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**A legal guide to EU anti-dumping**

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INTRODUCTION

This guide is designed to provide an overview of EU anti-dumping law and practice. The main rules pertaining to EU anti-dumping law are contained in Council Regulation 1225/2009. EU rules are explicitly based on and must respect those contained in the WTO Anti-Dumping Agreement. Under EU law, new anti-dumping duties may only be imposed if:

1) Non-EU goods are “dumped” on the EU market;
2) The dumped imports have caused or will cause injury to a Community industry; and
3) Anti-dumping duties would not be against the Community interest.

4) EU authorities must also respect basic procedural requirements, including the due process rights of interested parties.

The first three sections below provide an overview of EU rules and practice with respect to dumping, injury and the Community interest. The fourth section provides a practical overview of EU anti-dumping procedure.

DUMPING

Anti-dumping duties may only be imposed if a product is found to be dumped. Under EU rules, a product is considered as being dumped when the export price of a product is less than the normal value of the same or like product not sold for export to the EU.

Calculating normal value

Under EU rules, normal value in market economy countries may be calculated in one or more of the following ways:

(1) on the basis of domestic sales prices of the exporting producer;
(2) on the basis of prices of other exporting sellers or producers in the same country;
(3) on the basis of export prices to a third country; or
(4) by constructing a normal value based on the costs of production plus a reasonable amount to cover selling, general and administrative costs and profit.

The primary basis for determining normal value is the first option, namely, domestic sales prices. The EU will only resort to one of the other three bases for normal value if, inter alia, domestic sales are not representative or if they are not in the ordinary course of trade.

The questions of representativeness and whether domestic sales are in the “ordinary course of trade” are discussed further below. Special rules which apply to goods produced in non-market economies are also discussed.

Global representativeness

When determining what basis for normal value should be used, the EU authorities will first analyse whether the total volume of domestic sales of the like product to independent customers is representative, i.e., whether the total volume of such sales equals to at least 5% of the total volume of the corresponding export sales to the EU.

Where the domestic sales volume of the like product is not at least 5% of the corresponding export sales to the EU, then normal value may be established on the basis of prices of other sellers or producers or be constructed (options (2) and (4) above). More often than not the price is constructed. Calculation of normal value
based on third country export prices (option (3) above) is rarely used in the EU.

**Product type representativeness**

If the total volume of domestic sales is considered representative, then the EU authorities will seek to determine representativeness on a product type basis. In this determination, EU authorities will assess whether the volume of a product type sold on the domestic market to independent customers during a certain period represents 5% or more of the total volume of a comparable product type sold for export to the EU.

Where there are no representative sales for a product type, the Commission will seek to establish normal value using the prices of other sellers and producers or by resorting to constructed normal value (options (2) and (4) above). As mentioned, more often than not, constructed normal value is used.

**Ordinary course of trade**

For product types where initial analysis shows that domestic sales volume is representative, EU authorities will then examine whether those domestic sales can be considered to be in the ordinary course of trade. If one or more sales transactions is not considered to be in the ordinary course of trade, they will be excluded from the normal value calculation. Domestic sales transactions may be excluded from the normal value calculation as not in the ordinary course of trade if they are loss making, are made between related parties or are otherwise not comparable. Exclusion of such sales prices can also trigger recourse to constructed normal value if the remaining domestic sales volume is not considered representative.

**Non-market economies**

If a good originates from a non-market economy country, then normal value will not be determined with respect to the rules discussed above (ie, primarily on the basis of domestic sales prices if they are representative and in the ordinary course of trade). Instead, normal value will usually be determined on the basis of the price or costs in an “analogue” market-economy third country (eg, Australia). If this is not possible, normal value may be determined on any other reasonable basis, including the price actually paid or payable in the EU for the like product. Countries which are considered to be non-market economies include: Albania, Armenia, Azerbaijan, Belarus, China, Georgia, North Korea, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Tajikistan, Turkmenistan, Uzbekistan and Vietnam. In practice, the use of the non-market economy normal value methodologies leads to higher anti-dumping duties. However, if exporting producers are able to successfully persuade EU authorities to use a market economy “analogue” third country with similar costs of production for the normal value calculation, then the outcome of the dumping investigation is usually significantly improved.

