EU Trade Defence Law

Van Bael & Bellis has the largest and most expert team of lawyers in Brussels handling EU trade law. During its 30 years of existence, the firm has handled more than 450 EU anti-dumping and anti-subsidy cases. It is also the author of the leading treatise on EU trade law – “EU Anti-Dumping and other Trade Defence Instruments”, now in its fifth edition (Kluwer Law International, 2011). Multinational companies and national industry associations also regularly rely on the firm for assistance in trade defence investigations initiated by investigating authorities in non-EU jurisdictions.

Van Bael & Bellis has unrivalled experience in representing clients in anti-dumping cases before the European Commission and EU Courts. We assist clients in dealing with all aspects of their case, including completion of questionnaire responses, drafting of injury submissions, preparation of and attendance at on-the-spot verifications by Commission officials and representation of clients at Commission hearings. In view of our extensive experience, we have built up a strong network of contacts at all levels of the Commission and Member State administrations with whom we have an excellent working relationship. We also provide strategic advice to clients who wish to prepare for future anti-dumping actions or who wish to manage the aftermath of an anti-dumping measure, including interim and sunset reviews, anti-absorption and anti-circumvention investigations as well as refund applications.

The firm regularly advises foreign governments on trade law and has been asked to train the anti-dumping and anti-subsidy units of several WTO Members on the practical and legal intricacies of anti-dumping proceedings, including conducting seminars for The International Trade Centre (ITC).


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Notable assignments

Van Bael & Bellis’ extensive experience includes assisting:

> Argentinean producers of biodiesel before the EU General Court. The case stems from anti-dumping and anti-subsidy investigations initiated by the Commission in 2012 concerning imports of biodiesel from Argentina. The anti-subsidy investigation was terminated without measures, but anti-dumping duties were imposed. These duties were challenged before the EU General Court and the WTO. On 29 March 2016, the WTO circulated the findings of the WTO Panel upholding Argentina’s challenges to certain aspects of the anti-dumping measures imposed by the EU. On 15 September 2016, the EU General Court annulled the anti-dumping duties.

> Giant China, the world’s largest bicycle manufacturer, in its successful challenge before the EU General Court of the imposition of anti-dumping duties on imports of bicycles from China. Upon annulment of the regulation imposing anti-dumping duties by judgment of the General Court, the European Bicycle Manufacturers Association (EBMA) lodged an appeal. The firm continues to represent Giant China in the on-going appeal.

> AK Steel Corporation, the largest producer of electrical steel in the US, and a very large industrial user, Schneider Electric, in the framework of the anti-dumping proceeding initiated by the EU on imports of grain-oriented electrical steel from the US. This is possibly the largest proceeding initiated by the steel industry (Eurofer) in many years (involving several producers from five different countries and a wide range of prominent user industries). In October 2015, the Commission imposed definitive measures in the form of minimum prices.

> The Chinese industry and one of the main Chinese exporting producers (CCCME and Trina Solar Co. Ltd) in the framework of the anti-dumping and anti-subsidy investigations initiated by the EU on imports of Chinese solar panels, modules and cells. The investigation ended with the imposition of duties for an exceptionally short period of time (i.e. 2 years) and the conclusion of an undertaking agreement between the Chinese producers and the European Commission. According to the Commissioner for Trade, the case could serve as a “model” for negotiated solutions in trade defence cases.

> Alumina d.o.o. before the General Court. On 30 April 2013, the General Court annulled Council Implementing Regulation (EU) No 464/2011 of 11 May 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of zeolite originating in Bosnia and Herzegovina.

> A major producer in Ukraine during the anti-dumping investigation initiated by the Commission in 2012 against imports of hollow section from Ukraine. The investigation was terminated and no measures were imposed.
Anti-subsidy

Van Bael & Bellis represents foreign governments as well as individual exporters involved in anti-subsidy investigations. Our assistance includes handling all aspects of a case, from the completion of questionnaire responses to representing clients at Commission hearings. In addition, over many years, we have built up a strong network of contacts at all levels of the Commission and Member State administrations with whom we have an excellent working relationship. A critical feature of any anti-subsidy investigation is the identification and quantification of subsidies. In view of our extensive experience in this area, we are distinctly qualified to assist clients in assessing their exposure to a possible subsidy finding.

Van Bael & Bellis has represented clients in most of the EU anti-subsidy proceedings initiated by the European Commission.

Notable assignments

Van Bael & Bellis’ extensive experience includes assisting:

- The largest Chinese exporting producer of polyester staple fibers (PSF) in China, Far Eastern Industries (Shanghai) in the EU anti-subsidy investigation concerning imports of PSF from China. The investigation was terminated without the imposition of countervailing measures in rare findings of the Commission that the margin of subsidization of the Chinese producers was de minimis.
- The sole exporting producer of PET in Pakistan, Novatex Ltd., in an appeal before the EU General Court against the imposition of countervailing duties concerning imports of PET. On 11 October 2012, the General Court annulled the countervailing duty with respect to Novatex Ltd.
- The Government of Oman and OCTAL, the largest Omani producer of PET, as well as SABIC, the largest Saudi producer of PET, in the anti-dumping and anti-subsidy investigations in the EU against imports of bottle-grade PET from Oman and Saudi Arabia. The case was terminated on the grounds of absence of dumping and subsidisation.
Safeguards

Van Bael & Bellis has been involved in most of the safeguard investigations initiated by the European Commission in recent years, including the 2002 investigation concerning steel products, the 2004 investigation concerning imports of farmed salmon and the 2010 investigation concerning WWAN modems.

Trade Defence Investigations in Non-EU Jurisdictions

Van Bael & Bellis also regularly assists companies and national industry associations in trade defence investigations initiated in non-EU jurisdictions. The firm’s experience includes handling all aspects of a case, such as completing questionnaire responses, drafting submissions, attending on-the-spot verifications, representing clients at hearings and preparing the overall defence strategy.

Notable assignments

Van Bael & Bellis’ extensive experience includes assisting exporting producers in the:

- Anti-dumping investigation concerning refrigerators initiated by Morocco against Turkey.
- Anti-dumping investigation initiated by India concerning imports of Cold Rolled Flat Steel products originating in China and Ukraine.
- Anti-dumping investigation concerning rebars initiated by Brazil against Turkey.
- Anti-subsidy investigation concerning PET initiated by Egypt against Oman.
- Anti-dumping investigation and the parallel safeguard investigation concerning peeled tomatoes initiated by Australia against Italy.
- Safeguard investigations against cars (Ukraine), steel rebar (Egypt), steel products (Colombia) and steel rebar (Israel).

“The firm is singled out as one of the most prominent forces in complex anti-dumping, countervailing duty and safeguard investigations.”

Chambers Global 2016
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