

1. Introduction concerning EU anti-dumping duties

- 1.1 An anti-dumping duty may be imposed by the EU and applied to any dumped product whose release for free circulation in the EU causes injury to EU industry.
- 1.2 A product is to be considered as being dumped if a company is exporting a product to the EU at prices lower than the normal value of the product (i.e. the domestic prices of the product or the cost of production) in the ordinary course of trade on its own domestic market in the exporting country.
- 1.3 The exporting country is considered normally to be the **country of origin**, i.e. the country where the concerned good(s) have been produced. The EU, however, may also subject goods that are consigned from a country to anti-dumping duties. This means that where an anti-dumping duty is imposed by the EU on goods exported from a named non-EU country, then this is considered to be the exporting country in view of antidumping duties.
- 1.4 The European Commission of the EU is responsible for investigating allegations of dumping of goods into the EU market by exporting producers in non-EU countries. The European Commission will usually open an investigation after receiving a complaint from the EU association(s) or producers of the product(s) concerned, but it can also do so on its own initiative.
- 1.5 If the investigation finds that certain conditions have been met, then anti-dumping duties can be imposed on imports of the concerned product. The EU may choose to impose one or more of the following three basic forms of anti-dumping duties:
 - a) *ad valorem duty* – a percentage of the net, free-at-EU frontier (CIF) price. This is the most common form of anti-dumping duty;
 - b) *specific duty* – a fixed value for a certain amount of goods, e.g. €100 per tonne of a product; and/or
 - c) *variable duty* – a minimum import price ("MIP"). Importers in the EU do not pay an anti-dumping duty if the foreign exporter's export price to the EU is higher than the MIP.
- 1.6 The imposed anti-dumping duty covers specified goods, **originating in or consigned from**, named countries or exporters as indicated by the EU. The anti-dumping duties are levied when the goods in question are imported into the EU customs territory. It is levied in addition to, and independent of, any other duty to which the goods are liable upon their importation into the EU customs territory. The anti-dumping duties are levied from the importer of record of the goods being imported in the EU.
- 1.7 Upon request from individual exporters, a company specific price undertaking may also be offered to the EU. This is a commitment by an exporter to respect minimum import prices (MIPs). In the undertaking offer, the exporter must be able to satisfy the European Commission that the undertaking applied for eliminates the damaging effect of any dumping into the EU market.
- 1.8 The European Commission is not obliged to accept the undertaking offer. If, however, the undertaking offer is accepted by the European Commission, anti-dumping duties will not be levied on the importation of the concerned goods into the EU customs territory. In that regard, the exporter will have to continually show that the conditions of that undertaking are being fulfilled and allow verification of substantiating information and pertinent data by the European Commission. To avoid any restriction of fair competition, the content of any accepted undertakings by the EU is not made public by the EU.