Exceptionally, EU law also permits exporting producers from China, Vietnam, Kazakhstan and any other WTO non-market economy country to request “market economy treatment” or “MET”. If successful, their normal value is primarily based on their own domestic prices and not third country prices. Market economy treatment is granted when the following five criteria are met:

1. decisions of the firm regarding prices, costs and inputs are made in response to market signals reflecting supply and demand, and without significant state interference, and
costs of major inputs substantially reflects market values;

(2) the firm has one clear set of basic accounting records which are independently audited in line with the international accounting standards and are applied for all purposes;

(3) the production costs and financial situation of the firm is not subject to significant distortion carried over from the former non-market economy system, in particular in relation to depreciation of assets, other write-offs, barter-trade and payments via compensation of debts;

(4) the firm concerned is subject to bankruptcy and to property laws which guarantee legal certainty and stability for the operation of firms; and

(5) exchange rate of conversions are carried out at the market rate.

Companies granted MET almost always receive a substantially lower dumping margin than companies not granted MET. Obtaining such “market economy” status can therefore result in a very significant competitive advantage.

### Calculating export price

Export prices are generally calculated using actual price data. Adjustments are, however, frequently necessary where, for example, the importer is associated with the exporter or there is some other form of compensatory arrangement so that the export price paid or used for accounting purposes appears unreliable. In such a case, the export price is constructed on the basis of the price at which the products are first resold to an independent buyer which is then adjusted so as to result in an “at Community frontier” price.

### Comparing normal value and export prices

Once normal value and export prices are determined, these prices must be compared with each other. In other words, it must be determined whether the export price is less than the normal value. This allows an investigating authority to determine whether dumping has occurred.

For the purpose of determining whether dumping has occurred, EU authorities have traditionally compared prices on an ex-works basis (ie, excluding any costs after a product leaves the factory) and exclusive of any indirect taxes. Therefore, in practice, numerous adjustments must be made to sales prices before they can be compared. These include deducting amounts associated with shipping and other after sales costs. Adjustments to normal value and export prices will also be made to take into account the level of trade (eg, wholesaler versus retailer), product differences, if any, and any other factors that may affect price comparability.

### Calculating the dumping margin

Once the normal value and export prices have been adjusted so that they are comparable, the dumping margin may be calculated. The dumping margin will be calculated by taking into account normal value and export prices over a period of time. This period is normally six months to one year and ends close to the date of initiation of the investigation.
Methodologies
Under EU law, the dumping margin may be calculated in one of three ways:

(1) Weighted-average to weighted-average method;

(2) Individual transaction to individual transaction method; or

(3) Weighted-average to individual transaction method.

Normally, EU authorities will use the first method. Using this method, the weighted-average price of all export transactions to the EU during an investigation period is compared with a weighted average normal value during the same period. The resulting amount is expressed as a percentage of the CIF export price to arrive at a dumping margin. A simple example is below.

**Weighted-average (“WA”) dumping margin calculation example**

<table>
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<th>Description</th>
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<tr>
<td>WA normal value (50 EUR)</td>
<td></td>
</tr>
<tr>
<td>WA export price (45 EUR)</td>
<td></td>
</tr>
<tr>
<td>CIF price (50 EUR)</td>
<td></td>
</tr>
<tr>
<td>Dumping margin equals</td>
<td></td>
</tr>
<tr>
<td>((50-45)/50)*100</td>
<td>10%</td>
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Option (2), the individual transaction to individual transaction method, is infrequently used because it involves determining a corresponding normal value for each export transaction and therefore is difficult to apply in most circumstances.

Option (3), the weighted-average to individual transaction method, will only be used if there is a pattern of export prices which differs significantly amongst different purchasers, regions or time periods.

