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**COMMISSION STAFF WORKING DOCUMENT**  
*Accompanying the document*

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
THE COUNCIL**

**37th Annual Report from the Commission to the Council and the European Parliament  
on the EU's Anti-Dumping, Anti-Subsidy and Safeguard activities and the Use of trade  
defence instruments by Third Countries targeting the EU in 2018**

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## **1. OVERVIEW OF THE LEGISLATION**

### **1.1. Anti-dumping and anti-subsidy**

#### *1.1.1. The international framework*

On an international level, unfair trading practices such as dumping and the granting of subsidies were identified as a threat to open markets as early as 1947, when the first GATT agreement was signed. The agreement contained specific provisions allowing GATT members to take action against these practices if they caused material injury to the domestic industry of a GATT member. Today's globalised trade environment is characterized by quicker and cheaper communication and transportation, as well as the coexistence of different models of economic governance. In such a world, trade defence instruments are more relevant than ever. Indeed, trade distortions that underlie the application of these instruments are widespread.

Since the beginning of the GATT in 1947, considerable efforts have been made to harmonise the rules relating to trade defence instruments. During the last GATT round (the « Uruguay Round »), which led to the creation of the WTO and the detailed Anti-Dumping and Anti-Subsidy Agreements, much of the attention was focused on the procedural and material conditions to be fulfilled before measures can be adopted. The EU played an active role in the negotiation of these agreements, which are reflected in its own legislation. The EU applies its anti-dumping (AD) and anti-subsidy (AS) legislation with rigour and consistency. Unfortunately, many WTO Members lack this type of restraint, thereby affecting negatively also EU operators. The role that the EU plays as a prudent user has therefore also an exemplary function at WTO level. Against this backdrop, the EU also continues to play a leading active role in any efforts to update the WTO rulebook.

#### *1.1.2. The EU legislation*

The EU's anti-dumping and anti-subsidy legislation was first enacted in 1968 and has since been modified several times. The current basic texts, which form the legal basis of anti-dumping and anti-subsidy investigations in the EU, entered into force in March 1996 and October 1997 respectively. These are in line with the Anti-Dumping and Anti-Subsidy Agreements adopted during the GATT/WTO negotiations. These texts were codified in 2016 to reflect changes previously made. The basic texts are:

- Regulation (EU) 2016/1036 of the European Parliament and of the Council on protection against dumped imports from countries not members of the European Union – Codified Version<sup>1</sup>
- Regulation (EU) 2016/1037 of the European Parliament and of the Council on protection against subsidised imports from countries not members of the European Union – Codified Version.<sup>2</sup>

These regulations will overall be referred to as the "basic anti-dumping (AD) Regulation" and the "basic anti-subsidy (AS) Regulation". Both regulations were

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<sup>1</sup> OJ L 176, 30.6.2016, p.21. Codified version as last amended by Regulation (EU) No 37/2014 (OJ L 18, 21.01.2014, p.1)

<sup>2</sup> OJ L 176, 30.6.2016, p.55. Codified Version as last amended by Regulation (EU) No 37/2014 (OJ L 18 21.01.2014, p.1)

recently modified by Regulation (EU) 2017/2321 of 12 December 2017<sup>3</sup> and Regulation (EU) 2018/825 of 30 May 2018.<sup>4</sup>

The EU's legislation contains a number of provisions aimed at ensuring a balanced application of the EU's anti-dumping and anti-subsidy rules on all interested parties. These provisions include the "EU interest test" and the "lesser duty rule", which go beyond the Union's WTO obligations.

The EU interest test is a public interest clause and provides that measures cannot be applied if it is established that they are contrary to the overall economic interest of the EU. This requires an analysis of all the economic interests involved, including those of the EU industry and its suppliers, downstream users, consumers and traders of the product concerned.

The lesser duty rule requires the measures imposed by the EU to be lower than the dumping or subsidy margin, if such lower duty rate is sufficient to remove the injury suffered by the EU industry. Such a "no-injury" rate is usually determined by using the cost of production of the EU industry and a reasonable profit margin (although, as a result of the recent TDI modernisation, the latter rules have been further elaborated, as explained below). In almost half of the cases, the anti-dumping measures for individual exporting companies are set at the level of the injury margin instead of the higher dumping margin. The EU is one of the few investigating authorities on a worldwide level that applies the lesser duty rule in such a coherent and comprehensive way.

## **1.2. Safeguards**

### *1.2.1. The international framework*

The principle of liberalisation of imports was set under the GATT 1947 and strengthened under the 1994 WTO Agreements. As safeguard measures consist of the unilateral withdrawal or suspension of a tariff concession or of other trade liberalisation obligations formerly agreed, they have to be considered as an exception to this principle. Article XIX GATT 1994 and the WTO Agreement on Safeguards do not only impose strict conditions for the application of this "escape clause", but also put in place a multilateral control mechanism under the WTO Committee on Safeguards.

Under WTO rules, safeguard action has to be viewed as a temporary defence measure that applies to all imports of the product covered by a measure, irrespective of origin. As regards non-WTO members, safeguard measures may be selective and apply to products originating in a specific country. WTO Accession Protocols may also provide for such selective safeguard mechanisms, as was the case in China's Protocol of Accession, although the provision has now expired.

Definitive WTO safeguards should only be adopted after a comprehensive investigation that provides evidence of the existence of a) unforeseen developments leading to b) increased imports, c) the existence of a serious injury or a threat of injury for EU producers and d) a causal link between the imports and the injury.

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<sup>3</sup> OJ L 338, 19.12.2017, p.1

<sup>4</sup> OJ L 143, 07.06.2018, p.1

### 1.2.2. *The EU legislation*<sup>5</sup>

The above-mentioned principles are all reflected in the relevant EU regulations, except for the “unforeseen development requirement” (which is not found explicitly in the EU legislation nor in the WTO Agreement on Safeguards but has been confirmed as a self-standing condition by WTO jurisprudence, as per Article XIX of GATT 1994). Additionally, the adoption of measures in the EU requires an analysis of all interests concerned, i.e. the impact of the measures on producers, users and consumers. In other words, safeguard action can only be taken when it is in the EU’s interest to do so. The current EU safeguard instruments are covered by the following regulations:

- Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports (codification),<sup>6</sup>
- Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries (recast),<sup>7</sup>
- Regulation (EU) 2015/936 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific EU import rules (recast).

The first two regulations are referred to as the "basic safeguard Regulation(s)".

## **2. GENERAL OVERVIEW OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS AND MEASURES**

The number of new investigations initiated in 2018 remained similar compared to the previous year, with 10 initiations (compared to 11 in 2017). In addition, the Commission reopened three cases to implement findings following court rulings (see "Other reviews"). The number of measures imposed in 2018 somewhat decreased as compared to 2017: four new definitive measures (as compared to 12) and two provisional measures were imposed. At the same time, 8 investigations were terminated without the imposition of measures, which brought the total number of investigations concluded in 2018 to 12 (only slightly less than in 2017). Moreover, during 2018, as many as 21 review investigations were initiated. Among the latter, there were 17 initiations of expiry reviews. Seven such expiry reviews have been concluded in 2018, all with a confirmation of the duty. In other words, 2018 stood again as a busy year, with significant new casework and reviewing activity. Below are details on new investigations and review investigations.

### **2.1. Measures in place**

At the end of 2018, the EU had in force 93 definitive anti-dumping measures (which were extended<sup>8</sup> in 27 cases) and 12 countervailing measures in force (which were extended in one case).<sup>9</sup>

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<sup>5</sup> The state of play does not take into account the process of adoption of the horizontal bilateral safeguard regulation, which was ongoing at the moment of the preparation of this Report.

<sup>6</sup> OJ L 83, 27.3.2015, p.16

<sup>7</sup> OJ L 123, 19.5.2015, p.33

<sup>8</sup> Measures have been extended to other third countries if circumvention in these countries had been found.

<sup>9</sup> The measures are counted per product and country concerned.

The anti-dumping measures covered 67 products and 16 countries (see Annex O); the countervailing measures covered 12 products and four countries (see Annex P). The large majority of measures was in the form of duties. In one case, undertakings were in place.

Of all the 120 anti-dumping measures in force at the end of 2018, the countries affected were China (85), Russia (9), USA (4), India and Korea (three each), Belarus, Indonesia, Taiwan, Thailand and Ukraine (two each), Brazil, Iran, Japan, Malaysia, South Africa and Turkey (one each).

Of the 12 anti-subsidy measures and one extension in place, half concerned imports from China (6) whereas India was subject to four measures, USA to two measures and Turkey to one measure.

## 2.2. New investigations

In the five-year period from 2014 to 2018, 66 new investigations were initiated on imports from 22 countries. The sectors concerned by the investigations were: 'iron and steel' – 32 investigations, 'chemical and allied industries' – 19 investigations, 'other metal products' – five investigations, the 'mechanical engineering' sector and the 'wood and paper' sector – one investigation each, and finally 'other products' – 8 investigations. A breakdown of the product sectors is available in Annex B(A).

The breakdown of the countries concerned by initiations during the period from 2014 to 2018 include China – 24 investigations, Russia – seven, India and Turkey – five, Brazil, Korea – three each, Taiwan, Ukraine and USA – two each, Argentina, Belarus, Bosnia and Herzegovina, Egypt, Georgia, Indonesia, Iran, Japan, North Macedonia, Malaysia, Mexico, Serbia, Trinidad and Tobago – one each. A table showing all the investigations initiated over the last five years broken down by country of export is available at Annex B(B).

Table 1 below provides statistical information on the developments regarding new investigations for the years 2014 – 2018.

**TABLE 1**  
**Evolution of new anti-dumping and anti-subsidy investigations**  
**during the period 1 January 2014 - 31 December 2018<sup>10</sup>**

	2014	2015	2016	2017	2018
Investigations in progress at the beginning of the period	11	20	20	20	17
Investigations initiated during the period	16	14	15	11	10
Investigations in progress during the period	27	34	35	31	27
Investigations concluded :					
- imposition of definitive duty or acceptance of undertakings	3	11	7	12	4
- terminations <sup>11</sup>	4	3	8	2	8

<sup>10</sup> The simultaneous initiation of a case concerning several countries but the same product is accounted as separate investigation/proceeding per country involved.



Total investigations concluded during the period	7	14	15	14	12
Investigations in progress at the end of period	20	20	20	17	15
Provisional measures imposed during the period	2	10	9	2	2

### 2.3. Review investigations

Anti-dumping measures, including price undertakings, may be subject, under the basic AD Regulation, to five different types of reviews: expiry reviews (Article 11(2)), interim reviews (Article 11(3)), newcomer investigations (Article 11(4)), absorption investigations (Article 12) and anti-circumvention investigations (Article 13). The Commission also carries out “other” reviews consisting in re-opening of investigations to implement court rulings.

Also anti-subsidy measures may be subject, under the basic AS Regulation, to five different types of reviews: expiry reviews (Article 18), interim reviews (Article 19), absorption investigations (Article 19(3)), accelerated reviews (Article 20) and anti-circumvention investigations (Article 23). In addition, here also, the Commission can re-open investigations to implement court rulings.

Reviews continue to represent a major part of the work of the Commission's TDI services. In the period from 2014 to 2018, 132 such review investigations were initiated. Reviews represented two-thirds of all TDI investigations initiated.

In 2018, 24 reviews were initiated. These comprised 17 expiry reviews, three interim reviews, one anti-absorption investigation and three re-openings.

An overview of the review investigations in 2018 can be found in Annexes F to K. Table 2 below provides statistical information for the years 2014 – 2018.

**TABLE 2**  
**Reviews of anti-dumping and anti-subsidy investigations**  
**during the period 1 January 2014 - 31 December 2018<sup>12</sup>**

	2014	2015	2016	2017	2018
Reviews in progress at the beginning of the period	41	36	33	29	28
Reviews initiated during the period	22	33	23	30	24
Reviews in progress during the period	63	69	56	59	52
Total reviews concluded during the period <sup>13</sup>	27	36	27	31	22
Reviews in progress at the end of the period	36	33	29	28	30

<sup>11</sup> Investigations might be terminated for reasons such as the withdrawal of the complaint, *de minimis* dumping or injury, lack of causal link etc.

<sup>12</sup> The simultaneous initiation of a case concerning several countries but the same product is accounted as separate investigation/proceeding per country involved. The table has been updated to take into proper account the reopening of investigations.

<sup>13</sup> Investigations which were conducted and concluded under the specific provisions of the regulation imposing the original measures are not counted as there was no publication of the initiation.

### 3. OVERVIEW OF ACTIVITIES IN 2018

#### 3.1. New investigations

##### 3.1.1. Initiations

In 2018, eight new anti-dumping and two new anti-subsidy investigations were initiated. The anti-dumping investigations involved four different products from seven different countries. No country stood out in terms of number of these initiations. Details of the investigations are given in Annex A. The anti-subsidy investigations both concerned biodiesel-producing countries. Notably also, in 2018, the EU initiated three safeguard investigations.

The list of cases initiated in 2018 can be found below, together with the names of the complainants. More information can be obtained from the Official Journal publications to which reference is given in Annex A.

<b>Product (Type of investigation: AD or AS)</b>	<b>Origin</b>	<b>Complainant</b>
Biodiesel (AS)	Argentina	European Biodiesel Board
Solar Glass (AD)	Malaysia	EU ProSun Glass
Hot-rolled sheet steel piles (AD)	China	EUROFER
Urea and ammonium nitrate (AD)	Russia Trinidad and Tobago USA	Fertilizers Europe
Hollow sections (AD)	Russia North Macedonia Turkey	Defence Committee of the welded steel tubes Industry of the European Union
Biodiesel (AS)	Indonesia	European Biodiesel Board

##### 3.1.2. Provisional measures

In 2018, provisional duties were imposed in two anti-dumping investigations. It has to be noted that the latter run often in parallel to anti-dumping investigations, where the provisional anti-dumping duty already provides some relief to the Union industry.

The list of cases where provisional measures were imposed during 2018 can be found below, together with the measures imposed. More information can be obtained from the Official Journal publications to which reference is given in Annex C.

Product	Origin	Type <sup>14</sup> and level of measure
New and retreaded tyres for buses or lorries	China	AD: 52,85 – 82,17%
Electric bicycles	China	AD: 21,8 – 83,6%

### 3.1.3. Definitive measures

During 2018, definitive duties were imposed in three anti-dumping investigations and in one anti-subsidy investigation. The list of cases where definitive measures were imposed during 2018 can be found below, together with the measure(s) imposed. More information can be obtained from the Official Journal to which reference is given in Annex D.

Product	Origin	Type <sup>15</sup> and level of measure
Cast iron articles	China	AD: 15,5 – 38,1%
Corrosion resistant steels	China	AD: 17,2 – 27,9%
New and retreaded tyres for buses or lorries	China	AD: 0,37 – 38,98 EUR CVD: 3,75 – 57,28 EUR

### 3.1.4. Details on individual cases with application of new provisional or definitive duties

#### *Electric bicycles from China*

On 8 September 2017, the Commission received a complaint lodged by the European Bicycle Manufacturers Association (EBMA) representing more than 25% of total Union production of electric bicycles regarding imports of electric bikes from China. The complaint contained evidence of dumping and of resulting material injury that was sufficient to justify the initiation of an investigation.

On 20 October 2017, the Commission initiated an anti-dumping investigation in the matter and, on 21 December 2017, initiated a separate anti-subsidy investigation<sup>16</sup> (not covered by this description).<sup>17</sup> The complainant also submitted a request for registration

<sup>14</sup> AD; anti-dumping duty, CVD; countervailing duty; UT: undertaking.

<sup>15</sup> See footnote 14.

<sup>16</sup> Notice of initiation of an anti-subsidy proceeding concerning imports of electric bicycles originating in the People's Republic of China (2017/C 440/11).

<sup>17</sup> It is to be noted that the two recent amendments of the basic Regulations, i.e. modernisation and the new calculation methodology, did not apply to these cases as the initiations took place before the entry into force of the legislative amendments.

of imports. The Commission agreed to make the product subject to registration from 4 May 2018 onwards.

### *Product definition*

During the anti-dumping investigation there were several claims regarding the scope of the product given that it was not clear whether the product under investigation covered all types of cycles or only bicycles. There were also claims on the different use and consumer perception of electric bicycles compared to “speed” electric bicycles.

After examination of the different options and considering all comments, the Commission stated that the product scope of the complaint covered “cycles” including bicycles, tricycles and quadricycles and that the intended use and consumer perception overlap to a significant extent, therefore not warranting a product exclusion.

### *Dumping*

One exporting producer requested Market Economy Treatment. The Commission decided to reject the request as it did not comply fully with the required criteria.<sup>18</sup> In fact, the company failed to demonstrate that there was no significant State interference in the company’s business decisions and that costs of major inputs substantially reflected market values.

Normal value had to be established on the basis of the price or constructed value in a market economy third country. The Commission tried to identify producers in several third countries but, based on the information received, only Switzerland appeared as a viable analogue country.

However, parties contested the choice. They argued that Switzerland’s overall production scale is much smaller than China’s and that Swiss electric bicycles seemed to be significantly different from Chinese ones. Swiss electric bicycles use a different technology - they have a central motor whereas Chinese electric bicycles have predominantly hub motors. Also, Swiss manufacturers produce under their own brands and import their parts from the Union and Japan, whereas Chinese ones are mainly original equipment manufacturers (‘OEM’) for the Union importers and source domestically. Therefore, the Commission decided to construct the normal value on the basis of the prices actually paid or payable in the Union for the like product, due to the inappropriateness of Switzerland. The normal value of each product type was based on the actual sales price adjusted to include the target profit of the Union industry.

Normal value was then compared to the export price for differences affecting prices and price comparability. The Commission adjusted the export prices using the data provided by the sampled exporting producers in their questionnaire replies and during the verification visits on bank charges, handling and loading charges in the exporting country, credit costs, and profits for traders. This resulted in dumping margins ranging from 34,6% to 106,4%.

<sup>18</sup>

For reference, Market Economy Treatment (MET) criteria are as follows:

- business decisions are made in response to market conditions and without significant State interference, and costs reflect market values,
- firms have one clear set of basic accounting records, which are independently audited, in line with international accounting standards and applied for all purposes,
- there are no significant distortions carried over from the former non-market economy system,
- legal certainty and stability is provided by bankruptcy and property laws, and
- currency exchanges are carried out at the market rate.

### *Injury and causation*

Confronted with an accelerating flow of dumped imports from China, the Union Industry was not able to capitalize on the growth of the electric bicycle market. Prices of dumped imports undercut the EU industry prices during the investigation period (1 October 2016 to 30 September 2017). The volume of imports from China more than tripled and the pace of import growth accelerated between 2016 and the investigation period. Moreover, the share of the Union market held by imports had increased from 17% in 2014 to 35% in the investigation period. In fact, between 2014 and the investigation period, Chinese imports grew by 250%, while the consumption in the Union increased at a much slower pace of 74%. All this had negative consequences on the situation of the Union industry. Thus, the Commission concluded that the Union industry had suffered material injury.

Further, the Commission also analysed the effects of other factors such as the imports from countries other than China, investment and expansion of capacity, as well as the export performance of the Union industry. It concluded that the causal link between the Chinese dumped imports and the injury suffered by the Union industry could not be broken.

### *Union interest and provisional measures*

The Commission concluded that the imposition of an anti-dumping duty would not be against the interest of the Union industry and considered provisionally that the imposition of measures would allow all producers to operate under conditions of fair trade on the Union market. In the absence of measures, a further deterioration of the Union industry's economic and financial situation was very likely to take place.

The Collective of European Importers of Electric Bicycles disagreed with the imposition of anti-dumping measures. They argued that the imposition of duties was likely to disrupt, at least temporarily, their supply chains and threaten their financial position if they were not able to pass on the increased costs related to the duty to their customers. However, import statistics showed that Vietnam and Taiwan provided significant volumes of electric bicycles to European importers. It was also likely that other countries, which are well positioned in the manufacturing of conventional bicycles, could supply importers.

The Commission also considered that the imposition of duties on imports of conventional bicycles from China did not have the effect of closing the Union market to imports and, on the contrary, expanded the number of countries supplying conventional bicycles.

Therefore, the Commission found no compelling reason that it was not in the Union interest to impose provisional measures. To determine the level of the measures, the Commission first established the amount of duty necessary to eliminate the injury suffered by the Union industry. The Commission established that the injury would be eliminated if the Union industry were able to cover the costs of production and to obtain a profit before tax on sales that could be reasonably achieved under normal conditions of competition if there were no dumped imports. The target profit was provisionally set at 4,3%, which is the highest average profit margin of the Union industry during the period considered. The injury margins established ranged between 21,8% and 83,6%. On this basis, the Commission decided to impose a provisional anti-dumping duty in accordance with the lesser duty rule, ranging between 21,8% and 83,6%.

On 17 January 2019, the Commission adopted a Regulation imposing definitive measures on electric bicycles. The injury margins were modified on the basis of data provided by the interested parties. The adjustment took into account certain costs for R&D and design incurred by the sampled Union producers. Subsequently, the injury margins were established between 18,8% and 79,3%.

On 17 January 2019, the Commission also imposed countervailing duties on the same product in the range of 3,9% - 17,2%, as a result of a parallel anti-subsidy investigation.

The definitive injury elimination level was reduced by the amount of the countervailing duties, in order to avoid double-counting. On this basis, the final anti-dumping duties were ultimately imposed in the range of 10,3% - 70,1%.

### ***Corrosion resistant steels from China***

On 7 February 2018, the Commission imposed definitive anti-dumping duties on imports of certain corrosion resistant steels originating in China.<sup>19</sup> This followed an investigation that had been opened in December 2016, further to a complaint from the European Steel Association (EUROFER) on behalf of producers representing more than 53% of total production. Provisional measures were imposed in August 2017.<sup>20</sup>

#### ***Dumping***

The Commission sampled exporting producers based on the largest volume of exports to the EU. The Commission did not receive any comments on the selected sample even though all parties and the authorities of the country concerned had been consulted.

Three groups of exporting producers asked for individual treatment. The companies concerned argued that they were the only Chinese exporting producers supplying the Union. However, the Commission decided that no individual treatment could be granted as the number of entities to be additionally investigated and the number of different locations to be visited for the verification would have prevented the investigation from being completed on time.<sup>21</sup>

In addition, two groups of non-sampled cooperating producers submitted Market Economy Treatment (MET) claims<sup>22</sup> with their request for individual treatment. Given that the claims for individual treatment were rejected, the MET requests were not assessed.

#### ***Normal value***

The normal value was determined on the basis of data obtained from a producer in a market-economy third country. Interested parties contested the Commission's first choice of Canada because of the alleged price difference of the like product and the relationship between a possible cooperating producer and one of the complainants. The Commission then selected Brazil as the analogue country.

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<sup>19</sup> Commission Implementing Regulation (EU) 2018/186 of 7 February 2018, OJ L 34, 8.2.2018, p.16

<sup>20</sup> It is to be noted that the two recent amendments of the basic Regulations, i.e. modernisation and the new calculation methodology, did not apply to these cases as the initiations took place before the entry into force of the legislative amendments.

<sup>21</sup> See Article 17(3) of the basic AD Regulation

<sup>22</sup> For reference, see footnote 18.

The choice was again contested by an exporting producer and the China Iron and Steel Association (CISA), which argued that the normal value in the analogue country was 21% higher than the target price for the Union industry and that the average sale price of the analogue country producer was higher than the (already high) prices in Brazil. It also raised doubts about the calculation used by the Commission.

The Commission responded that in case exported products could not be directly matched with Brazilian normal values, the normal value was adjusted to take account of all physical differences. As for the quality of data and calculations, the data of the analogue country producer were verified for accuracy and found reliable and all the calculations were factually correct.

#### *Injury and causation*

The Union industry was in a vulnerable situation during the period considered. Even though the Union consumption grew by around 27% during the period, the sales volume of the Union industry on the Union market increased by only 5% and the Union industry lost 17% of market share. By contrast, the market share of the imports from China increased during the period by 93%.

Imports from China increased by 146% over the period of analysis. Their prices per ton fell by 22%, exceeding the decrease in raw material prices of 20%. In addition, these imports significantly undercut EU industry prices, by 17% to 28%.

Moreover, the industry suffered losses throughout the period considered (despite a minor improvement over that period).

Consequently, the Commission concluded that the material injury to the Union industry was caused by the dumped imports and that the other factors, such as imports from third countries or export sales performance of EU producers, did not break the causal link between the Union material injury and the dumped imports, even if its effects were to be considered in a combined manner.

#### *Registration*

Imports of the products concerned were subject to registration from July to August 2017, when the provisional measures were imposed, with a view to possible collection of duties. However, the Commission found that a retroactive duty recollection was not necessary.

#### *Union interest and definitive measures*

It was concluded that the imposition of measures would contribute to the recovery of the Union industry by allowing price increases that would enable the industry to return to a profitable situation. Also, the investigation did not show that the potential impact on other actors would outweigh the benefits to the EU industry. Thus, it was considered that the measures would lead to a level playing field, still allowing for imports from the country concerned, at fair prices. Given the findings, the Commission imposed a definitive anti-dumping duty ranging between 17,2% and 27,9%, depending on the exporting company.

#### *New and retreaded tyres for buses or lorries from China*

In August 2017, the Commission initiated an anti-dumping investigation on imports of certain pneumatic tyres, new or retreaded, of rubber, used for buses or lorries imported from China. This followed a complaint lodged by a coalition against unfair tyre imports,

on behalf of producers representing more than 45% of the total EU production. On 7 May 2018, the Commission imposed provisional anti-dumping duties on imports of the products concerned.<sup>23</sup> In October 2017, the Commission also initiated a separate anti-subsidy investigation on the product.<sup>24</sup>

#### *Product definition*

The tyre market is segmented in three tiers. Tier 1 tyres cover premium new tyres with the flagship brand of main manufacturers. Brand recognition is a key factor for tyres in this tier and justifies significantly higher prices for expected high performance as well as particularly strong marketing investments. The quality of tier 1 tyres ensures a high level of retreadability of the tyres, which are designed to be 'multi-life' tyres further increasing the significantly higher mileage of the original product.

Tier 2 tyres cover most non-premium tyres, both new and retreaded tyres, with prices ranging between approximately 65% and 80% of the price of tier 1 tyres. Retreaded tyres can be classified under tier 2 or tier 3. While some Chinese tyres are retreadable, there is very little retreading performed in China. Retreading is, however, quite widespread in the Union and in other markets.

Following further product analysis and after consulting all interested parties, the Commission determined that main EU producers focused on the so-called 'tier 1' and 'tier 2' tyres. These products are, however, often hard to distinguish from 'tier 3' tyres - new and retreaded tyres with lower mileage performances and very limited retreadability, which are also cheaper than 'tier 1' and 'tier 2' tyres.

#### *Dumping*

Market Economy Treatment (MET) claims were introduced by two exporting producers out of the four that were sampled. However, the Commission found that none of the exporters fulfilled the MET criteria,<sup>25</sup> and so the status could not be granted. More specifically, both failed to demonstrate that they had one set of clear independently audited accounts and that their operations were not subject to significant market distortions. Additionally, one of them failed to demonstrate that its business decisions were made without significant State interference and that costs of major inputs substantially reflect market values.

The normal value of the exports was based on data obtained from a producer in a market-economy third country. The Commission concluded that the most appropriate analogue country in this case was Brazil, given that its volumes were substantially representative, it had similar conditions of access to raw materials and both China and Brazil were comparable in terms of economic development. Normal value was then compared to the export price. All sampled exporting producers claimed that the method for constructing the normal value, which the Commission applied at the provisional stage resulted in extraordinarily high dumping margins and produced results that did not appear to correspond to reality: the normal value was not inferior for tiers 2 and 3, although in reality the former tyres are always cheaper. The exporting producers urged the Commission to adjust the normal value, which the Commission accepted. The

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<sup>23</sup> Commission Regulation (EU) 2018/683 of 4 May 2018, OJ L 116, 7.5.2018, p.8

<sup>24</sup> It is to be noted that the two recent amendments to the basic Regulations, namely the modernisation of trade defence instruments and the new calculation methodology, did not apply to these cases as the initiations took place before the entry into force of the legislative amendments.

<sup>25</sup> For reference, see footnote 18.



Commission finally constructed the normal value for the non-matching product types taking into account the differences identified in the costs of manufacturing between the three tiers.

#### *Injury and causation*

The exporting producers sampled were mapped out according to tiers, which resulted in several asking the Commission to move them from the 'tier 3' allocation to 'tier 2'. After analysis, the Commission agreed to two of those requests.

Prices of dumped imports from China significantly undercut EU industry prices during the investigation period and injury indicators showed that the industry had been under increasing pressure. In fact, it experienced a reduction of production capacity, investment and employment, as well as a significant loss of market share (the import volumes from China increased significantly resulting in an increase of the market share of Chinese imports, in a growing market, from 17,1% to 21,3%). This was of particular concern for 'tier 3' tyres, where Chinese imports were mainly focused, forcing many EU producers in that tier, especially SMEs, to exit the market.

Thus, the Commission concluded that the material injury to the Union industry was caused by the dumped imports and that the other factors, such as imports from third countries or the interconnection between the new and retreaded tyres, did not break the causal link between the Union material injury and the dumped imports.

#### *Union interest*

It was determined that the imposition of the anti-dumping measures on the EU producers would be positive for the Union industry, especially for SMEs. They would be able to benefit from the growing consumption in a market governed by fair conditions. EU producers would be able to increase their sales and regain a part of the market share lost. This would in turn increase the EU production and the capacity utilisation rate.

