

Van Bael & Bellis successfully assists Argentina in the proceedings before the WTO Appellate Body against the EU Anti-Dumping Measures on Biodiesel from Argentina

On 6 October 2016, the WTO Appellate Body ruled that the anti-dumping measures imposed by the EU on imports of biodiesel from Argentina violate WTO rules. Most notably, the Appellate Body upheld the Panel's findings that by rejecting the costs included in the exporters' records and replacing them with out-of-country costs the EU acted inconsistently with Articles 2.2 and 2.2.1.1 of the Anti-Dumping Agreement.

This ruling is significant as it confirms that the EU practice of disregarding actual domestic input costs incurred by exporters of allegedly dumped products and replacing them with international costs is WTO-inconsistent. The Appellate Body's findings are likely to have far-reaching effects on EU anti-dumping practice and policy.

The case stems from anti-dumping and anti-subsidy investigations initiated by the Commission in 2012. While the anti-subsidy investigation was terminated without measures, definitive anti-dumping duties were imposed in November 2013. These measures were challenged before the WTO and the EU General Court which decided to annul the anti-dumping duties in September this year.

In order to comply with the findings of the General Court and the Appellate Body the EU will now have to withdraw its anti-dumping measures on biodiesel from Argentina.

Van Bael & Bellis partner Richard Luff, the head of the firm's Geneva office Clotilde du Parc and associate Joanna Redelbach represented the Government of Argentina in the proceedings. The Appellate Body Report can be found [here](#).

About Van Bael & Bellis

Van Bael & Bellis is a leading independent law firm based in Brussels, with a second office in Geneva. The firm is known for its client-centred approach and extensive expertise in competition law, international trade law and Belgian business law. With a growing number of lawyers coming from more than 20 different countries, Van Bael & Bellis brings together a highly effective team of professionals with multi-jurisdictional expertise and an international perspective.

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