EC) No 2016/1036 of 8 June 2016, the basic anti-dumping regulation (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016R1036-20171220>) and Council Regulation (EC) No 2016/1037 of 8 June 2016, the basic anti-subsidy regulation (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R1037&from=en>).

The European Union is modernising the basic anti-dumping regulation and the basic anti-subsidy regulation. The amendments to both regulations can be found here: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ-JOL\\_2018\\_143\\_R\\_0001&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ-JOL_2018_143_R_0001&from=EN) The legislation is available in all EU languages. A consolidated version of the basic regulations and the amendments will be available soon.

## 2. SMEs and trade defence

### 2.1 SMEs — issues and concerns

There are more than 20 million SMEs in the EU. They represent 99 % of all businesses and are key players in economic growth, innovation, employment and social integration. The European Commission aims to promote successful entrepreneurship and improve the business environment for SMEs to allow them to realise their full potential in today's global economy.

The European Commission works on broad policy issues affecting entrepreneurship and SMEs across Europe and assists them through networks and business support measures. It helps existing and potential entrepreneurs to expand their businesses, giving special attention to women entrepreneurs, crafts and social economy businesses.

In order to be globally competitive and to generate growth, EU businesses also need to compete globally — to export beyond the borders of the EU and to face import competition. To that end, they need fair and transparent market conditions. Unfortunately, this is not always the case in international trade.

While large multinationals have the resources to defend themselves, smaller firms often lack the information, knowledge and means to seek remedies against unfair trading conditions.

The European Commission, including DG Trade, is fully aware of the difficult situation of SMEs in the globalised trading environment. It has taken various steps to help them in the area of trade defence.

- It has set up the **SME Helpdesk**. SMEs with TDI-specific questions can contact the European Commission directly. The helpdesk will make sure that all firms concerned are well informed and fully aware of what is at stake in TDI proceedings and help them understand the investigation process.
- The **website** of the SME Helpdesk contains useful documents, standard forms and questionnaires to make it easier for smaller firms to take part in trade defence investigations (<http://ec.europa.eu/trade/policy/accessing-markets/trade-defence/actions-against-imports-into-the-eu/help-for-smes/>).
- The **standard questionnaires for smaller producers and importers will be provided in all official languages** on the same website. For other forms and questionnaires, which are available in English only, the European Commission will provide SMEs with information and explanations.
- Whenever possible, the investigation period will be adapted to the financial and/or calendar year of the smaller firm concerned.
- If a company or association has been registered as an interested party, it can now consult the non-confidential file of each investigation online.
- The European Commission, at the request of representative organisations and in coordination with Member States, will organise **seminars specifically targeted at SMEs**, with the aim of raising awareness and explaining what exactly is required from them in TDI proceedings, whether they are producers, importers or users.
- SMEs will be encouraged to create temporary associations via existing networks of European and national associations, to combine their resources and limit TDI-related costs.

- The **Hearing Officer** in DG Trade acts as an independent mediator and supervises the rights of defence in TDI proceedings (<http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/>). The Hearing Officer's annual report will include a section related to smaller businesses. In the event of specific intervention requests received from smaller businesses, the report will describe the solutions that were found.
- The Hearing Officer is at your disposal at any stage of an investigation, including the complaint stage should you feel that your rights of defence are not duly considered (TRADE-HEARING-OFFICER@ec.europa.eu).
- The European Commission and the Member States will encourage trade/industry associations and chambers of commerce, where possible, to support SMEs affected by non-EU-country TDI proceedings by raising awareness, encouraging cooperation and sharing costs.

### **SMEs faced with dumped/subsidised imports: what can be done?**

*Depending on whether an SME is a **producer, importer or user** of the imported product that has allegedly been dumped/subsidised, it will be affected very differently by such imports. So dealing with dumped/subsidised imports varies according to the type of company concerned.*

*Union producers that face problems with dumped/subsidised imports will find more information in Chapter 3.*

*Importers and users of dumped/subsidised imports are referred to Chapter 4.*

*If you have problems with TDI action in your export markets, please refer to Chapter 8.*

## **2.2 Importance of SMEs' participation in TDI investigations**

### **What is at stake?**

For SMEs producing in the EU, unfair trade (dumped or subsidised imports into the EU) can have serious consequences in terms of lost business, employment, technological innovation, etc. So it is important that producers exposed to such imports know how to react (see Chapter 3).

At the same time, EU companies that rely on imports may be caught in an anti-dumping or anti-subsidy investigation and may ultimately find that they suddenly have to pay an anti-dumping or anti-subsidy duty in addition to the normal import duty. How to react in such situations is explained in detail in Chapter 4.

## 3. SME producers

When producers are faced with dumped/subsidised imports, very often their economic situation deteriorates.

In practice, either their sales and/or market shares decrease or they are forced to lower their prices, which reduces their profits or results in loss making.

In these situations — and provided that the specific criteria are fulfilled — the EU producers may approach the European Commission to **lodge a trade defence complaint**, with a view to it starting **an anti-dumping or anti-subsidy investigation and imposing anti-dumping or anti-subsidy duties**.

### 3.1 Anti-dumping/anti-subsidy complaint

#### *How do I lodge a complaint?*

A complaint is a written document containing sufficient evidence showing that dumped/subsidised imports are causing injury to the EU industry that manufactures a product similar to the imported one.

An anti-dumping (AD) or anti-subsidy (AS) complaint must be sent to the European Commission, to the Office of Complaints in DG Trade (see contact details in Chapter 9).

The EU industry may choose a representative to collect the necessary information and to present it to the European Commission,

A representative can be:

- any natural or legal person;
- an association not having a legal personality;
- a temporary association created to represent individual companies.

#### **What is an AD/AS complaint?**

*A complaint is a written document containing sufficient evidence showing that dumped/subsidised imports are causing injury to the Union industry.*

*Union producers representing at least 25 % of the total Union production of the product concerned must support the complaint.*

The representative will, however, be required to certify that he, she or it has been authorised to act on behalf of the industry. Experience suggests that a European association is likely to be best placed to carry through a case.