Non-market economies
Where a non-market economy is involved, the Commission will calculate one margin to apply to all imports from the country but an individual margin will be applied to exporting producers which are granted either market economy treatment (see discussion at page 4 above) or so-called individual treatment.

If an exporting producer has been given market economy treatment, then the normal value and export prices used to calculate the dumping margin will be primarily based on its own prices and costs.

In the case of individual treatment, export prices of that producer will be compared with a non-market economy normal value to determine an individual dumping margin for that producer. Individual treatment is provided to suppliers which are legally distinct from other suppliers or which are legally distinct from the State and which are not otherwise considered a single entity for the purpose of specifying the duty. For the application of this rule, account may be taken of factors such as the existence of structural or corporate links between the suppliers and the State or between suppliers, control or material influence by the State in respect of pricing and output, or the economic structure of the supplying country.
**INJURY**

EU authorities may only impose anti-dumping duties if dumped imports have caused injury to the Community industry. Injury includes (i) present material injury; (ii) threat of material injury; and (iii) material retardation of the establishment of an industry. Most EU anti-dumping cases have concerned present material injury, although many have dealt with threat of material injury. Few EU anti-dumping cases to date have concerned material retardation.

**The Community industry**

Injury must be caused to the Community industry. Therefore, it is important to identify the producer or producers that will be examined for the purposes of the injury assessment, i.e., those considered to be “the Community industry”. EU law defines the Community industry as the Community producers of products “like” the allegedly dumped product or any group of them whose collective output constitutes more than 25%. If Community producers are related to exporters or importers or are themselves importers of the allegedly dumped product, they may be excluded from the definition of the Community industry. In addition, Community producers may be excluded from the definition of the Community industry if the anti-dumping case only concerns a particular region of the EU.

**Material injury**

When determining whether present material injury exists, the EU authorities will first examine the volume of dumped imports and the effect of the dumped imports on prices in the domestic market for like products. For this determination, the EU authorities analyse the volume and prices of imports over time (normally four years) and assess whether there has been significant price undercutting by the dumped product as compared to the like Community industry product. In some cases, the EU authorities will also analyse whether the effect of the dumped imports is to depress Community industry prices or prevent Community industry price increases which would have otherwise occurred.

As a second step in the material injury determination, the EU authorities investigate the specific situation of the Community industry, analysing trends over time. In assessing the situation of the Community industry, the EU authorities will analyse numerous factors including production, capacity utilisation, productivity, domestic sales volume and prices, market share, export volume and prices, profitability and employment.

**Threat of material injury**

In making a threat of injury determination, EU law states that EU authorities should give consideration to factors such as the following:

1) whether there is a significant rate of increase of dumped imports into the domestic market indicating the likelihood of substantially increased importation;

2) whether there is a sufficiently freely disposable, or an imminent, substantial increase in, capacity of the exporter indicating the likelihood of substantially increased dumped exports to the EU market;

3) whether imports are entering at prices that will have a significant depressing or suppressing effect on domestic prices, and would likely increase demand for further imports; and
4) whether inventories of the product being investigated suggest that imports could increase in the future.

Causation

If there is a finding of injury, as a final step, EU authorities will seek to determine whether the injury was or will likely be caused by dumped imports. When making this determination, EU authorities will first seek to ascertain whether there is a coincidence between the price/volume of dumped imports and any deteriorating situation of the Community industry. Second, the EU authorities will seek to determine if there are other known factors which are causing or threaten to cause injury to the Community industry. Such factors may include, inter alia, (i) restrictive trade practices within the EU; (ii) imports from other countries; or (iii) relocation of production outside the EU.

Injury margin

When assessing injury, the EU authorities will generally calculate an injury margin for each exporter. Although EU rules do not mandate any particular methodology for the injury margin calculation, the EU authorities most often apply a formula which compares a Community producer selling price with sales prices of dumped imports into the EU. The resulting injury amount is expressed as a percentage of the CIF Community frontier price in order to obtain an injury margin.