In fair market conditions, the EU industry would be able to improve their financial situation. Furthermore, the available capacity in the EU industry and imports from other countries would provide alternative offers of supply.

Given the interconnection between the retreading business and the production of retreadable tyres, the proposed measures would also improve the viability of the retreading segment. This would bring relief in terms of employment, in particular since the retreading segment of the tyre, located throughout the EU, is labour-intensive.

The situation of importers was also analysed. The Chinese imports of the product concerned represented a significant share of their turnover in the investigation period. Their business model is mainly based on contracts with Chinese exporting producers, although they also have alternative sources (either domestically or from other third countries). Therefore, the imposition of measures would have an impact on their activity. In addition, another business model was found to rely on a 'container-only trading strategy'. In this case, importers have more flexibility to change sources of supply. This method was used by some non-sampled companies, which only represented 2% of the total Chinese imports. However, their low level of cooperation suggested that the imposition of measures would not have any significant impact on their activity.

Moreover, it is a long-standing Union policy to reduce waste and to manage raw materials in a sustainable way. Retreading is crucial for a sustainable circular economy.

In fact, several interested parties underlined that premium tyre manufacturers produce new high quality tyres designed to have a long life cycle as they can be retreaded. Without the retreading business, competition in the tyre industry will end up in a race to the bottom, resulting in industrial depletion, loss of value through the supply chain while minimising the quality of the offer in the Union. Accordingly, measures that also protect high quality tyre producers in the Union, as opposed to single-use tyres, would also foster policy coherence with the Union objectives on waste reduction and circular economy, as they would support the continued existence of a viable retreading business in the Union. Moreover, given that mostly SMEs are active in this sector, measures would also be in line with the Commission's objective to support SMEs.

On this basis, the Commission concluded that measures would not be against EU interest.

#### *Registration*

Imports of these products were subject to registration from February until May 2018, when the provisional measures were imposed, with a view to possible collection of duties from the imports taking place during those months. However, no significant rise in imports was observed during that time if compared to the flow observed during the investigated period. Therefore, the Commission concluded that duties would not be collected retroactively.

#### *Definitive measures*

Given the findings, the Commission imposed definitive anti-dumping duties ranging between 42,73 and 61,76 EUR per item.<sup>26</sup> Subsequently, definitive countervailing duties were imposed on 9 November 2018.<sup>27</sup> In order to avoid any double counting with the imposition of both anti-dumping and anti-subsidy measures, the anti-dumping measures were adjusted by the regulation imposing the anti-subsidy measures,<sup>28</sup> with final anti-dumping duties ranging ultimately from 0,37 to 38,98 EUR per item, depending on the exporting company.

#### *3.1.5. Investigations terminated without measures*

In accordance with the provisions of the respective basic Regulations, investigations may be terminated without the imposition of measures if a complaint is withdrawn or if measures are unnecessary (i.e. no dumping/no subsidies, no injury resulting from dumped or subsidised imports, measures not in the interest of the Union). In 2018, eight new proceedings (all were anti-dumping investigations) were terminated without measures, as compared to two in 2017.

The list of cases which were terminated without the imposition of measures during 2018 can be found in the following table. More information can be obtained from the Official Journal publications to which reference is given in Annex E.

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<sup>26</sup> Commission Implementing Regulation (EU) 2018/1579 of 18 October 2018, OJ L 263, 22.10.2018, p.3

<sup>27</sup> Commission Implementing Regulation (EU) 2018/1690 of 9 November 2018, OJ L 283, 12.11.2018, p.1

<sup>28</sup> Ibid.

<b>Product</b> (Type of investigation: AD or AS)	<b>Origin</b>	<b>Main reason for termination</b>
Cast iron articles (AD)	India	No dumping was established
Ferro-silicon (AD)	Egypt Ukraine	Withdrawal of the complaint
Low carbon ferrochrome	China Russia Turkey	Withdrawal of the complaint
Silicon metal	Bosnia and Herzegovina Brazil	Withdrawal of the complaint

### 3.1.6. Details on some individual cases of termination without measures

#### ***Low-carbon ferrochrome from China, Russia and Turkey***

On 23 June 2017, the European Commission initiated an anti-dumping investigation with regard to imports of low-carbon ferrochrome originating in China, Russia and Turkey, following a complaint lodged by the Association of European Ferro-alloy Producers (“Euroalliages”) on behalf of the sole Union producer of low-carbon ferrochrome in the Union, Elektrowerk Weisweiler GmbH.

#### *Dumping*

The Commission verified all the information obtained by means of questionnaires and carried out verification visits to the premises of the Union producer, the users and the importer from a third country (Turkey).

#### *Injury and Union interest*

The Commission assessed the information provided for a determination of dumping, resulting injury and Union interest.

After all the findings were duly processed and analysed, the Commission decided not to impose provisional measures due to lack of clarity regarding the scope of the product but also to continue the investigation.

#### *Termination*

On 22 May 2018, the complainant notified the Commission that it would like to withdraw its request.<sup>29</sup> Since the complainant was the only Union producer, no opposition was raised. The Commission also found that termination would not be

<sup>29</sup> In accordance with Article 9(1) of the basic Regulation, proceedings may be terminated where the complaint is withdrawn, unless such termination would not be in the Union interest.

against the Union interest. Therefore, the Commission decided to terminate proceedings without the imposition of measures.

### 3.2. Review investigations

#### 3.2.1. Expiry reviews

Article 11(2) and Article 18 respectively of the basic Regulations provide for the expiry of measures after five years, unless an expiry review demonstrates that they should be maintained in their original form.

In 2018, two anti-dumping measures and two anti-subsidy measures expired automatically. Two of these measures concern solar panels (see section 3.2.3).

The references for these measures are available in Annex N.

Since the expiry provision of the basic Regulations came into force in 1985, a total of 512 measures have expired automatically.

##### 3.2.1.1. Initiations

During 2018, 15 expiry reviews of anti-dumping measures and two concerning anti-subsidy measures were initiated. The list of the expiry reviews initiated in 2018 can be found in the following table, together with the name of the complainant. It should be noted that some expiry reviews may be carried out in parallel with interim reviews. Where there are interim reviews and expiry reviews ongoing at the same time, these are indicated by an asterisk in the table below. More information can be obtained from the Official Journal to which reference is available in Annex F.

Product (Type of investigation: AD or AS)	Origin	Complainant
Tube and pipe fittings (AD)	Turkey Russia Rep. of Korea Malaysia	Defence Committee of the Steel Butt-Welding Fittings Industry
Bioethanol (AD)	USA	European Renewable Ethanol Association (e-PURE)
Aluminium Foil in small rolls (AD)	China	ALEURO Converting Sp. z o.o. CeDo Sp. z o.o. Cuki Cofresco SpA Fora Folienfabrik GmbH ITS BV Rul-Let A/S SPHERE SA Wrapex Ltd

Organic coated steel products (AD)	China	EUROFER
Organic coated steel products (AS)	China	EUROFER
Threaded tube or pipe cast fittings, of malleable cast iron (AD)	China Thailand	ATUSA - Berg Montana Fittings A.D Georg Fischer Fittings GmbH Odlewnia Zeliwa S.A. Livarna Titan d.o.o
Ceramic tableware and kitchenware (AD)	China	FEPP – European Federation for Table- and Ornamentalware
Polyethylene terephthalate (PET) (AS)	India	Committee of PET Manufacturers in Europe (C.P.M.E. aisbl)
Tungsten electrodes (AD)	China	Two Union producers
Bicycles (AD)	China	European Bicycle Manufacturers Association ('EBMA')
Ironing boards (AD)	China	Colombo New Scal SpA Rörets Polska Sp. z o.o. Vale Mill (Rochdale) Ltd
Sweetcorn in kernels (AD)	Thailand	Association Européenne des Transformateurs de Maïs Doux (AETMD)
Peroxosulphates (AD)	China	RheinPerChemie GmbH United Initiators GmbH

### 3.2.1.2. Expiry reviews concluded with confirmation of duties

During 2018, 7 expiry reviews were concluded with confirmation of the duties for a further period of five years.

The list of the measures, which were renewed during 2018, together with the results of the investigations, can be found below. More information can be obtained from the Official Journal publications to which reference is given in Annex F.

Product	Origin	Type <sup>30</sup> and level of measure
Steel ropes and cables	China	Confirmation of duty (AD) Duty rate: 60,4%
Tartaric acid	China	Confirmation of duty (AD) Duty rates: 8,3% – 34,9%

<sup>30</sup> AD: anti-dumping duty; CVD: countervailing duty; UT: undertaking.

Oxalic acid	China India	Confirmation of duty (AD) Duty rates: 14,6% – 52,2% (China) 22.8% – 43.6% (India)
Seamless pipes and tubes of iron or steel	Russia Ukraine	Confirmation of duty (AD) Duty rates: 24,1% – 35,8% (Russia) 12,3% – 25,7% (Ukraine)
Level arch mechanisms	China	Confirmation of duty (AD) Duty rates: 27,1% – 47,4%

### 3.2.1.3. Details on some individual cases concluded by confirmation of duty

#### *Steel ropes and cables from China*

On 6 November 2016, the Commission received a request for review on the grounds that the expiry measures for steel ropes and cables from China would result in a likely continuation of dumping and recurrence of injury. This request was lodged by the Liaison Committee of EU Wire Rope Industries on behalf of producers representing more than 25% of the total EU production of steel ropes and cables.

The measures at issue in the review request had been extended to imports of steel ropes and cables consigned from Morocco and the Republic of Korea, whether declared as originating in those countries or not following an anti-circumvention investigation.

The Commission decided to initiate an expiry review after establishing that there was enough evidence in the request.

#### *Analogue country selection*

In the context of selecting an analogue country, two producers from market economy third countries replied to the questionnaires, one located in Turkey and one in the US.

Even though Turkey had been preliminarily envisaged as an analogue country, the Commission finally decided to select the US as the quality of the information provided by the American producer was more comprehensive to establish a reliable normal value.

#### *Sampling*

The Commission received only one reply from an exporting producer out of 21 contacted in China. Dumping was established based on information provided by the sole cooperating exporting producer. This producer accounted for 100% of the total exports to the EU but only 1,3% of the total estimated production of China during the investigating period.

The Commission also sampled six Union producers, which represented 50,5% of the total Union industry's production during the review investigation period. The Commission analysed the information provided and conducted verification visits to

companies premises so as to determine the likelihood of continuation or recurrence of dumping and injury, as well as the Union interest.

#### *Likely continuation of injury and recurrence of dumping*

Following the application of the initial anti-dumping duties, the EU industry continued to recover from the effects of dumping. If the measures were allowed to lapse and the Chinese exporting producers maintained their export prices at a similar level, the Commission established that the undercutting margin would amount to 36,3%. Despite the effectiveness of the measures, the Chinese products remained present on the Union market keeping a market share of 1,2% during the review investigation period.

The investigation also found that Chinese exporting producers achieved higher prices in the Union market than in other third countries. Therefore, it was concluded that the exporting producers in China have the potential and incentive to raise the volume of exports to the EU at dumped prices, which would undercut the prices offered by the Union industry in case the measures lapsed.

In addition, if the Union industry were to lower prices to compete with imports from China, the industry's profits would decline and many companies would have gone out of business, with a significant consequent impact on employment. Indeed, further deterioration of the Union industry's situation might even cause the shutdown of whole producing units. Thus, it was concluded that the already negative situation of the Union industry would be likely to further deteriorate.

Despite its recovery, the Union industry had to face lower demand for bulk commodities and reductions in the oil price, which led to reduced activity in the sectors of mining, oil and gas. Thus, the demand for the products concerned reduced, which resulted in a decrease in production and sales volume. Therefore, almost all the injury indicators deteriorated. On that basis, it was concluded that the Union industry has suffered material injury although it had benefitted from the original measures, as it continued to recover from the effect of past injurious dumping for the first two years of the period considered (2013-2014). However, the recovery process stalled due to the reasons mentioned above.

#### *Union interest and definitive measures*

The Commission analysed all the interests at stake, including those of the Union industry, importers and users. The investigation found that should the measures expire, this would likely have a significant negative effect on the Union industry and that its currently fragile financial situation would deteriorate further. As for the interest of importers, no comments were received but a prior investigation had shown that the impact of continuing the measures would not be significant. Users did not manifest much interest and those that made themselves known stated that their use of the concerned product was marginal.

The Commission therefore concluded that it was in the Union interest to maintain the measures, which were extended for five years. The definitive anti-dumping duty imposed in the case of China was also extended to imports of the same products consigned from Morocco and the Republic of Korea, whether declared as originating in those countries or not.

#### 3.2.1.4. Reviews concluded by termination

In 2018, no expiry review was concluded by the termination of measures in force.

### 3.2.2. Interim reviews

Article 11(3) and Article 19 of the basic Regulations provide for the review of measures during their period of validity on the initiative of the Commission, at the request of a Member State or, provided that at least one year has lapsed since the imposition of the definitive measure, following a request containing sufficient evidence by an exporter, an importer or by the EU producers. In carrying out the investigations, it will be examined, *inter alia*, whether the circumstances with regard to dumping/subsidization and injury have changed significantly and whether these changes are of a lasting nature. Reviews can be limited to dumping/subsidization or injury aspects.

During 2018, three interim reviews were initiated (two anti-dumping and one anti-subsidy). Six interim reviews were concluded during the same period - four confirming the duties unchanged and two amending the duties. The details of the cases can be found below. More information can be obtained from the Official Journal publications to which reference is given in Annex G.

Product	Origin	Result of investigation
Threaded tube or pipe cast fittings, of malleable cast iron	China Thailand	Withdrawal of the request
Rainbow trout	Turkey	The changes presented by the applicant could not be considered of lasting nature
Ammonium nitrate (dumping)	Russia	The changes presented by the applicant could not be considered of lasting nature
Ammonium nitrate (injury)	Russia	Amendment of duty
Polyethylene terephthalate (PET)	India	Amendment of duty

#### 3.2.2.1. Details on individual cases

##### ***Ammonium nitrate from Russia***

The Commission received a request for a partial interim review from eight European farmers associations limited in scope to the examination of injury on anti-dumping measures on ammonium nitrate originating in Russia. The applicants argued that they were suffering from the anti-dumping measures that have been in place on the product concerned for more than 20 years. On 17 August 2018, the Commission announced the initiation of a partial interim review limited in scope to the examination of injury. That same day, the Commission also announced the initiation of another partial interim review of the measures applicable to the product concerned originating in Russia but limited to the examination of dumping of Acron (the applicant of this second review).

##### ***Product scope***

Originally, the product concerned was defined as ammonium nitrate but was subsequently re-defined to solid fertilizers with specified ammonium nitrate content.



This clarification aimed to cover also ammonium nitrate to which phosphorus and/or potassium nutrients (so-called ‘dirty’ or ‘stabilized’ ammonium nitrate) were added. The main raw material used in its production is natural gas, representing over 60% of the total cost of production.

*Partial interim review limited to dumping*

In that review, the Commission found that domestic gas prices in Russia are regulated by the State via federal laws and do not reflect normal market conditions, where prices are principally set by production costs and profit expectations. Therefore, the Commission considered that the circumstances regarding the gas market in Russia had not changed and, as a result, a modification of the measures was not warranted.

During the review request, Acron also argued, among others, that the last time the dumping margins were set was in 2008 (before Russia’s accession to the World Trade Organisation (WTO)). When Russia joined the WTO in 2012, it committed to ensure that producers/distributors of natural gas would operate within the relevant regulatory framework on the basis of normal commercial considerations, the result of which was a regular gas price increase. In that respect, Acron argued that no WTO dispute settlement cases have been launched putting into question the fulfillment of those commitments.

In response, the Commission stated that it was not taking any position with regard to Russia’s WTO commitments since this was not within the scope of the investigation. The objective was rather to determine whether there was a lasting change of circumstances that would warrant the recalculation of the anti-dumping duty. In this regard, the Commission found that Russian gas prices were still distorted, and that the absence of cases against Russia concerning a breach of its WTO commitments or the fact that Russian gas prices have been gradually increasing on the domestic market cannot automatically lead to conclude there were no price distortions. Therefore, the arguments presented by Acron were not considered as changes of a lasting nature.

The applicant submitted a duly signed voluntary undertaking offer. The Commission analysed the undertaking offer and considered that its acceptance would be impractical. The company had two related companies in two Member States and one of them sold the like product to the Union market. The applicant also sold directly the Russian product to Union customers. If both would sell the product concerned to the same customers, the prices could be set in a way to compensate for the minimum import price subject to the undertaking, which would be very difficult to monitor. Consequently, on 12 November 2018, the Commission terminated the partial interim review without changing the dumping margin for Acron or accepting an undertaking from that company.

*Partial interim review limited to injury*

In that review, the Commission proceeded again first to assess whether any changes occurred in the circumstances which lead to the application of the current measures, and if so, whether these changes were to last. The Commission notably analysed the evolution of world markets and global changes for the concerned product.

The Commission noted that Russian consumption of ammonium nitrate had more than tripled and the demand of third countries had also increased. Meanwhile, the Union’s agricultural consumption had decreased slightly and was expected to remain stable in the future. Thus, the EU market has become less attractive for Russian producers.

Further, the situation in the US gas market had also changed. US shale gas production has increased steeply since 2000 and it was even expected to increase further in the future. The shale gas boom has led and still leads to the development of capacities of US producers' nitrogen fertilizers.

Changes had also been taking place in the Union industry in the recent years. The level of concentration had increased through mergers and acquisitions and the applicant argued that the Union industry was capable of competing with Russian imports due to greater efficiencies gained from investments and restructuring. The situation was different from that of previous reviews where many small and medium size companies operated independently. However, despite the restructuring, there was still a healthy competition on the Union market with 10 companies competing with each other, and none of them had a market share of more than 20%.

The Commission concluded that these global changes and the Union industry's restructuring are of a lasting nature and can impact the injury situation, including the likelihood of recurrence of injury.

Further, the Commission also assessed data on the economic situation of the Union industry. It concluded that the economic situation overall was non-injurious, although a number of injury indicators showed that the financial performance and economic state of the industry followed a negative trend, related notably to the decrease in prices.

The Commission also used verified data from the cooperating companies and other Russian exporters in order to assess capacity and spare capacity in Russia. It concluded that significant volumes could still be exported and have a particularly strong effect on some neighbouring regions. Besides, Fertilizers Europe argued that Russian capacity might be extended in view of the Russian plan on fertilizers of March 2018.

In terms of market for the products concerned, the domestic market was the main market for Russian producers. However, the Union market was found to also remain attractive for the latter. Prices in certain third countries were less appealing than Union prices, even though for some countries the opposite situation also applied. The Commission thus concluded that some Russian volumes might be redirected from less attractive third markets to the Union market if measures lapsed, given its size, geographic proximity and prices, with subsequent injurious effects for the EU industry.

The Commission also made a prospective analysis of the evolution of Russian export prices. It found that the product concerned would likely be sold on the Union market at a price below the weighted average sales price of the Union producers charged to unrelated customers on the Union market.

Based on the totality of evidence on the file, the Commission concluded that there was a likelihood that Russian producers could use their available spare capacity to export to the Union should the measures be terminated. It was also likely that some volumes that were at the time exported to third countries would be re-directed to the EU, given the relative attractiveness of the Union market and its proximity to Russia. As the Union industry was in a less prosperous state compared to the last expiry review, such increased volumes could cause injury to recur. The likely future evolution of Russian export prices was also a clear indication that injury could recur quickly. Therefore, the Commission concluded that there was a likelihood of recurrence of injury should the measures be removed.

In response to the disclosure of the findings, COPA-COGECA, representing Union farmers and cooperatives, sent submissions and called for the anti-dumping measures to be terminated. COPA-COGECA claimed that the anti-dumping measures damaged the competitiveness of Union agricultural exports and family farm incomes. COPA-COGECA argued that by organizing themselves in cooperatives they would benefit from increased competition from Russian exporting producers, lowering farmers' production costs. However, the Commission noted, as in previous expiry reviews, that farmers might not benefit from a potential price decrease following a potential termination of the measures since farmers usually buy from distributors who may not pass on any of the benefits. The Commission also noted that the cost of ammonium nitrate for farmers in the entire Union was not disproportionately high. Therefore, the Commission concluded that the termination of the measures was not justified on this basis.

#### *Amendment of the measures*

After an assessment of the evidence and the submissions provided by the parties, the Commission used an 8% profit margin for the injury calculation, which was in line with previous investigations concerning ammonium nitrate. The Union industry submitted a study that substantiated a 36% return on sales (ROS) target profit. Two Union producers reiterated the same claim and submitted that the Union industry had in the past achieved a two-digit profitability, which would justify a higher target. However, the Commission noted that profitability had fluctuated when measures were in place, both above and below the target profit. Thus, it concluded that the 8% target profit was still valid, and has set the new duty levels accordingly, differentiating the latter by product types. The amended anti-dumping measures were fixed between 28.78 and 32.71 EUR per ton. These findings were published on 14 November 2018,

#### *Rainbow trout from Turkey*

On 26 February 2015, following an anti-subsidy investigation that related to the year 2013, the European Commission imposed definitive countervailing duties on imports of certain rainbow trout originating in Turkey.<sup>31</sup> In July 2017, the Commission initiated a partial interim review of these measures,<sup>32</sup> following a request from the Aegean Exporters Association ('the applicant'). The request was supported by evidence that a change in the implementation of the direct production subsidies introduced in 2016 resulted in a substantial decrease of the level of subsidies to trout producers in Turkey. The applicant also argued that the change in the subsidy schemes was of a lasting nature. Therefore, the applicant claimed that the countervailing measures were no longer necessary and that they should be reviewed.

#### *Procedure*

In view of the large number of exporting producers, the Commission selected a final sample of six exporting producers/groups of exporting producers in Turkey that accounted for approximately 71% of the volume of imports of the product under review. The Commission considered that it was representative and would enable it to properly

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<sup>31</sup> Commission Implementing Regulation (EU) 2015/309 of 26 February 2015, OJ L 56, 27.2.2015, p.12

<sup>32</sup> Notice of initiation of a partial interim review of the countervailing measures applicable to imports of certain rainbow trout originating in Turkey (OJ C 234, 20.7.2017, p.6).

analyse the effects of the changes on all companies in that sector. After completion of verification visits, on 21 February 2018 the Commission disclosed the essential facts and considerations of the investigation to all interested parties.

#### *Subsidies countervailed in the original investigation*

In the original investigation, the Commission examined a number of measures from which the Turkish exporting producers of trout benefited or might have benefitted during the original investigation period (the year 2013). The main subsidies from which the Turkish producers of trout benefited during the original investigation period were direct subsidies granted to all trout producers on a ‘per kg’ basis.

Under Decree No 2013/4463 on agricultural subsidies<sup>33</sup> (‘the decree’), which provided for the subsidies in the original investigation period, subsidies were granted to all producers of trout possessing a valid production licence relating to a fish farming unit (sea, dam or inland site). A trout producer could have several production licences (fish farming units) in the same site. According to the Commission’s findings, the total amount of subsidies for the original investigation period amounted to 62,992,720 TL.

#### *Results of the review investigation*

The Commission found that the decree was changed in 2016. As a consequence, the volume of trout production eligible for direct subsidies decreased and thus resulted in a significant decrease of subsidies received by trout producers.

However, the investigation showed that the actual impact of the legislative change of 2016 in terms of volume and value of the eligible production in comparison with the previous system was difficult to determine, and depended on the production volumes produced under each of the licences.

Moreover, the Commission observed that, in 2017, the actual amount of direct subsidies to trout producers increased and that the decrees of 2016 and 2017 also introduced a number of new subsidies from which trout producers could benefit.

Therefore, while the limitations introduced in 2016 might have led to a decrease in subsidisation via the direct subsidies, Turkey had simultaneously introduced new subsidies and/or amended existing subsidy measures.

Second, the Commission analysed the overall evolution of the amounts of subsidies granted by Turkey since the original investigation. It reached the conclusion that between 2013 and 2016, the subsidies to trout producers decreased by 37%. After 2016, however, the level of subsidies to trout producers increased again, reaching a total amount comprised between 43 and 48,5 million TL in 2017. The Commission thus concluded that the decrease of existing subsidies after the legislative change in 2016 was temporary and that the amount of subsidies after 2016 was approaching the amount before the legislative change.

The Commission observed that the system of implementation of direct subsidies was characterised by constant changes in the legal basis, the eligibility criteria and the actual amounts of subsidisation. As a matter of fact, not only the Commission found the decrease in subsidisation of trout producers in 2016 to be temporary, but also maintained that, since the conditions and amounts of subsidies were reviewed by Turkey on an annual basis, the introduced changes could not be considered as long

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<sup>33</sup> Subsidies to trout production are regulated by a decree adopted by the Turkish Government on an annual basis.

lasting. Further, the Commission estimated that the total subsidies to trout producers might reach up to 56 million TL in 2018, i.e. around 6 million TL above the amount of 2015 – the year before the legislative change.

#### *Termination of the partial interim review*

Having concluded that the decrease observed in 2016 could not be considered as having a lasting nature, the Commission terminated the partial interim review investigation and maintained the measures in force unchanged.

#### ***Polyethylene terephthalate (PET) from India***

In May 2013, the Council imposed a definitive countervailing duty on imports of certain polyethylene terephthalate (PET) originating in India,<sup>34</sup> which was amended by the Commission in 2015 by Regulation 2015/1350,<sup>35</sup> following two partial interim reviews pursuant to Article 19 of the basic Regulation.

In September 2016, an Indian exporting producer, Dhunseri Petrochem Limited ('DPL') requested the Commission to amend the Regulation imposing the measures in force because of a reorganisation. The Commission considered that there was sufficient evidence that the circumstances with regard to subsidisation of DPL and its related companies had changed significantly and were of a lasting nature. Consequently, a partial interim review investigation pursuant to Article 19 of the basic Regulation was initiated,<sup>36</sup> in order to establish the rate of subsidisation for the company's new structure.

Another Indian exporting producer, Reliance Industries Limited ('Reliance') lodged a request for a partial interim review pursuant to Article 19 of the basic Regulation. The request was limited to the examination of the subsidisation of Reliance, which provided sufficient evidence that the continued application of the measures at their current level was no longer necessary to offset the countervailable subsidisation. The company alleged in particular that the overall subsidy level was reduced due to the termination of the Focus Product Scheme and the Focus Market Scheme and the reduction of amounts availed by the applicant with regard to other schemes, like the Advanced Authorisation Scheme and the Duty Drawback Scheme.

Having determined that the request contained sufficient evidence, the Commission announced the initiation of a partial interim review limited in scope to the examination of subsidisation for Reliance. The review investigation period covered the period from 1 April 2016 to 31 March 2017.

#### *Results of the investigation*

As far as the reorganisation of DPL and its related companies was concerned, the investigation confirmed that DPL transferred its entire PET production facility to a new company, IVDPIL in April 2016 and acquired 50% share of that company, thus ceasing to be an exporting producer of the product under review with effect from that date. The investigation also confirmed that DPL acquired 50% of stake in MPPL, an Indian

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<sup>34</sup> Council Implementing Regulation (EU) 461/2013 of 21 May 2013, OJ L 137, 23.5.2013, p.1

<sup>35</sup> Commission Implementing Regulation (EU) 2015/1350 of 3 August 2015, OJ L 208, 5.8.2015, p.10

<sup>36</sup> Notice of initiation of a partial interim review of the countervailing measures applicable to imports of certain polyethylene terephthalate (PET) originating in India (2017/C 216/05)

manufacturer of PET which previously did not export the product under review to the Union.

The purpose of the partial interim review was therefore to establish the rate of subsidisation applicable to the new group of companies resulting from the re-organisation undergone by DPL, IDIPL, and MPPL (the ‘Dhunseri group’).

With regard to subsidisation, the Commission calculated the subsidy rates applicable to both the Dhunseri Group and Reliance. In order to establish the rates of subsidisation, the Commission investigated various subsidy programs and found that the exporting producers availed themselves of five of these programs during the review investigation period, i.e. Duty Drawback Scheme (DDS), Export Promotion Capital Goods Scheme (EPCGS), Merchandise Export from India Scheme (MEIS), Gujarat Electricity Duty Exemption Scheme (GEDES), and Advance Authorisation Scheme (AAS).

As the benefit received by the exporting producers under the GEDES and AAS schemes was found to be negligible, the Commission mainly focused on the DDS, EPCGS and MEIS schemes.

The latter were all found to provide subsidies within the meaning of Article 3(1)(a)(ii) and Article 3(2) of the basic Regulation. Furthermore, since the payment by the Government of India subsequent to exports made by exporters under these schemes was contingent upon export performance, it was deemed to be specific and countervailable under Article 4(4)(a) of the basic Regulation.

The Commission considered that DDS and EPCGS could both not be considered permissible duty drawback systems within the meaning of Article 3(1)(a)(ii) of the basic Regulation. With particular regard to DDS, the Commission noted that the cash payment to the exporter was not necessarily linked to actual payments of import duties on raw materials, and was not a duty credit to offset import duties on past or future imports of raw materials.

#### *Amount of countervailable subsidies*

Significantly, when calculating the DDS subsidy amount, the Commission rejected Reliance’s claim that the benefit calculated on the basis of DDS should be restricted to the excess benefits as DDS should be considered as a duty drawback scheme permissible under Article 3(1)(a)(ii) of the basic Regulation. The claim was rejected since the Commission concluded during the on-the-spot verification that Reliance had benefited from the DDS even if it had not imported any of the two relevant raw materials during the review investigation period and since the total amount granted to Reliance represented the excess.