The EU producers that participate in the complaint ('the complainants') must have 'standing', that is, they must act on behalf of a major proportion of the EU industry. In practice, producers representing at least 25 % of the total EU production must support the complaint. Therefore, an individual company normally cannot lodge a complaint on its own but needs the support and cooperation of other producers. So for smaller companies to file a complaint, it may be necessary to organise and create temporary associations and/or ask for advice from their sectorial associations at national and EU levels (see a selection of links in Chapter 10).

The Office of Complaints of the European Commission can also provide valuable assistance. It has a wide range of experience because many different types of products involving smaller businesses

have been investigated over the years<sup>3</sup>. Smaller businesses may also contact the Office of Complaints for advice before formally lodging a complaint.

### ***Do I need a lawyer to lodge a complaint?***

Lodging a complaint can be a challenging exercise. Hiring a lawyer with experience in trade defence can be useful, albeit costly. As an alternative, you could contact national or EU business associations, which in many cases have experience in advising their members on AD/AS procedures, including complaints.

You can contact the Office of Complaints of DG Trade at any time for advice on your particular case.

### ***What are the essential elements of a complaint?***

As a first step, it is essential to identify the **imported product** subject to the anti-dumping or anti-subsidy proceeding — also called ‘the product concerned’. You should begin by describing the product thoroughly, clearly identifying the basic physical, chemical and technical characteristics. Please also provide the relevant tariff code(s) under which the product may be classified for import into the EU. You can find the Common Customs Tariff of the EU, or combined nomenclature (CN), at:

[https://ec.europa.eu/taxation\\_customs/business/calculation-customs-duties/what-is-common-customs-tariff/combined-nomenclature\\_en](https://ec.europa.eu/taxation_customs/business/calculation-customs-duties/what-is-common-customs-tariff/combined-nomenclature_en)

You also need to identify the country or countries from which the allegedly dumped/subsidised products originate.

The complaint should also include a list of full contact details of all known EU producers, producers/exporters in the country or countries concerned, EU importers, suppliers, user industries and, where known, consumer associations. Where producers, importers, suppliers and/or users are represented by (known) associations, these should be listed in the complaint as well.

In a next step, you have to show that the products have been dumped/subsidised, and that this dumping/subsidisation has caused injury to the EU industry.

#### **The essential elements of an AD/AS complaint are:**

- the definition of the imported product/product concerned;
- the country/ies of origin of the allegedly dumped/subsidised products;
- a list of all known Union producers, producers/exporters in the country/ies concerned, EU importers, suppliers, user industries and consumer associations;
- **sufficient** evidence of dumping/subsidisation, injury and a causal link.

### ***How do I show that dumping takes place?***

Low prices are not necessarily a sign of dumping. Dumping is defined as selling a product in an export market, for example to the EU, at less than its ‘normal value’. In principle, the **normal value** is the price of a product when sold on the domestic market of the exporter. In some cases, where domestic prices are unavailable, unreliable or to a significant extent loss making, the normal value can be constructed on the basis of the cost of production including reasonable profit.

<sup>3</sup> For example Regulation (EU) 412/2013, OJ L 131, 15.5.2013, p. 1, regarding imports of tableware; Regulation (EU) 502/2013, OJ L 153, 5.6.2013, p. 17, regarding imports of bicycles; Regulation (EU) 2015/309, OJ L 56, 27.2.2015, p. 12, regarding imports of trout.

If domestic costs and prices in the **exporting country** are not reliable because of **significant distortions** in that country, the normal value will also be constructed, but on the basis of costs of production and sale reflecting undistorted prices or benchmarks. Distortions occur when reported prices or costs are not the result of free market forces because they are affected by substantial government intervention.

If the product concerned is exported from a **non-market economy**<sup>4</sup>, the normal value should be established by reference to prices or costs of production in a comparable market economy, the so-called **analogue country**.

For details on how to establish the normal value and which countries are considered non-market economies, please consult the 'Guide for complainants', which will be available in all EU languages at: [http://trade.ec.europa.eu/doclib/cfm/doclib\\_results.cfm?docid=112295](http://trade.ec.europa.eu/doclib/cfm/doclib_results.cfm?docid=112295)

In order to establish the **export price**, invoices, quotes or in certain cases statistical data can be used.

### **The calculation of the dumping margin**

The dumping margin can be calculated once the export price and normal value are established. When comparing the normal value and the export price, it is important to use comparable product types, and to make adjustments for any differences affecting price comparability. Such differences include differences in physical characteristics (e.g. quality), level of trade, import charges, indirect taxes, transport costs and packing.

#### **Example of a dumping margin calculation (in euros)**

|    |                                  |               |
|----|----------------------------------|---------------|
| a) | Ex-factory normal value          | 100           |
| b) | Ex-factory export price          | 80            |
| b) | Dumping margin                   | a-b <b>20</b> |
| d) | CIF value                        | 90            |
| e) | Dumping margin as % of CIF value |               |

$$(c*100)/d=(20*100)/90=22 \%$$

The difference between the normal value and the export price is the **dumping margin**, which is then expressed as a percentage of the cost, insurance and freight (CIF) export price (the price of the imported product at the EU border, not including customs duties, importers' margins, transport costs in the EU, etc.).

If the complaint refers to more than one exporting country, the dumping margin must be calculated for each country individually.

It is essential to provide all relevant statistical data at your disposal.

You should include all relevant evidence of export price and normal value in the complaint. Evidence can be presented in the form of invoices, price lists, specialised journals, offers, etc. As a general rule, evidence presented in complaints needs to be from reliable sources, and contain accurate information. In addition, it must relate to a period of 1 year, ending not more than 6 months preceding the submission of the complaint.

### **How is injury established?**

In order to be able to determine if sufficient evidence exists for the initiation of an anti-dumping/anti-subsidy proceeding, the complaint also needs to contain certain data relating to the alleged injurious effects of the dumped/subsidised imports.

These data concern, firstly, the import **volume** and **value** of the dumped/subsidised products and their **price level**. The necessary information can often be obtained in publicly available customs statistics. Please make sure to include only EU-wide data, comprising all EU Member States, when calculating imports (e.g. exports from Italy to Germany are not considered imports into the EU). The Eurostat website contains a number of useful statistics, which can be accessed at: <http://ec.europa.eu/eurostat/web/international-trade-in-goods/data/focus-on-comext>.