As when calculating the dumping margin, before comparing the Community producer price with the selling price of the dumped imports, the EU authorities will make numerous adjustments in order to ensure that the prices are comparable. Thus, for example, customs duties will be added to the CIF price and differences in physical characteristics and levels of trade will be taken into account. Differences in levels of trade will also be taken into account.

The injury margin calculation is important since it can affect the level of any duties finally imposed. In general, anti-dumping duties correspond with the dumping margin found. However, if the injury margin is lower than the dumping margin, EU authorities will set the level of the anti-dumping duty to correspond with the injury found.

Exporters and other interested parties that oppose anti-dumping duties therefore have a strong interest in seeking to make the relevant export price used in the injury margin calculation as high as possible while at the same time seeking to ensure that the relevant Community producer price is as low as possible. It should be noted that, in cases concerning non-market economy countries, however, injury margins will only be calculated for individual exporters if they receive individual treatment (see pg. 5 above).

COMMUNITY INTEREST

If there is a finding of dumping and injury caused by dumped imports, anti-dumping duties may not be imposed if the EU authorities find that it is clearly not in the Community interest to apply such measures. When making this determination, the interests of the domestic industry, importers/users and consumers will be taken into account. In several EU cases, duties have either not been imposed or terminated based on a finding that anti-dumping duties would be against the Community interest – for example, because anti-dumping duties would unduly increase prices for consumers or lead to shortages of supply for users.
EU ANTI-DUMPING

EU ANTI-DUMPING PROCEDURE

Pre-initiation and initiation

In the EU, most new anti-dumping investigations are initiated on the basis of a complaint from Community producers. These complaints must contain evidence of dumping and injury. EU authorities also require a showing of a Community interest. Once a complaint is received, the EU Commission has 45 days to accept or reject a complaint. In that period, it will examine the content of the complaint and consult with the so-called Anti-Dumping Committee which is made up of 28 EU Member State representatives.

If the Commission considers that the complaint is sufficiently substantiated, it will initiate an investigation and publish a notice in the Official Journal of the European Union. Prior to initiating the investigation, it will notify the relevant governments of the country of origin of the allegedly dumped goods.

A new investigation will not be initiated if, inter alia, (i) there is insufficient evidence of dumping and/or injury caused by dumping; (ii) the level of dumped imports is de minimis (eg, if the market share of the dumped imports is less than 1%); or (iii) the complaint is not made by or on behalf of the Community industry. As regards the latter case, a complaint is made by or on behalf of the Community industry when:

(1) it is supported by those Community producers whose collective output constitutes more than 50% of the total production of the like product produced by that portion of the Community industry expressing either support for or opposition to the complaint; and

(2) Community producers expressly supporting the complaint constitute more than 25% of the total production of the like product produced by the Community industry.

Submission of information to the Commission

When the Commission publishes the notice of initiation of an anti-dumping investigation, it will provide basic information about the scope of the investigation (eg. the allegedly dumped product) and request information from interested parties. Generally, there are very short deadlines for the submission of the information requested by the Commission. Although deadlines can sometimes be extended, most information initially requested must be submitted within 40 days or less.

For exporters especially, providing the information requested by the Commission can be very burdensome. Nevertheless, it is in their interest to cooperate. Exporting producers that cooperate often receive a much lower duty in EU anti-dumping investigations than those that do not. For example, in an investigation concerning candles, numerous cooperating producers received a zero duty while non-cooperating producers were subject to an anti-dumping duty of 549.33 EUR per tonne. As a result, cooperation can provide a significant competitive advantage.

The information which must be submitted shortly after the initiation of an anti-dumping investigation is briefly discussed below.
Sampling information and questionnaire responses

When an investigation is initiated, the Commission will request detailed information from interested parties primarily related to prices and costs associated with the allegedly dumped product. This information is used for the dumping and injury calculations. Parties are normally given 40 days to reply and an extension is sometimes available.

