



## Investigations

### What is an anti-subsidy investigation?

Once the Commission has received a valid complaint from an EU industry, providing sufficient prima facie evidence that a country is subsidising companies exporting a particular product to the EU and that this is causing injury to the EU industry, the Commission launches an investigation within 45 days to examine whether:

- imports from the country/countries concerned are subsidised;
- there is injury to the EU industry;
- the subsidised imports are causing this injury;
- it is in/against the interests of the EU to impose measures (usually a countervailing duty).

### Investigation procedure

A Notice of Initiation is published in the EU's Official Journal, detailing 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.

At the same time, a questionnaire is sent to exporters and authorities (government and/or public bodies) in the country/countries concerned, Union producers and importers, and users. The deadline for replies to the questionnaire is specified in the Notice of Initiation.

Parties who do not reply to the questionnaire are considered to be not cooperating with the investigation. The Commission will continue the investigation and may use other information available. The duty imposed on a non-cooperating exporter is likely to be higher than if it had cooperated.

The data submitted in response to the questionnaires is verified by case handlers. This is usually done by inspecting the respondent's records at the company premises.

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

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

All interested parties receive a disclosure document explaining the essential considerations on which the Commission's provisional findings were based, and are invited to comment.

The Commission then continues its investigation, taking due account of the comments received.

When the Commission makes its final findings, it sends another disclosure document to interested parties. Based on its final findings, the Commission either:

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

The Commission must impose any measures within 13 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.

### 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 is available to answer queries from interested parties throughout the investigation - case officers' contact details are provided to parties to an investigation.