This conclusion was reached on the basis of the information available, as Reliance failed to provide evidence that one of the two main raw material used to manufacture PET was entirely imported and import duties were paid.

The Commission reached an opposite conclusion with regard to the Dhunseri group, since the company provided sufficient evidence in this respect, and the Commission showed the correctness of the evidence during a verification visit. Hence, the Commission calculated the level of subsidisation on the excess remission with regard to the Dhunseri group.

The Commission recalled that the amount of subsidisation established for DPL and Reliance by Implementing Regulation (EU) 2015/1350 were respectively 3,2% and

6,2%, which translated into countervailing duties of respectively 35,69 EUR/tonne and 69,39 EUR/tonne.

During the current partial interim reviews the Commission found the amount of countervailing subsidies, expressed ad valorem, to be 2,3% for the Dhunseri group and 4% for Reliance. The Commission established the following specific countervailing duties: 18,73 EUR/ton for Dhunseri group and 29,21 EUR/ton for Reliance.

#### *Lasting nature of changed circumstances with regard to subsidisation*

The Commission established that, during the review investigation period, the exporting producers concerned continued to benefit from countervailable subsidisation by the government, although at different rates.

As far as Reliance was concerned, the most important subsidies in terms of subsidisation rates during the review investigation period were DDS and MEIS. The subsidisation rate for DDS was reduced several times by the government over the last seven years, reaching 1,5% of the FOB value during the review investigation period. As far as MEIS was concerned the rate of 2% of the FOB value that became applicable to PET in October 2015 remained unchanged since then. No significant change of subsidisation rate for EPCGS was expected after the review investigation period.

As no evidence was adduced that the countervailed schemes would be discontinued or that their subsidisation levels would be either increased or decreased in the future, the Commission concluded that the circumstances that led to Reliance's new subsidisation rate were of a lasting nature.

Hence, the level of the duties for Reliance was established on the basis of a 4% subsidy margin.

With reference to the Dhunseri group, the investigation showed that the structure of the group changed significantly. Most importantly the group owned two PET plants during the review investigation period as compared to a single one during the previous interim review. The re-organisation involved several legal steps over a period of almost two years and reached its completion when it was sanctioned by the High Court of Kolkata in December 2017. The Commission hence considered that the change of structure was of a lasting nature and that the measures in force should be amended to reflect the new situation also in view of the previous conclusions on the current (and lower) level of subsidisation found in these reviews.

#### *3.2.3. New exporter reviews*

As far as anti-dumping measures are concerned, Article 11(4) of the basic Regulation allows for a review ("newcomer" review) to be carried out in order to determine individual margins of dumping for new exporters located in the exporting country in question which did not export the product during the investigation period.

Such parties have to show that they are genuine new exporters, i.e. that they are not related to any of the exporters or producers in the exporting country, which are subject to the anti-dumping measures, and that they have actually started to export to the EU following the investigation period, or that they have entered into an irrevocable contractual obligation to export a significant quantity to the EU.

When a review for a new exporter is initiated, the duties are repealed with regard to that exporter, though its imports are made subject to registration under Article 14(5) of the

basic Regulation in order to ensure that, should the review result in a determination of dumping in respect of such an exporter, anti-dumping duties may be levied retroactively to the date of the initiation of the review.

As far as anti-subsidy measures are concerned, Article 20 of the basic Regulation allows for a review (accelerated review) to be carried out in order to promptly establish an individual countervailing duty. Any exporter whose exports are subject to a definitive countervailing duty but who was not individually investigated during the original investigation for reasons other than a refusal to co-operate with the Commission can request such review.

In 2018, no new exporter review was initiated. Since the Commission carried out the first reviews of this type in 1990, a total of 77 such reviews were initiated so far. Two new exporter reviews were concluded in 2018 by an exemption (see details below).

### *Bicycles from China (exemption review)*

On 29 May 2013, the Council extended the already existing definitive anti-dumping measures on imports of bicycles originating in China to those consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, following an anti-circumvention investigation.<sup>37</sup>

On 13 September 2016, the Commission received a request from Look Design System SA, an exporting producer of bicycles based in Tunisia, for an exemption from the measures applicable to Tunisia. As the request contained sufficient evidence, the Commission initiated an investigation on 4 May 2017 to determine whether an exemption was warranted.

#### *Investigation*

The Commission notified the Union industry as well as the applicant and the authorities of the exporting country, which were given the opportunity to comment and make their views known. The Commission assessed all the information at its disposal and conducted a verification visit at the premises of the applicant in Tunisia.

The investigation confirmed that the company fulfilled the three conditions necessary to be granted “new exporter” status.<sup>38</sup> it had not exported the product under review during the original reporting period, it demonstrated that it did not have any links, direct or indirect, with any of the Tunisian exporting producers subject to the extended measures with regard to the product under review and the investigation showed that the applicant had started to export the product to the Union only after the original reporting period.

The sources of raw materials and cost of production were also analysed. It was concluded that the parts mainly originated in other countries and that the raw materials originating in China represented less than 60% of the total value of the parts assembled.

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<sup>37</sup> Council Implementing Regulation (EU) No 501/2013 of 29 May 2013, OJ L 153, 5.6.2013, p.1

<sup>38</sup> Under Articles 11(4) and 13 (4) of the basic AD Regulation and Article 23(6) of the basic AS Regulation, namely:

- that it did not export the product under review to the Union during the investigation period used in the investigation that led to the extended measures, i.e. from 1 April 2014 to 31 March 2015,
- that it has not been engaging in circumvention practices, and
- that it has entered into an irrevocable contractual obligation to export a significant quantity to the Union.



Moreover, there was no evidence of circumvention taking place through transshipments. The Commission concluded that the applicant was a genuine producer of bicycles and granted the producer an exemption from the measures applicable to Tunisia.

### *Solar panels from China*

The Commission imposed definitive anti-dumping and countervailing measures on imports of solar panels originating in China in 2013.<sup>39</sup> The measures consisted of an *ad valorem* duty ranging between 27,3% and 64,9%. In February 2016, following an anti-circumvention investigation, the Commission extended those measures to imports of the products consigned from Malaysia and Taiwan, with the exception of imports produced by certain companies specifically exempted from those measures.

Following expiry reviews investigations described in the Annual Report on year 2017, these measures were extended for 18 months (instead of the normal five years period) based on Union interest reasons.

#### *Exemption investigation with regard to a Malaysian company*

On 18 July 2018, the Commission initiated an investigation in order to assess whether it should grant an exemption from the duties to a Malaysian exporting company of the concerned product.<sup>40</sup> In the request, there seemed to be enough *prima facie* evidence that the applicant fulfilled the criteria for an exemption.

The applicant was a wholly owned subsidiary of a Hong Kong-based company, which was also a subsidiary of a Chinese company, the ultimate parent company. The parent company was subject to both countervailing and anti-dumping duties.

However, after carrying out further examinations in order to determine the relationship and possible circumvention of the existing measures, the Commission found that the Malaysian applicant was a genuine producer and had not been involved in circumvention activities. The Commission concluded that the Chinese ownership did not constitute a reason to reject the application and that the applicant should be added to the list of companies that are exempted from the existing countervailing<sup>41</sup> and anti-dumping duties.<sup>42</sup>

#### *Expiry of measures*

On 13 March 2018, the Commission gave notice that both the anti-dumping and countervailing measures would expire on 3 September of the same year. The EU industry lodged a request for an expiry review in order to extend the existing measures.

The Commission decided on 31 August 2018 to reject the requests. It noted that in a previous expiry review, measures were extended for a limited period of 18 month and the limitation was warranted because of Union interest grounds. The applicant did not provide any information that put into question the Union interest grounds previously established. The Commission also noted that the market situation had not changed

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<sup>39</sup> Council Implementing Regulation (EU) 1238/2013 of 2 December 2013, OJ L 325, 5.12.2013, p.1

<sup>40</sup> Commission Implementing Regulation (EU) 2018/1017 of 18 July 2018, OJ L 183, 19.7.2018, p.1

<sup>41</sup> Commission Implementing Regulation (EU) 2016/184 of 11 February 2016, OJ L 37, 12.2.2016, p.56

<sup>42</sup> Ibid.

sufficiently to justify a further extension of the measures, as the level of the measures had gradually decreased over time to allow the prices of the imports into the EU align progressively with world market prices. In its assessment, the Commission also took into account the new EU's renewable energy targets.

Therefore, on 3 September 2018, both the anti-dumping and countervailing measures on solar panels expired.

#### 3.2.4. *Absorption investigations*

Where there is sufficient information showing that, after the original investigation period and prior to or following the imposition of measures, export prices have decreased or that there has been no or insufficient movement in the resale prices or subsequent selling prices of the imported product in the EU, an absorption review may be opened to examine whether the measure has had effects on the above-mentioned prices. The duty may be increased to take account of such lower export prices. The possibility of absorption reviews is included in Articles 12 and 19(3) of the basic Regulations.

In 2018, one anti-absorption investigation was initiated and no such investigation was concluded (Annex J).

#### 3.2.5. *Anti-circumvention investigations*

The possibility of investigations being re-opened in circumstances where evidence is brought to show that measures are being circumvented was introduced by Article 13 and Article 23 of the basic Regulations.

Circumvention is defined as a change in the pattern of trade between third countries and the EU that stems from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty. The duties may be extended to imports from third countries of like products, or parts thereof, if circumvention is taking place. Duties may also be extended to imports of a slightly modified like product from the country subject to current measures.

In 2018, No anti-circumvention investigations were initiated. Two anti-circumvention investigations were terminated without the extension of duty. More information can be obtained from the Official Journal publications to which reference is given in Annex K.

#### ***Hand pallet trucks and their essential parts from China (via Vietnam)***

On 18 July 2005, the Council imposed a definitive anti-dumping duty on imports of hand pallet trucks and their essential parts originating in China.<sup>43</sup> The measures consisted of an *ad valorem* duty ranging between 7,6% and 46,7%. These measures were prolonged twice as a result of expiry reviews. On 6 June 2017, the Commission received a request to investigate a possible circumvention of the anti-dumping measures by imports coming from Vietnam. The request was lodged on behalf of Union producers representing over 60% of EU production of the products concerned.

The request contained *prima facie* evidence showing that assembly operations taking place in Vietnam constituted circumvention as Chinese parts seemed to constitute more than 60% of the total value of the assembled product and the value added during the

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<sup>43</sup> Council Regulation (EC) No 1174/2005 of 18 July 2005, OJ L 189, 21.7.2005, p.1

assembly operation was lower than 25% of the manufacturing costs. Complainants argued that this practice was undermining the effectiveness of the anti-dumping measures in place.<sup>44</sup> The Commission decided to initiate an investigation on this basis.

The Commission informed Chinese and Vietnamese authorities and followed the procedure by sending out questionnaires and carrying out verification visits to two companies in Vietnam.

For both companies it was found that the parts from China did not constitute 60% or more of the total value of the parts of the assembled products. Consequently, the assembly operations carried out by the cooperating Vietnamese companies could not be considered as circumvention. In addition, as the two investigated companies represented 100% of the Vietnamese exports to the EU during the reporting period, it could not be established that measures in force with regard to China were being circumvented by such imports from Vietnam. The Commission terminated the investigation on 21 February 2018.

### 3.2.6. “Other” reviews (reinvestigations)

These investigations fall outside Article 11(3) or Article 19 of the basic Regulations and focus on the implementation of court rulings. In 2018, the Commission initiated three such investigations. Two “other” reviews were concluded with a confirmation or re-imposition of the duty. More details can be found below. Three “other” reviews were terminated with a repeal of the measures. A list of the cases concerned is given in Annex H. More information can be obtained from the Official Journal publications to which reference is given in that Annex.

#### ***Bicycles from China (via Sri Lanka)***

On 11 April 2017, the Commission published a notice partially reopening the anti-circumvention investigation concerning imports of bicycles consigned from Sri Lanka following a General Court judgment annulling the original anti-circumvention regulation on the concerned products to the extent it applied to Sri Lankan company City Cycle Industries.

On the same day, imports of the product concerned from City Cycle Industries were made subject to registration following a request by the European Bicycle Manufacturers Association and EU producer Maxcom Ltd.

#### ***Dumping***

The Commission reassessed all the data available and found that the evidence submitted by the Sri Lankan company demonstrated that raw materials from China constituted more than 60% of the total value of the parts of the assembled product.

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<sup>44</sup> In accordance with Article 13(1) of the basic Regulation, the following elements should be analysed successively in order to assess possible circumvention:

- whether there was a change in the pattern of trade between China and the Union,
- if this change stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the anti-dumping measures in force,
- if there is evidence of injury or the remedial effects of the anti-dumping measures in force were being undermined in terms of the prices and/or quantities of the product under investigation, and
- whether there is evidence of dumping in relation to the normal values previously established for the product concerned.

In addition, because of the low investment required for assembly operations, and the fact that the Sri Lankan company already had the necessary know-how and experience for this type of activity, the applicants submitted that it was likely that City Cycle Industries will go back very quickly to circumventing practices.

It was also found that the value added during the assembly operations was less than 25% of the manufacturing cost and therefore constituted circumvention.

### *Injury*

The Court judgment is limited to the analysis of circumvention practices, which City Cycle Industries may have been engaged in. As a result, the findings that were not challenged, rejected or not examined by the General Court remain valid.

The applicants submitted that a real risk persisted that City Cycle Industries' exports to the Union could resume in significant quantities given the ease of setting up assembly circumvention practices for bicycles on a large scale in Sri Lanka. In addition, it had a major customer in the Union for its products.

### *Definitive measures*

On this basis, on 9 January 2018, the Commission re-extended the original measures to the Sri Lankan exporter, as from the date of registration.<sup>45</sup>

### ***Biodiesel from Argentina and Indonesia***

On 19 November 2013, the Commission imposed definitive anti-dumping duties on imports of biodiesel originating in Argentina and Indonesia by means of Regulation 1194/2013 ('the definitive Regulation').<sup>46</sup>

In September 2016, the General Court of the European Union ('GC') annulled Articles 1 and 2 of the definitive Regulation to the extent that they applied to the applicants.<sup>47</sup> The GC ruled that the institutions should not have taken the view that the price of the raw materials was not reasonably reflected in the records of the Argentinian and Indonesian exporting producers and should not have disregarded those records when constructing a normal value for biodiesel produced in these countries. In particular, the GC held that the institutions failed to establish to the requisite legal standard that there was an appreciable distortion of the prices of the main raw materials used for the production of biodiesel in Argentina and Indonesia because of different tax rates on raw materials and on biodiesel.

The anti-dumping measures were also challenged by Argentina and Indonesia before the WTO adjudicating bodies.<sup>48</sup> In both disputes, it was found, among other things, that the legal justification relied upon by the Union to proceed with a cost adjustment was incompatible with WTO law. Moreover, the Indonesia Panel Report found that the Union had failed to establish a profit-cap pursuant to Article 2.2.2 of the WTO Anti-Dumping Agreement when constructing the normal value. In addition, the Indonesia Report also found that there had been some company-specific calculation inconsistencies, as well as additional points on injury-related matters.

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<sup>45</sup> Commission Implementing Regulation (EU) 2018/28 of 9 January 2018, OJ L 5, 10.1.2018, p.27

<sup>46</sup> Commission Regulation (EU) 1194/2013 of 19 November 2013, OJ L 315, 26.11.2013, p.2

<sup>47</sup> Judgments of the GC in cases T-80/14, T-111/14 to T-121/14 and T-139/14 ('the judgments')

<sup>48</sup> The Indonesia Report was adopted in the European Union – Anti-Dumping Measures on Biodiesel from Indonesia dispute (DS480)

In order to comply with its obligations under the GC's judgments and the Reports adopted by the Dispute Settlement Body (DSB), the Commission decided to resume the anti-dumping proceeding at the very point at which the illegality occurred and thus to re-examine the methodology used for constructing the normal value.

On 28 May 2018, a Notice was published re-opening the original investigations.

#### *Determination of the normal value and calculation of the dumping margins*

The Commission reassessed the findings of the original investigations on the issues identified by the GC and the WTO adjudicating bodies, determining anew the duty rates in respect of all Indonesian and Argentinian exporters.

In view of the high negative dumping margins for two of the four sampled Indonesian companies, the Commission verified whether the weighted average countrywide dumping margin taking account of the negative margins was above *de minimis* as provided for in Article 9(3) of the basic Regulation. In this respect, it noticed that the amount of dumping in the Indonesian sample was 1,6% – that is below the 2% *de minimis* threshold.

In view of the countrywide *de minimis* dumping margin, the Commission decided to terminate the investigation without measures as regards imports of biodiesel from Indonesia.

#### *Revised injury findings based on the Reports*

As the investigation was terminated with regard to Indonesia, the Commission limited its causation analysis to dumped imports of biodiesel from Argentina, in order to determine the existence of a causal link between the dumped imports and the injury suffered by the Union industry, and assessed imports from Indonesia separately, as another factor that might also have caused injury.

During the investigation period, almost half of all imports into the Union came from Indonesia at a price lower than Union prices as well as Argentinian prices. It was also noted that the exponential increase on imports volumes from Indonesia as well as their market share significantly contributed to the material injury suffered by the Union industry.

The impact of the Indonesian exports added to other factors, among others overcapacity of Union industry and self-inflicted injury: On this basis, the Commission concluded that the effect of imports of biodiesel from Indonesia to the Union taken together with the other factors contributed to the injury suffered by the Union industry to such an extent that it could not be established that a genuine and substantial causal relationship between the dumped imports from Argentina and the material injury suffered by the Union industry actually existed.

#### *Conclusion*

On 18 October 2018, the Commission terminated the investigation, given that dumping margins from Indonesia were found to be *de minimis* and a genuine and substantial causal relationship between the dumped imports from Argentina and the material injury suffered by the Union industry, as required under Article 3(7) of the basic Regulation, could not be established. Anti-dumping measures were hence repealed.

### 3.3. Safeguard investigations

Safeguard measures have always been and remain an instrument which the Commission would only apply in truly exceptional circumstances. Indeed, they are only used where it is clear that, applying the highest standards, such measures are necessary and justified because, due to unforeseen circumstances, there has been a surge in imports and this has caused or threatens to cause serious damage to the EU industry.

The Commission expects the EU's commercial partners to follow a similarly strict approach. However, more and more countries are adopting safeguard measures, often in circumstances which do not appear to be entirely in line with Article XIX of the GATT 1994, the WTO Agreement on Safeguards and other WTO rules. Consequently, the activities of the Commission in relation to safeguards is more and more driven towards the defence of the export interests of EU producers, if necessary at WTO level.

Not all safeguard measures adopted by the EU constitute safeguards within the meaning of the WTO Agreement on Safeguards. Some of these measures are called 'safeguards' under particular regimes, such as the horizontal safeguards regulation or the safeguard investigations under the Generalised Scheme of Preferences (GSP).

In April 2018, the Commission put forward a proposal for a horizontal bilateral safeguard regulation that will allow the Commission to use the bilateral safeguard clauses laid down in all future trade agreements. The objective of these safeguard clauses is to temporarily suspend tariff preferences where preferential imports increase to such an extent that they cause or threaten to cause serious injury to a particular EU industry. This horizontal regulation provides standard rules for the implementation of bilateral safeguard clauses, including the conditions and decision-making process. In the past, the EU adopted separate regulations for each individual FTA, which will no longer be necessary. The proposed Regulation has been politically approved by the legislators in December 2018.

In terms of casework, in 2018, the EU initiated three safeguard investigations – one *erga omnes* on steel products and two bilateral ones against Cambodia and Myanmar on Indica rice under the rules of the Generalised Scheme of Preferences (Annex L).

#### 3.3.1. Details on individual safeguard cases

##### **General safeguard measures on certain steel products**

The investigation into 26 different steel product categories was initiated ex officio on 26 March 2018,<sup>49</sup> pursuant to Article 5 of Regulation (EU) 2015/478 and Article 3 of Regulation (EU) 2015/755. On 28 June 2018, the Commission extended the product scope of the safeguard investigation to two additional categories.<sup>50</sup> The investigation covered the period from 2013 to 2017 ('the period considered'). The most recent developments have also been considered (i.e. the period between July 2017 and June 2018). Provisional measures were imposed in July 2018,<sup>51</sup> and on 31 January 2019 have

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<sup>49</sup> Notice of initiation of a safeguard investigation concerning imports of steel products (OJ C 111, 26.3.2018, p.29).

<sup>50</sup> Notice amending the notice of initiation of a safeguard investigation concerning the imports of steel products (OJ C 225, 28.6.2018, p.54).

<sup>51</sup> Commission Implementing Regulation (EU) 2018/1013 of 17 July 2018, OJ L 181, 18.7.2018, p.39

been replaced by definitive measures.<sup>52</sup> While the latter Regulation was not adopted in 2018, this section nevertheless describes the latest measures, due to their importance of the case.

#### *Product scope*

The product concerned is certain steel products, encompassing 28 product categories. The Commission decided to exclude two product categories for which imports decreased overall between 2013 and June 2018. Therefore, definitive measures only apply to 26 categories.

#### *Legal requirements*

##### i) Increase in imports

The investigation showed that over the period considered and the most recent period, there had been a sudden, steep and significant increase in imports, in both absolute and relative terms, for the products concerned (+71%). This finding was further confirmed when analysing the level of imports at the level of the three product families (+64% for flat products; +97% for long products and +60% for tubes).

##### ii) Unforeseen developments

The Commission established that the increase in imports of steel products in the Union was the result of unforeseen developments that finds its source in a number of factors establishing and aggravating imbalances in the international trade of the products concerned.

These factors consisted of an unprecedented steelmaking overcapacity that persists, despite the important number of measures adopted worldwide to reduce it. This was aggravated by distortive subsidies and government support measures, which led to price depression, the increased use of trade restrictive practices, TDIs and the US Section 232 measures adopted in March 2018.

##### iii) Threat of serious injury

The Commission concluded that the situation of the Union industry deteriorated significantly in the period 2013-2016 and improved only partially in 2017. However, the Commission considered that the Union industry, despite the temporary improvement, was still in a fragile situation and under the threat of serious injury if the increasing trend in imports continued with the ensuing price depression and profitability drop below sustainable levels.

At provisional stage, a critical element in the determination of a threat of injury was that the significant increase in imports observed since 2013 would not end but would further rise and reach serious injurious levels in the absence of remedial action. This expected trend was already confirmed by the most recent data analysed and is mostly caused by trade diversion resulting from the US Section 232 measures on steel products.

#### *Form of the measures*

The definitive safeguard measure took the form of a tariff-rate quota in order to prevent serious injury, but at the same time preserve as much as possible traditional trade flows. This level of tariff-rate quota was set at the average level of imports over the last three representative years. The Commission considered it necessary to modulate the tariff-rate

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<sup>52</sup> Commission Implementing Regulation (EU) 2019/159 of 31 January 2019, OJ L 31, 1.2.2019, p.27

quota level above the average import level for the last three years to take account of the competing interests between users and importers, on the one hand, and the Union industry, on the other hand. On this basis, the Commission considered that the quantitative level of the tariff-rate quota should be based on the average imports in the period 2015-2017 plus 5%. The Commission set an out-of-quota duty of 25% that would apply if the tariff-rate quota in a given product category is exhausted.

In addition, the Commission concluded that a mixed approach to quota allocation (country-specific quota and global quota) would be the most appropriate. First, a country specific tariff-rate quota should be allocated to countries having a significant supplying interest, based on their imports over the last three years. A global tariff-rate quota ('the residual quota') based on the average of the remaining imports over the last three years should be allocated to all other supplying countries. This residual tariff-rate quota should be divided quarterly in order to ensure that imports are evenly distributed over the year and prevent that significant imports of standard products are stockpiled at the beginning of the period in order to avoid possible duties. Unused quarterly tariff-rate quota allocations would also be automatically transferred to the next period.

A country specific tariff-rate quota was however not allocated to those countries whose export level – for each product category concerned and overall for hot rolled coils – has substantially diminished in the recent past because of anti-dumping/anti-subsidy measures in place. These countries fall within the residual tariff-rate quota.

#### *Review clause*

The Commission considered that, based on the Union interest, it may have to adjust the level or allocation of the tariff-rate quota in case of changes of circumstances during the period of imposition of the measures. The Commission will carry out an assessment of the situation on a regular basis, and consider a review at least at the end of each year of imposition of measures. The Commission shall initiate the first review investigation no later than on 1 July 2019.

#### *Exclusions*

Definitive measures apply to imports from all origins, with very few exceptions. First, on account of the close integration of markets with EEA members, the Commission considered that the products under assessment originating in Norway, Iceland, and Liechtenstein should be excluded from the application of the Regulation. Furthermore, in order to comply with bilateral obligations, certain countries with which the Union has signed an Economic Partnership Agreement that is currently in force were excluded from the application of the measures. WTO developing countries accounting for less than 3% of EU imports are also excluded.

#### *Duration*

Measures shall be in place for a maximum period of 3 years, i.e. from February 2019 until July 2021.

#### ***Indica Rice from Cambodia and Myanmar***

In March 2018, upon request of Italy, the Commission initiated a safeguard investigation under the GSP Regulation, regarding imports of Indica rice from Cambodia and Myanmar. The findings of the investigation confirmed that a significant surge of rice imports from these two countries has caused economic damage to the rice sector in the EU. Therefore, the legal conditions to impose measures were met.



According to Article 22(1) of the GSP Regulation, the Commission decided on 16 January, after consultation of the Member States, to reinstate the Common Customs Tariff applied duties of 175 EUR/ton, with a progressive liberalisation (175 EUR/ton for the first year, 150 EUR/ton for the second year and 125 EUR/ton for the third year).

### **3.4. Verification activities**

Based on Articles 16 and 26 of the respective basic AD and AS Regulations, in the course of investigations, the Commission carries out visits to examine the records of companies or associations with the aim to verify the information provided during the proceedings. During 2018, EU TDI services made 167 such visits, which amounted to 1978 man/days of verification work. Circa 60% of the visits carried out aimed at verifying EU companies' data relating to injury and Union interest, while the rest constituted verifications at companies in 19 third countries.

### **3.5. Social and environmental standards in investigations**

Since the entry into force of the new methodology of normal value calculation in December 2017, when the Commission chooses an appropriate representative country to construct the normal value of a product under that new methodology, it should base its choice on an assessment of the adequate level of social and environmental protection in the countries at stake when there is more than one such country. The Commission would therefore look, in all such new investigations and expiry reviews initiated after 20 December 2017, in particular whether relevant international conventions have been ratified.

A description of how social and environmental protection standards are considered and taken into account in TDI investigations can only be referenced in future annual reports, after investigations have reached provisional or final conclusions. However, none of the ongoing investigations using the new methodology has reached this stage – results will only be available in the next report.

Moreover, since the entry into force of modernized TDI rules, when the Commission calculates the target price of a product, it also reflects actual or future costs of production of EU companies, which result or would result from the application of multilateral environmental agreements (and their protocols), as well as of certain International Labour Organisation conventions. Since 8 June 2018 onwards, the Commission has therefore started to apply the latter rule in its investigations. In this case, too, none of the on-going investigations where this is an issue has reached the provisional or final stage yet. The next annual report will consequently revert to such cases.

Last but not least, the respect of principles and obligations set out in in multilateral environmental agreements and protocols thereunder, to which the Union is a party, and of certain ILO conventions, can also play a role when it comes to deciding whether an undertaking should be accepted.

## **4. ENFORCEMENT OF ANTI-DUMPING/COUNTERVAILING MEASURES**

Globalisation of trade led to greater possibilities for circumventing or otherwise reducing the effectiveness of anti-dumping and countervailing measures. To address this problem, throughout 2018 the TDI services continued their follow-up activities aimed at

ensuring that measures were effectively enforced. In the framework of an integrated approach measures were considered in all their forms - duties and undertakings – and synergy was sought between the TDI services and enforcement-oriented services (OLAF, DG Taxud and customs authorities in Member States).

#### **4.1. Follow-up of measures**

The follow-up activities concerning measures in force are centred on four main areas: (1) to pre-empt fraud, by defining risk-related areas, alerting customs authorities and assessing the feedback from customs and economic operators; (2) to monitor trade flows and market developments; (3) to improve the effectiveness with the appropriate instruments (new investigation, interim review, newcomer review, contact with national administrations) and (4) to react to irregular practices by enhancing the co-operation with enforcement-related services (OLAF and national customs) and by initiating anti-absorption or anti-circumvention investigations.

#### **4.2. Monitoring of undertakings**

Monitoring of undertakings forms part of the enforcement activities, given that undertakings are a form of AD or AS measures. They are accepted by the Commission if it is satisfied that they can effectively eliminate the injurious effects of dumping or subsidisation.

At the beginning of 2018, there were three undertakings in force. No new undertaking was accepted during the year. Therefore, the number of undertakings in force at the end of 2018 remained at 3. More information is available in Annexes M and Q.

#### **4.3. OLAF activity**

The Commission has developed a range of activities addressing prevention and detection of fraud, and this includes a close cooperation with OLAF, through annual meetings, day-to-day contacts, or exchange of case information, via a special OLAF liaison officer within the Directorate-General for Trade.

In relation to that, by mutual agreement between the Commission and OLAF, the Commission provides OLAF with any information and evidence relating to possible cases of fraud, or any other illegal activity related to TDI. Circumvention of TDI measures can occur in the form of: false declaration of product origin; misclassification under product codes outside measures; assembly operations; channelling via companies with no or low duty rates or undervaluation of imported products.

