



EU basic anti-dumping and anti-subsidy regulations **Modification of the duration of the period of pre-** **disclosure**

Reminder: the common rules for protection against dumped and subsidized imports from third countries are contained in Regulations (EU) 2016/10361 and (EU) 2016/10372 of the European Parliament and the Council (hereinafter “basic Regulations”).

A fundamental review of the basic Regulations was adopted in 2018, resulting in Regulation (EU) 2018/8253.

In order to improve the transparency and predictability of anti-dumping and countervailing duty investigations, interested parties to the procedure, and in particular importers, should be made aware of the impending imposition of such measures. In addition, in investigations where it is not appropriate to impose provisional measures, it is desirable that parties are aware sufficiently in advance of such non-imposition. Therefore, a pre-disclosure period of three weeks was introduced.

Furthermore, the amending Regulation introduced an obligation for the Commission to review by 9 June 2020 whether a substantial rise in imports has occurred during the period of pre-disclosure and whether, if such rise has occurred, it has caused additional injury to the Union industry, despite possible registration or adjustment to the injury margin.

Based on this review, the Commission has the power to adopt a delegated act in order to amend the duration of the period of pre-disclosure to two weeks in the case of a substantial rise of imports which caused additional injury and to four weeks where that did not prove to be the case.

Since the entry into force of Regulation (EU) 2018/825 on 8 June 2018, the Commission initiated 19 anti-dumping investigations and six anti-subsidy investigations. For twelve of these investigations, the provisional stage was passed and the Commission could therefore analyze them in order to verify whether a substantial increase in imports had occurred during the pre-disclosure period.

On the basis of statistical data, the Commission found that the volume of imports from the countries concerned into the Union increased in only two investigations.

Consequently, no substantial rise occurred in the majority of reviewed cases and the Commission concluded that overall no additional injury to the Union industry had been caused by the imports during the pre-disclosure period. Accordingly, the duration of the period of pre-disclosure should be amended to four weeks as recommended by the Commission in its [proposal for a delegated act of 4 June 2020](#).

Finally, all investigations initiated prior to the date of publication in the *Official Journal of the European Union* of the proposed Regulation will be unaffected by the prolonged pre-disclosure period.

It is, however, regrettable that parties have still only a period of three working days from the supply of the pre-disclosure information to provide comments on the accuracy of the calculations of the dumping (or subsidy) margins in case of adoption of provisional measures.

DS Avocats International Trade and Customs team is at your disposal to provide you with any additional information.

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