Secondly, the **impact of the imports on the complainant industry has to be shown**. This is normally done by providing information on the development of certain indicators for the complainants, such as production, sales, market shares, average prices or profits. The data supplied should cover a trend over 3-4 years.

If the prices of the dumped/subsidised imports negatively affect prices in the EU, it is called '**price undercutting**'. To determine whether or not prices are being undercut, it is essential to compare the sales prices of the dumped/subsidised imports with the sales prices of the complainants. For this comparison, you will therefore need to provide documentary evidence of these different price levels. This evidence must relate to a period of 1 year, ending not more than 6 months preceding the submission of the complaint.

For a complete list of data to be provided and an explanation on how to present the injury indicators, please consult the 'Guide for complainants'.

### ***How can I show that injury is caused by dumped/subsidised imports?***

Apart from providing evidence of dumping/subsidisation and injury, you need to demonstrate that injury has been caused by the dumped/subsidised imports, that is, that a causal link exists. This does not mean, however, that the dumped/subsidised imports need to be the sole reason for any injury suffered. Causality for the purposes of a complaint is usually shown by increasing imports at decreasing prices at the same time as the complainants' situation deteriorates, as shown by the development of the injury indicators.

*In order to show whether or not the injury to the Union industry has been caused by the dumped/subsidised imports, **other factors** also need to be analysed.*

You are also asked to consider if **factors other than the dumped/subsidised imports** may have contributed to the deterioration of the situation of the complainants. These factors can include production by non-complainants, decrease in consumption, the volumes and prices of imports from other non-EU countries, strong competition by EU producers, insufficient productivity or insufficient product quality of EU producers, or exchange rate fluctuations.

### ***How to deal with confidential business data***

In order to protect confidential business data, you need to lodge two versions of a complaint, a **confidential version** and a **non-confidential version**. The confidential version will be available only to European Commission staff directly involved in the case. The non-confidential version will be accessible by all interested parties upon request. Giving interested parties access to the non-confidential version of the complaint is a basic legal requirement ensuring the protection of the rights of defence of all parties.

#### **An AD/AS complaint consists of two versions.**

*In order to protect **confidential** business data, a confidential and a **non-confidential** version of a complaint need to be lodged.*

In the non-confidential version, data considered confidential can be summarised. However, the non-confidential version needs to allow interested parties a **reasonable understanding of the substance** of the information submitted in confidence. For example, in cases with only two or three complainants, injury data can be provided in indexed format or as ranges, instead of real figures (e.g. year 1 = 100, year 2 = 102, year 3 ..., year 4 ...), or, instead of giving the breakdown of costs in absolute numbers, certain percentages could be provided. However, the non-confidential version still needs to show the trends and/or levels of data clearly enough to allow conclusions to be drawn on dumping/subsidisation, injury and causality.

## 3.2 Anti-dumping/anti-subsidy investigation

### Initiation of an investigation

Once the Office of Complaints of the European Commission has received a written complaint, it sends an acknowledgement of receipt to the complainant. The European Commission will then analyse the complaint and decide whether or not it contains sufficient evidence of dumping/subsidisation, and of injury suffered by the EU industry and caused by the dumped/subsidised imports. If these requirements are met, an investigation concerning the alleged dumped/subsidised imports will be initiated within 45 days after the lodging of the complaint.

### The investigation

An investigation officially starts with the publication of a **notice of initiation** published in the Official Journal of the European Union. Following the initiation, known producers and all other interested parties will receive forms or questionnaires to be completed by a specific deadline as indicated in the notice of initiation.

In investigations involving many producers, sampling will be applied. In practice, this means that companies will be asked to provide data on production, sales, employees, etc., to allow the European Commission to choose a sample. Deadlines to return the completed sampling questionnaires are rather short. It is, however, important to participate in the sampling exercise so that the European Commission has sufficient data to choose a sample that representative of the EU industry as a whole, including smaller businesses.

#### **What is a sample?**

*In investigations involving many producers, the investigation will be based on data provided by a sample of selected companies representing the EU industry as a whole, including smaller businesses.*

Once a sample has been selected, the sampled companies will receive an injury questionnaire, which has to be completed within 30 days. In justified cases, requests for extensions of the deadline can exceptionally be granted. Once the European Commission has analysed the questionnaire replies, it may ask companies for additional information.

### On-site verification visits

Normally during the third or fourth month after initiation of the investigation, the Commission services conduct verification visits at the premises of the producers. The purpose of such visits is to verify the data provided in the questionnaire replies. Usually two Commission officials visit a company for 2 days. The visit is announced sufficiently far in advance that the company has time to prepare relevant documents and supporting evidence. Thorough preparation for the visit is important, since it is the opportunity for the company to provide clarifications and correct possible errors in the questionnaire replies.

### Provisional measures

Provisional anti-dumping duties may be imposed before the investigation has finished, normally within 7 months, but at the latest 8 months after initiation. Provisional anti-subsidy duties may be imposed within 9 months after initiation.

Three weeks before imposing provisional measures, the European Commission will make public on its website the intention to impose, or not, such measures so that interested businesses can plan ahead. At the same time as the publication of the provisional measures, interested parties will receive the so-called '**disclosure**'. The disclosure gives the details of all the facts of the investigation and the detailed calculations for the company concerned. Parties have 15 days to provide comments. Where provisional measures are imposed, they can remain in place for a maximum of 6 months in cases

of anti-dumping duties and 4 months in cases of anti-subsidy duties before definitive measures are imposed or the investigation is terminated.

**Please note:** provisional measures are not imposed in all cases. The European Commission may decide not to impose provisional measures but to continue the investigation and propose the imposition of definitive measures, if warranted.

### ***Definitive measures***

In anti-dumping cases, definitive measures are normally imposed at the latest 14 months after the initiation of an investigation (13 months in anti-subsidy cases). Companies will usually receive the **definitive disclosure** in the 12th month after initiation. The definitive disclosure contains all essential facts that form the basis for the final determinations and the detailed calculations regarding the company concerned. All comments received after the provisional disclosure are analysed and taken into account as appropriate in the definitive findings. Parties have 10 days to comment.