The Commission and OLAF have been reacting whenever they had indications pointing to the possibility of the above situations, such as: 1/ when subsequent to the imposition of measures, a significant decrease in imports from the country concerned into the EU could be noted, which was entirely or partially offset by an increase in imports of: products from another third country, or products classified under a product code outside measures, or parts of the product which are not subject to measures; 2/ when subsequent to the imposition of measures, imports from the country concerned into the EU were coming from a company with a low or a zero duty at the expense of imports from a company with a higher duty; or 3/ when a low amount of duties was collected by Member States' customs authorities.

Moreover, when the Commission received complaints from Union industry regarding the circumvention of measures, it has each time informed OLAF thereof. The Commission stayed also in regular contact on these matters with Member States' customs authorities.

Investigations by OLAF into the practices above are confidential. For that reason, it is not possible to give further information or statistics on the latter. Every year OLAF publishes an Annual Report presenting its activities of the previous year, as well as statistics of its investigative performance and examples of cases.

## **5. REFUNDS**

Articles 11(8) and 21(1) of the basic Regulations allow importers to request the reimbursement of the relevant collected duties where it is shown that the dumping/subsidy margin, on the basis of which duties were paid, has been eliminated or reduced to a level below that of the duty in force.

During 2018, 120 new refund requests were submitted. At the end of 2018, 6 refund investigations were on-going, covering 99 requests. The Commission adopted in 2018 two Implementing Decisions granting partial refund or rejecting refund requests.

## **6. TDI MODERNISATION**

In April 2013, the Commission adopted a proposal and a communication in order to modernise the EU's trade defence instruments ('TDI'). The aim of the proposal was to enhance the efficiency and effectiveness of the EU's TDI for the benefit of all stakeholders, including producers, importers or users. Increasing transparency, finding practical solutions to real problems and making the TDI more accessible, so that these instruments would provide a more adequate response to the proliferating unfair trade practices, was at the heart of the proposal.

After the Council and the European Parliament reached an agreement on the Commission's proposal in December 2017, the modernisation legislation entered into force on 8 June 2018. Together with the new anti-dumping calculation methodology adopted in 2017, this is the first major overhaul of the EU's anti-dumping and anti-subsidy instruments since 1995.

The new legislation strikes a balance between the interests of EU producers, users and importers alike. The EU's trade defence instruments have become more effective, transparent and more adapted to face the challenges of the global economy. At the same time, the modernisation brought these instruments closer to the needs of small and medium sized companies ('SME'). Finally, trade unions that represent workers whose jobs are at stake due to unfair competition can also now fully participate in investigations, including as co-complainants together with the Union industry.

The overhaul covers a broad range of aspects relating to the way the Commission carries out trade defence investigations. The changes deliver concrete solutions to practical problems raised by businesses. They benefit EU industry but also importers and downstream users who depend on imports.

Amongst the most important changes to the modernised EU's anti-dumping and anti-subsidy legislation are:

- **More transparency and predictability:** the Commission is now to issue an early warning on the imposition of provisional anti-dumping and anti-subsidy measures. This includes a grace period of three weeks during which provisional duties are not be applied. As a result, all companies will know in advance which exporters will be subject to duties and at which rates. During this period the Commission will register imports, where warranted, to avoid stockpiling. This will allow for the retroactive collection of duties for that period, if necessary. Exporting producers and the EU industry concerned will also be provided with their respective dumping, subsidy,/ injury calculations for provisional measures. The Commission will also notify interested parties if provisional measures will not be imposed. Within two years, the Commission will review the three weeks early warning system with the option to go up to 4 weeks or down to 2 weeks of such pre-disclosure.
- **More efficient anti-dumping investigations:** provisional measures have now to be imposed within 7 to 8 months, instead of 9 months. The investigative process has been streamlined to maintain the high standards, in terms of data verification, respect of procedural rights, deadlines, etc.
- **Additional support for EU SMEs:** an SME helpdesk, as well as streamlined procedures make it easier for SMEs to participate in trade defence investigations. The Commission has created a dedicated web page for SMEs which provides relevant information to help navigate the system, including a guide to filing complaints as well as standard questionnaires for Union producers, importers and users.
- **An improved injury margin calculation method:** the new rules concerning the non-injurious price for the EU industry are now better adapted to economic reality. They allow reflecting the profitability needed to cover full costs and investments, research as well as development and innovation. Moreover, the injury margin includes future expenses related to social and environmental standards, for example under the Emissions Trading System, if the Union industry presents sufficient evidence to this effect.

Moreover, the non-injurious price now includes a minimum profit of 6%. However, higher profit margins are always possible on a case-by-case basis. This ensures a better recovery of the industry from unfair trade, if measures are based on injury.

- **Inclusion of social and environmental considerations:** as mentioned above, the future higher costs of EU industry for complying with EU social and environmental standards are now to be taken into account. Furthermore, the EU needs not accept price undertakings for - among others - reasons of general policy which comprise in particular the principles and obligations set out in multilateral environmental agreements (and their protocols) to which the Union is a party, and of certain ILO Conventions. From now on, social and environmental standards considerations have also a dedicated part in the Commission's annual reports on TDI activity.
- **Better response to raw material distortions or subsidisation:** the EU's "lesser duty rule" is now adapted so as to take into account the existence of serious distortions regarding raw materials with the imposition of duties reflecting the full amount of dumping in such cases. Distortions must concern one raw material, including energy,

which account individually for more than 17% of the cost of production. The price of the distorted raw material needs to be significantly lower as compared to prices in the representative international markets. The new rules provide a list of relevant raw material distortions. These new disciplines are subject to a Union interest test.

Measures against unfair subsidies are also now based on the subsidy margin: anti-subsidy measures will fully offset the subsidies that an exporter has received, unless it is against the overall interest of the EU to do so.

- **Better response to threats of retaliation:** European industry can sometimes find itself under pressure from foreign governments not to use TDI whenever it is exposed to injurious dumping or subsidisation. Where there might be a risk of such threats, the Commission can launch investigations on its own initiative, i.e. without a complaint lodged by industry.
- **Participation of trade unions in investigations:** trade unions can now be interested parties in investigations. They will have full access to the non-confidential file as well as the right to comment. They can also jointly prepare, with the Union industry, applications to launch trade defence investigations.
- **New rules in the EU continental shelf and exclusive economic zones:** trade defence measures can now also be applied to dumped or subsidised products imported and used on the Continental Shelf where the consumption of the product concerned is significant, such as oil rigs or off-shore wind parks. Regulations imposing anti-dumping and/or anti-subsidy measures will specify if these zones are covered. A horizontal regulation setting out the relevant customs modalities is currently being prepared.
- **Better rules on price undertakings:** the Commission will now only accept undertakings commitments where the price rise eliminates the injurious effect of the dumping or subsidisation. (See also above on social and environmental standards)
- **Fair reimbursement of duties:** where the Commission decides that a measure should not be renewed, anti-dumping or anti-subsidy duties collected while an expiry review is ongoing will be repaid, through an application of the company to its competent customs authorities.

## 7. INFORMATION AND COMMUNICATION ACTIVITIES / BILATERAL CONTACTS

### 7.1. Small and medium sized enterprises (SME)

During 2018, in the context of the modernisation of the trade defence instruments, the EU launched an initiative to help SMEs affected by trade defence investigations, both within the EU and in third countries. A dedicated webpage was set up which brought together in one place advice for companies and sample questionnaires. Moreover, in June 2018, the Commission published a comprehensive guide for SMEs, which introduces TDI rules and describes how to manage the process of investigations in all their stages. This is complementary to the SME Helpdesk, which continued to help SMEs seeking information regarding the trade defence instruments. Queries to the helpdesk during the year ranged from general information requests regarding the nature of trade defence instruments to more targeted case-related queries.

In order to raise the SMEs awareness on how TDI work, the Commission has also developed standard presentations it can give upon request at regional conferences

organized by chambers of commerce or other institutions that play a role in information dissemination amongst economic operators.

## **7.2. Bilateral contacts/information activities – EU economic operators including their key stakeholder associations and third countries**

Explaining the legislation and practice of the EU's trade defence activity and exchanging views on third country practices continues to be an important part of the work of the TDI services.

Similarly to previous years, in 2018, the Commission held bilateral meetings to exchange best practices in the field of TDI with officials from China and Korea, and participated in relevant seminars with other administrations (US, Japan, Australia) notably regarding subsidies.

During 2018, the trade defence services continued to entertain contacts with practically all key stakeholder organisations affected by trade defence. Various informative events were organized with the latter organisations on the important topic of the TDI reform. Special sessions of the Civil Society Dialogue took place in March and June 2018 on the new calculation methodology and TDI modernisation.

## **8. JUDICIAL REVIEW: DECISIONS GIVEN BY THE COURT OF JUSTICE AND THE GENERAL COURT**

### **8.1. Overview of the judicial reviews in 2018**

In 2018, the General Court (GC) and the Court of Justice (CJ) rendered 26 judgments in the areas of anti-dumping or anti-subsidy. 10 judgments were handed down by the GC and 12 concerned appeals of GC rulings, which were decided by the CJ. The CJ rendered four preliminary rulings in the TDI field.

### **8.2. Cases pending**

At the end of 2018, 35 anti-dumping/anti-subsidy cases were pending before the GC and 13 before the CJ. A list of the cases is given in Annex S.

### **8.3. New cases**

In 2018, 15 new court cases were lodged in the field of trade defence (compared to 20 in 2017). Nine of these were lodged before the GC (all actions for annulment) and six before the CJ (four appeals and two preliminary rulings).

### **8.4. Judgments rendered by the General Court (a selection)**

#### ***T-211/16 – Caviro Distillerie and Others v European Commission***

The General Court ('GC') dismissed the action brought by Caviro Distillerie Srl, Distillerie Bonollo SpA, Distillerie Mazzari SpA, Industria Chimica Valenzana (ICV) SpA, EU producers of tartaric acid representing more than 25% of the total production of this substance ("the applicants"). The applicants questioned the validity of the Decision by which the Commission terminated the anti-dumping proceeding concerning

imports of tartaric acid from China produced by Hangzhou Bioking Biochemical Engineering Co. In essence, the applicants questioned the representativeness of the sample of EU producers selected by the Commission and contested the conclusion that the Union industry had not suffered material injury as a result of the imports from Hangzhou Bioking.

With reference to the representativeness of the sample, the applicants submitted that it did not sufficiently represent the situation of small EU producers as it was skewed in favour of the largest producer (Distillerie Mazzari SpA), with a production volume of around 30% of the total EU production and having sales volumes accounting for 29% of the total EU production.

The GC first noted that under Article 17(2) of the basic AD Regulation the final selection of parties, types of products or transactions made under the sampling provisions ultimately rests with the Commission. Furthermore, the GC stated that the Commission carried out an objective examination of the facts (in particular, the applicants had contested that the non-representativeness of the sample compromised the reliability of several microeconomic indicators used by the Commission in the investigation). Finally, the GC found that even if the Commission had used a larger sample, there was no evidence showing that the conclusions related to profitability and injury would have changed. For all these reasons, the GC held that the applicants had failed to adduce sufficient evidence in order to establish that the Commission's assessment in selecting the sample of the Union industry was manifestly wrong.

With regard to the Commission's conclusion that the Union industry had not suffered material injury, the applicants claimed that the Commission did not take sufficient account of the factors displaying negative trends (magnitude of the dumping margin, price undercutting margin, dumped volumes, impact of the imports on EU producers' sales volumes and market shares, expansion of Hangzhou Bioking's production volumes). Against the background of the Commission's broad discretion when assessing economic data, the GC stated that the institution's assessment was based on all the relevant factors. The GC also considered that the Commission clearly explained the reasons why it considered that the Union industry had not suffered any material injury. As a consequence, the GC stated that the applicants had not put forward sufficient evidence to challenge the Commission's conclusion.

#### ***T-462/15 – Asia Leader International (Cambodia) v European Commission***

In this judgment, the General Court ('GC') dismissed the action brought by Asia Leader International Co. Ltd, an exporting producer of bicycles from Cambodia ("the applicant") against the Commission Regulation extending the definitive anti-dumping duty on imports of bicycles originating in China to imports of bicycles consigned from Cambodia, Pakistan and the Philippines. Specifically, the applicant challenged the Commission's conclusions of that it circumvented the anti-dumping measures via transshipment and assembly operations.

In examining the case, the GC ruled in favour of the Commission on various important points regarding the way it carries out circumvention investigations.

With regard to the findings on circumvention practices and the requests for exemption, the GC recalled that while the EU institutions must assess that anti-dumping measures are being circumvented in respect of the third country as a whole, it is for each individual exporting producer to show that its particular situation justifies an exemption.

Coherently, the GC stated that if the applicant for exemption fails to prove that its particular situation justifies the grant of that exemption, the Commission is fully entitled to refuse it. The GC found that the applicant was not capable of demonstrating that it was a genuine producer of bicycles. Consequently, the GC held that the Commission was entitled to find that those bicycles were transhipped from China and to establish that the applicant did not fulfil the conditions laid down in Article 13(4) of the basic Regulation, thus rejecting its request for exemption.

In relation to the evaluation of the circumvention practices listed in Article 13(1) of the basic regulation, the GC underlined the non-exhaustive character of this list and found that it was sufficient to establish the existence of only one circumvention practice to reject the applicant's request for exemption under Article 13(4).

### ***T-675/15 – Shanxi Taigang Stainless Steel v European Commission***

The General Court ('GC') dismissed the action brought by Shanxi Taigang Stainless Steel Co. Ltd, an exporting producer from China ('the applicant') against the Regulation imposing a definitive anti-dumping duty on imports of stainless steel cold-rolled flat products originating in China and Taiwan ('contested regulation').

The applicant contested in particular the selection of the analogue country, the absence of adjustment for differences in the production process and access to raw materials, and the analysis carried out by the Commission in order to determine the causal link between the dumped imports and the alleged injury.

The claims related to the selection of the analogue country and the absence of adjustment for differences in the production process and access to raw materials were made with reference to the construction of normal value for the determination of dumping pursuant to Article 2(7)(a) of the basic AD Regulation. Under this provision, in case of imports from non-market-economy countries, normal value must be determined on the basis of the price or constructed value in a market-economy third country, duly adjusted if necessary.<sup>53</sup>

With regard to the selection of the analogue country for the construction of normal value in order to determine dumping, the GC confirmed that the Commission's choice was in accordance with Article 2(7)(a) of the basic Regulation, which prescribes the choice of a market-economy third country which is subject to the same investigation as an analogue country, where appropriate. In this case, Taiwan was subject to the same investigation and the applicant claimed that it should have been selected as an appropriate analogue country over the US, which was ultimately chosen by the Commission. The GC confirmed that it is not mandatory to select the market-economy third country subject to the same investigation, as long as the comparative analysis of the potential analogue countries shows that the chosen analogue country is more appropriate.

In relation to the applicant's claim that the Commission should have made the adjustments for differences in the production process and access to raw materials, the aim of Article 2(7)(a) of the basic Regulation being to prevent that account be taken of prices and costs in non-market-economy countries which are not the normal result of market forces, the GC confirmed that EU institutions cannot be required to make adjustments in light of factors which are not directly or indirectly the result of normal

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<sup>53</sup> Reference is made to the text of the basic Regulation prior to the amendments introduced by Regulation (EU) 2017/2321 of 12 December 2017.



market forces. Since China was not a market-economy at the time of the investigation and the applicant did not claim Market Economy Treatment, there is nothing to indicate that sourcing of nickel and the production process were not influenced by parameters which are not the result of market forces.

Lastly, concerning the assessment of injury and causal link, the GC recalled its established case law that it is not necessary for all relevant economic factors and indices to show a negative trend in order to find injury. Moreover, contrary to the arguments put forward by the applicant, the GC recalled that the EU institutions are under an obligation to consider whether the injury on which they intend to base their conclusions does in fact derive from dumped imports and must disregard any injury deriving from other factors such as imports from third countries, the export performance and the overcapacity of the Union industry. Regarding the Union industry's overcapacity, in the present case the GC noticed that it was linked to the increased level of dumped imports and that it was not a factor capable of undermining the relevance of the link between those imports and the injury sustained by the Union industry.

Having dismissed all the applicant's claims, the GC confirmed the validity of the contested regulation. The judgment is under appeal.

#### ***T-431/12 – Distillerie Bonollo and Others v Council of the European Union***

The General Court ('GC') upheld the action brought by Distillerie Bonollo SpA, Industria Chimica Valenzana SpA, Distillerie Mazzari SpA, Caviro Distillerie Srl and Comercial Quimica Sarasa SL, EU producers of tartaric acid ('the applicants') against the Council Regulation ('contested regulation') imposing a definitive anti-dumping duty on imports of tartaric acid originating in China.

The applicants contested the change in methodology for the calculation of the normal value in order to determine dumping. In particular, the applicants criticised the construction of the normal value for the two Chinese exporting producers on the basis of the costs of production in Argentina rather than on actual domestic sale prices in Argentina as had been done during the initial investigation. According to the Council, the choice of methodology stemmed from the difference between the processes for producing tartaric acid in Argentina and China, respectively the natural process and the synthetic process.

The GC considered that the contested regulation infringed Article 11(9) of the basic AD Regulation. This provision allows the institutions to apply a different method in review investigations from the one used in the initial investigation insofar as circumstances have changed, or the method initially used has been found contrary to Article 2 of the basic Regulation.

First of all, the GC considered that the differences in the production process (natural v synthetic) existed and were already known during the initial investigation stage. Therefore, there was no change in circumstances to justify the Council approach and the adjustment of the normal value taking into account the differences in the production process.

The GC further clarified that the contested regulation did not state that the initial method had been found contrary to Article 2 of the basic Regulation. Moreover, the GC noted that the tartaric acid produced by chemical synthesis has the same characteristics and the same basic uses as that produced from by-products of winemaking. As a consequence, a comparison between the normal value calculated using the data relating to the natural

production process and the export prices based on data relating to the synthetic production process was not considered by the GC as contrary to Article 2 of the basic Regulation.

In light of these arguments, the GC annulled the contested regulation and maintained the anti-dumping duty as regards one of the two Chinese exporting producers pending implementation of the judgment.

#### ***T-654/16 – Foshan Lihua Ceramic v European Commission***

In this judgment, the General Court (‘GC’) dismissed the action brought by Foshan Lihua Ceramic Co. Ltd., an exporting producer of ceramic tiles from China (‘the applicant’). The applicant sought the annulment of the Decision by which the Commission refused its request to initiate an interim review limited to dumping aspects.

The decision clarifies the conditions under which an exporting producer who has not cooperated in the investigation leading to the imposition of anti-dumping measures, and who has not been included in the samples usually used by the Commission in a large-scale investigation of this type, can request a partial interim review of those measures under Article 11(3) of the basic AD Regulation. In essence, the GC stated that a non-cooperating and non-sampled exporting producer cannot solely prove that its own circumstances with regard to dumping and injury have changed significantly in order to sustain its request for a partial interim review. Precisely because the applicant is a non-cooperating exporting producer and the setting of the anti-dumping rate is based on sampling, it must prove - as stated by the Commission – either that the factors forming the basis for the setting of the dumping margin used to establish the anti-dumping duties that apply to the sampled companies have changed significantly and for a long period of time, or that such changes have effected all exporting producers of the exporting country.

Importantly, the GC further explained that a non-cooperating and non-sampled exporting producer may not request individual examination to get an individual anti-dumping duty rate via an interim review pursuant to Article 11(3) of the anti-dumping Regulation. In order to support its request, the applicant had relied on Article 17(3) of the Regulation, which provides the possibility of calculating an individual dumping margin for a non-sampled exporting producer in the case of an investigation based on sampling, and Article 11(5), which extends the rules regulating investigations to review procedures. The GC took a different stand, acknowledging that the application of Article 11(5) must take into account the specific characteristics and purposes of the review procedures. The purpose of the partial interim review in question is the assessment of a possible change of circumstances of a more general nature than the ones concerning only the non-cooperating and non-sampled exporting producer. As a consequence, the application of Article 11(5) in order to obtain an individual examination via an interim review would run counter the purpose of the interim review procedure.

#### ***T-364/16 – ArcelorMittal Tubular Products Ostrava and Others v European Commission***

The General Court (‘GC’) annulled the decision (‘contested decision’) by which the Commission amended the EU-wide TARIC database in a way that obliged national customs authorities to stop collecting anti-dumping duties with respect to goods

produced by the Chinese exporting producer of steel pipes and tubes Hubei Xinyegang Steel Co. Ltd ('Hubei'),<sup>54</sup> following an action brought by ArcelorMittal, a Czech producer.

In 2009, definitive anti-dumping measures were imposed on imports of steel pipes and tubes from China.<sup>55</sup> Hubei successfully challenged those measures in Court, which were thus annulled as far as Hubei was concerned ('the Hubei judgments'). However, in the meantime, the Commission had re-imposed anti-dumping measures on the same products following an expiry review. The question was whether the annulment of Regulation 926/2009 automatically meant that there was no more legal basis to collect duties on imports from Hubei justifying the adoption of the contested decision to amend the TARIC database in relation to Hubei.

The judgment affirmed two important principles.

First, the GC affirmed that an annulling judgment cannot entail annulment of an act that was not challenged before the EU Courts, even if it suffers from the same illegality of the annulled act.

In this context, Regulation 2015/2272, which replaced Regulation 926/2009, is the legal basis for imposing anti-dumping duties on the goods at issue originating in China, including those produced by Hubei. As a consequence, the GC concluded that the latter regulation, absent any judgment to the contrary, was still to be considered lawful.

Secondly, the GC stated that, although the Commission was obliged to draw the consequences from the Hubei judgments and take the necessary actions to stop collecting anti-dumping duties on imports from Hubei, such actions had to respect the legal principle of equivalence of form. As a consequence, the non-collection of anti-dumping duties laid down by a regulation which had not been annulled or declared invalid must be brought about by means of a regulation.

## **8.5. Judgments rendered by the Court of Justice (a selection)**

### ***C-301/16 P – European Commission v Xinyi PV Products (Anhui) (appeal in T-586/14)***

The CJ upheld the appeal by which the Commission sought to set aside the judgment of the GC of 16 March 2016, *Xinyi PV Products (Anhui) Holdings Ltd v. European Commission* (T-586/14). In this judgment the GC had annulled Article 1 of Regulation (EU) No 470/2014 of 13 May 2014 ("regulation at issue") by which the Commission had imposed a definitive anti-dumping duty and collected definitively the provisional duty imposed on imports of solar glass originating in China.

Among other grounds of appeal, the Commission submitted that the GC erred in law in interpreting the concept of "former non-market economy system", as established in Article 2(7)(c) of Regulation No 1225/2009, as referring to an economic system of a state-trading country.

As China's economic system is normally regarded as being in transition to a market economy but still considered as a non-market economy system, the CJ stated that the

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<sup>54</sup> Definitive anti-dumping duties on imports of certain steel pipes and tubes from China, including those produced by Hubei, had been imposed by the Commission pursuant to Implementing Regulation (EU) No 2015/2272.

<sup>55</sup> Council Regulation (EC) No 926/2009 of 24 September 2009, OJ L 262, 6.10.2009, p.19

expression “former non-market economy system” does not refer specifically to the historic economic system of a state-trading country, but more in general to a non-market economy system which has already experienced some reform.

Finally, the CJ agreed with the Commission that measures aimed at implementing a five-year plan are always presumed as having been carried over from the former non-market economy system. By taking this view, the Court diverged from the GC’s more formalistic reading of the words “carried over from the former non-market economy system” and embraced a conceptual interpretation of the expression. In particular, coherently with the *ratio legis* of the provisions on Market Economy Treatment, the Court considered the fact that the distortions had stemmed from such a system to be sufficient to assume that they had been carried over from it. Specifically, the CJ rejected the position taken by the GC view that the continued existence of those plans did not necessarily imply that they were carried over from the former non-market economy in China. Instead, the CJ considered that, even assuming that the Chinese five-year plans no longer provide defined production objectives for all sectors of the economy, as was the case when China was still a state-trading country, those plans still play a fundamental role in the organisation of that economy, in so far as they contain, for a great number of sectors, precise objectives which are binding on all levels of government. Hence, the Court stated that the fact that the specific preferential tax schemes at issue implement a five-year plan is deemed sufficient to conclude that these measures constitute significant distortions “carried over from the former non-market economy system”, within the meaning of that provision.

Having upheld the first ground of appeal, the CJ set aside the judgment and referred the case back to the GC.

#### ***C-256/16 P – Deichmann SE v Hauptzollamt Duisburg (preliminary ruling)***

The CJ ruled on a request for preliminary ruling concerning the validity of Commission Implementing Regulation (EU) No 223/2016 of 17 February 2016 (“regulation at issue”) establishing a procedure for assessing certain Market Economy Treatment and individual treatment claims made by exporting producers from China and Vietnam, and implementing the judgment of the Court in joined cases C-659/13 and C-34/14. These judgments had declared the invalidity of Regulation (EC) No 1472/2006, imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain footwear with uppers of leather originating in China and Vietnam (“the definitive Regulation”) and of Regulation (EU) No 1294/2009, imposing a definitive anti-dumping duty on the same imports, and also to the imports consigned from the Macao SAR (“the prolonging regulation”).

The request was made in proceedings between Deichmann SE and the Hauptzollamt Duisburg, the Principal Customs Office in Duisburg, concerning an application for the repayment of anti-dumping duties paid on imports of footwear with uppers of leather into the European Union. The facts of the dispute in the main proceedings and the regulation at issue took place in a time when the adoption of anti-dumping measures within the EU had successively been governed by two successive anti-dumping regulations, namely Regulation (EC) No 384/96 (“Regulation No 384/96”) and Regulation (EC) No 1225/2009 (“Regulation No 1225/2009”).

The Court of Justice gave blessing to the manner in which the Commission implemented the judgments of the Court in cases C-659/13 and C-34/14, namely by re-imposing the anti-dumping duties.

The CJ relied on Article 14(1) of Regulation No 1225/2009 as a legal basis to empower the Commission to take preparatory measures for the re-imposition of anti-dumping duties and to adopt directions suspending the repayment of anti-dumping duties by national custom authorities.

First of all, the CJ held that, by providing that anti-dumping duties should be imposed by regulation and collected by Member States according to the criteria laid down in the regulation which establishes them, Article 14(1) does not contain an exhaustive list of criteria relating to the collection of anti-dumping duties that the Commission may set out. Accordingly, as the directions set out in Article 1 of the regulation at issue aim to safeguard the collection of anti-dumping duties imposed by the regulation by obliging national custom authorities to wait until the Commission has determined the rates at which such duties should have been fixed, and these directions relate to the collection of the relevant anti-dumping duties by Member States, Article 14(1) of Regulation 1225/2009 empowers the Commission to adopt them.

In the second place, the CJ recognized the possibility for the Commission to adopt directions suspending the repayment of anti-dumping duties by national custom authorities as not contrary to Article 236 of the Customs Code. As a matter of fact, the Court stated that - according to settled case law - the exact scope of a declaration of invalidity contained in one of its judgments, and of the obligations stemming from it, must be determined taking into account the grounds that constitute its essential basis. In particular, the Court noticed that its assessment in joined cases C-659/13 and C-34/14 did not reveal factors which affected the validity of the definitive Regulation and the prolonging regulation, but only reflected the fact that the Commission and the Council adopted them without assessing the Market Economy Treatment claimed by certain exporting producers involved in the investigation, and omitted to assess the individual treatment claims from the same exporting producers.

As a consequence, the CJ held that the Commission was entitled to carry out the assessment of the claims submitted by the concerned exporting producers in order to determine whether the anti-dumping duties that applied to them should have been set at rates below those laid down by the two regulations. Accordingly, the only amount that had to be repaid to the concerned parties since it had been wrongly imposed, was the one corresponding to the difference between the rate at which the two regulations had set those anti-dumping duties and the rate at which they should have been set if the illegalities found by the Court in its judgments C-659/13 C-34/14 had not been committed. Article 236 of the Customs Code not being interpreted as prohibiting the Commission from directing that a ruling be made on the applications for repayment of those anti-dumping duties following a procedure with the specific aim of allowing it to calculate such a difference, the directions set out in Article 1 of the regulation at issue were not deemed contrary to Article 236(1) of the Customs Code. Consequently, the Commission was empowered to adopt them on the basis of the first sentence of Article 14(1) of Regulation No 1225/2009.

The Court confirmed the validity of the regulation at issue.

***C-363/17 P – Equipolymers and Others v Council of the European Union (appeal in T-422/13)***

The Court of Justice ('CJ') dismissed the appeal by which Equipolymers Srl, M&G Polimeri Italia SpA, and Novapet ('the appellants'), European producers of polyethylene terephthalate ('PET'), sought to set aside the judgment of the General Court ('GC') of 5 April 2017. In this judgment the GC had dismissed their claims for compensation of damages allegedly suffered as a consequence of the illegality of the Council Decision rejecting the proposal for an anti-dumping regulation, in so far as the proposal would have imposed a definitive anti-dumping duty on imports of PET originating in India, Taiwan and Thailand ('the decision at issue').

In the proceedings before the GC the appellants had argued that, following the decision at issue, they had been forced to maintain their EU sales prices at loss-making levels, in order to compete with dumped imports from India, Taiwan and Thailand. That loss was due, according to them, to the difference between their earnings before interest, taxes and amortisation ('EBITA') during the period between April 2012 and March 2013 and the EBITA estimated for the period from June 2013 to May 2014. On its part, the GC had dismissed the claim for damages on the ground that the information provided by the appellants did not make it possible to establish a direct and sufficient causal link between the adoption of the decision at issue and the alleged losses.

By their single ground of appeal, the appellants disputed the GC's conclusion.