If the Commission considers that the number of cooperating exporters, Community producers and/or importers/users will be too large to individually analyse all of their information within the 15 months it has to complete an investigation, then it will not immediately request detailed questionnaire responses. Instead, in the notice of initiation, the Commission will request more limited “sampling” information. For example, with respect to exporting producers, information pertaining to the identity/contact details, turnover and sales volume, activities of the company is usually requested. In addition, companies are invited to provide other information which they consider useful to assist the Commission in the selection of the sample.

Sampling information must be returned to the Commission within 15 days of the date of publication of the notice of initiation.

The “sampling” information received is then used to choose a limited number of exporting producers, Community producers and/or importers/users that will be required to fill out the more detailed questionnaire. The Commission normally chooses the companies with the largest representative volume of production, sales or exports to be included in the sample.

Market economy and individual treatment requests

As discussed at pages 4 and 6 above, exporting producers from non-market economy WTO countries such as China and Vietnam may request market economy treatment and individual treatment in an EU anti-dumping investigation.

In most new investigations concerning China, the European Commission will employ sampling. Where sampling is employed, exporting producers generally have 21 days from the date of the notification of the selection of sample to submit a completed MET claim form. Individual treatment questionnaires must normally be returned within 37 days of the selection of the sample.

Analogue country comments

If an investigation concerns a non-market economy, the Commission will indicate in the notice of initiation how it envisages establishing normal value. Normally, this will be based on prices in an analogue country (eg, Brazil or the United States) or, if necessary, on prices in the Community. Interested parties, including exporters from non-market economy countries, will typically have 10 days to comment on this issue.

Since normal value is based on prices and/or costs in an analogue country, the choice of the analogue third country can have a significant impact on the outcome of a dumping investigation. Needless to say, it is therefore in the interest of exporting producers to persuade the Commission to use prices and/or costs in third countries with relatively low costs of production.
Other information

In the notice of initiation, the Commission will also request parties to provide any other information, comment on the Community interest and request a hearing. Comments on the Community interest are usually requested within 37 days of the publication of the notice of initiation.

Investigation

Following the submission of questionnaire responses and other information by interested parties, the Commission will begin to analyse the information received. It will also ask for supplementary/additional information in some cases. As part of its investigation process, the Commission will conduct on-site investigations for the purpose of verifying information provided by companies in their questionnaire responses. These verifications typically take from three to five days, but sometimes more.

Parallel to the Commission’s own investigation, interested parties are given a right to inspect non-confidential versions of information submitted by other interested parties. Such information includes questionnaire responses, comments on dumping, injury and other matters.

During the investigation stage, the Commission will also schedule time for hearings so that interested parties may present their views orally. Hearings are generally *ex parte*, i.e., between the party concerned (e.g., an exporter) and the Commission. Importers, exporters, representatives of the government of the exporting country and Community complainants may also request to meet parties with adverse interests in a so-called “confrontation meeting”. In the latter case, cooperation by any party is not mandatory.

Provisional anti-dumping duties

Provisional anti-dumping duties may be imposed at any time between 60 days and nine months after initiation of proceedings. In practice, these are generally imposed only once the Commission has conducted on-site verifications.

In order to apply provisional anti-dumping duties, the Commission must have reached a provisional determination that dumping exists and is causing injury to the Community industry. It must also be convinced that the Community interest calls for intervention to prevent such injury. Further, the Commission must be sure that the proceedings have been properly initiated and that interested parties have been given an adequate opportunity to make their views known and to submit information.
Disclosure of findings

Interested parties may request in writing the disclosure of the underlying essential facts and considerations on the basis of which any provisional measures are imposed. Disclosure is normally provided in writing shortly following the publication of the decision to impose provisional anti-dumping duties.

Interested parties are also entitled to request disclosure of the essential facts and considerations and the basis on which the Commission intends to recommend the imposition of definitive measures, or the termination of an investigation without the imposition of measures. Disclosure is in writing and is normally made at least one month before the Commission begins the formal process of proposing either the termination of proceedings or the imposition of duties. Interested parties may respond to such final disclosures only within the short period set down by the Commission. Usually this period is 10 days.

Outcomes

In general, an anti-dumping investigation can have one of two outcomes; either antidumping measures will be imposed or the will not. these outcomes are discussed further, below.