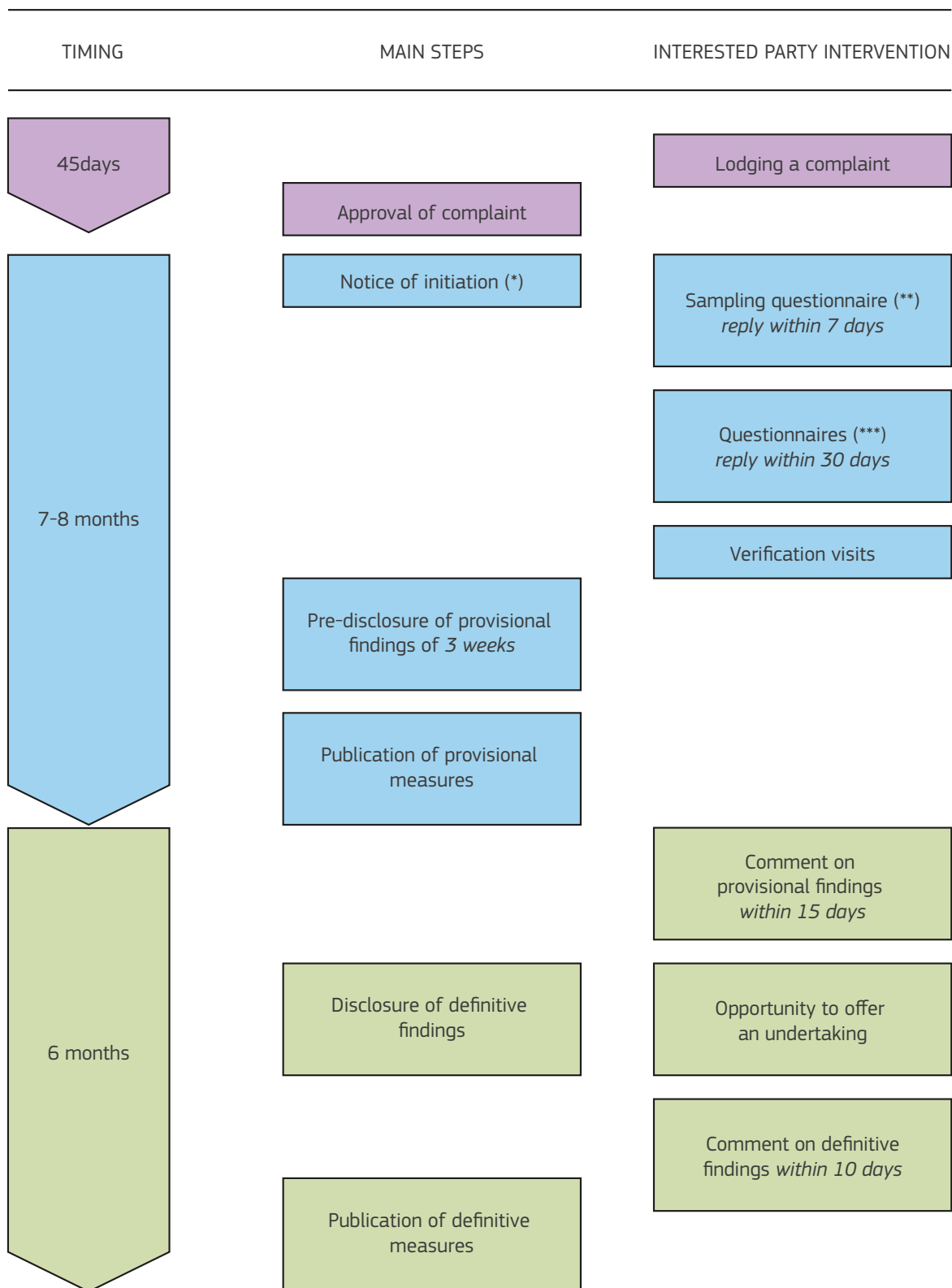
**Definitive measures normally remain in force for 5 years** unless they are changed, removed or prolonged through a **review investigation**. For more details regarding reviews, please refer to Chapter 5.

What are the differences between anti-dumping and anti-subsidy cases?

Many of the procedural aspects of anti-dumping and anti-subsidy investigations are similar. However, instead of providing evidence of dumping, the complainant needs to show that exporting companies are benefiting from a subsidy by their government or any public body. Please see Chapter 1 regarding the definition of a subsidy. Potential sources of information to prove that subsidisation has taken place can include legal acts, official publications, news articles or publications from foreign chambers of commerce.

## The main steps of an investigation

The following chart shows the main steps of a typical anti-dumping investigation. Anti-subsidy investigations are very similar except that provisional measures normally remain in place for only 4 months and the total length of an anti-subsidy investigation is 13 months



(\*) The notice of initiation is a key document that sets out the numerous deadlines that parties must respect in an investigation. The schema reproduced above provides a somewhat simplified summary of the key deadlines and steps of an investigation.

(\*\*) Sampling is applied in many cases because of a large number of complainants, exporters and importers. This makes it possible to limit the investigation to a reasonable number of parties.

(\*\*\*) Questionnaires are sent to exporters, EU producers, importers and EU users. The deadline for replying is 30 days from notification in the sample.

# 4. SME importers and users

In trade defence proceedings, the **interests of importers and users** of a dumped/subsidised product are quite different from those of the EU producers of that product. In particular, importers, often smaller businesses with limited resources, can be taken by surprise by the imposition of a dumping/subsidy duty. To avoid such surprises, this guide should help you find the relevant information and explain how best to deal with a trade defence investigation and how to cooperate.

*Importers and users are normally affected differently by AD/AS proceedings and AD/AS duties from producers.*

## 4.1 General information on import conditions

### **Where do I find information on conditions applicable to products I want to import into the EU?**

The website <http://ec.europa.eu/trade/import-and-export-rules/import-into-eu/> gives an overview on where to find information about imports of products from outside the EU and detailed rules and requirements for importing into the EU.

