

· Contents ·

| | | |
|---|---|------|
| | <i>Preface</i> | viii |
| | <i>Table of Cases</i> | x |
| | <i>Table of Treaties</i> | xi |
| | <i>Table of EU Legislation</i> | xi |
| 1 | Introduction | 1 |
| | Background to Anti-Dumping Investigations | 1 |
| | Companies affected by Anti-Dumping Investigations | 2 |
| | Purpose of this Book | 3 |
| | Essential Features of Dumping Examined | 4 |
| 2 | European Union Authorities | 5 |
| | European Commission | 5 |
| | Council of Ministers | 6 |
| | The Advisory Committee | 6 |
| | Court of First Instance and the European Court of Justice | 7 |
| | National Authorities | 7 |
| | Distinction between EC and EU | 7 |
| 3 | What is Dumping and When does it Occur? | 9 |
| | Introduction | 9 |
| | Normal Value | 10 |
| | Export Price | 14 |
| | Comparing Normal Value and Export Price to see if | |
| | Dumping is Taking Place | 15 |
| | The Dumping Margin | 18 |
| | Negative Dumping | 19 |
| | What If ...? | 19 |
| 4 | The Concept of “Injury” in Anti-Dumping Investigations | 22 |
| | Introduction | 22 |
| | Concept of <i>Like Product</i> | 23 |

| | |
|--|-----------|
| Concept of <i>Community Industry</i> | 25 |
| Injury | 28 |
| What If ...? | 31 |
| 5 Community Interest | 33 |
| Introduction | 33 |
| What is the "Community Interest"? | 33 |
| Making Submissions on the Question of "Community Interest" | 34 |
| Requesting a Hearing on "Community Interest" | 35 |
| After the Imposition of Provisional Duties | 36 |
| Consideration of the Information Submitted | 36 |
| Disclosure in Respect of Final Decisions | 36 |
| 6 Reviews and Refunds of Anti-Dumping Duties | 37 |
| General | 37 |
| Reviews | 37 |
| Refunds | 41 |
| Re-investigations | 43 |
| 7 The Investigation | 45 |
| General | 45 |
| The Lodging of a Complaint | 45 |
| The Investigation itself | 49 |
| 8 The Outcome of the Investigation | 57 |
| Introduction | 57 |
| Termination without the Imposition of Measures – General | 57 |
| Termination without the Imposition of Measures – Undertakings | 58 |
| Termination with the Imposition of Measures – Provisional measures | 60 |
| Termination with the Imposition of Measures – Definitive Duties | 62 |
| Individual and General Rates of Duties | 62 |
| Retroactivity | 69 |
| Duration | 70 |
| Suspension of Duties | 71 |

| | | |
|----|--|-----|
| | Lobbying | 71 |
| | Anti-Circumvention | 72 |
| 9 | How to Lodge an Anti-Dumping Complaint | 74 |
| | Role of European Trade Associations as Complainants | 74 |
| | Contents of a Complaint | 76 |
| | Evidence | 77 |
| 10 | Defending a Complaint | 80 |
| | Becoming aware of a Complaint | 80 |
| | When should an Exporter Defend a Complaint? | 81 |
| | When should an Importer Defend a Complaint ? | 82 |
| | Participating in the Investigation | 83 |
| | What if ...? | 84 |
| 11 | Particular Difficulties for Exporters and Importers | 86 |
| | Exporters | 86 |
| | Importers | 88 |
| 12 | Appeals to the European Courts of Justice | 91 |
| | Introduction | 91 |
| | The CFI and the ECJ | 91 |
| | The two types of Judicial Review Available | 92 |
| | Judicial Review under Article 173 | 93 |
| | Ability of various Parties to apply for Judicial Review | 94 |
| | Grounds for Judicial Review | 98 |
| | Time Limits | 98 |
| | <i>Annex 1: Glossary of Terms</i> | 100 |
| | <i>Annex 2: An Example of a Complaint</i> | 106 |
| | <i>Annex 3: Exporter's Questionnaire Example</i> | 113 |
| | <i>Index</i> | 119 |