First of all, they submitted that the GC erred in characterizing the facts when it held that the appellants failed to establish the existence of a direct and sufficient causal link. In particular, while accepting that the factors relied on by the GC in its decision were capable of influencing their EBITA, the appellants alleged that the GC failed to take into account certain adjustments and explanations provided by them, the purpose of which was to make a distinction between the part of the reduction of their EBITA caused by the increase in imports from India, Taiwan and Thailand following the adoption of the decision at issue, and that resulting from other factors. On its side, the CJ found that it was for the appellants to adduce conclusive proof as to the existence of a sufficiently direct causal link. Accordingly, it was not for the GC to attempt to deduce its existence by referring to calculations which, at least expressly, did not take into account all the relevant factors.

Additionally, the appellants submitted that the GC did not set out the reasons for which the evidence provided on their part was insufficient to establish a direct and sufficient causal link. In that regard, the CJ recalled established case-law to affirm that the obligation to state reasons does not require to provide an exhaustive account which follows one by one all the arguments put forward by the parties to the case. As a matter of fact, the CJ noticed that the reasoning may be implicit on condition that it enables the persons concerned to know why the GC has not upheld their arguments and provides the CJ with sufficient material for it to exercise its power of review. In the present case, the GC listed factors which were likely to cause or lead to a reduction in the appellants' EBITA, and stated that the appellants had not made a distinction, in that reduction, between the part entailed by the unlawful adoption of that decision and that attributable to those factors. Hence, the CJ found that the GC had implicitly but necessarily fulfilled its obligation to state reasons.

Having rejected as unfounded the appellants' single ground of appeal, the CJ dismissed the appeal in its entirety.

***C-100/17 P – Gul Ahmed Textile Mills v Council of the European Union (appeal in T-199/04)***

The Court of Justice ('CJ') dismissed the appeal by which Gul Ahmed Textile Mills Ltd ('the appellant'), a Pakistani exporting producer of bed linen, sought to have set aside the judgment of the General Court ('GC') of 15 December 2016, by which the GC rejected its action for annulment of the Regulation imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Pakistan, in so far as it concerned it.

By its first ground of appeal, the appellant challenged the findings of the GC that the second and third pleas of the application concerning the calculation of the normal value and the fair comparison between normal value and export price were no longer admissible. The GC had concluded for the inadmissibility of these pleas as it considered that the appellant had not shown the continuing existence of its interest in bringing proceedings with respect to them.

In particular, the appellant alleged the GC's failure to fulfil its obligation to state reasons in this respect, as well as an error in law.

The CJ confirmed that the interest in having a contested act annulled must continue until the end of the proceeding and that the matter of a continuing interest in the proceeding can be raised at any point in time, either by the GC itself or by a party who relies on sufficiently serious evidence. However, when examining the continuing interest in bringing the proceeding, the GC must respect the rights of defence of the other side, in particular by inviting the applicant to express its views and submit evidence showing this interest.

The CJ concluded that this was appropriately done by the GC when, following the hearing at which the issue of lack of continuing interest was raised by the Commission, the appellant was invited to express its views on that question and was afforded the opportunity of submitting any evidence which might contradict the institutions' claims. Therefore, the GC had not disregarded its burden of proof nor failed to fulfil its obligation to state reasons. As a consequence, the CJ rejected the first ground of appeal.

In its second plea in law the appellant claimed that the GC committed an error in law and distorted facts when reviewing the assessment of the causal link between the alleged dumping and the alleged material injury of the EU industry. In particular the appellant claimed that the causal link was broken by the EU industry's shifting of production to the high-value segment of the EU bed-linen market and by the increasing EU imports of bed linen from Turkish producers related. The CJ dismissed the appellant's arguments and confirmed the GC's conclusions with regard to the institution's causation assessment.

For these reasons, the CJ dismissed the appeal.

***C-145/17 P – Internacional de Productos Metálicos v European Commission (appeal in T-217/16)***

The Court of Justice ('CJ') dismissed the appeal by which Internacional de Productos Metálicos SA, a Spanish importer of iron or steel fasteners ('the appellant'), sought to have set aside the judgment of the General Court ('GC') of 25 January 2017 (T- 217/16). By this judgment, the GC had dismissed the action seeking the annulment of Article 2 of the Regulation by which the Commission repealed the definitive anti-

dumping duty imposed on imports of certain iron or steel fasteners originating in China ('the regulation at issue').

This case essentially concerned the right for importers to challenge antidumping regulations directly before the EU Courts in cases where they are not individually concerned by the regulations and there are implementing measures which have to be challenged at national level. In essence, the appellant requested the annulment of the provision according to which the repeal of the anti-dumping duties took effect from the date of the entry into force of the regulation, and did not serve as a basis for the repayment of the duties collected prior to that date. The CJ rejected the appellant's request on the basis that the regulation at issue was not of individual concern to the applicant and that it entailed implementing measures.

First of all, the CJ recalled that where a measure affects a group of persons who were identified or identifiable when that measure was adopted by reason of criteria specific to the members of the group, those persons may nevertheless be individually concerned by that measure if they form part of a limited class of economic operators. The CJ held that this takes place particularly when the decision alters rights acquired by the individual prior to its adoption. In the present case, however, the CJ found that the regulation at issue affected the appellant only in its objective capacity as an importer, without taking into account its individual situation. Moreover, the CJ stated that being subject to anti-dumping measures, such as those which were repealed by the regulation at issue, could not validly be regarded as constituting an "acquired right", since there was no right acquired by the importer at the time the entries took place.

Secondly, the CJ noticed that Article 2 of that regulation, in so far as it provided for the expiry of the duties from the date of its entry into force and excluded any retroactive effect, could be implemented, as regards the appellant, only through measures taken by the national authorities for the purpose of collecting the anti-dumping duties in question before that date. Consequently, the CJ found that the regulation at issue entailed implementing measures although the repeal of the anti-dumping duties did not depend, as such, on the adoption of measures of this type.

For these reasons, the CJ rejected the appeal in its entirety.

## **9. ACTIVITIES BY THIRD COUNTRIES TARGETING THE EU**

This section describes the main developments and trends in the area of third country actions in 2018 (see also the Annual Report, which this document is accompanying, as well as annex U (A – F) below for detailed figures).

In 2018, the main users of the trade defence instruments against EU exports were the US with 33 measures in force, India with 21, China with 18, Brazil with 16, Turkey with 14, and Australia with 10 measures in force. Besides these main users, other important cases in countries that use the instruments less frequently are also described below.

### **United States (US)**

#### ***Overall trends***

In 2018, the US initiated three new AD investigations affecting EU exports, 7 less than in 2017. Furthermore, it initiated three AD expiry reviews and one AS expiry review



investigation. It also initiated the Article 232 safeguard investigation regarding steel and aluminium. One AD investigation was terminated without measures. In one of the AD investigations provisional measures were imposed, which are still in force.

Definitive measures were imposed in 10 investigations out of which nine (five AD, two AS, two safeguards) had been initiated in 2017 and one AD in 2018.

At the end of 2018, the US had 33 measures in force affecting EU imports.

### ***Main cases***

Regarding product types, the investigations initiated in 2018 concerned imports of steel (two investigations) and chemical substances (one investigation), whereas measures were imposed on five steel products, one processed agricultural product (AD and AS measures), one chemical substance and two other consumer and industrial goods.

#### *Spanish ripe olives AD/AS investigations*

The most important investigations were the AD and AS investigations concerning imports of Spanish ripe olives, which were finalised with the imposition of the AD and AS measures in August 2018. The AS investigation was of a particular concern since it targeted, among others, several EU subsidy schemes available under the EU Common Agricultural Policy (CAP), which is considered non-trade distorting, non-product specific and thus non-countervailable under the rules of the WTO. Despite the numerous Commission interventions, the US nevertheless decided to countervail some of these schemes using questionable reasoning relating, for example, to the issue of *specificity* and so called a *pass-through test*. On 28 January 2018, the EU requested to hold consultations with the US under the WTO Dispute Settlement Understanding to solve the matter.

## **India**

### ***Overall trends***

The total number of 21 measures in force in 2018 has remained the same as in 2017, confirming that India remains amongst the main users of the instruments. However, on a more positive note, it reduced its use of safeguards over the last four years (two in force in 2018) and did not initiate any new safeguard investigation last year.

Overall, India initiated four new AD investigations (Coated paper, Dimethylformamide (DMF), High speed steel, Epoxy resin). It imposed definitive AD duties in two cases (Nylon Filament Yarn, Wooden flooring) and extended AD duties following one expiry review investigation (Methylene Chloride). It imposed definitive ad-valorem safeguard duties on imports of Solar Cells (the investigation was mentioned in the previous Annual Report on third countries' activity).

In the course of 2018, India streamlined its internal procedures in trade remedies and amended its anti-dumping and anti-subsidy rules, making them stricter and more in line with WTO and EU rules. At the request of the Indian authority, the Commission provided comments on the draft and welcomed the proposed amendments.

### ***Main cases***

In addition to the successful interventions in the AD investigation concerning coated paper, which was terminated without measures (see also the Annual Report, which this

document is accompanying), India terminated five other investigations (three new ones and two expiry reviews) without imposing or further extending the duties.

#### *Acrylic Fibre*

The investigation was initiated in April 2017 (EU economic interest of around 7 million EUR). In April 2018, the Indian authorities concluded that there was no price undercutting and no price suppression caused by imports, therefore the imposition of AD measures was not warranted. The Commission followed the case in close contact with the industry and gave support to the affected EU companies. It made two written interventions and two oral interventions during public hearings.

#### *Melamine – expiry review*

In March 2018, the Indian authorities concluded that the domestic industry was in a stable and healthy situation and there was no injury due to imports, resulting in the expiry of the duty without further extension (EU economic interest 4,6 million EUR). The Commission made two written interventions, claiming inter alia that AD duties must not be used as a means to protect the domestic industry's plan to build additional capacity.

#### *Sodium Nitrite – AD mid-term review*

The review was initiated in December 2017, at the request of the domestic industry, who claimed that the duty in force was no longer sufficient to remedy the injury, and asked to raise the duty level. At the end of July 2018, after examination of the facts, the Indian authorities concluded that the increase of the injury margin was not caused by imports, but was due to the capacity expansion of the domestic industry, who otherwise was in a healthy and profitable situation. Thus, there was no need to raise the level of the AD duty in force. The Commission made two written interventions.

## **China**

### ***Overall trends***

In 2018, China's Trade defence activity was of lower intensity than in previous years. In 2018, China initiated two new AD cases, two expiry reviews and one interim review. In 2018, China imposed one AD measure, concluded one AD interim review with an increase in duty, extended one existing AD measure, and let expire two AD and one AS measure(s).

The total number of measures in force against the EU at the end of 2018 was 18, as compared to 20 in 2017.

### ***Main cases***

#### *Polysilicon – AD/AS measures*

On 31 October 2018, MOFCOM issued a notice terminating anti-dumping and anti-subsidy measures in place against EU exports of Polysilicon, a key raw material in the production of Solar Panels. These measures were in place since 2014, covering a volume of exports worth around 650 million EUR, and targeted particularly German Polysilicon producer Wacker. In the context of EU measures on Solar Panels from China, China retaliated by imposing measures on EU exports of Polysilicon and carefully mirrored every single move by the EU in the Solar Panels case. On 31

August 2018, the EU decided not to extend its anti-dumping and anti-subsidy measures on solar panels from China. The termination of these measures by MOFCOM brings to a close a long-running process that has been the subject of much discussion.

## **Brazil**

Brazil kept a moderate activity in 2018. As in 2017, the country initiated one new AD investigation regarding silicon electrical steel from Germany. As in 2017, Brazil also imposed one new AD measure in 2018 (nitrile rubber from France). However, the total number of measures in force remains high with 16 measures at the end of 2018. At the end of 2018, there were also a number of measures under review: milk powder from the EU, laminated steel from Germany and Finland and ethanolamine from Germany.

## **Turkey**

### ***Overall trends***

In 2018, Turkey was very active in terms of trade defence. Turkey initiated two new safeguard investigations and reviewed two safeguard measures in force. In addition, Turkey launched one new AD investigation on synthetic filament tow and initiated a review of measures concerning water heaters. Turkey also initiated three new anti-circumvention investigations concerning imports of hinges, chains and woven fabrics. There were 14 Turkish measures in force against the EU at the end of 2018.

As regards the investigations initiated before 2018, Turkey imposed AD measures on imports of sodium percarbonate from Germany, extended AD measures on imports of pipefittings from Bulgaria and imposed AD measures on imports of kraft liner paper from Finland and Poland. Finally, Turkey also imposed safeguard measures on imports of toothbrushes.

### ***Main cases***

#### ***Iron and steel products – safeguard investigation***

In April 2018, Turkey initiated a safeguard investigation concerning imports of iron and steel products. This is an important case for the EU industry as it exports over €3 billion of steel to Turkey annually. The initiation followed the imposition of measures in the US under Section 232. In October 2018, Turkey adopted provisional safeguard measures in the form of a tariff rate quota (“TRQ”) for 200 days. Both in form (free of duty quota corresponding to the average imports in the last 3 years), as well as in out-of-quota duty (25%), the measures resemble the EU safeguard measures on steel. The scope of the measures is slightly larger than the scope of the EU measures. The Commission has intervened and highlighted that the criteria of an increase of imports in terms of the WTO Safeguards agreement does not appear to be met in this case.

#### ***Wallpaper - safeguard investigation***

In 2015, Turkey imposed safeguard measures on imports of wallpaper (export value around 13 million EUR (in 2014)). In close coordination with the EU industry, the Commission negotiated a TRQ for wallpaper with a CIF value above 5 USD/kg (which allows for the continuation of imports of the more expensive wallpaper from

the EU). After a review concluded in August 2018, the safeguard measure was extended, however that extension did not include the TRQ. After the intervention of the Commission and the EU industry last year, Turkey has now, in early January 2019, also extended the TRQ. The TRQ will apply for three years.

### **Australia**

Australia increased the use of trade defence in 2018 and is becoming an important user of trade defence against the EU. As compared to 1 new case in 2017, Australia initiated three new AD investigations in 2018: A4 copy paper from Austria, Slovakia and Finland, railway wheels from France and ammonium nitrate from Sweden. The number of measures imposed increased from one in 2017 to four in 2018, totalling 10 measures in force at the end of 2018.

The Commission is closely following and intervening in all the three new investigations and also in the on-going expiry review of the AD measures against “all other” Italian exporters of canned tomatoes imposed in 2014.

### **Other important cases**

#### *Canada – safeguard investigation concerning imports of certain steel products*

As a response to the US 232 investigation, Canada initiated a safeguard investigation and imposed provisional measures in October 2018. The scope of the investigation covers seven steel products (EU export value around 150 million €). Provisional measures were imposed for 200 days and are in the form of a tariff-rate quota (based on the average of the last three years) with a 25% out-of-quota duty. The investigation is now approaching its final phase. The Commission already intervened in the context of this investigation with a view to highlight potential flaws mainly relating to the non-disclosure of critical information, which affects the Commission’s right of defence guaranteed by the WTO Safeguard Agreement. The imposition of the final safeguard measures, if any, is scheduled for April 2019.

#### *Colombia – AD investigation concerning imports of frozen fries*

On 9 November 2018, Colombia concluded the anti-dumping investigation on imports of frozen fries from Belgium, Germany and the Netherlands with the imposition of measures. Colombia imposed duties for one company in each Member State concerned (from 3,21% to 8,01%) and for all other Dutch exporters (44,52%). The Commission, together with the three Member States, raised the different deficiencies of this investigation with the Colombian authorities from the very beginning. Political interventions also took place at a high level. The main weaknesses of the case concern the calculation of the dumping margin, a non-objective injury and causality analysis, weak standards of initiation and other procedural issues mainly concerning confidentiality. The industry is very concerned because Colombia is the third country imposing measures on frozen fries after South Africa in 2014 and Brazil in 2017 (EU export value 21 million EUR for South Africa, 96 million EUR for Brazil and 23 million EUR for Colombia). The Commission raised its strong concerns during the annual meeting of the EU-Colombia Trade Committee (highest implementation body under the Trade Agreement) and a meeting took place in Bogota at the end of January 2019, where

EU and Colombian experts discussed calculations. Bilaterally, the Commission is considering to request an administrative review. In parallel, the Commission continues its analysis in view of a possible action in the WTO.

*South Africa – bilateral safeguard investigation concerning imports of frozen chicken under the EPA (European Partnership Agreement)*

In 2016, South Africa initiated a bilateral safeguard investigation concerning imports of poultry from the EU under the Trade and Development Cooperation Agreement and continued the investigation under the EU-SADC EPA, when provisional application of the EPA started in October 2016. At the end of 2017, South Africa announced that the investigation had shown that the relevant conditions were met and imposed definitive safeguard measures in September 2018. The definitive duties apply until March 2021. The initial duties have been set at 35.3% *ad valorem* and will be liberalised over time to 25% during the last year. The Commission has conveyed the message to the SACU countries that it does not agree with the measures and has held several formal exchanges with the SACU countries to find a mutually acceptable solution. The SACU countries have not accepted any of the proposed solutions. The Commission is considering next steps.

## **10. ACTIVITIES IN THE FRAMEWORK OF THE WTO**

### **10.1. Dispute settlement in the field of trade defence**

The WTO provides for a rigorous procedure for the settlement of disputes between WTO Members concerning the application of the WTO agreements. The procedure is divided into two main stages. The first stage, at the level of the WTO Members concerned, consists of a bilateral consultation. Upon failure of the consultation to settle the dispute, the second stage can be opened by requesting the WTO Dispute Settlement Body to establish a panel. WTO Members, other than the complaining and defending party, with an interest in a given case, can intervene as 'third parties' before the panel. The panel issues a report, which can be appealed before the Appellate Body ('AB') (each appeal being heard by three members of a permanent seven-member body set up by the Dispute Settlement Understanding (DSU)). Both the panel report and the report by the Appellate Body are adopted by the Dispute Settlement Body ('DSB') unless the latter rejects the report by unanimity.

The findings of a panel or Appellate Body report have to be implemented by the WTO Member whose measures have been found to be inconsistent with the relevant WTO Agreements. If the complaining WTO Member is not satisfied with the way the reports are implemented, it can ask for the establishment of a so-called 'implementation panel'. Here too, an appeal against the findings of the panel is possible.

It should be noted that the anti-dumping, anti-subsidy and safeguards measures are among the most common subject matters in WTO dispute settlement.

In 2018, the EU participated actively in a number of WTO dispute settlement proceedings as a third party.

Regarding the dispute settlement cases against the EU, the main developments in 2018 were the following:

### ***European Union – Anti-Dumping Measures on Biodiesel from Indonesia (DS480)***

On 10 June 2014, Indonesia requested consultations with the European Union regarding the application of anti-dumping duties on imports of biodiesel originating, inter alia, in Indonesia.<sup>56</sup> A panel in the case was further composed on 4 November 2015. After a suspension in the Panel's proceedings in 2016 (at the request of Indonesia), the Panel issued its report on 25 January 2018, which was adopted by the DSB on 28 February 2018. The Panel found, among others, that in line with the findings in *EU – Biodiesel from Argentina* the EU should have calculated the normal value using the cost of production of biodiesel in Indonesia, based on the records kept by the producers/exporter under investigation. The Panel also stated that the EU failed to determine the profit normally realized by other exporters or producers on sales of products of the same general category in the domestic market of the country of origin. Moreover, with respect to the injury, the Panel established that the EU failed to establish the existence of significant price undercutting. Consequently, on 18 October 2018, the EU implemented the DSB's recommendations through Implementing Regulation (EU) 2018/1570, which terminated the proceedings concerning imports of biodiesel originating in Argentina and Indonesia and repealed Implementing Regulation (EU) No 1194/2013 (see above).

### ***European Union – Countervailing Measures on imports of PET from Pakistan (DS486)***

The Appellate Body ("AB") report was circulated on 28 May 2018, following the filing of an appeal by the EU on 30 August 2017 and a cross-appeal by Pakistan on 4 September 2017. The AB upheld the Panel's report which found that the EU had acted inconsistently with certain provisions of the Agreement on Subsidies and Countervailing Measures ("SCM Agreement").

The EU argued that the measure at issue had expired during the Panel proceedings, and requested that the AB reverse the entirety of the Panel Report and declare moot its findings. The AB rejected this argument, stating that the Panels have a margin of discretion in exercising their jurisdiction and the expiry of the measure did not mean that the matter before the Panel had been fully resolved.

Furthermore, the AB sided with the Panel and found that the EU wrongly countervailed the entire amount of duty drawback. The AB considered that, in the context of genuine duty drawback schemes, the financial contribution element of the subsidy is limited only to the excess remission or drawback of import charges on inputs and does not encompass the entire amount of the remission or drawback of import charges..

The AB also rejected the EU's claim that there was silence as to the legal consequences when the subsidising country lacks a verification procedure in the context of the investigating authority's inquiry on whether the excess remission or drawback occurred. In particular, the AB referred to Article 12.7 of the SCM Agreement as an essential tool in order to fill the gaps of missing information with "facts available" on the records of the investigating authority. As a consequence, the simple fact that the exporting Member does not have a proper verification system or failed to carry out an additional investigation in the case of duty drawback schemes is not, as such, a sufficient reason to countervail the entire amount of import duties payable.

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<sup>56</sup> Commission Regulation (EU) 1194/2013 of 19 November 2013, OJ L 315, 26.11.2013, p.2

The Commission will take due account of the judgment in cases involving duty drawback schemes.

### ***European Union – Measures related to Price Comparison Methodologies (DS516)***

Following the original composition of a panel in July 2017 and a first substantive meeting with the parties in December 2017, a second meeting took place in May 2018. Subsequently the parties submitted responses to the questions posed by the Panel.

As the procedure among the parties is complete, the Panel must now issue the final report. In November 2018, the Panel informed that it would deliver its report during the second quarter of 2019, as the legal matters at issue are particularly complex.

### ***European Union – Cost Adjustment Methodologies and Certain Anti-Dumping Measures on Imports from Russia (DS494)***

On 7 May 2015, the Russian Federation requested consultations with the European Union regarding “cost adjustment” methodologies used by the European Union for the calculation of dumping margins in anti-dumping investigations and reviews.

In its request, Russia challenged several provisions of the basic AD Regulation. Specifically, Russia argued that Article 2(3) thereof is inconsistent with Article 2.2 of the Anti-dumping Agreement (‘ADA’) because it requires that only "representative" prices are applied to the two alternative methods of determination of normal value of the like product (based on cost of production or on export prices to an appropriate third country).

Russia also claimed that Article 2(5) of the basic Regulation is inconsistent with Articles 2.2.1.1 and 2.2 of the ADA insofar as it authorises the investigating authority to use costs other than the cost of production in the country of origin for the construction of normal value, without requiring any adjustments to represent the cost of production in the country of origin. In particular, Russia challenged the “cost adjustment methodology”, which concerns the adjustments to the cost of gas paid by the Russian exporters. Under this methodology, the Commission considers that the records of the Russian exporters do not reasonably reflect the cost of gas as Russia has a dual pricing policy with different regulated prices for domestic and export sales. As a consequence, the cost for gas is adjusted on the basis of the average price of Russian gas when sold for export at the German/Czech border. Russia considered this methodology to be inconsistent with Article 2.2.1.1 of the ADA, since the EU rejected the records of the Russian exporters that are supposed to reasonably reflect their costs. Furthermore, Russia claimed that this methodology infringes Article 2.2 of the ADA because the EU uses costs other than the "cost of production in the country of origin".

The Dispute Settlement Body established a panel to rule on the dispute on 16 December 2016. After some time, upon request by the Russian authorities, the Panel was composed on 17 December 2018.

## **10.2. Other WTO activities**

The EU remained fully committed and active in pushing a subsidies-related agenda in the WTO. In the course of 2018, intensive negotiations on fisheries subsidies continued in Geneva. While only limited progress was made, an ambitious work programme for

2019 was adopted at the end of the year that should allow WTO Members to conclude the negotiations by the end of 2019, which is a deadline set by the 11<sup>th</sup> WTO Ministerial conference in Buenos Aires. In October 2018, the EU also organised, along with the US and Japan, an event in the context of the WTO Public Forum on subsidies called "Make the Playing Field Level Again".

In 2018, the EU participated in the work of the WTO Subsidies and Countervailing, Anti-dumping and Safeguards Committees which are held twice yearly in April and October. In the Anti-dumping Committee, the EU responded to many questions on the changes to the EU's anti-dumping legislation arising from the introduction of the new calculation methodology as well as the modernisation of TDI. In addition, the EU responded to questions posed by other WTO members on its anti-dumping investigations, while also using the opportunity to raise issues of concern in investigations taken by third countries against the EU or Member States.

In the Informal Group on Anti-Circumvention in April and October, India and Canada shared their experiences respectively in tackling circumvention of measures and the EU posed questions on their particular regimes.

The EU also participated in both sessions of the Anti-dumping Working Group on Implementation (WGI). In April 2018, the topics discussed were: the calculation of dumping margins, the treatment of expenses for 'research and development', of start-up costs, of 'selling, general and administrative' (SG&A) expenses, as well as of the reasonable profit level in the normal value and export price determinations. In October 2018, methodologies to determine the likelihood of continuation or recurrence of dumping and injury in expiry reviews, as well as the institutional structures of the investigating authorities were discussed.

In the Special Committee of the Subsidies and Countervailing Committee, the EU's 2017 subsidy notification was reviewed. In the regular Subsidies and Countervailing Committee, in addition, discussions continued on the role of subsidies as a contributor to excess capacity in various sectors of economic activity. This important agenda item is co-sponsored by the EU along with several other WTO members including US, Canada and Japan. The EU also repeatedly called for improved transparency by other members urging them to notify their subsidies to the WTO, as required under the Agreement on Subsidies and Countervailing measures. In this context, the EU participated in a seminar hosted by the WTO for Asian countries to explain how the EU prepares its subsidy notification, highlighting the difficulties and proposing solutions.

In the Committee on Safeguards, the EU raised a series of concerns relating to other WTO Members' safeguard investigations (e.g. Chile – Powdered milk and Gouda cheese, US – Solar panels, or Turkey – Wall paper). In addition, the EU responded to questions asked by other WTO members concerning the initiation of its own safeguard investigation concerning imports of certain steel products and the imposition of provisional safeguard measures in July.

## **11. ACTIVITIES OF THE HEARING OFFICER**

In 2018, the Hearing Officer received altogether 27 intervention requests and held eight hearings. In a number of cases, the request for an intervention was submitted simultaneously with a request for a hearing with the services responsible for the investigation. The Hearing Officer took the view that the interested party first shall



address their concerns to the services and only when a solution could not be reached, the Hearing Officer would intervene. This approach led to the result whereby the interested parties seeking an intervention were able to find a solution directly with the investigation teams in most of the cases.

This year only few investigations led to intervention requests. These were either requests from several interested parties or a number of intervention requests from the same party. The interested parties mostly challenged the determinations, facts and conclusions of the investigation and in all cases an agreement with the services to provide clarifications or additional disclosures could be reached. In a noteworthy case, the interested party challenged the Commission's policy of protection of personal data within the framework of the investigation – the case had to be referred further to European Data Protection Office. During all interventions in 2018, the Hearing Officer found that the procedural rights of the interested parties had been respected. The Hearing Officer was not requested to exercise her decision-making powers foreseen in the Terms of Reference<sup>57</sup>.

As a result of the TDI legislative reforms of 2017 and 2018, the Hearing Officer's role is now firmly embedded in the basic Regulations. In this context, the Hearing Officer also contributed to the procedures to be applied in the modernisation implementation, in order to increase transparency and guarantee the procedural rights of the parties.

