

EU Investigations against China – Quick Reference (as of 05 May 2024)

| Investigation | Legal basis | Timeline | Remedy | Decision-making |
|--|---|---|---|---|
| <p>Anti-subsidy investigation into new battery electric vehicles</p> <p>Other ongoing anti-subsidy investigations against China (sometimes in parallel with anti-dumping investigations):</p> <ul style="list-style-type: none"> • Organic coated steel products • Bicycles (electric) • Mobile access equipment • Alkyl Phosphate Esters • Tyres for buses or lorriesbn | Regulation (EU) 2016/1037 (the Basic Anti-subsidy Regulation, amended in 2017, 2018, and 2020); WTO SCM Agreement | Investigation launched on 04 October 2023, to be concluded within 13 months. On 05 March 2024, the Commission required Chinese EV imports to be registered, allowing for retroactive duties (Commission Implementing Regulation (EU) 2024/785) | If the Commission concludes that subsidised imports cause injury to EU industry, it can impose provisional and/or permanent (“definitive”) countervailing duties. Provisional duties can be applied no later than 9 months from the start of the investigation and can be in place for 4 months. | <p>Provisional duties: (Urgent) Advisory procedure; can apply immediately without prior submission to Member States (Art. 8 Comitology Regulation)</p> <p>Permanent duties: Examination procedure (QMV); Commission cannot adopt if simple majority in Trade Defence Instruments Committee is against (Art. 5(5) of Comitology Regulation)</p> |
| <p>Anti-dumping investigations against Chinese companies (incl. expiry review of existing duties and anti-circumvention)</p> <ul style="list-style-type: none"> • Certain steel and aluminium products (organic coated steel products; steel ropes and cables; aluminium radiators; etc.) • Biodiesel and chemicals (melamine; erythritol; titanium dioxide; oxalic acid) • Glass fibre yarns; Bicycles (electric); Tyres for buses or lorries; Mobile access equipment; Lever arch mechanisms | Regulation (EU) 2016/1036 (the Basic Anti-dumping Regulation, amended in 2017, 2018, and 2020); WTO AD Agreement | The Commission must conclude its investigation and impose any measures within 14 months of the initiation of the investigation. | If the Commission discovers injury caused by dumping, it can impose provisional and/or permanent anti-dumping duties. Provisional duties can be applied no later than 8 months from the start of the proceedings and can be in place for up to 6 months (or 9 months where exporters representing significant share of trade request so/do not object.) | <p>Provisional duties: (Urgent) Advisory procedure; can apply immediately without prior submission to Member States (Art. 8 Comitology Regulation)</p> <p>Permanent duties: Examination procedure (QMV); Commission cannot adopt if simple majority in Trade Defence Instruments Committee is against (Art. 5(5) of Comitology Regulation)</p> |
| <p>International Procurement Instrument investigation into impairment of access to the Chinese procurement market for medical devices</p> | Regulation (EU) 2022/1031 (the International Procurement Instrument – IPI) | Investigation initiated on 24 April 2024. To be concluded within 9 months. This can be extended by up to 5 months. | If the Commission finds discrimination against EU firms, it can limit access of Chinese firms to EU procurement. This can take two forms: Score adjustment (penalising bids from Chinese companies for the purpose of selecting tenders) or excluding Chinese bids. | <p>Score adjustment: Examination procedure (QMV)</p> <p>Exclusion of tenders: Examination procedure (QMV) plus “no opinion” clause (Art. 11(3) IPI). The Commission cannot adopt implementing act if the Trade Barriers Committee delivers no opinion and simple majority opposes it.</p> |
| <p>Foreign Subsidies Regulation investigations</p> <ul style="list-style-type: none"> • Bulgarian electric trains (launched 16 February 2024; company withdraws) • Romanian solar park (launched 03 April 2024) • Wind parks in Spain, Greece, France, Romania and Bulgaria (announced 09 April 2024) • Security equipment (launched preliminary review on 23 April 2024) | Regulation (EU) 2022/2560 (the Foreign Subsidies Regulation); Commission Implementing Regulation (EU) 2023/1441 | FSR suggests 18 months until decision following in-depth investigation. | If the Commission determines that foreign subsidies distort the internal market, it can impose redressive measures or commitments to remedy the distortion, e.g., restrictions on commercial activity or repayment of subsidies (Art. 11 FSR). Interim measures are possible outside of public procurement (Art. 12 FSR). | Advisory procedure for both interim and final Commission implementing decision. Member States are consulted via the new Foreign Subsidies Advisory Committee . |
| <p>Formal proceedings to assess breaches of digital services rules</p> <ul style="list-style-type: none"> • TikTok regarding protection of minors, advertising transparency, data access and risk management of addictive design and harmful content (launched 19 February 2024) • AliExpress regarding management and mitigation of risks, content moderation and the internal complaint handling mechanism, transparency of advertising and recommender systems, the traceability of traders and data access for researchers (launched 14 March 2024) • Shein (designated as Very Large Online Platform on 26 April 2024, not an investigation yet) | Regulation (EU) 2022/2065 (Digital Services Act) | The DSA does not set a deadline for concluding formal proceedings. Shein will have to comply with the DSA within four months of being designated. | If the Commission finds that the provider does not comply with the DSA, it can adopt a decision ordering the provider to ensure compliance within a specified timeframe. It can also levy fines not exceeding 6% of global revenue in the preceding financial year for intentional or negligent non-compliance. It can also impose interim measures during the proceedings. | Not comitology. The Commission is in charge of supervision and enforcement for very large online platforms and very large online search engines. The Commission “shall take utmost account of any opinion” of the new European Board for Digital Services . The Board is composed of Member States’ competent authorities, the so-called Digital Services Coordinators, and operates by simple majority (Art. 62 DSA). |

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