Termination of the proceeding

The proceeding will be terminated and anti-dumping measures will not be imposed if there is a finding of no dumping, no injury caused by dumping or that anti-dumping duties would be against the Community interest. Proceedings will also be terminated if the dumping margin or volume of imports is de minimis or if original complaint has been withdrawn.

Definitive duties

Definitive duties will be imposed if the facts finally show that there is dumping and injury caused thereby, and the Community interest calls for intervention. The Commission is entrusted with imposing anti-dumping duties. However, a Commission decision to impose definitive anti-dumping duties can be blocked by the Trade Defence Instruments Committee if a qualified majority of its members deliver an opinion against the Commission’s proposal. The Trade Defence Instruments Committee consists of one representative from each of the 28 EU Member States and chaired by the Commission.

Under EU law, the anti-dumping duty will be set at the lower of the dumping or injury margin. Duties are normally imposed for five years, although duties have been exceptionally imposed for one or two years in a number of cases. If a provisional duty has been imposed, the EU Commission will decide whether to collect the provisional duty fully or partially, which happens in almost all cases. In exceptional cases, definitive anti-dumping duties may also be collected up to 90 days before the application of provisional duties.

Undertakings

Under EU law, exporters may offer so-called undertakings to the Commission once there has been a provisional determination of dumping and injury. Normally, undertakings may not be offered following the end of the period provided by the Commission to comment on the final disclosure. Undertakings are offers submitted by exporters to revise export prices or to cease exports at dumped prices in a manner which would eliminate the injurious effect of the dumping. Where undertakings are accepted, any provisional or final anti-dumping duties do
not apply to imports of the product covered by the undertaking. The advantage of price undertakings for exporters is that they can keep the additional income resulting from the price increase, whereas anti-dumping duties are paid to the EU.

Reviews
Once anti-dumping duties have been imposed, EU anti-dumping law provides for a number of review possibilities, including: (1) interim reviews; (2) new shipper reviews; (3) anti-absorption reviews; and (4) expiry reviews.

Interim reviews
Interim reviews are primarily initiated to determine whether dumping and/or injury has increased or decreased. Interim reviews may also be initiated to re-examine the Community interest, product scope and other matters concerning the need for the continued imposition of anti-dumping measures. Interim reviews may be initiated by the Commission or at the request of a Member State, exporter, importer or Community producer. Requests for review from exporters, importers or Community producers may only be accepted if at least one year has elapsed since the imposition of the anti-dumping measures.

New shipper reviews
Exporters that did not ship to the EU during the period covered by the original investigation are automatically subject to the residual (and often the highest) anti-dumping duty. Therefore, EU rules provide the opportunity for these exporters to request a review and have an individual dumping margin determined for them following the imposition of definitive duties.

Anti-absorption reviews
If, following the imposition of anti-dumping measures, prices of the dumped product decline, remain the same or do not sufficiently increase, an anti-absorption proceeding may be initiated. Investigations may be initiated following a request from a Member State or other interested parties or at the initiative of the Commission. In an anti-absorption investigation, the Commission will first analyse whether the anti-dumping measure should have led to movements in prices in order to remove injury. If there is a positive determination in this regard, then dumping margins will be recalculated taking into account the lower export prices.

Expiry reviews
Anti-dumping measures normally expire five years from the date of their imposition or from the date of the most recent review that covered dumping and injury. However, they will not automatically expire if an expiry review is requested and initiated. Expiry reviews may be requested by Community producers up until three months before the expiration of anti-dumping measures. They may also be initiated by the Commission without a request. If a review is initiated, anti-dumping duties will normally be extended for an additional five years if it is definitely determined that (i) dumping and injury would continue or recur if anti-dumping measures expire; and (ii) continued anti-dumping measures would not be against the Community interest.