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<sup>57</sup> OJ L 107, 19.04.2012, p.5

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## **ANNEX A**

### **New investigations initiated during the period 1 January – 31 December 2018**

#### A. Anti-dumping investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Solar glass	Malaysia	<a href="#">C 174; 23.05.2018, p.8</a>
Hot-rolled sheet steel piles	P.R. China	<a href="#">C 177; 24.05.2018, p.6</a>
Urea and ammonium nitrate	Russia Trinidad and Tobago U.S.A	<a href="#">C 284; 13.08.2018, p.9</a>
Hollow sections	North Macedonia Russia Turkey	<a href="#">C 347; 28.09.2018, p.6</a>

#### B. Anti-subsidy investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Biodiesel	Argentina	<a href="#">C 34; 31.01.2018, p.37</a> Corr: <a href="#">C 37; 01.02.2018, p.31</a>
Biodiesel	Indonesia	<a href="#">C 439; 06.12.2018, p.16</a>

#### C. Reopenings (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Biodiesel	Argentina Indonesia	<a href="#">C 181; 28.05.2018, p.5</a> (AD)
Open mesh fabrics of glass fibres	India	<a href="#">C 171; 18.05.2018, p.10</a> (AD)

## **ANNEX B**

A. New investigations initiated by product sector during the period 2014 – 2018  
(excluding the reopenings)

<b>Product sector</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Chemical and allied	2	6	1	5	5
Textiles and allied	-	-	-	-	-
Wood and paper	-	-	1	-	-
Electronics	-	-	-	-	-
Other mechanical engineering	-	-	-	1	-
Iron and Steel	9	6	13	-	4
Other metals	3	-	-	2	-
Other	2	2	-	3	1
Total	16	14	15	11	10
Of which					
anti-dumping	14	12	14	9	8
anti-subsidy	2	2	1	2	2

B. New investigations initiated by country of export during the period 2014 – 2018 (excluding reinvestigations)

Country of origin	2014	2015	2016	2017	2018
Argentina	-	-	-	-	1
Belarus	-	-	1	-	-
Bosnia Herzegovina	-	-	-	1	-
Brazil	-	1	1	1	-
P.R. China	6	6	6	5	1
Egypt	-	-	-	1	-
India	2	2	1	-	-
Indonesia	-	-	0	-	1
Iran	-	-	1	-	-
Georgia	-	1	-	-	-
Japan	1	-	-	-	-
Kazakhstan	-	-	-	-	-
Korea (Rep. of)	1	-	2	-	-
North Macedonia	-	-	-	-	1
Malaysia	-	-	-	-	1
Mexico	-	1	-	-	-
Oman	-	-	-	-	-
Russia	2	1	1	1	2
Serbia	-	-	1	-	-
Taiwan	1	1	-	-	-
Thailand	-	-	-	-	-
Trinidad and Tobago	-	-	-	-	1
Turkey	2	1	-	1	1
Ukraine	-	-	1	1	-
U.S.A.	1	-	-	-	1
Vietnam	-	-	-	-	-
Total	16	14	15	11	10

## **ANNEX C**

### **Imposition of provisional duties in the course of new investigations during the period 1 January – 31 December 2018**

#### A. Anti-dumping investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
New and retreaded tyres for buses or lorries	P.R. China	COMMISSION REGULATION (EU) 2018/683	<a href="#">L 116; 07.05.2018, p.8</a>
Electric bicycles	P. R. China	COMMISSION REGULATION (EU) 2018/1012	<a href="#">L 181; 18.07.2018, p.7</a>

#### B. Anti-subsidy investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
None			

## **ANNEX D**

### **New investigations concluded by the imposition of definitive duties during the period 1 January – 31 December 2018**

#### A. Anti-dumping investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Cast iron articles	P.R. China	COMMISSION REGULATION (EU) 2018/140	<a href="#">L 25; 30.01.2018, p.6</a> Corr. <a href="#">L 32; 06.02.2018, p.65</a> (SL)
Corrosion resistant steels	P.R. China	COMMISSION REGULATION (EU) 2018/186	<a href="#">L 34; 08.02.2018, p.16</a>
New and retreaded tyres for buses or lorries	P.R. China	COMMISSION REGULATION (EU) 2018/1579	<a href="#">L 263; 22.10.2018, p.3</a>

#### B. Anti-subsidy investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
New and retreaded tyres for buses or lorries	P.R. China	COMMISSION REGULATION (EU) 2018/1690	<a href="#">L 283; 12.11.2018, p.1</a>

## **ANNEX E**

### **New investigations terminated without the imposition of measures during the period 1 January - 31 December 2018**

#### A. Anti-dumping investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Regulation / Decision N°</b>	<b>OJ Reference</b>
Cast iron articles	India	COMMISSION REGULATION (EU) 2018/140	<a href="#">L 25; 30.01.2018, p.6</a> Corr. <a href="#">L 32; 06.02.2018, p.65</a> (SL)
Ferro-silicon	Egypt Ukraine	COMMISSION DECISION (EU) 2018/824	<a href="#">L 139; 05.06.2018, p.25</a>
Low carbon ferro-chrome	P.R. China Russian Federation Turkey	COMMISSION REGULATION (EU) 2018/1037	<a href="#">L 185; 23.07.2018, p.48</a>
Silicon metal	Bosnia and Herzegovina Brazil	COMMISSION REGULATION (EU) 2018/1193	<a href="#">L 211; 22.08.2018, p.5</a>

#### B. Anti-subsidy investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Decision N°</b>	<b>OJ Reference</b>
None			



## **ANNEX F**

### **Expiry reviews initiated or concluded during the period 1 January - 31 December 2018 (chronological by date of publication)**

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Tube and pipe fittings	Turkey Russia Rep. Of Korea Malaysia	<a href="#">C 31; 27.01.2018, p.16</a> AD
Bioethanol	USA	<a href="#">C 64; 20.02.2018, p.7</a> AD
Aluminium Foil in small rolls	P.R. China	<a href="#">C 95; 13.03.2018, p.8</a> AD
Organic coated steel products	P.R. China	<a href="#">C 96; 14.03.2018, p.8</a> AD
Organic coated steel products	P.R. China	<a href="#">C 96; 14.03.2018, p.21</a> AS
Threaded tube or pipe cast fittings, of malleable cast iron	P.R. China Thailand	<a href="#">C 162; 08.05.2018, p.11</a> AD
Ceramic tableware and kitchenware	P.R. China	<a href="#">C 167; 15.05.2018, p.6</a> AD
Polyethylene terephthalate (PET)	India	<a href="#">C 173; 22.05.2018, p.9</a> AS
Tungsten electrodes	P.R. China	<a href="#">C 186; 31.05.2018, p. 13</a> AD
Bicycles	P.R. China	<a href="#">C 189; 04.06.2018, p.18</a> AD
Ironing boards	P.R. China	<a href="#">C 253; 19.07.2018, p.30</a> AD
Sweetcorn in kernels	Thailand	<a href="#">C 322; 12.09.2018, p.4</a> AD
Peroxosulphates	P.R. China	<a href="#">C 454; 17.12.2018, p.7</a> AD

<b>Concluded: confirmation of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision N°</b>	<b>OJ Reference</b>
steel ropes and cables	P.R. China	COMMISSION REGULATION (EU) 2018/607	<a href="#">L 101; 20.04.2018, p.40</a> AD
Tartaric acid	P.R. China	COMMISSION REGULATION (EU) 2018/921	<a href="#">L 164; 29.06.2018, p.14</a> AD
Oxalic acid	P.R. China India	COMMISSION REGULATION (EU) 2018/931	<a href="#">L 165; 02.07.2018, p.13</a> AD
Seamless tubes and pipes	Russia Ukraine	COMMISSION REGULATION (EU) 2018/ /1469	<a href="#">L 246; 02.10.2018, p.20</a> AD
Lever arch mechanisms	China	COMMISSION REGULATION (EU) 2018/ /1684	<a href="#">L 279; 09.11.2018, p.17</a> AD

<b>Concluded: termination and repeal of the measures</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision N°</b>	<b>OJ Reference</b>
None			

## **ANNEX G**

### **Interim reviews initiated or concluded during the period 1 January - 31 December 2018 (chronological by date of publication)**

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>OJ Reference</b>
Tubes and pipes of ductile cast iron	India	<a href="#">C157; 04.05.2018, p.3</a> AD
Seamless pipes and tubes	Ukraine	<a href="#">C 159; 07.05.2018, p.18</a> AD
Tubes and pipes of ductile cast iron	India	<a href="#">C 437; 04.12.2018, p.32</a> AS

<b>Concluded: amendment of duty</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation/ Decision N°</b>	<b>OJ Reference</b>
Ammonium nitrate	Russia	COMMISSION REGULATION (EU) 2018/1722	<a href="#">L 287; 15.11.2018, p.3</a> AD
Polyethylene terephthalate (PET)	India	COMMISSION REGULATION (EU) 2018/1468	<a href="#">L 246; 02.10.2018, p.3</a> AS

<b>Concluded: termination without amendment of duty</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation/ Decision N°</b>	<b>OJ Reference</b>
Threaded tube or pipe cast fittings, of malleable cast iron	P.R. China Thailand	COMMISSION DECISION (EU) 2018/52	<a href="#">L 7; 12.01.2018, p.39</a> AD
Rainbow trout	Turkey	COMMISSION REGULATION (EU) 2018/823	<a href="#">L 139; 05.06.2018, p.14</a> AS
Ammonium nitrate	Russia	COMMISSION REGULATION (EU) 2018/1703	<a href="#">L 285; 13.11.2018, p.97</a> AD

<b>Concluded: termination and repeal of measures</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
None			

## **ANNEX H**

### **Other reviews initiated or concluded during the period 1 January - 31 December 2018 (chronological by date of publication)**

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Biodiesel	Argentina Indonesia	<a href="#">C 181; 28.05.2018, p.5</a> AD
Open mesh fabrics of glass fibres	India	<a href="#">C 171; 18.05.2018, p.10</a> AD

<b>Concluded: confirmation / amendment of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
Bicycles	Sri Lanka	COMMISSION REGULATION (EU) 2018/28	<a href="#">L 5; 10.01.2018, p.27</a>
Seamless pipes and tubes	P.R. China	COMMISSION DECISION (EU) 2018/928	<a href="#">L 164; 29.06.2018, p.51</a>

<b>Concluded: repeal of measures</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
Stainless steel wires	India	COMMISSION DECISION (EU) 2018/1306	<a href="#">L 244; 28.09.2018, p.111</a>
Biodiesel	Argentina	COMMISSION DECISION (EU) 2018/1570	<a href="#">L 262; 19.10.2018, p.40</a>
Biodiesel	Indonesia	COMMISSION DECISION (EU) 2018/1570	<a href="#">L 262; 19.10.2018, p.40</a>

## **ANNEX I**

### **New exporter reviews initiated or concluded during the period 1 January - 31 December 2018 (chronological by date of publication)**

#### A. Anti-dumping investigations

<b>Initiated</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>

<b>Concluded: imposition/amendment of duty</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
Bicycles	Tunisia	COMMISSION REGULATION (EU) 2018/49	<a href="#">L 7: 12.01.2018,</a> p.31
Solar panels (crystalline silicon photovoltaic modules and key components)	P.R.China	COMMISSION REGULATION (EU) 2018/1017	<a href="#">L 183: 19.07.2018,</a> <a href="#">p.1</a>

<b>Concluded: termination</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
None			

B. Anti-subsidy investigations ("accelerated" investigations)

<b>Initiated</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
None			

<b>Concluded: imposition/amendment of duty</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
None			

<b>Concluded: termination</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
None			

## **ANNEX J**

### **Anti-absorption investigations initiated or concluded during the period 1 January - 31 December 2018 (chronological by date of publication)**

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Tubes and pipes of ductile cast iron	India	<a href="#">C 151; 30.04.2018, p.57</a> AD

<b>Concluded with increase of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
None			

<b>Concluded without increase of duty / termination</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
None			



## **ANNEX K**

### **Anti-circumvention investigations initiated or concluded during the period 1 January - 31 December 2018 (chronological by date of publication)**

<b>Initiated</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
None			

<b>Concluded with extension of duty</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
None			

<b>Concluded without extension of duty / termination</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
Hand pallet trucks and their ess. parts	Vietnam	COMMISSION REGULATION (EU) 2018/260	<a href="#">L 49; 22.02.2018, p.16</a>
Citric Acid	Cambodia	COMMISSION REGULATION (EU) 2018/1236	<a href="#">L 231; 14.09.2018, p.20</a>

<b>Exemptions granted and/or rejected</b>			
<b>Product</b>	<b>Country of origin (consigned from)</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
None			

## **ANNEX L**

### **Safeguard investigations initiated and concluded during the period 1 January - 31 December 2018 (chronological by date of publication)**

<b>New investigations initiated (erga omnes)</b>	
<b>Product</b>	<b>OJ Reference</b>
Steel products	<a href="#">C 111; 26.03.2018, p.29</a>

<b>New investigations initiated (bilateral)</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Indica rice	Cambodia	<a href="#">C 100; 16.03.2018, p.30</a>
Indica rice	Myanmar	<a href="#">C 100; 16.03.2018, p.30</a>

<b>New investigations terminated without imposition of measures (erga omnes)</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision N°</b>	<b>OJ Reference</b>
None			

<b>New investigations terminated without imposition of measures (bilateral)</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision N°</b>	<b>OJ Reference</b>
None			

<b>Issue of licences</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision N°</b>	<b>OJ Reference</b>
None			

<b>Measures in force (erga omnes)</b>		
<b>Product</b>	<b>Country of origin</b>	<b>Date of expiry</b>
None		

<b>Measures in force (bilateral)</b>		
<b>Product</b>	<b>Country of origin</b>	<b>Date of expiry</b>
None		

## **ANNEX M**

### **Undertakings accepted or repealed during the period 1 January - 31 December 2018 (chronological by date of publication)**

<b>Undertakings accepted</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Decision N°</b>	<b>OJ Reference</b>
None			

<b>Undertakings withdrawn or repealed</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Decision N°</b>	<b>OJ Reference</b>
None			

<b>Undertakings which expired/lapsed</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Original measure (s)</b>	<b>OJ Reference</b>
None			

<b>Undertakings rejected/terminated</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Decision N°</b>	<b>OJ Reference</b>
Hot-rolled flat products of iron, non-alloy or other alloy steel	Brazil Iran Russia Ukraine	<i>Rejection</i> COMMISSION DECISION (EU) 2018/351	<a href="#">L 67; 09.03.2018, p.46</a> (AD)

## **ANNEX N**

### **Measures which expired / lapsed during the period 1 January - 31 December 2018 (chronological by date of publication)**

#### A. Anti-dumping investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Original measure</b>	<b>OJ Reference</b>
Solar panels (crystalline silicon photovoltaic modules and key components)	P.R. China	COMMISSION REGULATION (EU) 2017/367	<a href="#">NoE C310; 03.09.2018, p.4</a>
Stainless steel	India	COMMISSION REGULATION (EU) 2018/1835	<a href="#">NoE C 402; 08.11.2018, p.6</a>

#### B. Anti-subsidy investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Original measure</b>	<b>OJ Reference</b>
Solar panels (crystalline silicon photovoltaic modules and key components)	P. R. China	COMMISSION REGULATION (EU) 2017/366	<a href="#">NoE C310; 03.09.2018, p.5</a>
Stainless steel wires	India	COMMISSION REGULATION (EU) 2017/1482	<a href="#">NoE C 315; 07.09.2018, p.22</a>

## ANNEX O

### Definitive anti-dumping measures in force on 31 December 2018

a. Ranked by product (alphabetical)

Case	Country	Extension	Regulation
Acesulfame potassium	P.R. China		L 125, 21.05.2015, p. 15 L 287, 31.10.2015, p. 52
Aluminium foil	P.R. China		L332;18.12.2015, p.63 Extension (circum.) L 40; 17.02.2017, p.51
Aluminium foil	Russia		L 175, 04.07.2015, p. 14 L 332; 18.12.2015, p. 91
Aluminium foil (rolls of less than 10 kg)	P.R. China		L 251, 18.09.2012, p. 29 L 69, 13.03.2013, p. 11
Aluminium radiators	P.R. China		L 124, 11.05.2012, p. 17 L 310, 09.11.2012, p. 1
Aluminium road wheels	P.R. China		L 18; 24.01.2017, p.1
Ammonium nitrate	Russia		L 280, 24.09.2014, p. 19 L41; 18.02.2016, p.13
Aspartame	P.R. China		L 50; 26.02.2016, p.4 L 204; 29.07.2016, p.92
Barium carbonate	P.R. China		L 27; 28.01.2005, p.4 L189; 18.07.2005. p.15 L 250; 28.09.2017, p.34
Bicycles	P.R. China		Amendment ((partial) interim review) L 153, 05.06.2013, p. 17 Amendment L 47; 24.02.2017, p.13
Bicycles	P.R. China	Indonesia	Extension (circum.) L 153, 05.06.2013, p. 1
Bicycles	P.R. China	Malaysia	Extension (circum.) L 153, 05.06.2013, p. 1
Bicycles	P.R. China	Sri Lanka	Extension (circum.) L 153, 05.06.2013, p. 1
Bicycles	P.R. China	Tunisia	Extension (circum.) L 153, 05.06.2013, p. 1
Bicycles	P.R. China	Cambodia	Extension (circum.) L 122, 19.05.2015, p. 4
Bicycles	P.R. China	Pakistan	Extension (circum.) L 122, 19.05.2015, p. 4
Bicycles	P.R. China	Philippines	Extension (circum.) L 122, 19.05.2015, p. 4

Bicycles (parts)	P.R. China	China (bicycle parts)	C 299, 05.09.2014, p. 7 L 132, 29.05.2015, p. 32 Amendment L 331, 17.12.2015, p.30
Biodiesel	USA		L 239, 15.09.2015, p. 69 Amendment L 116; 30.04.2016, p.31
Biodiesel	USA	Canada	L 122; 05.05.2011, p.1
Bioethanol	USA		L 49, 22.02.2013, p. 10
Cast iron articles	P.R. China		L 211; 17.08.2017, p.14 L 25; 30.01.2018, p.6
Ceramic tableware and kitchenware	P.R. China		L 318, 15.11.2012, p. 28 L 131, 15.05.2013, p. 1 Amendment L 314; 30.11.2017, p.31
Ceramic tiles	P.R. China		Amendment ((partial) interim review) L 67, 12.03.2015, p. 23 L 307; 23.11.2017, p.25
Certain corrosion resistant steels	P.R. China		L 207; 10.08.2017, p.1 L 34; 08.02.2018, p.16
Chamois leather	P.R. China		L 334, 06.12.2012, p. 31
Citric acid	P.R. China	Malaysia	L 10; 15.01.2016, p.3
Citric acid	P.R. China		L 15, 22.01.2015, p. 15
Citrus fruits	P.R. China		Reopening L 49, 22.02.2013, p. 29 L 354, 11.12.2014, p. 17
Coated fine paper	P.R. China		L 299; 16.11.2010, p.7 L 128; 06.05.2011, p.1 L 171; 04.07.2017, p.168
Cold-rolled flat steel products	P.R. China		L 37; 12.02.2016, p.1 L 210; 04.08.2016, p.1
Cold-rolled flat steel products	Russia		L 37; 12.02.2016, p.1 L 210; 04.08.2016, p.1
Ferro-silicon	Russia		L 107, 10.04.2014, p. 13
Ferro-silicon	P.R. China		L 107, 10.04.2014, p. 13
Filament glass fibre products	P.R. China		L 243; 16.09.2010, p.40 L 67; 15.03.2011, p.1 L 107; 25.04.2017, p.4
Grain oriented flat-rolled products of silicon-electrical steel	USA		L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109
Grain oriented flat-rolled products of silicon-electrical steel	Russia		L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109
Grain oriented flat-rolled products of silicon-electrical steel	Korea (Rep. of)		L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109
Grain oriented flat-rolled products of silicon-electrical steel	Japan		L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109
Grain oriented flat-rolled products of silicon-electrical steel	P.R. China		L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109

Graphite electrode systems	India		L 64; 10.03.2017, p.46
Hand pallet trucks and their essential parts	P.R. China	Thailand	L 151; 11.06.2009, p.1
Hand pallet trucks and their essential parts	P.R. China		Amendment ((partial) interim review) L 112, 24.04.2013, p. 1 Amendment (newcomer) L 265, 05.09.2014, p. 7 Extension (circum.) L 214; 09.08.2016, p.1
Heavy plate of non-alloy or other alloy steel	P.R. China		L 50; 28.02.2017, p.18
High fatigue performance steel concrete reinforcement bars	P.R. China		L 23; 29.01.2016, p.16 L 204; 29.07.2016, p.70
Hot-rolled flat products of iron, non-alloy or other alloy steel	Ukraine		L 258; 06.10.2017, p.24
Hot-rolled flat products of iron, non-alloy or other alloy steel	Russia		L 258; 06.10.2017, p.24
Hot-rolled flat products of iron, non-alloy or other alloy steel	Iran		L 258; 06.10.2017, p.24
Hot-rolled flat products of iron, non-alloy or other alloy steel	Brazil		L 258; 06.10.2017, p.24
Hot-rolled flat products of iron, non-alloy or other alloy steel	P.R. China		L 272; 07.10.2016, p.33 L 92; 06.04.2017, p.68
Ironing boards	P.R. China		L 338; 20.12.2010, p.22
Ironing boards	P.R. China		Reopening L 297, 26.10.2012, p. 5 L 198, 23.07.2013, p. 1
Lever arch mechanisms	P.R. China		L 238, 04.09.2012, p.5 L 279; 09.11.2018, p.17
Manganese Dioxides	South Africa		L 59, 28.02.2014, p. 7
Melamine	P.R. China		L 298; 15.11.2010, p.10 L 124; 10.05.2011, p.2 L 170; 01.07.2017, p.62
Molybdenum wires	P.R. China	Malaysia	Extension (circum.) L8, 12.01.2012, p. 22
Molybdenum wires	P.R. China		Extension (circum.) L 243, 12.09.2013, P. 2 Extension (circum.) L 284, 30.10.2015, p. 100 L 170; 19.06.2016, p.19
Monosodium glutamate	P.R. China		L 15, 22.01.2015, p. 31
Monosodium glutamate	Indonesia		L 246, 21.08.2014, p. 1 L 15, 22.01.2015, p. 54
New and retreaded tyres for buses or lorries	P.R. China		L 116; 07.05.2018, p.8 L 263; 22.10.2018, p.3
Okoumé plywood	P.R. China		L 181; 17.05.2004, p.5 L 336; 02.11.2004, p.4 L 92; 06.04.2017, p.48

Open mesh fabrics of glass fibres	P.R. China	India	Extension (circum.) L 346, 20.12.2013, p. 20 Extension (circum.) L 236, 10.09.2015, p. 1
Open mesh fabrics of glass fibres	P.R. China	Indonesia	L 346, 20.12.2013, p. 20
Open mesh fabrics of glass fibres	P.R. China	Thailand	Extension (circum.) L 11, 16.01.2013, p. 1
Open mesh fabrics of glass fibres	P.R. China	Taiwan	Extension (circum.) L 11, 16.01.2013, p. 1
Open mesh fabrics of glass fibres	P.R. China	Malaysia	Extension (circum.) L 196, 24.07.2012, p. 1
Open mesh fabrics of glass fibres	P.R. China		L 204; 09.08.2011, p.1 Expiry review L 288; 07.11.2017, p.4
Organic coated steel	P.R. China		L 252, 19.09.2012, p. 33 L 73, 15.03.2013, p. 1
Oxalic acid	P.R. China		L 106, 18.04.2012, p. 1 L 321; 29.11.2016, p.48 L 165; 02.07.2018, p.13
Oxalic acid	India		L 106, 18.04.2012, p. 1 L 165; 02.07.2018, p.13
Peroxosulphates	P.R. China		L 338, 17.12.2013, p. 11
Polyester high tenacity filament yarn	P.R. China		L 49; 25.02.2017, p.6
PSC wires and strands	P.R. China		Amendment ((partial) interim review) L 297, 26.10.2012, p.1 L 139, 05.06.2015, p. 12
Rebars	Belarus		L 345; 20.12.2016; p.4 L 155; 17.06.2017, p.6
Ringbinder mechanisms	P.R. China	Laos	L 7; 12.01.2006, p.1
Ringbinder mechanisms	P.R. China	Vietnam	L 232; 28.06.2004, p.1
Ringbinder mechanisms	P.R. China		L 122; 12.05.2016, p.1
Seamless pipes and tubes of iron or steel	Ukraine		L 174, 04.07.2012, p. 5 Amendment ((partial) interim review) L 238, 04.09.2012, p. 1
Seamless pipes and tubes of iron or steel	Russia		L 174, 04.07.2012, p. 5 L 357, 28.12.2012, p. 1
Seamless pipes and tubes of iron or steel	P.R. China		L 322, 08.12.2015, p. 21
Seamless pipes and tubes of stainless steel	P.R. China		L 169; 27.06.2011, p.1 L 336; 14.12.2011, p.6 L 63, 06.03.2018, p. 15
Seamless pipes, of iron or steel, external diameter exceeding 406.4 mm	P.R. China		L 305; 12.11.2016, p.1 L 121; 12.05.2017, p.3
Silicon metal (silicon)	P.R. China	Taiwan	Extension (circum.) L 95, 05.04.2013, p. 1
Silicon metal (silicon)	P.R. China	Korea (Rep. of)	L 13; 15.01.2007, p.1
Silicon metal (silicon)	P.R. China		L 179; 05.07.2016, p.1



Sodium cyclamate	P.R. China		L 192; 16.07.2016, p.23
Sodium cyclamate	P.R. China		Amendment ((partial) interim review) L 124, 11.05.2012, p. 1 L 192; 16.07.2016, p.49
Sodium cyclamate	Indonesia		L 192; 16.07.2016, p.49
Sodium gluconate	P.R. China		L 16; 20.01.2017, p.3
Solar glass	P.R. China		L 316, 27.11.2013, p. 8 L 142, 14.05.2014, p. 1 Amendment L 98, 15.04.2015, p. 6 Amendment (absorption reinvestigation) L 215, 14.08.2015, p. 42
Stainless steel cold-rolled flat products	Taiwan		L 79, 25.3.15, p. 23 L 224, 27.08.2015, p. 10
Stainless steel cold-rolled flat products	P.R. China		L 79, 25.3.15, p. 23 L 224, 27.08.2015, p. 10
Stainless steel tube and pipe butt-welding fittings	Taiwan		L 22; 27.01.2017, p.14
Stainless steel tube and pipe butt-welding fittings	P.R. China		L 22; 27.01.2017, p.14
Steel ropes and cables	P.R. China	Korea (Rep. of)	L36, 09.02.2012; p. 1 Amendment (newcomer) L 138, 13.05.2014, p. 80 Amendment L 139, 14.05.2014, p.7
Steel ropes and cables	P.R. China	Morocco	L36, 09.02.2012; p. 1
Steel ropes and cables	P.R. China		L36, 09.02.2012; p. 1 L 101; 20.04.2018, p.40
Sulphanilic acid	P.R. China		L 363, 18.02.2014, p. 82
Sweet corn (prepared or preserved in kernels)	Thailand		L 244, 13.09.2013, p. 1 Amendment ((partial) interim review) L 91, 27.03.2014, p. 1
Tartaric Acid	P.R. China		Amendment ((partial) interim review) L 108, 20.04.2012, p. 1 L 110, 24.04.2012, p. 3 Amendment ((partial) interim review) L 182, 13.07.2012, p. 1 L 164; 29.06.2018, p.14
Thermal paper	Korea (Rep. of)		L 310; 17.11.2016, p.1 L 114; 03.05.2017, p.3
Threaded tube or pipe cast fittings of malleable cast iron	Thailand		L 318, 15.11.2012, p. 10 L 129, 14.05.2013, p. 1
Threaded tube or pipe cast fittings of malleable cast iron	P.R. China		L 318, 15.11.2012, p. 10 L 129, 14.05.2013, p. 1

Trichloroisocyanuric acid (TCCA)	P.R. China		Amendment (newcomer) L 157, 27.05.2014, p. 80 L 319; 05.12.2017, p.10
Tube and pipe fitting, of iron or steel	Turkey		L 203, 31.07.2012, p. 37 L 27, 29.01.2013, p. 1
Tube and pipe fitting, of iron or steel	Russia		L 203, 31.07.2012, p. 37 L 27, 29.01.2013, p. 1
Tube and pipe fitting, of iron or steel	P.R. China	Philippines	L 116; 27.04.2006, p.1
Tube and pipe fitting, of iron or steel	P.R. China	Sri Lanka	L 355; 22.11.2004, p.9
Tube and pipe fitting, of iron or steel	P.R. China	Indonesia	L 335; 22.11.2004, p.4
Tube and pipe fitting, of iron or steel	P.R. China	Taiwan	L 94; 14.04.2000, p.1
Tube and pipe fitting, of iron or steel	P.R. China		L 282, 28.10.2015, p. 14
Tube and pipe fitting, of iron or steel	Malaysia		L 347, 03.12.2014, p. 17 Amendment ((partial) interim review) L58; 04.03.2016, p.38
Tube and pipe fitting, of iron or steel	Korea (Rep. of)		L 347, 03.12.2014, p. 17 Amendment ((partial) interim review) L58; 04.03.2016, p.38
Tubes and pipes of ductile cast iron	India		L 244, 19.09.2015, p. 25 L 73; 18.03.2016, p.53
Tungsten carbide and fused tungsten carbide	P.R. China		Initiation C 322; 15.12.1988, p.7 L 395; 31.12.2004, p.56 L 78; 24.03.2011, p.1 L 142; 02.06.2017, p.53
Tungsten electrodes	P.R. China		L 150, 04.06.2013, p. 1
Welded tubes and pipes of iron or non-alloy steel	Russia		L 20, 27.01.2015, p. 6
Welded tubes and pipes of iron or non-alloy steel	P.R. China		L 20, 27.01.2015, p. 6
Welded tubes and pipes of iron or non-alloy steel	Belarus		L 20, 27.01.2015, p. 6
Wire rod	P.R. China		L 268, 15.10.2015, p. 9

## Definitive anti-dumping measures in force on 31 December 2018

b. Ranked by country (alphabetical)

Country	Cases	Extension	Regulation
Belarus	Welded tubes and pipes of iron or non-alloy steel		L 20, 27.01.2015, p. 6
Belarus	Rebars		L 345; 20.12.2016; p.4 L 155; 17.06.2017, p.6
Brazil	Hot-rolled flat products of iron, non-alloy or other alloy steel		L 258; 06.10.2017, p.24
India	Oxalic acid		L 106, 18.04.2012, p. 1 L 165; 02.07.2018, p.13
India	Tubes and pipes of ductile cast iron		L 244, 19.09.2015, p. 25 L 73; 18.03.2016, p.53
India	Graphite electrode systems		L 64; 10.03.2017, p.46
Indonesia	Sodium cyclamate		L 192; 16.07.2016, p.49
Indonesia	Monosodium glutamate		L 246, 21.08.2014, p. 1 L 15, 22.01.2015, p. 54
Iran	Hot-rolled flat products of iron, non-alloy or other alloy steel		L 258; 06.10.2017, p.24
Japan	Grain oriented flat-rolled products of silicon-electrical steel		L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109
Korea (Rep. of)	Tube and pipe fitting, of iron or steel		L 347, 03.12.2014, p. 17 Amendment ((partial) interim review) L58; 04.03.2016, p.38
Korea (Rep. of)	Grain oriented flat-rolled products of silicon-electrical steel		L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109