You may also consult the Trade Helpdesk, where you can find information on rules and requirements in relation to importing products into the EU: <http://trade.ec.europa.eu/tradehelp/>

### **What if I import clothing, steel or wood products?**

Some products belonging to these categories of goods, when originating in a given country, may be subject to a quota. The integrated system for managing export and import licences (Système Intégré de Gestion de Licenses, SIGL) provides information on quota levels applied in the European Union for imports of goods subject to quotas, such as clothing, steel or wood products. The information on this website gives the results of the Commission's management of the quotas at any given time. More information can be found at: <http://trade.ec.europa.eu/sigl/>

## 4.2 SME importers and users in anti-dumping/anti-subsidy investigations

### **Why AD/AS investigations?**

Trade defence investigations are normally initiated by the Commission services on the basis of a complaint lodged by the EU industry. Trade defence measures such as anti-dumping or anti-subsidy measures are applied following such an investigation that has shown that, among other elements, the EU industry is suffering injury from the dumped/subsidised imports.

*AD and AS investigations are normally initiated on the basis of a **complaint by the Union industry**. Only in **exceptional circumstances** may the European Commission initiate an investigation on its **own initiative**.*

Dumped or subsidised imports are considered unfair trade if they have a significant negative impact on the industry of the importing country that produces similar products. So WTO and EU rules provide for the possibility to investigate such matters and to impose duties (please see Chapters 1 and 2).

An investigation may result in duties to offset injurious dumping or subsidisation. The duties are imposed on imports from the non-EU country or countries subject to the investigation.

## **Where do I find information about trade defence investigations?**

The DG Trade website provides a lot of information about new initiations, ongoing investigations and measures in force (<http://trade.ec.europa.eu/tdi/>). You can subscribe to be informed about new cases, and will be alerted automatically as soon as the initiation of a new investigation is published. Information about ongoing investigations, and the timeframe and key steps of an investigation, can be found here: [http://trade.ec.europa.eu/doclib/rss/tdi\\_ongoing.xml](http://trade.ec.europa.eu/doclib/rss/tdi_ongoing.xml)

Alternatively, you can regularly consult the TDI website for information on new cases.

The detailed findings of investigations are published in the Official Journal, for example as a regulation imposing provisional or definitive AD/AS duties or terminating the proceeding without duties being imposed.

## **How do I register as an interested party in an anti-dumping or anti-subsidy investigation?**

To be directly informed of the key steps of an investigation and to defend their rights, importers and/or users should register as interested parties with the European Commission within the framework of the investigation. Information regarding deadlines and where to register is found in the notice of initiation that is published at the beginning of each investigation.

*In order to defend their rights and to have their views fully taken into account, importers and users must register as interested parties.*

Being registered as an interested party allows you to express your views and provide comments on the investigation. To do so, you will receive a questionnaire specifically designed for smaller importers. Although filling in the questionnaire may be somewhat burdensome for your company, it is in your interest to do so, in order to have your views fully taken into account in the decision-making process.

## **What if I am a user of the product under investigation and I am afraid that I will suffer serious economic problems, should the measures be imposed?**

In order for anti-dumping or anti-subsidy duties to be imposed, it is necessary to show that the imposition of the duties would not be against the Union interest. Determining the Union interest is based not only on the interests of the EU producers of the product under investigation, but also on the interests of importers, users and consumers of that product.

*AD and AS measures are imposed only if they are not against the overall **interest of the Union.***

*The analysis of the **Union interest** also takes into account the **interests of importers, users and consumers.***

So, to have your views taken into account during the proceedings, it is important that from the beginning of the investigation you make yourself known to the European Commission, according to the instructions contained in the notice of initiation.

Once registered, you will be able to express your views fully on the investigation, for instance by completing the questionnaires sent to you by the European Commission.

Since anti-dumping and anti-subsidy investigations take into account the interests of several players in the EU, the various interests may be conflicting. The European Commission takes all these interests into due consideration before finally determining what constitutes the Union interest. Measures are

normally in the public interest if there is dumping/subsidisation, injury and a causal link. However, in exceptional circumstances, for instance if measures would have disproportionate consequences on users of the imports, such measures would not be imposed because they would be against the interest of the Union (see Chapter 1).

### 4.3 Anti-dumping and anti-subsidy duties to be paid

#### *Who pays the anti-dumping and/or anti-subsidy duties?*

The importer that clears the product subject to duties through customs pays the anti-dumping and anti-subsidy duties just like the normal customs duties.

This is also the case for duties that might be imposed retroactively (e.g. in anti-circumvention measures).

#### *How do I know if the product I am importing falls within the definition of the product under investigation?*

As a start, you should see the description of the product published in the notice of initiation of an anti-dumping and anti-subsidy investigation.

You can also compare **CN codes** (eight-digit codes) with the ones for the products you are importing. If you are not sure about the correct CN code for your products, you can consult Annex I to the Combined Nomenclature, which gives a short definition of each code. This document is updated every year and published in the Official Journal. The latest version of this document can be found at: [https://ec.europa.eu/taxation\\_customs/node/1005\\_en](https://ec.europa.eu/taxation_customs/node/1005_en)

In addition, every importer has the right to ask the competent customs authorities in the Member States concerned for advice on the correct classification. If any element of doubt remains, you are recommended to apply for a binding tariff information decision from the competent customs authorities. Upon a detailed description of the good, this will provide you with the correct classification code. Before asking for a binding tariff information decision, you may also consult the following database: [http://ec.europa.eu/taxation\\_customs/dds2/ebti/ebti\\_consultation.jsp?Lang=en](http://ec.europa.eu/taxation_customs/dds2/ebti/ebti_consultation.jsp?Lang=en)

#### *When do anti-dumping and anti-subsidy duties need to be paid?*

Duties are applicable (in the form of a security while awaiting a definitive decision) as of the date of **entry into force of provisional measures**. This is typically the day following the date of publication of the decision to impose provisional measures in the Official Journal, which can take place at any time between 2 and 8 months after the initiation of the investigation was officially announced there. However, because of the complexities of an investigation, in most cases the European Commission imposes provisional duties around 7 but not later than 8 months after initiation.

