

Protection against dumped imports from countries not members of the European Union.

Codification

2014/0309(COD) - 08/06/2016 - Final act

PURPOSE: to codify Council Regulation (EC) n°1225/2009 on protection against dumped imports from countries not members of the European Community.

LEGISLATIVE ACT: Regulation (EU) 2016/1036 of the European Parliament and of the Council on protection against dumped imports from countries not members of the European Union (codification).

CONTENT: in the interests of clarity and rationality, the Regulation **codifies Council Regulation (EC) n° 1225/2009**, which has been substantially amended several times.

The Regulation transposes into EU law the rules contained in the 1994 Anti-Dumping Agreement, annexed to the Agreement establishing the World Trade Organisation. These rules relate in particular to the calculation of dumping, procedures for initiating and pursuing an investigation, including the establishment and treatment of the facts, the imposition of provisional measures, the imposition and collection of anti-dumping duties, the duration and review of anti-dumping measures and the public disclosure of information relating to anti-dumping investigations.

The Regulations sets out the principle that **an anti-dumping duty may be imposed on any dumped product** whose release for free circulation in the Union causes injury.

A product is to be considered as being dumped if its export price to the Union is less than a comparable price for a like product, in the ordinary course of trade, as established for the exporting country.

Amongst other measures, the new codified Regulation:

- sets out clear and detailed rules on the calculation of the **normal value** for the purposes of determining dumping. In particular, such value should in all cases be based on representative sales in the ordinary course of trade in the exporting country;
- sets out the factors which may affect **prices and price comparability** and to set out specific rules as to when and how the adjustments should be made;
- sets out detailed guidance as to the factors which may be relevant for the determination of **whether the dumped imports have caused material injury or are threatening to cause injury**. A determination of injury shall be based on positive evidence and shall involve an objective examination of: (a) the volume of the dumped imports and the effect of the dumped imports on prices in the Union market for like products; and (b) the consequent impact of those imports on the Union industry.
- defines the term **‘Union industry’** and provides that parties related to exporters may be excluded from such an industry;
- specifies rules on who may lodge an **anti-dumping complaint**, including the extent to which it should be supported by the Union industry, and the information on dumping, injury and causation which such a complaint should contain;
- establishes the procedures for the rejection of complaints or the initiation of proceedings;
- sets out rules on the manner in which interested parties should be given notice of the information which the authorities require;

- sets out the conditions under which **provisional duties** may be imposed; such duties may in all cases be imposed by the Commission, either directly for a nine-month period or in two stages of six and three months;
- specifies procedures for accepting **undertakings** which eliminate dumping and injury instead of imposing provisional or definitive duties;
- sets out the **rules and procedures to be followed during investigations by the Commission** at EU level; the termination of cases should, irrespective of whether definitive measures are adopted or not, normally take place within 12 months, and in no case more than 15 months, of the initiation of the investigation;
- provides for **sampling** in cases where the number of parties or transactions is large in order to permit completion of investigations within the appointed time limits.
- provides for **verification visits** to check information submitted on dumping and injury;
- stipulates that an importer may request **reimbursement** of duties collected where it is shown that the dumping margin, on the basis of which duties were paid, has been eliminated, or reduced to a level which is below the level of the duty in force.

ENTRY INTO FORCE: 20.7.2016.