Korea (Rep. of)	Thermal paper		L 310; 17.11.2016, p.1 L 114; 03.05.2017, p.3
Malaysia	Tube and pipe fitting, of iron or steel		L 347, 03.12.2014, p. 17 Amendment ((partial) interim review) L58; 04.03.2016, p.38
P.R. China	Acesulfame potassium		L 125, 21.05.2015, p. 15 L 287, 31.10.2015, p. 52
P.R. China	Tungsten carbide and fused tungsten carbide		Initiation C 322; 15.12.1988, p.7 L 395; 31.12.2004, p.56 L 78; 24.03.2011, p.1 L 142; 02.06.2017, p.53
P.R. China	Aspartame		L 50; 26.02.2016, p.4 L 204; 29.07.2016, p.92
P.R. China	Barium carbonate		L 27; 28.01.2005, p.4 L189; 18.07.2005. p.15 L 250; 28.09.2017, p.34
P.R. China	Trichloroisocyanuric acid (TCCA)		Amendment (newcomer) L 157, 27.05.2014, p. 80 L 319; 05.12.2017, p.10
P.R. China	Tartaric Acid		Amendment ((partial) interim review) L 108, 20.04.2012, p. 1 L 110, 24.04.2012, p. 3 Amendment ((partial) interim review) L 182, 13.07.2012, p. 1 L 164; 29.06.2018, p.14
P.R. China	Sulphanilic acid		L 363, 18.02.2014, p. 82
P.R. China	Sodium gluconate		L 16; 20.01.2017, p.3
P.R. China	Sodium cyclamate		L 192; 16.07.2016, p.23

P.R. China	Sodium cyclamate		Amendment ((partial) interim review) L 124, 11.05.2012, p. 1 L 192; 16.07.2016, p.49
P.R. China	Oxalic acid		L 106, 18.04.2012, p. 1 L 321; 29.11.2016, p.48 L 165; 02.07.2018, p.13
P.R. China	Monosodium glutamate		L 15, 22.01.2015, p. 31
P.R. China	Citric acid	Malaysia	L 10; 15.01.2016, p.3
P.R. China	Citric acid		L 15, 22.01.2015, p. 15
P.R. China	Melamine		L 298; 15.11.2010, p.10 L 124; 10.05.2011, p.2 L 170; 01.07.2017, p.62
P.R. China	Wire rod		L 268, 15.10.2015, p. 9
P.R. China	Welded tubes and pipes of iron or non-alloy steel		L 20, 27.01.2015, p. 6
P.R. China	Tube and pipe fitting, of iron or steel	Philippines	L 116; 27.04.2006, p.1
P.R. China	Tube and pipe fitting, of iron or steel	Sri Lanka	L 355; 22.11.2004, p.9
P.R. China	Tube and pipe fitting, of iron or steel	Indonesia	L 335; 22.11.2004, p.4
P.R. China	Tube and pipe fitting, of iron or steel	Taiwan	L 94; 14.04.2000, p.1
P.R. China	Tube and pipe fitting, of iron or steel		L 282, 28.10.2015, p. 14
P.R. China	Threaded tube or pipe cast fittings of malleable cast iron		L 318, 15.11.2012, p. 10 L 129, 14.05.2013, p. 1
P.R. China	Steel ropes and cables	Korea (Rep. of)	L36, 09.02.2012; p. 1 Amendment (newcomer) L 138, 13.05.2014, p. 80 Amendment L 139, 14.05.2014, p.7
P.R. China	Steel ropes and cables	Morocco	L36, 09.02.2012; p. 1

P.R. China	Steel ropes and cables		L 36, 09.02.2012; p. 1 L 101; 20.04.2018, p.40
P.R. China	Stainless steel tube and pipe butt-welding fittings		L 22; 27.01.2017, p.14
P.R. China	Stainless steel cold-rolled flat products		L 79, 25.3.15, p. 23 L 224, 27.08.2015, p. 10
P.R. China	Seamless pipes and tubes of stainless steel		L 169; 27.06.2011, p.1 L 336; 14.12.2011, p.6 L 63, 06.03.2018, p. 15
P.R. China	Seamless pipes and tubes of iron or steel		L 322, 08.12.2015, p. 21
P.R. China	Seamless pipes, of iron or steel, external diameter exceeding 406.4 mm		L 305; 12.11.2016, p.1 L 121; 12.05.2017, p.3
P.R. China	PSC wires and strands		Amendment ((partial) interim review) L 297, 26.10.2012, p.1 L 139, 05.06.2015, p. 12
P.R. China	Peroxosulphates		L 338, 17.12.2013, p. 11
P.R. China	Cast iron articles		L 211; 17.08.2017, p.14 L 25; 30.01.2018, p.6
P.R. China	Organic coated steel		L 252, 19.09.2012, p. 33 L 73, 15.03.2013, p. 1
P.R. China	Cold-rolled flat steel products		L 37; 12.02.2016, p.1 L 210; 04.08.2016, p.1
P.R. China	Hot-rolled flat products of iron, non-alloy or other alloy steel		L 272; 07.10.2016, p.33 L 92; 06.04.2017, p.68

P.R. China	High fatigue performance steel concrete reinforcement bars		L 23; 29.01.2016, p.16 L 204; 29.07.2016, p.70
P.R. China	Heavy plate of non-alloy or other alloy steel		L 50; 28.02.2017, p.18
P.R. China	Certain corrosion resistant steels		L 207; 10.08.2017, p.1 L 34; 08.02.2018, p.16
P.R. China	Grain oriented flat-rolled products of silicon-electrical steel		L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109
P.R. China	Solar glass		L 316, 27.11.2013, p. 8 L 142, 14.05.2014, p. 1 Amendment L 98, 15.04.2015, p. 6 Amendment (absorption reinvestigation) L 215, 14.08.2015, p. 42
P.R. China	Open mesh fabrics of glass fibres	India	Extension (circum.) L 346, 20.12.2013, p. 20 Extension (circum.) L 236, 10.09.2015, p. 1
P.R. China	Open mesh fabrics of glass fibres	Indonesia	L 346, 20.12.2013, p. 20
P.R. China	Open mesh fabrics of glass fibres	Thailand	Extension (circum.) L 11, 16.01.2013, p. 1
P.R. China	Open mesh fabrics of glass fibres	Taiwan	Extension (circum.) L 11, 16.01.2013, p. 1
P.R. China	Open mesh fabrics of glass fibres	Malaysia	Extension (circum.) L 196, 24.07.2012, p. 1
P.R. China	Open mesh fabrics of glass fibres		L 204; 09.08.2011, p.1 Expiry review L 288; 07.11.2017, p.4

P.R. China	New and retreaded tyres for buses or lorries		L 116; 07.05.2018, p.8 L 263; 22.10.2018, p.3
P.R. China	Ceramic tableware and kitchenware		L 318, 15.11.2012, p. 28 L 131, 15.05.2013, p. 1 Amendment L 314; 30.11.2017, p.31
P.R. China	Ceramic tiles		Amendment ((partial) interim review) L 67, 12.03.2015, p. 23 L 307; 23.11.2017, p.25
P.R. China	Chamois leather		L 334, 06.12.2012, p. 31
P.R. China	Citrus fruits		Reopening L 49, 22.02.2013, p. 29 L 354, 11.12.2014, p. 17
P.R. China	Ironing boards		L 338; 20.12.2010, p.22
P.R. China	Ironing boards		Reopening L 297, 26.10.2012, p. 5 L 198, 23.07.2013, p. 1
P.R. China	Filament glass fibre products		L 243; 16.09.2010, p.40 L 67; 15.03.2011, p.1 L 107; 25.04.2017, p.4
P.R. China	Aluminium radiators		L 124, 11.05.2012, p. 17 L 310, 09.11.2012, p. 1
P.R. China	Aluminium road wheels		L 18; 24.01.2017, p.1



P.R. China	Bicycles		Amendment ((partial) interim review) L 153, 05.06.2013, p. 17 Amendment L 47; 24.02.2017, p.13
P.R. China	Bicycles	Indonesia	Extension (circum.) L 153, 05.06.2013, p. 1
P.R. China	Bicycles	Malaysia	Extension (circum.) L 153, 05.06.2013, p. 1
P.R. China	Bicycles	Sri Lanka	Extension (circum.) L 153, 05.06.2013, p. 1
P.R. China	Bicycles	Tunisia	Extension (circum.) L 153, 05.06.2013, p. 1
P.R. China	Bicycles	Cambodia	Extension (circum.) L 122, 19.05.2015, p. 4
P.R. China	Bicycles	Pakistan	Extension (circum.) L 122, 19.05.2015, p. 4
P.R. China	Bicycles	Philippines	Extension (circum.) L 122, 19.05.2015, p. 4
P.R. China	Bicycles (parts)	China (bicycle parts)	C 299, 05.09.2014, p. 7 L 132, 29.05.2015, p. 32 Amendment L 331, 17.12.2015, p.30
P.R. China	Ringbinder mechanisms	Laos	L 7; 12.01.2006, p.1
P.R. China	Ringbinder mechanisms	Vietnam	L 232; 28.06.2004, p.1
P.R. China	Ringbinder mechanisms		L 122; 12.05.2016, p.1

P.R. China	Lever arch mechanisms		L 238, 04.09.2012, p.5 L 279; 09.11.2018, p.17
P.R. China	Hand pallet trucks and their essential parts	Thailand	L 151; 11.06.2009, p.1
P.R. China	Hand pallet trucks and their essential parts		Amendment ((partial) interim review) L 112, 24.04.2013, p. 1 Amendment (newcomer) L 265, 05.09.2014, p. 7 Extension (circum.) L 214; 09.08.2016, p.1
P.R. China	Aluminium foil		L332;18.12.2015, p.63 Extension (circum.) L 40; 17.02.2017, p.51
P.R. China	Tungsten electrodes		L 150, 04.06.2013, p. 1
P.R. China	Aluminium foil (rolls of less than 10 kg)		L 251, 18.09.2012, p. 29 L 69, 13.03.2013, p. 11
P.R. China	Silicon metal (silicon)	Taiwan	Extension (circum.) L 95, 05.04.2013, p. 1
P.R. China	Silicon metal (silicon)	Korea (Rep. of)	L 13; 15.01.2007, p.1
P.R. China	Silicon metal (silicon)		L 179; 05.07.2016, p.1
P.R. China	Molybdenum wires	Malaysia	Extension (circum.) L8, 12.01.2012, p. 22
P.R. China	Molybdenum wires		Extension (circum.) L 243, 12.09.2013, P. 2 Extension (circum.) L 284, 30.10.2015, p. 100 L 170; 19.06.2016, p.19

P.R. China	Ferro-silicon		L 107, 10.04.2014, p. 13
P.R. China	Polyester high tenacity filament yarn		L 49; 25.02.2017, p.6
P.R. China	Okoumé plywood		L 181; 17.05.2004, p.5 L 336; 02.11.2004, p.4 L 92; 06.04.2017, p.48
P.R. China	Coated fine paper		L 299; 16.11.2010, p.7 L 128; 06.05.2011, p.1 L 171; 04.07.2017, p.168
Russia	Ammonium nitrate		L 280, 24.09.2014, p. 19 L41; 18.02.2016, p.13
Russia	Welded tubes and pipes of iron or non-alloy steel		L 20, 27.01.2015, p. 6
Russia	Tube and pipe fitting, of iron or steel		L 203, 31.07.2012, p. 37 L 27, 29.01.2013, p. 1
Russia	Seamless pipes and tubes of iron or steel		L 174, 04.07.2012, p. 5 L 357, 28.12.2012, p. 1
Russia	Cold-rolled flat steel products		L 37; 12.02.2016, p.1 L 210; 04.08.2016, p.1
Russia	Hot-rolled flat products of iron, non-alloy or other alloy steel		L 258; 06.10.2017, p.24
Russia	Grain oriented flat-rolled products of silicon-electrical steel		L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109
Russia	Aluminium foil		L 175, 04.07.2015, p. 14 L 332; 18.12.2015, p.91
Russia	Ferro-silicon		L 107, 10.04.2014, p. 13
South Africa	Manganese Dioxides		L 59, 28.02.2014, p. 7
Taiwan	Stainless steel tube and pipe butt-welding fittings		L 22; 27.01.2017, p.14

Taiwan	Stainless steel cold-rolled flat products		L 79, 25.3.15, p. 23 L 224, 27.08.2015, p. 10
Thailand	Threaded tube or pipe cast fittings of malleable cast iron		L 318, 15.11.2012, p. 10 L 129, 14.05.2013, p. 1
Thailand	Sweet corn (prepared or preserved in kernels)		L 244, 13.09.2013, p. 1 Amendment ((partial) interim review) L 91, 27.03.2014, p. 1
Turkey	Tube and pipe fitting, of iron or steel		L 203, 31.07.2012, p. 37 L 27, 29.01.2013, p. 1
Ukraine	Seamless pipes and tubes of iron or steel		L 174, 04.07.2012, p. 5 Amendment ((partial) interim review) L 238, 04.09.2012, p. 1
Ukraine	Hot-rolled flat products of iron, non-alloy or other alloy steel		L 258; 06.10.2017, p.24
USA	Biodiesel		L 239, 15.09.2015, p. 69 Amendment L 116; 30.04.2016, p.31
USA	Biodiesel	Canada	L 122; 05.05.2011, p.1
USA	Bioethanol		L 49, 22.02.2013, p. 10
USA	Grain oriented flat-rolled products of silicon-electrical steel		L 120, 13.05.2015, p. 10 L 284, 30.10.2015, p. 109

## **ANNEX P**

### **Definitive anti-subsidy measures in force on 31 December 2018**

#### A. Ranked by product (alphabetical)

Case	Country	Extension	Regulation
Biodiesel	USA	Canada	L 122; 05.05.2011, p.1
Biodiesel	USA		L 239, 15.09.2015, p. 99 Amendment L 116; 30.04.2016, p.27
Coated fine paper	P.R. China		L 128; 06.05.2011, p.18 L 171; 04.07.2017, p.134
Filament glass fibre products	P.R. China		L 367, 23.12.2014, p. 22
Graphite electrode systems	India		L 64; 10.03.2017, p.10
Hot-rolled flat products of iron, non-alloy or other alloy steel	P.R. China		L 146; 09.06.2017, p.17
New and retreaded tyres for buses or lorries	P.R. China		L 283; 12.11.2018, p.1
Organic coated steel	P.R. China		L 73, 15.03.2013, p. 16
Polyethylene terephthalate (PET)	India		L 208, 05.08.2015, p. 10
Rainbow trout	Turkey		L 319, 06.11.2014, p. 1 L 56, 27.02.2015, p. 12
Solar glass	P.R. China		L 142, 14.05.2014, p. 23
Stainless steel bars	India		Amendment ((partial) interim review) L 202, 27.07.2013, p. 2 L 165; 28.06.2017, p.2
Tubes and pipes of ductile cast iron	India		L 73; 18.03.2016, p.1

B. Ranked by country (alphabetical)

Country	Cases	Extension	Regulation
India	Polyethylene terephthalate (PET)		L 208, 05.08.2015, p. 10
India	Graphite electrode systems		L 64; 10.03.2017, p.10
India	Stainless steel bars		Amendment ((partial) interim review) L 202, 27.07.2013, p. 2 L 165; 28.06.2017, p.2
India	Tubes and pipes of ductile cast iron		L 73; 18.03.2016, p.1
P.R. China	Coated fine paper		L 128; 06.05.2011, p.18 L 171; 04.07.2017, p.134
P.R. China	Filament glass fibre products		L 367, 23.12.2014, p. 22
P.R. China	Hot-rolled flat products of iron, non-alloy or other alloy steel		L 146; 09.06.2017, p.17
P.R. China	New and retreaded tyres for buses or lorries		L 283; 12.11.2018, p.1
P.R. China	Organic coated steel		L 73, 15.03.2013, p. 16
P.R. China	Solar glass		L 142, 14.05.2014, p. 23
Turkey	Rainbow trout		L 319, 06.11.2014, p. 1 L 56, 27.02.2015, p. 12
USA	Biodiesel	Canada	L 122; 05.05.2011, p.1
USA	Biodiesel		L 239, 15.09.2015, p. 99 Amendment L 116; 30.04.2016, p.27

## **ANNEX Q**

### **Undertakings in force on 31 December 2018**

#### A. Ranked by product (alphabetical)

<b>Product</b>	<b>Origin</b>	<b>Measure</b>	<b>Decision N°</b>	<b>OJ Reference</b>
Citric acid	P.R. China	Undertakings	Commission Implementing Decision (EU) 2015/87	<a href="#">L 15</a> <a href="#">22.01.2015, p. 75</a> <a href="#">L 122; 12.05.2016, p.19</a> (amendment)

#### B. Ranked by country (alphabetical)

<b>Origin</b>	<b>Product</b>	<b>Measure</b>	<b>Decision N°</b>	<b>OJ Reference</b>
P.R. China	Citric acid	Undertakings	Commission Implementing Decision (EU) 2015/87	<a href="#">L 15</a> <a href="#">22.01.2015, p. 75</a> <a href="#">L 122; 12.05.2016, p.19</a> (amendment)

## **ANNEX R**

### **Anti-dumping & anti-subsidy investigations pending on 31 December 2018 (including cases where provisional measures were imposed)**

#### A. New investigations (ranked by product – in alphabetical order)

Case	Case No	AD/AS/SFG	Country	Regulation
Biodiesel	AS650	AS	Indonesia	C 439; 06.12.2018, p.16
Biodiesel	AS644	AS	Argentina	C 34; 31.01.2018, p.37
E-bicycles	AD643	AD	P.R. China	C 353; 20.10.2017, p.19
E-bicycles	AS646	AS	P.R. China	C 440; 21.12.2017, p.22
Hollow sections	AD651	AD	Russia	C 347; 28.09.2018, p.6
Hollow sections	AD651	AD	Turkey	C 347; 28.09.2018, p.6
Hollow sections	AD651	AD	North Macedonia	C 347; 28.09.2018, p.6
Hot rolled sheet steel piles	AD647	AD	P.R. China	C 177; 24.05.2018, p.6
Solar glass	AD648	AD	Malaysia	C 174; 23.05.2018, p.8
Urea ammonium nitrate solutions	AD649	AD	USA	C 284; 13.08.2018, p.9
Urea ammonium nitrate solutions	AD649	AD	Trinidad and Tobago	C 284; 13.08.2018, p.9
Urea ammonium nitrate solutions	AD649	AD	Russia	C 284; 13.08.2018, p.9
Indica Rice	SAFE008	SFG	Myanmar	C 100; 16.03.2018, p.30
Indica Rice	SAFE008	SFG	Cambodia	C 100; 16.03.2018, p.30
Steel products	SAFE009	SFG	<i>erga omnes</i>	C 111; 26.03.2018, p.29



B. Review investigations (ranked by product - in alphabetical order)

Case	Case No	AD/AS	Country	Regulation
Aluminium foil (rolls of less than 10 kg)	R684	AD	P.R. China	C 95; 13.03.2018, p.8
Aluminium radiators	R676	AD	P.R. China	C 377; 09.11.2017, p.11
Bicycles	R688	AD	P.R. China	C 189; 04.06.2018, p.18
Bioethanol	R681	AD	USA	C 64; 20.02.2018, p.7
Ceramic tableware and kitchenware	R687	AD	P.R. China	C 167; 15.05.2018, p.6
Chamois leather	R678	AD	P.R. China	C 416; 06.12.2017, p.15
Ironing boards	R693	AD	P.R. China	C 253; 19.07.2018, p.30
Open mesh fabrics of glass fibres	R660	AD	India	L 226; 01.09.2017, p.1
Organic coated steel	R683	AD	P.R. China	C 96; 14.03.2018, p.8
Organic coated steel	R686	AS	P.R. China	C 96; 14.03.2018, p.21
Peroxosulphates (persulphates)	R697	AD	P.R. China	C 454; 17.12.2018, p.7
Polyethylene terephthalate (PET)	R664	AS	India	C 216; 06.07.2017, p.30
Polyethylene terephthalate (PET)	R694	AS	India	C 173; 22.05.2018, p.9
Polyethylene terephthalate (PET)	R663	AS	India	C 216; 06.07.2017, p.26
Seamless pipes and tubes of iron or steel	R689	AD	Ukraine	C 159; 07.05.2018, p.18
Solar panels and key components	R677	AD	Malaysia	L 288; 07.11.2017, p.30
Solar panels and key components	R677	AS	Malaysia	L 288; 07.11.2017, p.30
Sweet corn (prepared or preserved in kernels)	R695	AD	Thailand	C 322; 12.09.2018, p.4
Threaded tube or pipe cast fittings of malleable cast iron	R692	AD	Thailand	C 162; 08.05.2018, p.11
Threaded tube or pipe cast fittings of malleable cast iron	R692	AD	P.R. China	C 162; 08.05.2018, p.11
Tube and pipe fitting, of iron or steel	R682	AD	Malaysia	C 31; 27.01.2018, p.16
Tube and pipe fitting, of iron or steel	R682	AD	Korea (Rep. of)	C 31; 27.01.2018, p.16
Tube and pipe fitting, of iron or steel	R682	AD	Russia	C 31; 27.01.2018, p.16
Tube and pipe fitting, of iron or steel	R682	AD	Turkey	C 31; 27.01.2018, p.16
Tubes and pipes of ductile cast iron	R690	AD	India	C157; 04.05.2018, p.3
Tubes and pipes of ductile cast iron	R691	AD	India	C 151; 30.04.2018, p.57
Tubes and pipes of ductile cast iron	R696	AS	India	C 437; 04.12.2018, p.32
Tungsten electrodes	R685	AD	P.R. China	C 186; 31.05.2018, p. 13

C. Reinvestigations (ranked by product - in alphabetical order)

Case	Case No	AD/AS	Country	Regulation
Open mesh fabrics of glass fibres	R605b	AD	India	C 171; 18.05.2018, p.10
Tartaric Acid	R529a	AD	P.R. China	C 296; 07.09.2017, p.16

## **ANNEX S**

### **Court cases**

A. Court cases pending before the Court of Justice and the General Court on 31 December 2018

<b>Court of Justice</b>	
C-465/16 P	Council v Growth Energy and Renewable fuels association (appeal T-276/13)
C-466/16 P	Council v Marquis Energy LLC (appeal T-277/13)
C-612/16	C&J Clark International (preliminary ruling)
C-236/17 P	Canadian Solar Emea and Others v Council (appeal T-162/14)
C-237/17 P	Canadian Solar Emea and Others v Council (appeal T-163/14)
C-644/17	Eurobolt (preliminary ruling)
C-709/17 P	Commission v Kolachi Raj Industrial (appeal T-435/15)
C-144/18	River Kwai International Food Industry v AETMD (appeal T-460/14)
C-345/18P	CaviroDistillerie and Others v European Commission (appeal against T-211/16)
C-436/18P	Shanxi Taigang Stainless Steel v Commission (appeal against T-675/15)
C-461/18P	Changmao Biochemical Engineering v Distillerie Bonollo and Others et Conseil (appeal against T-431/12)
C-251/18	Trace Sport (preliminary ruling)
C-226/18	Krohn & Schröder (preliminary ruling)
<b>General Court</b>	
T-607/15	Yieh United Steel (Yusco) v Commission
T-300/16	Jindal v Commission
T-301/16	Jindal v Commission
T-310/16	Foshan Lihua Ceramic Co. Ltd v Commission
T-631/16	Remag Metallhandel GmbH and Werner Jaschinsky v Commission
T-741/16	Changmao Biochemical Engineering Co. Ltd
T-749/16	Stemcor v Commission
T-752/16	NLMK v Commission
T-753/16	Severstal v Commission
T-781/16	Puma v Commission
T-782/16	Timberland v Commission
T-861/16	C & J Clark International Ltd v Commission
T-790/16	C & J Clark International Ltd v Commission
T-154/17	Deichmann v Commission

T-155/17	Van Haren Schoenen v Commission
T-204/17	Alfa Laval v Commission
T-228/17	Zhejiang Jndia Pipeline Industry v Commission
T-110/17	Jiangsu Seraphim Solar System v Commission
T-347/17	FLA Europe v Commission
T-383/17	Hansol paper v Commission
T-500/17	Hubei Xinyegang Special Tube v Commission
T-650/17	Jinan Meide v Commission
T-469/07 DEP	Philips Lighting Poland and Philips Lighting v Council
T-835/17	The European Steel Association (Eurofer) v European Commission
T-254/18	China Chamber of Commerce for Import and Export of Machinery and Electronic Products and Others v Commission
T-307/18	Zhejiang Jiuli Hi-Tech Metals v Commission
T-426/18	Bizbike and Hartmobile v Commission
T-586/14 RENV	Xinyi PV Products (Anhui) v Commission
T-425/13 DEP	Giant (China) v Council
T-24/18	Adidas International Trading and Others v Commission
T-124/18	Wendel and Others v Commission
T-126/18	van Haren Schoenen v Commission
T-127/18	Cortina and FLA Europe v Commission
T-157/18	Caprice Schuhproduktion v Commission
T-541/18	Changmao Biochemical Engineering v Commission

B. Judgments, orders or other decisions rendered in 2018

<b>Court of Justice</b>	
C-61/16P	European Bicycle Manufacturers Association (EBMA) v Giant (China) Co. Ltd
C-602/16 P	Council v Unitec Bio SÁ, Commission and European Biodiesel Board (appeal T-111/14)
C-603/16 P	Council v PT Wilmar Bioenergi Indonesia and PT Wilmar Nabati Indonesia (appeal T-139/14)
C-604/16 P	Council v PT Pelita Agung Agrindustri (appeal T-121/14)
C-605/16 P	Council v PT Ciliandra Perkasa (appeal T-120/14)
C-606/16 P	Council v PT Musim Mas (appeal T-80/14)
C-607/16 P	Council v Molino Rio de la Plata SA e.a., Commission and European Biodiesel Board (appeals T-112/14 to T-116/14 and T-119/14)
C-608/16P	Council v Cargill S.A.C.I., Commission and European Biodiesel Board (appeal T-117/14)
C-609/16 P	Council v LDC Argentina SA, Commission and European Biodiesel Board (appeal T-118/14)
C-301/16 P	Commission v Xinyi PV Products (Anhui) Holdings Ltd (appeal in T-586/14)
C-256/16	Deichmann (preliminary ruling)
C-363/17 P	Equipolymers and Others v Council (appeal T-422/13)
C-631/16	X BV (preliminary ruling)
C-100/17 P	Gul Ahmed Textile Mills v Council (appeal T-199/04 REN)
C-145/17 P	International de Productos Metalicos v Commission (appeal T-217/16)
C-207/17	Rotho Blaas (preliminary ruling)
C-592/17	Baby Dan (preliminary ruling)
<b>General Court</b>	
T-211/16	Caviro Distillerie and others v Commission (appeal case before the Court of Justice C-345/18 P)
T-442/16	Šroubárna Ždánice v EU (claim for damages)
T-462/15	Asia Leader v Commission
T-675/15	Shanxi Taigang Stainless Steel v Commission (appeal case before the Court of Justice C-436/18 P)
T-431/12	Distillerie Bonollo SpA v Council (appeal case before the Court of Justice C-461/18 P)
T-654/16	Foshan Lihua Ceramic Co. Ltd v Commission
T-230/16	C&J Clarks v Commission
T-364/16	ArcelorMittal Tubular Products Ostrava a.s. and Others v Commission
T-487/14	CHEMK v Commission
T-113/15	RFA International v Commission

## **ANNEX T**

### **Safeguard measures in force on 31 December 2018**

#### A. Safeguard measures

<b>List of safeguard measures in force</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/Decision N°</b>	<b>OJ Reference</b>
Steel products	<i>Erga omnes</i>	COMMISSION IMPLEMENTING REGULATION (EU) 2018/1013	<a href="#">L 181;</a> <a href="#">18.07.2018;</a> <a href="#">p.39</a>

## ANNEX U

### Third countries' measures targeting the EU

#### A. New investigations initiated by third countries in 2018

Country	Product	Instrument	Initiation Date	Exporting MS
Argentina	Boilers for central heating with capacity equals to or lower than 200.000 kcal/h	AD	25-09-2018	Italy, Slovakia
Argentina	Electric disconnectors	AD	14-06-2018	Italy
Argentina	Radiators	AD	29-06-2018	Spain, Italy
Australia	Ammonium nitrate	AD	25-06-2018	Sweden
Australia	A4 Copy paper	AD	19-03-2018	Austria, Slovakia, Finland
Australia	Railway wheels	AD	18-04-2018	France
Brazil	Silicon electrical steel	AD	10-05-2018	Germany
Canada	Nitisinone capsules	AD	21-09-2018	Sweden
Canada	Certain steel products	SG	11-10-2018	
Chile	Milk powder and cheese	SG	08-03-2018	Germany, France, Netherlands
China	Phenol	AD	26-03-2018	
China	Stainless Steel Billet and Hot-rolled Stainless Steel Plate (Coil)	AD	23-07-2018	
Costa Rica	Steel bars	SG	29-03-2018	Spain, Netherlands
Eurasian Economic Union	Certain rolled steel	SG	07-08-2018	
Gulf Cooperation Council	Chemical plasticizer (prepared additives for cement, mortars or concretes)	SG	20-06-2018	
Gulf Cooperation Council	ceramic flags and paving, hearth, floor or wall tiles, finishing ceramics	AD	05-11-2018	
India	Coated paper	AD	23-01-2018	Belgium, Germany, Italy, Finland, Sweden
India	Di Methyl Formamide	AD	22-01-2018	
India	High Speed Steel of Non-Cobalt Grade	AD	14-08-2018	
India	Epoxy resin	AD	04-04-2018	
Indonesia	aluminium foil	SG	09-10-2018	
Indonesia	Ceramic tiles and mosaic	SG	29-03-2018	
Korea/South	Stainless steel bar	AD	18-05-2018	Italy
Madagascar	Blankets	SG	20-09-2018	
Madagascar	Pasta	SG	20-09-2018	
Morocco	Wooden panels	SG	31-07-2018	