Duties imposed in the form of provisional measures usually do not need to be secured in cash. A bank guarantee may also be accepted by the customs authorities for the amount of the duties until a definitive decision is taken.

*AD and AS duties have to be paid as of the date of entry into force of provisional measures.*

A decision on whether or not to impose **definitive measures** is taken within the procedural deadline of 14 months for AD investigations and 13 months for AS investigations (please refer to the chart in Chapter 1 for the main steps of an investigation). In both types of investigation, the European Commission will decide, at the definitive stage of the investigation, whether or not to definitively collect any provisional anti-dumping and/or anti-subsidy duties. In most cases, they are collected definitively.

Duties are applied only when goods are released into free circulation. Goods placed under other customs procedures are not subject to anti-dumping duties. For example, where goods are placed under

a customs procedure called 'processing', they are not subject to anti-dumping duties, if they are incorporated into other goods and then re-exported out of the EU.

### **What happens to provisional duties when definitive duties are imposed?**

The provisional duties can also be paid in cash. If the definitive duties are lower than the provisional duties, the excess amount will be refunded (e.g. if the definitive duty is 10 % and the provisional duty was 15 %, 5 % will be refunded). Where bank guarantees have been given, the guarantees will be released to the extent that the definitive duty is lower than the provisional duty.

If the definitive duties are higher than the provisional duties, the level of the provisional duty applies to all products customs cleared during the application of the provisional duty. For instance, if the definitive duty is 15 % and the provisional duty is 10 %, the provisional duty of 10 % must be paid until the entry into force of the definitive duties. As soon as the definitive duties enter into force, the 15 % applies.

*Provisional duties are not imposed in all investigations!*

Please note that provisional duties are not imposed in all investigations. There have been investigations in which the European Commission did not impose provisional duties but then, finally, decided to impose duties at the definitive stage.

Definitive duties remain in force normally for 5 years unless they are changed, removed or prolonged through a **review investigation**. For more details regarding reviews, please refer to Chapter 5.

### **What is registration of imports?**

The European Commission may also decide to register imports at some stage during the first 8 months of the investigation if there is a danger that imports coming into the EU during the investigation would undermine the effectiveness of any measures. For instance, if there is a risk of stockpiling, registration is done through the publication of a regulation instructing customs authorities to register imports of the product under investigation. If there is prior registration, the European Commission has to decide at the definitive stage whether or not anti-dumping and anti-subsidy duties should be collected retroactively, that is, normally as of 90 days prior to the imposition of provisional measures.

In cases of circumvention proceedings (i.e. proceedings investigating if existing duties are being circumvented, for example, by trans-shipment through other countries), imports are registered from the date of initiation of the proceeding. Where the final decision confirms the circumvention, the duties can be levied from this date, that is, retroactively from the date of initiation of the proceeding.

## **4.4 Refunds**

### **Can an importer ask for a refund of duties paid and how?**

*Importers of products subject to anti-dumping or anti-subsidy duties can ask for a **refund of duties** paid in cases where the dumping margin or the amount of countervailable subsidies has been eliminated or reduced to a level below the level of the duty in force.*

A request for a refund must be addressed to the customs authorities of the EU country where the duties were paid, which will then transmit it to the European Commission for investigation. You can ask for refunds only for duties determined in the last 6 months before the date of the request. Where the application concerns provisional duties, the 6-month period will start from the date of the decision to definitively collect the amounts.



Requests for reimbursement for any other reason (e.g. if the importer believes that the goods should not have been subject to the duties at all because they do not fall under the definition of the product under anti-dumping and anti-subsidy duties) are under the exclusive jurisdiction of the national customs authorities of the country where the products were placed into free circulation. The European Commission is not involved.

The refund procedure has been revised and made more user-friendly. More detailed information on how to apply for a refund, contact details of the national authorities and detailed guidelines can be found at [http://trade.ec.europa.eu/doclib/docs/2013/april/tradoc\\_151021.pdf](http://trade.ec.europa.eu/doclib/docs/2013/april/tradoc_151021.pdf) for refund of anti-dumping duties and at [http://trade.ec.europa.eu/doclib/docs/2013/april/tradoc\\_151026.pdf](http://trade.ec.europa.eu/doclib/docs/2013/april/tradoc_151026.pdf) for countervailing duties (if they relate to an anti-subsidy proceeding).

## 4.5 Circumvention of anti-dumping/anti-subsidy duties

### *What if I am approached by a company that suggests circumventing the duties?*

Please be aware that such behaviour constitutes customs fraud. Customs fraud aimed at eluding customs duties, anti-dumping and/or anti-subsidy duties may consist of different practices. These can include declaring a lower value for the goods, declaring an incorrect country of origin or incorrect customs classification.

Circumventing AD or AS duties in order to elude their payment constitutes customs **fraud!**

Any EU company engaging in these practices is taking very serious risks. In order to avoid any negative consequences for your business, do not accept such proposals.

You are advised to immediately contact the relevant customs authorities of your country or the European Anti-Fraud Office (OLAF) if you become aware of such practices.

# 5. Reviews

Once measures have been imposed, they may be modified, removed or prolonged through a review investigation. If a review is launched, the measures under review will remain in place while the review is ongoing, even if their initial period of application has expired. The rights and obligations regarding cooperation, verification visits or defence of the parties are similar to those in the initial investigations and also apply in review investigations.

## 5.1 Expiry review

Anti-dumping and anti-subsidy measures normally expire automatically after 5 years, unless it is determined in an 'expiry review' that measures should remain in force. Before the end of the 5-year period, EU producers may request an expiry review, although it can also be launched on the initiative of the European Commission.

A request for an expiry review (also known as a 'sunset review') must include sufficient evidence that the expiry of measures would be likely to result in a continuation or recurrence of dumping/subsidisation and injury. This can, for example, be demonstrated by evidence that:

- dumping and injury are continuing;
- the removal of injury is partly or only due to the measures in force;
- further dumping and injury are likely if the measures are allowed to expire.