Circumvention investigations
Following the initiation of an investigation, anti-dumping duties may be extended to imports from third countries or other products from the same country subject to anti-dumping
measures if (i) there is evidence of circumvention; (ii) there is evidence that the remedial effects of the duties are being undermined; and (iii) there is evidence of dumping in relation to the normal values previously established. Circumvention is defined as a change in the pattern of trade between a third country and/or an exporting producer and the EU which is done for the purpose of evading or “circumventing” an anti-dumping duty. Most cases of circumvention involve relocation of assembly of a product to a third country following the imposition of anti-dumping measures. Circumvention may also involve transshipment, rechanneling sales through producers or exporters with low duties and an alteration of the product exported to the EU. Investigations may be initiated on the initiative of the Commission or at the request of a Member State or any interested party.

Appealing anti-dumping measures

Anti-dumping determinations can be challenged before the European Courts, either directly or in the context of a reference from an EU Member State national court. Recently, a number of anti-dumping determinations have been overturned by the European Courts.
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ABOUT US

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We can help you thrive in the global economy. With 2,800 lawyers in offices spanning Asia, Australia, Europe, the Middle East and the US, we can deliver whatever expertise you need, wherever you need it.

Our competition, regulation and trade group has extensive experience in advising clients on all legal aspects of barriers to trade and investment in world markets, including market access strategy, the protection of international investments, WTO law concerning trade in goods and services, WTO dispute settlement, WTO/EU anti-dumping and anti-subsidy law, customs law, export controls and sanctions, and trade related aspects of intellectual property rights.

We have unparalleled expertise in successfully challenging EU measures before the EU Courts in Luxembourg; we are regularly involved in cutting edge litigation and have a reputation for achieving landmark victories.
OUR EU TRADE REMEDY EXPERIENCE

Our team has extensive experience advising on trade remedy cases for a vast array of international clients, spanning a wide variety of industries.

We have represented clients in a number of EU trade remedy proceedings, including the following:

- **biodiesel** originating in the United States
- **bioethanol** originating in the United States
- **wireless modems** originating in China
- **leather footwear** originating in China and Vietnam
- **polyester staple fibres** originating in China, Korea, India, Saudi Arabia and Taiwan
- **non-malleable cast iron** from China
- **granular PTFE** originating in China
- **leather handbags** originating in China
- **fluorspar** originating in China
- **citrus fruits** originating in China
- **recordable compact discs** originating in China, Hong Kong, India, Malaysia and Taiwan
- **recordable versatile digital discs** originating in China, Hong Kong and Taiwan
- **footwear with textile uppers** originating in China and Indonesia
- **footwear with uppers of leather or plastics** originating in China, Indonesia and Thailand
- **cokes** originating in China
- **cast iron manhole tops** originating in China
- **deadburned magnesia** originating in China
- **stainless steel fasteners** originating in Malaysia
- **welded tubes and pipes** from Belarus, Bosnia and Herzegovina, China, Czech Republic, Poland, Russia, Thailand, Turkey and Ukraine
- **PET film** from India
- **broad spectrum antibiotics** from India
OUR TEAM

Lode Van Den Hende
Partner, Brussels

Lode was among the very first private lawyers who was allowed to appear in a WTO dispute settlement hearing and has considerable litigation experience in the EU courts. He has unique experience in arguing high profile WTO, international trade and trade remedy related cases before the European Courts and in the WTO. He acted for Ecuador in its landmark WTO case on suspending the protection of EU owned intellectual property rights by way of sanction for the EU’s continued nonimplementation of the WTO decisions in the dispute over the importation of bananas. He also acted for the Government of Antigua and Barbuda in its successful claim against the US concerning market access for electronic gambling and betting services.

Jennifer Paterson
Senior associate, Brussels

Jennifer has practised EU and international trade law since 2005. She has extensive experience in a wide range of trade matters, including customs compliance, antidumping and WTO proceedings. Jennifer has advised governments in WTO disputes (eg, concerning customs matters, subsidies, export restrictions and financial services) and has been involved in several cases before the European courts. She has represented clients in numerous trade remedy cases before the European Commission (most recently in those concerning bioethanol, wireless modems and biodiesel).