Pakistan	Tinplate of a width of 600 mm or more and of a thickness of less than 0.5 mm	AD	20-08-2018	
Philippines	Ceramic tiles	SG	20-12-2018	
Philippines	Cement	SG	10-09-2018	
South Africa	Screws made of steel with hexagon heads	SG	20-04-2018	
Turkey	AC woven fabrics of yarn and fibres	AD	07-09-2018	Greece
Turkey	Steel and steel products	SG	27-04-2018	
Turkey	Acrylic or modacrylic synthetic filament tow	AD	21-03-2018	
Ukraine		AD	27-04-2018	Poland
United States	Refillable Stainless Steel Kegs	AD	11-10-2018	Germany
United States	Strontium Chromate	AD	05-09-2018	France, Austria
United States	Large Diameter Welded Pipes	AD	20-02-2018	Greece



B. New investigations initiated by third countries in 2015, 2016, 2017 and 2018

	2015	2016	2017	2018	2015	2016	2017	2018	2015	2016	2017	2018	2015	2016	2017	2018
Argentina	0	1	1	3	0	0	0	0	0	0	0	0	0	1	1	3
Australia	2	0	1	3	0	0	0	0	0	0	0	0	2	0	1	3
Belarus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Brazil	4	0	1	1	0	0	0	0	0	0	0	0	4	0	1	1
Canada	0	2	0	1	0	0	0	0	0	0	0	1	0	2	0	2
Chile	0	0	0	0	0	0	0	0	4	0	0	1	4	0	0	1
China	2	0	1	2	0	0	0	0	0	1	0	0	2	1	1	2
Colombia	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0
Costa Rica	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Ecuador	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Egypt	0	1	0	0	0	0	0	0	2	0	0	0	2	1	0	0
Eurasian Economic Union	0	0	1	0	0	0	0	0	0	0	0	1	0	0	1	1
Gulf Cooperation Council	0	0	1	1	0	0	0	0	0	2	0	1	0	2	1	2
India	0	5	3	4	0	0	0	0	2	1	1	0	2	6	4	4
Indonesia	0	0	0	0	0	0	0	0	1	0	0	2	1	0	0	2
Israel	0	1	1	0	0	0	0	0	0	0	0	0	0	1	1	0
Jordan	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0
Korea	1	0	1	1	0	0	0	0	0	0	0	0	1	0	1	1
Lebanon	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0
Madagascar	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2
Malaysia	2	0	0	0	0	0	0	0	1	2	0	0	3	2	0	0
Mexico	1	1	2	0	0	0	0	0	0	0	0	0	1	1	2	0
Morocco	1	1	0	0	0	0	0	0	1	0	0	1	2	1	0	1
Pakistan	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Philippines	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2
South Africa	0	0	0	0	0	0	0	0	0	3	0	1	0	3	0	1
Thailand	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0
Tunisia	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0
Turkey	1	3	2	1	0	0	0	0	1	0	2	2	2	3	4	3
Ukraine	0	0	0	1	0	0	0	0	1	0	1	0	1	0	1	1
USA	4	3	6	3	1	0	2	0	0	0	2	0	5	3	10	3
Vietnam	0	0	0	0	0	0	0	0	2	1	1	0	2	1	1	0
Zambia	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0
<b>TOTAL</b>	<b>18</b>	<b>18</b>	<b>22</b>	<b>22</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>18</b>	<b>12</b>	<b>7</b>	<b>15</b>	<b>37</b>	<b>30</b>	<b>31</b>	<b>37</b>

### C. Measures imposed by third countries in 2018

Country	Product	Instrument	Type Of Measure	Date Of Imposition	Exporting MS
Australia	Ammonium nitrate	AD	Provisional	25-10-2018	Sweden
Australia	Railway wheels	AD	Provisional	18-06-2018	France
Australia	A4 Copy paper	AD	Provisional	18-05-2018	Austria, Slovakia, Finland
Australia	Steel reinforcing bar	AD	Definitive	06-03-2018	Greece, Spain
Brazil	Nitrile Rubber	AD	Provisional	02-03-2018	France
Canada	Certain steel products	SG	Provisional	25-10-2018	
Canada	Nitisonone capsules	AD	Provisional	20-12-2018	Sweden
China	halogenated butyl rubber	AD	Provisional	20-04-2018	Belgium, United Kingdom
Colombia	Frozen fries	AD	Definitive	09-11-2018	Belgium, Germany, Netherlands
Gulf Cooperation Council	Flat rolled products of iron or non-alloy steel	SG	Definitive	15-05-2018	Belgium, Germany, Italy
India	Synthetic Filament Yarn of Nylon	AD	Definitive	06-10-2018	
India	Wooden flooring	AD	Definitive	27-03-2018	Denmark, Germany, Spain, Italy, Lithuania, Poland
India	Solar Cells whether or not assembled in modules or panels	SG	Definitive	30-07-2018	Germany, France
Korea/South	Stainless steel bar	AD	Provisional	16-11-2018	Italy
Korea/South	Coated printing paper	AD	Definitive	22-07-2018	Finland
Mexico	Seamless carbon steel pipes	AD	Definitive	04-04-2018	Spain
South Africa	Frozen chicken BSG	SG	Definitive	28-09-2018	Belgium, Denmark, Germany, Ireland, Netherlands, Poland, United Kingdom
South Africa	screws made of steel with hexagon heads	SG	Provisional	01-08-2018	
Turkey	Toothbrushes	SG	Definitive	03-02-2018	Germany, Sweden
Turkey	steel and steel products	SG	Provisional	02-10-2018	
Turkey	Sodium Percarbonate	AD	Definitive	02-03-2018	Germany, Sweden
Ukraine	Sulphuric acid and oleum	SG	Definitive	01-09-2018	
United States	Ripe Olives	AD	Provisional	18-01-2018	Spain
United States	Ripe Olives	CVD	Definitive	01-08-2018	Spain
United States	citric acid, sodium citrate, and potassium citrate (also in blends under HS 382499)	AD	Provisional	02-01-2018	Belgium
United States	Certain carbon and alloy steel wire rod	AD	Definitive	20-03-2018	Spain, Italy, United Kingdom
United States	Certain carbon and alloy steel wire rod	CVD	Definitive	19-03-2018	Italy
United States	crystalline silicon photovoltaic (CSPV) cells (whether or not partially or fully assembled into other products)	SG	Definitive	07-02-2018	Germany, Italy
United States	Large residential washers (LRWs) and certain parts thereof	SG	Definitive	07-02-2018	Germany, Spain, Italy, Sweden
United States	Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel	AD	Definitive	10-04-2018	Germany, Italy
United States	Forged steel fittings	AD	Provisional	14-05-2018	Italy
United States	Large Diameter Welded Pipes	AD	Provisional	27-08-2018	Greece

D. Measures imposed by third countries in 2015, 2016, 2017 and 2018

	2015	2016	2017	2018	2015	2016	2017	2018	2015	2016	2017	2018	2015	2016	2017	2018
Argentina	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Australia	3	2	1	4	0	0	0	0	0	0	0	0	3	2	1	4
Brazil	8	1	1	1	0	0	0	0	0	0	0	0	8	1	1	1
Canada	0	0	2	1	0	0	0	0	0	0	0	1	0	0	2	2
Chile	0	0	0	0	0	0	0	0	1	1	0	0	1	1	0	0
China	1	2	0	1	0	0	0	0	0	0	1	0	1	2	1	1
Colombia	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Costa Rica	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0
Dominican republic	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ecuador	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0
Egypt	0	0	0	0	0	0	0	0	2	0	0	0	2	0	0	0
Eurasian Economic Union	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GCC	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
India	1	3	4	2	0	0	0	0	2	2	0	1	3	5	4	3
Indonesia	0	0	0	0	0	0	0	0	3	0	0	0	3	0	0	0
Jordan	0	0	0	0	0	0	0	0	0	1	1	0	0	1	1	0
Korea	0	1	0	2	0	0	0	0	0	0	0	0	0	1	0	2
Malaysia	0	0	0	0	0	0	0	0	1	2	2	0	1	2	2	0
Mexico	3	2	1	1	0	0	0	0	0	0	0	0	3	2	1	1
Morocco	1	1	0	0	0	0	0	0	1	0	1	0	2	1	1	0
Philippines	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0
South Africa	1	1	0	0	0	0	0	0	0	1	1	2	1	2	1	2
Thailand	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0
Turkey	2	1	2	1	0	0	0	0	1	0	0	2	3	1	2	3
Ukraine	0	0	0	0	0	0	0	0	0	1	0	1	0	1	0	1
United States	1	5	4	6	1	1	2	2	0	0	0	2	2	6	6	10
Vietnam	0	0	0	0	0	0	0	0	0	2	2	0	0	2	2	0
Zambia	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0
<b>TOTAL</b>	<b>21</b>	<b>19</b>	<b>15</b>	<b>20</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>15</b>	<b>10</b>	<b>9</b>	<b>10</b>	<b>37</b>	<b>30</b>	<b>26</b>	<b>32</b>

E. Third countries' measures in force at the end of 2015, 2016, 2017 and 2018

Country	AD				CVD				SG				TOTAL			
	2015	2016	2017	2018	2015	2016	2017	2018	2015	2016	2017	2018	2015	2016	2017	2018
Argentina	5	5	5	5	0	0	0	0	0	0	0	0	5	5	5	5
Australia	5	6	7	10	0	0	0	0	0	0	0	0	5	6	7	10
Brazil	16	15	16	16	0	0	0	0	0	0	0	0	16	15	16	16
Canada	4	4	6	7	1	1	1	1	0	0	0	1	4	5	7	9
Chile	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0
China	17	17	17	16	2	2	2	1	0	0	1	1	19	19	20	18
Colombia	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Costa Rica	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1	1
Dominican Republic	1	1	1	1	0	0	0	0	0	0	0	0	1	1	1	1
Ecuador	0	0	0	0	0	0	0	0	1	1	0	0	1	1	0	0
Egypt	1	0	0	0	0	0	0	0	2	1	0	0	3	1	0	0
Eurasian Economic Union	1	1	1	0	0	0	0	0	2	0	0	0	3	1	1	0
GCC	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
India	15	19	19	19	0	0	0	0	4	5	2	2	19	24	21	21
Indonesia	0	0	0	0	0	0	0	0	8	7	4	2	8	7	4	2
Japan	1	1	1	1	0	0	0	0	0	0	0	0	1	1	1	1
Jordan	0	0	0	0	0	0	0	0	0	1	1	1	0	1	1	1
Korea	1	2	2	3	0	0	0	0	0	0	0	0	1	2	2	3
Lebanon	0	0	0	0	0	0	0	0	0	0	1	1	0	0	1	1
Malaysia	0	0	0	0	0	0	0	0	1	3	3	2	1	3	3	2
Mexico	5	5	7	6	0	0	0	0	0	0	0	0	5	5	7	6
Morocco	3	4	4	4	0	0	0	0	2	2	3	3	5	6	7	7
New Zealand	2	2	1	1	0	0	0	0	0	0	0	0	2	2	1	1
Pakistan	4	2	2	2	0	0	0	0	0	0	0	0	4	2	2	2
Philippines	0	0	0	0	0	0	0	0	3	3	3	2	3	3	3	2
South Africa	2	3	3	3	0	0	0	0	1	1	1	3	3	4	4	6
Thailand	1	1	1	1	0	0	0	0	3	3	3	3	4	4	4	4
Turkey	7	8	10	10	0	0	0	0	5	2	2	4	12	10	12	14
Ukraine	1	1	0	0	0	0	0	0	2	2	1	2	3	3	1	2
USA	16	19	22	27	2	2	4	4	0	0	0	2	18	21	26	33
Vietnam	0	0	0	0	0	0	0	0	1	3	4	4	1	3	4	4
Zambia	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0
<b>TOTAL</b>	<b>108</b>	<b>116</b>	<b>125</b>	<b>133</b>	<b>5</b>	<b>5</b>	<b>7</b>	<b>6</b>	<b>38</b>	<b>35</b>	<b>30</b>	<b>35</b>	<b>150</b>	<b>156</b>	<b>162</b>	<b>174</b>

F. Detail of third countries' measures in force at the end of 2018

Country	Product	Instrument	Type Of Measure	Date Of Imposition	Exporting MS
Argentina	Ceramic borders	AD	Definitive	02-07-2014	Spain
Argentina	Coated paper	AD	Definitive	14-06-2012	Austria, Finland
Argentina	Electrical terminals	AD	Definitive	02-04-2009	Germany
Argentina	PVC profiles	AD	Definitive	03-06-2014	Germany
Argentina	Straight handsaw blades	AD	Definitive	21-02-2008	Sweden
Australia	A4 Copy paper	AD	Provisional	18-05-2018	Austria, Slovakia, Finland
Australia	Ammonium nitrate	AD	Provisional	25-10-2018	Sweden
Australia	Chrome bars	AD	Definitive	06-09-2016	Romania
Australia	Prepared or preserved tomato products (all other exporters)	AD	Definitive	16-04-2014	Italy
Australia	Processed dried currants	AD	Definitive	14-01-2009	Greece
Australia	Processed tomatoes	AD	Definitive	11-02-2016	Italy
Australia	Q&T Steel Plate	AD	Definitive	05-11-2014	Finland, Sweden
Australia	Railway wheels	AD	Provisional	18-06-2018	France
Australia	Steel Reinforcing Bar	AD	Definitive	19-11-2015	Spain
Australia	Steel reinforcing bar	AD	Definitive	06-03-2018	Greece, Spain
Brazil	Adipic Acid	AD	Definitive	01-04-2015	Germany, France, Italy
Brazil	Butyl Acrylate	AD	Definitive	25-09-2015	Germany
Brazil	Elastomeric rubber pipes	AD	Definitive	22-06-2015	Germany, Italy
Brazil	Ethanolamines and triethanolamines	AD	Definitive	04-11-2013	Germany
Brazil	Frozen fries	AD	Definitive	17-02-2017	Belgium, Germany, France, Netherlands
Brazil	Galvanized steel wire	AD	Definitive	30-01-2015	Sweden
Brazil	Glazed papers	AD	Definitive	22-10-2008	Finland
Brazil	Laminated steel	AD	Definitive	04-10-2013	Germany, Finland
Brazil	Lightweight paper	AD	Definitive	23-04-2012	Belgium, Germany, Finland, Sweden
Brazil	Milk powder	AD	Definitive	23-02-2001	Denmark, Ireland
Brazil	Monobutyl ethers of ethylene glycol	AD	Definitive	22-04-2016	Germany
Brazil	Nitrile Rubber	AD	Definitive	13-08-2018	France
Brazil	Offset printing plates	AD	Definitive	05-03-2015	Belgium, Germany, United Kingdom
Brazil	Phenol	AD	Definitive	16-10-2002	Belgium, Germany
Brazil	Plastic Tubes for Blood Collection	AD	Definitive	30-04-2015	Germany, United Kingdom
Brazil	Seamless steel pipes	AD	Definitive	07-10-2005	
Canada	Certain fabricated industrial steel components	AD	Definitive	25-05-2017	Spain, United Kingdom
Canada	Certain steel products	SG	Provisional	25-10-2018	
Canada	Copper tubes	AD	Definitive	02-01-2014	Greece
Canada	Hot-rolled carbon steel plate and high-strength low-alloy steel plate	AD	Definitive	09-01-2004	Czech Republic, Bulgaria, Romania

Canada	Nitisinone capsules	AD	Provisional	20-12-2018	Sweden
Canada	Rebar	AD	Provisional	03-01-2017	Spain, Portugal
Canada	Refined sugar	AD	Definitive	06-11-1995	Denmark, Germany, Netherlands, United Kingdom
Canada	Refined sugar	CVD	Definitive	06-11-1995	European Union
Canada	Steel plate	AD	Definitive	04-06-2014	Denmark, Italy
China	Adipic acid	AD	Definitive	02-11-2009	Germany, France, Italy
China	Alloy Seamless Tubes	AD	Definitive	10-05-2014	Germany, France, Italy
China	Caprolactam	AD	Definitive	22-09-2011	Czech Republic, Germany, Spain, Netherlands, Poland
China	Certain iron or steel fasteners	AD	Definitive	29-06-2010	Germany, Spain, France, Italy, Netherlands, Poland, Sweden, United Kingdom
China	Chloroprene Rubber	AD	Definitive	10-05-2005	Germany, France, European Union
China	Ethylene Glycol Monobutyl Ether	AD	Definitive	25-01-2013	Germany, France, Sweden
China	Grain oriented flat-rolled steel (GOES)	AD	Definitive	23-07-2016	Germany, Poland, United Kingdom
China	halogenated butyl rubber	AD	Definitive	20-08-2018	Belgium, United Kingdom
China	Optical fiber	AD	Definitive	22-04-2011	Denmark, Germany, France, Italy, Netherlands
China	Perchlorethylene	AD	Definitive	30-05-2014	Germany, France
China	Photographic paper	AD	Definitive	23-03-2012	Netherlands, United Kingdom
China	Polyamide-6 (PA6)	AD	Definitive	22-04-2010	Belgium, Germany, Italy, Netherlands, Poland
China	Polyamide-6,6	AD	Definitive	12-10-2009	France, Italy, United Kingdom
China	Potato Starch	CVD	Definitive	17-09-2011	Germany, France, Netherlands
China	Potato Starch	AD	Definitive	06-02-2007	Germany, France, Netherlands
China	sugar	SG	Definitive	22-05-2017	
China	Toluidine	AD	Definitive	13-03-2013	Germany
China	Unbleached sack paper	AD	Definitive	09-04-2016	Austria, Finland, Sweden, Bulgaria
Colombia	Frozen fries	AD	Definitive	09-11-2018	Belgium, Germany, Netherlands
Costa Rica	Pounded Rice	SG	Definitive	19-02-2015	Italy
Dominican Republic	Steel bars	AD	Definitive	30-07-2014	Spain

Gulf Cooperation Council	Flat rolled products of iron or non-alloy steel	SG	Definitive	15-05-2018	Belgium, Germany, Italy
India	2-Ethyl Hexanol	AD	Definitive	18-02-2016	Germany
India	Acetone	AD	Definitive	11-03-2008	Belgium, Spain, Italy
India	Certain Rubber Chemicals	AD	Definitive	20-11-2005	Belgium, Germany, Italy
India	Cold rolled steel 600 - 1250 mm	AD	Definitive	24-10-2017	Belgium, Germany, Spain, Italy, Netherlands, Finland
India	Cold-Rolled Flat Products of Stainless Steel	AD	Definitive	20-02-2010	Belgium, Spain, France, Italy, Netherlands, Finland, Sweden, United Kingdom
India	Colour coated/pre-painted flat products of alloy or non-alloy steel	AD	Definitive	17-10-2017	Belgium, Germany, France, Netherlands, Austria, Portugal
India	Flexible Slabstock Polyol	AD	Definitive	07-04-2015	
India	Hot rolled flat sheets and plates thick $\leq$ 150mm, width $\geq$ 600 mm	SG	Definitive	23-11-2016	Belgium, Germany, France, Italy, Austria, Sweden
India	Methylene Chloride	AD	Definitive	21-05-2014	
India	Morpholine	AD	Definitive	24-01-2012	
India	Normal Butanol or N-Butyl Alcohol	AD	Definitive	19-02-2016	Germany
India	Phenol	AD	Definitive	08-03-2016	Belgium, Spain, Netherlands
India	Polyvinyl Chloride Suspension Grade Resin	AD	Definitive	13-06-2014	
India	PVC paste resin	AD	Definitive	07-10-2004	Spain, Italy
India	SBR - Styrene Butadiene Rubber of 1500 series and 1700 series	AD	Definitive	30-08-2017	
India	Sodium Chlorate	AD	Definitive	02-11-2017	
India	Sodium Nitrate	AD	Definitive	13-11-2014	Bulgaria
India	Sodium nitrite	AD	Definitive	29-11-2002	European Union
India	Solar Cells whether or not assembled in modules or panels	SG	Definitive	30-07-2018	Germany, France
India	Synthetic Filament Yarn of Nylon	AD	Definitive	06-10-2018	
India	Wooden flooring	AD	Definitive	27-03-2018	Denmark, Germany, Spain, Italy, Lithuania, Poland
Indonesia	Flat rolled iron	SG	Definitive	22-07-2014	
Indonesia	H and I sections of other alloy steel	SG	Definitive	21-01-2015	
Japan	Electrolytic Manganese Dioxide	AD	Definitive	29-08-2008	Spain

Jordan	Aluminium bars, rods and profiles	SG	Definitive	15-05-2017	
Korea/South	Butyl Glycol Ether	AD	Definitive	06-12-2016	
Korea/South	Coated printing paper	AD	Definitive	22-07-2018	Finland
Korea/South	Stainless steel bar	AD	Provisional	16-11-2018	Italy
Lebanon	Sunflower and Soya Oil	SG	Definitive	16-05-2016	France, Hungary
Malaysia	steel concrete reinforcing bar	SG	Definitive	14-04-2017	Germany, Austria, Finland, United Kingdom
Malaysia	steel wire rods and deformed bar in coils	SG	Definitive	15-04-2017	Spain
Mexico	Carbon steel tubes	AD	Definitive	21-04-2016	Spain
Mexico	carbon steel tubes with longitudinal straight seam	AD	Definitive	06-01-2010	United Kingdom
Mexico	Hot rolled steel coils	AD	Definitive	23-12-2015	Germany, France
Mexico	Seamless carbon steel pipes	AD	Definitive	04-04-2018	Spain
Mexico	Steel plate produced in Romania	AD	Definitive	22-09-2005	
Mexico	Stranded wire ropes & cables	AD	Definitive	27-02-2016	Spain, Portugal
Morocco	Bars and wire rods	SG	Definitive	01-04-2014	
Morocco	Cold rolled steel sheets and plated or coated sheets	SG	Definitive	07-09-2015	
Morocco	Hot rolled steel sheets	AD	Definitive	12-08-2014	
Morocco	Insulin	AD	Definitive	03-02-2015	
Morocco	Paper A4	AD	Definitive	20-10-2014	
Morocco	Paper reels and reams	SG	Definitive	01-01-2017	Germany, Portugal, Finland, Sweden
Morocco	PVC	AD	Definitive	29-12-2016	Belgium, Germany, Spain, France, Portugal
New Zealand	Canned peaches	AD	Definitive	09-03-1998	Greece
Pakistan	Hydrogen Peroxide	AD	Definitive	15-07-2011	Belgium
Pakistan	Phthalic Anhydride	AD	Provisional	07-02-2013	Italy
Philippines	Steel angle bars	SG	Definitive	31-08-2009	
Philippines	Testliner board	SG	Definitive	16-09-2010	Belgium, Germany
South Africa	Certain flat rolled iron/steel products	SG	Definitive	11-08-2017	Belgium, Germany, Sweden
South Africa	Frozen chicken	AD	Definitive	27-02-2015	Germany, Netherlands, United Kingdom
South Africa	Frozen chicken BSG	SG	Definitive	28-09-2018	Belgium, Denmark, Germany, Ireland, Netherlands, Poland, United Kingdom
South Africa	Potato chips	AD	Definitive	21-10-2016	Belgium, Netherlands
South Africa	Ropes & cables of iron or steel	AD	Definitive	28-08-2002	Germany, United Kingdom
South Africa	screws made of steel with hexagon heads	SG	Provisional	01-08-2018	



Thailand	Hot rolled steel flat with certain amounts of alloying elements	SG	Definitive	15-09-2013	
Thailand	Hot-rolled flat in coils and not in coils	AD	Definitive	27-05-2003	Slovakia
Thailand	Non Alloy Hot Rolled Steel Flat Products in (non) coils	SG	Definitive	23-12-2014	Belgium, Germany, Spain, Sweden
Thailand	Structural Hot Rolled H-Beam with Alloy	SG	Definitive	28-01-2017	
Turkey	Electrical water heaters	AD	Definitive	19-09-2013	Italy
Turkey	Fittings	AD	Definitive	07-09-2006	
Turkey	hinges	AD	Definitive	20-10-2017	Greece, Spain, Italy
Turkey	Laminated flooring	AD	Definitive	13-06-2015	Germany
Turkey	plywood	AD	Definitive	28-10-2016	Bulgaria
Turkey	Polyethylene terephthalate	SG	Definitive	07-11-2011	Germany, Greece, Spain, Italy
Turkey	Polyvinyl chloride (PVC)	AD	Definitive	06-02-2003	Belgium, Germany, Greece, Italy, Hungary, Netherlands, Finland, Romania
Turkey	Sodium Percarbonate	AD	Definitive	02-03-2018	Germany, Sweden
Turkey	steel and steel products	SG	Provisional	02-10-2018	
Turkey	Toothbrushes	SG	Definitive	03-02-2018	Germany, Sweden
Turkey	Tubes and pipes of refined copper	AD	Definitive	17-10-2017	Greece
Turkey	Wall paper	SG	Definitive	06-08-2015	Belgium, Germany, Italy, United Kingdom
Turkey	woven fabrics of synthetic filament yarn	AD	Definitive	22-08-2015	Bulgaria
Turkey	woven fabrics of synthetic and artificial staple fibres	AD	Definitive	22-08-2015	Poland, Bulgaria
Ukraine	Flexible porous plates, blocks and sheets of polyurethane foam	SG	Definitive	07-07-2016	Hungary, Poland, Romania
Ukraine	Sulphuric acid and oleum	SG	Definitive	01-09-2018	
United States	Brass sheet & strip	AD	Definitive	06-03-1987	Italy
United States	Brass sheet & strip	AD	Definitive	06-03-1987	France
United States	Brass sheet & strip	AD	Definitive	06-03-1987	Germany
United States	Carbon & alloy steel cut to length plate	AD	Definitive	05-05-2017	Belgium, Germany, France, Italy, Austria
United States	Certain carbon and alloy steel wire rod	CVD	Definitive	19-03-2018	Italy
United States	Certain carbon and alloy steel wire rod	AD	Definitive	20-03-2018	Spain, Italy, United Kingdom
United States	Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel	AD	Definitive	10-04-2018	Germany, Italy
United States	Chlorinated isocyanurates	AD	Definitive	24-06-2005	Spain

United States	citric acid, sodium citrate, and potassium citrate (also in blends under HS 382499)	AD	Definitive	25-07-2018	Belgium
United States	Cold rolled steel flat products	AD	Definitive	10-09-2016	Netherlands, United Kingdom
United States	Corrosion-resistant steel	AD	Definitive	15-07-2016	Italy
United States	Corrosion-resistant steel	CVD	Definitive	15-09-2016	Italy
United States	crystalline silicon photovoltaic (CSPV) cells (whether or not partially or fully assembled into other products)	SG	Definitive	07-02-2018	Germany, Italy
United States	Emulsion styrene-butadiene rubber (ESB rubber)	AD	Definitive	12-09-2017	Poland
United States	Finished Carbon Steel Flanges	AD	Provisional	26-01-2017	Spain, Italy
United States	Forged steel fittings	AD	Definitive	26-11-2018	Italy
United States	Hot rolled steel	AD	Definitive	12-09-2016	Netherlands, United Kingdom
United States	Large Diameter Welded Pipes	AD	Provisional	27-08-2018	Greece
United States	Large residential washers (LRWs) and certain parts thereof	SG	Definitive	07-02-2018	Germany, Spain, Italy, Sweden
United States	Low enriched uranium	AD	Definitive	37300	France
United States	Non-oriented electrical steel	AD	Definitive	18-11-2014	Germany, Sweden
United States	Pasta	AD	Definitive	35270	Italy
United States	Pasta	CVD	Definitive	35270	Italy
United States	Pressure sensitive plastic tape x673	AD	Definitive	21-10-1977	Italy
United States	Ripe Olives	CVD	Definitive	01-08-2018	Spain
United States	Ripe Olives	AD	Definitive	01-08-2018	Spain
United States	Seamless pipe	AD	Definitive	04-03-1997	Germany
United States	Seamless pipe small diameter	AD	Definitive	11-10-2011	Romania
United States	Sodium Nitrite	AD	Definitive	27-08-2008	Germany
United States	Stainless steel bar x709	AD	Definitive	02-03-1995	Spain
United States	Stainless steel butt-weld pipe fittings	AD	Definitive	23-02-2001	Italy
United States	Stainless steel plates in coils	AD	Definitive	21-05-1999	Belgium
United States	Stainless steel wire rod x743	AD	Definitive	15-09-1998	Spain, Italy
United States	Stainless steel wire rod x745	AD	Definitive	15-09-1998	Italy
United States	Steel concrete reinforcing bars	AD	Definitive	37141	Latvia
United States	Steel concrete reinforcing bars x752	AD	Definitive	37141	Poland
United States	Uncoated paper	AD	Definitive	20-01-2016	Portugal
Vietnam	Certain mineral or chemical fertilizers	SG	Provisional	04-08-2017	
Vietnam	Monosodium glutamate- food flavour	SG	Definitive	25-03-2016	Belgium, Germany, Spain
Vietnam	Pre-painted galvanized steel sheet and strip	SG	Definitive	15-06-2017	Belgium, Germany, Austria
Vietnam	semi-finished and finished products of alloy&non-alloy steel	SG	Definitive	02-08-2016	