*Anti-dumping and anti-subsidy duties normally expire after 5 years, unless an expiry review shows that injurious dumping/subsidisation would continue or recur if the measures were to be removed.*

### **What is the procedure?**

During the final year that measures are in force, the European Commission services publish a notice of impending expiry in the Official Journal stating that the measures will expire on a given date. If EU producers wish to request a review, they must do so no later than 3 months before the date of the expiry of measures.

### **How to ask for an expiry review**

The procedure is similar to that followed when lodging a complaint to initiate a new investigation, as described above in Section 3.1. However, for **expiry review requests** strict deadlines need to be observed, that is, **a request for an expiry review must be submitted no later than 3 months** before the date of expiry of the measures in force. The evidence in the request should support allegations of the likelihood of recurrence or continuation of dumping/subsidisation and injury with regard to the imports under measures.

If a substantiated review request is received, the European Commission publishes a notice of initiation and begins investigating whether or not dumping/subsidisation and injury are likely to continue or recur. Normally, expiry reviews are completed within 12 months, but they may take up to 15 months. During the investigation, measures remain in force.

In the absence of a duly substantiated request for review, the European Commission publishes a notice of expiry announcing that the measures will lapse at the end of the 5-year period.

## What can be the result of an expiry review?

An expiry review can result only in the repeal or continuation of the duties in force. If measures are maintained, they will normally remain in force for another 5 years. An expiry review cannot lead to a change in the level or form of the duties; these can be changed only by an interim review (see below). If measures are repealed, any duties collected since the initiation of the expiry review will be repaid upon request to the customs authorities.

## 5.2 Interim review

Interested parties may ask for an interim review of the measures during their period of imposition (normally 5 years), once the measures have been in force for 1 year. Any EU Member State may request a review, or the European Commission may initiate a review on its own initiative, at any time.

An interim review can be a **'full' review**, which covers dumping/subsidisation, injury and Union interest. After a full interim review, measures are re-imposed for a new 5-year period. An interim review can also be a **'partial' review**, in which case it may be limited to one aspect of a case, for instance dumping by one exporter.

The applicant must demonstrate that circumstances have changed significantly since the imposition of the original measures and that these changes are of a lasting nature. Evidence of the new situation covered by the interim review must be provided.

Similarly, EU producers can request a review, for example if they have evidence that dumping/subsidisation/injury has increased and is higher than the duty currently in force.

*The level and form of measures can be changed by an **interim review**.*

### How to ask for an interim review

A request for an interim review must be sent to the Office of Complaints in DG Trade, stating the reasons for the review and providing sufficient evidence of the need for a review. For example, an exporter may claim that its cost structure has changed because of new investments and that this has resulted in a reduced rate of dumping.

If a request for review is accepted, the European Commission publishes a notice of initiation in the Official Journal and sends out questionnaires to interested parties, just as in the original investigation. The review investigation must be concluded within 15 months.

### What can be the result of an interim review?

Most often, an interim review request concerns the level of the duty in force. For instance, an exporter may claim that the amount of dumping has decreased. The duty would be recalculated only if the change is lasting and the dumping margin is not likely to increase again. Other forms of review can cover, for example, injury, scope or form of measures.

Following an interim review, measures are continued in accordance with the new findings for the remainder of the original period. Thus, an interim review can result in measures being amended, repealed or continued.

### 5.3 Newcomer review (anti-dumping)/accelerated review (anti-subsidy)

Imports from companies that cooperated in the original investigation are usually liable to their own individual duty, but there is also a 'country-wide' duty for imports from all other companies producing and exporting the product concerned. This so-called 'residual duty' is applicable to the exporters that failed to cooperate in the investigation, and is normally higher than the individual duty applicable to cooperating exporters. If a company starts exporting the product only after the investigation period, its goods will also be subject to the 'residual' duty.

*Exporters that have not exported during the original investigation period may ask for a newcomer review/accelerated review in order to obtain an individual duty rate.*

However, companies that either did not exist or did not export the product concerned during the original investigation period can request a newcomer review in anti-dumping proceedings or an accelerated review in anti-subsidy proceedings to have their own individual duty rate established. A newcomer review/accelerated review must be concluded within 9 months.

#### **How to ask for a newcomer review**

To qualify as a 'new exporter', a company must fulfil these three criteria.

- It did not export the product concerned to the EU during the original investigation period.
- It is not related to any exporter or producer subject to the measures imposed.
- It has exported the product to the EU since the original investigation, or is contractually bound (irrevocably) to export a significant quantity to the EU.

If the investigating authorities determine that the exporter appears to meet the relevant criteria, a newcomer review will be opened. The review will examine whether or not the criteria are met and, if so, establish an individual margin of dumping or subsidy for the company concerned. Specific rules apply when the applicable duty was established on the basis of a sample of exporting producers.

## 6. Rights of defence and the Hearing Officer

In all proceedings, the Commission is under an obligation to uphold the rights of defence of all parties. This entails the need to disclose to the parties the essential elements on which the Commission intends to base its decisions and the possibility for the parties to make their views known. This can be done in writing, or parties may request a hearing with the Commission services.

Moreover, in order to further protect the rights of defence, the Commission has put in place a Hearing Officer. The Hearing Officer, as an independent mediator, guarantees the rights of defence in TDI proceedings. The Hearing Officer's annual report will include a section related to SMEs. The Hearing Officer is at your disposal at any stage of an investigation, and also at the complaint stage, should you feel that your rights of defence have not been duly considered.

## 7. Legal challenges

What are the legal remedies available against a regulation imposing anti-dumping or anti-subsidy duties?

Under the EU legal system, the main legal action against a regulation imposing anti-dumping and anti-subsidy duties is the action for annulment. This action might be introduced in the event of breaches of the legal provisions contained in the main legal texts regulating the investigations (i.e. the basic anti-dumping regulation and the basic anti-subsidy regulation).

In order to be eligible to present such an action, the company has to demonstrate that it is directly and individually concerned by the regulation it wishes to challenge. The action has to be introduced within the mandatory time-limit of 60 days, which starts to run from the publication of the measure. The General Court in Luxembourg has jurisdiction over this type of legal action.

Importers may also challenge the individual anti-dumping or anti-subsidy duty they have to pay on an import transaction.

