



## Investigations

### What is an anti-dumping investigation?

An anti-dumping investigation is when the Commission tries to determine whether goods being imported into the EU are being sold at below the price in the producer country, i.e. being 'dumped'.

The Commission is obliged to launch an anti-dumping investigation if it receives a valid complaint from an EU industry providing sufficient evidence that exporting producers from one or more countries are dumping a particular product onto the EU market and causing injury to the EU industry. In accordance with EU law, the Commission launches the investigation within 45 days.

The Commission publishes a Notice of Initiation in the EU's Official Journal, specifying the product under investigation, the country/countries to be investigated, the rights and obligations of interested parties to the proceeding, and the deadlines which will apply.

The investigation examines whether:

- dumping is taking place from the country/countries concerned;
- material injury has been suffered by the EU industry;
- it is the dumping that is causing the injury;
- it would be against the economic interests of the EU to impose measures (which are usually in the form of an anti-dumping duty).

### What happens next?

On the date the Notice of Initiation is published, the Commission sends questionnaires to:

- exporters in the countries concerned;
- producers in the EU;
- importers and users in the EU.

Exporters from economies in transition<sup>1</sup> may also receive specific claim forms which they can fill in to show that they are operating under market economy principles.

Deadlines for replies to questionnaires and claim forms are set out in the Notice of Initiation.

### What if a company does not reply to the questionnaire?

Parties who do not reply to the questionnaire or do not cooperate in other ways may be regarded as not cooperating with the investigation.

Cooperation is strongly encouraged. The consequences of non-cooperation normally lead to the imposition of measures which are higher than for parties which have cooperated.

## Is it necessary to employ a lawyer?

There is no obligation to employ a lawyer. A company may defend its own interests during an investigation.

The Commission's services are available throughout the investigation to help any interested party and the case officers' contact details are always provided to them.

## What are the main stages of the investigation?

Once companies have replied to the questionnaire sent to them, the data is verified by case officers (usually by inspecting records at the company's premises).

The Commission then makes provisional findings. At this point it may:

- impose provisional countervailing duties (usually in force for six months)
- continue the investigation without imposing duties
- terminate the investigation.

All parties have the right to comment on the provisional findings and receive disclosure of the essential facts and considerations forming the basis for the provisional findings. The Commission takes due account of the comments received when it continues the investigation. The definitive findings are also disclosed to interested parties and comments requested.

Finally, the Commission either:

- imposes definitive measures, or
- terminates the case without measures.

The Commission must impose any measures within 15 months of the initiation of the investigation.

The Commission is responsible for all investigations in this area. It has also become the only decision-making body. However, the Member States retained power to block the Commission's proposals when it comes to the most important decisions, such as imposition of definitive duties. However, to do so they will need to achieve a qualified majority of the votes against the proposal.

---

<sup>i</sup> At present these countries are the People's Republic of China, Vietnam, Kazakhstan, Albania, Armenia, Georgia, Kyrgyzstan, Moldova and Mongolia.