## 8. SMEs faced with trade defence action in non-EU markets

### ***What are trade defence actions by non-EU countries?***

Provided that the WTO requirements are met, all WTO members have the right to use the trade defence measures. Thus, EU exporters exporting to non-EU countries may become subject to a trade defence investigation by that non-EU country. Even though all countries have the WTO rules as a common framework, the interpretation and implementation of these rules varies among the countries.

### ***The options***

As a general rule, and in order to obtain the best possible result in an investigation, it is important to register as an interested party and to cooperate with the investigating authorities of the non-EU country. Cooperating companies normally obtain an individual duty rate, which is usually lower than the country-wide duty. However, cooperating in an anti-dumping or anti-subsidy investigation is time-consuming and resource-intensive. It is up to the exporter/smaller business concerned to decide if the export market is important enough to justify the necessary effort.

### ***Contacts***

DG Trade monitors trade defence investigations by non-EU countries and can assist exporters subject to such investigations. The monitoring unit can provide information and guidance and help develop a strategy of defence in coordination with the exporter and the national authorities. However, the Commission services cannot replace a legal representative in the non-EU country concerned and it is advisable to hire a local legal counsel.

Besides the SME Helpdesk and the information contact point, you may contact the monitoring unit directly (see contacts in Chapter 9).

A guide for exporters is available at:

[http://trade.ec.europa.eu/doclib/docs/2010/october/tradoc\\_146701.pdf](http://trade.ec.europa.eu/doclib/docs/2010/october/tradoc_146701.pdf)

## 9. Contact details

- **SME Helpdesk — small and medium-sized enterprises**  
Send us your question in any official European Union language:  
trade-defence-sme-helpdesk@ec.europa.eu  
Phone: +32 22974483
- **Information contact point**  
Send us your enquiry via our online form: <http://ec.europa.eu/trade/trade-policy-and-you/contacts/online-enquiry/>  
Phone: +32 22955353
- **Office of Complaints**  
Send us your complaint: trade-defence-complaints@ec.europa.eu  
Phone: +32 22998451
- **Office of Refunds**  
Send us your request: TRADE-TDI-REFUNDS@ec.europa.eu
- **Support office - trade defence actions by non-EU countries against EU exporters**  
Send us your question: trade.defence.third.countries@ec.europa.eu  
Phone: +32 22991953
- **Visiting address**  
European Commission  
Directorate-General for Trade, Directorate H  
Rue de la Loi 170  
B-1040 Brussels  
Belgium
- **Postal address**  
European Commission  
Directorate-General for Trade, Directorate H  
(Office N-105 4/90)  
B-1049 Brussels  
Belgium
- **Hearing Officer**  
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# 10. Useful links

- **European Commission**

DG Trade website: <http://ec.europa.eu/trade>

- DG Trade website on trade defence instruments:

<http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence/>

- **Major EU producers' and traders' associations**

This is a list of business associations with previous experience in trade defence instruments.

- Aegis

BusinessEurope: <http://www.businesseurope.eu/>

EuroCommerce: <http://www.eurocommerce.be/>

Foreign Trade Association: <http://www.fta-eu.org/>

- Agoria: <http://www.agoria.be/>

- ANFFE: <http://www.anffe.com/>

- CECED: <http://www.ceed.org/>

- Cérame-Unie: <http://www.cerameunie.eu/>

- CIRFS: <http://www.cirfs.org/>

- ConfIndustria: [http://www.confindustria.it/wps/portal/IT/home!/ut/p/a1/04\\_Sj9CPykssy0xPLM-nMz0vMAfGjzOJ9PT1MDD0NjLz8\\_Q0cDRwtXC3DAkMtjN1dzYEKIoEKDHAARwNC-sP1o1CVu-PuEAyVZBFk6GzoZGXp7G0AV4LHCSz8qPSc\\_CezcSMe8JGOLdP2ootS01KLUIr3SIqBwRkl-JQbGVqoGqQXl5uV5SZl66XnJ-rqoBNgOZ-cUl-hHI6vQLciMMskxzynwCFRUB4elw\\_Q!!/dl5/d5/L2dBISEvZ0FBIS9nQSEh/](http://www.confindustria.it/wps/portal/IT/home!/ut/p/a1/04_Sj9CPykssy0xPLM-nMz0vMAfGjzOJ9PT1MDD0NjLz8_Q0cDRwtXC3DAkMtjN1dzYEKIoEKDHAARwNC-sP1o1CVu-PuEAyVZBFk6GzoZGXp7G0AV4LHCSz8qPSc_CezcSMe8JGOLdP2ootS01KLUIr3SIqBwRkl-JQbGVqoGqQXl5uV5SZl66XnJ-rqoBNgOZ-cUl-hHI6vQLciMMskxzynwCFRUB4elw_Q!!/dl5/d5/L2dBISEvZ0FBIS9nQSEh/)

- Fertilisers Europe: <http://www.fertilizerseurope.com/index.php?id=22>

- ESTA (European Steel and Tube Association): <https://lobbyfacts.eu/representative/4a7b566b-909346b2a42c8fcde664798c/european-steel-tube-association> (does not have a website)

- Eurocord: <http://www.eurocord.com/>

- Eurofer: <http://www.eurofer.org/>

- Eurometal: <http://www.eurometal.net/>

- European Aluminium: <https://www.european-aluminium.eu/>

- EWRIS: <http://www.eurocord.com/>

- Unesid: <https://unesid.org/>

- Union des Industries Chimiques: <http://www.uic.fr/>

- Union des Industries Textiles: <http://www.textile.fr/>

- Verband der Chemischen Industrie e.V. (VCI): <https://www.vci.de/Seiten/Startseite.aspx>

If your industry is not represented above, please consult <http://www.aalep.eu/top-200-eu-trade-associations-to-find-200-EU-trade-associations>.



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Publications Office

Print  
PDF

ISBN 978-92-79-89039-0  
ISBN 978-92-79-89073-4

doi:10.2781/852049  
doi:10.2781/39784

**European Commission**

TDI-Trade Defence Instruments, Anti-Dumping & Anti-Subsidy  
- A Guide for Small and Medium-Sized Businesses

NG-01-18-710-EN-C  
NG-01-18-710-EN-N