

of information technologies in the customs sphere, the creation of a customs clearance infrastructure with a partial transition to online interaction.

The active introduction and application of information technologies in the customs sphere today is the most urgent task for all countries of the world. This will allow business entities to enter the foreign market without barriers, strengthen foreign economic ties, and increase their competitiveness in the world market.

The advantages for the customs authorities are the acceleration of trade turnover, the prompt detection of cases of smuggling and attempts to evade customs payments. All these factors directly affect the protection of the population and the replenishment of the state budget of the Republic of Korea. High-quality customs services today can be provided at any time and in any place through the use of information technology and the Korean Customs is an excellent example of this.

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**ANTI-DUMPING INVESTIGATION IN THE EUROPEAN UNION AND  
THE EURASIAN ECONOMIC UNION: STAGES AND RESULTS OF  
ANTI-DUMPING INVESTIGATION**

*Research Field:*

*Secure business environment for economic development.*

The purpose of the research is to compare the stages of anti-dumping investigations in the European Union (hereinafter - the EU) and the Eurasian Economic Union (hereinafter – the EAEU).

Anti-dumping measures are a tool to protect the internal market of the EU and the EAEU from dumping. Dumping is a price discrimination, when the price of a product in the importing country is lower than the price of the same product in the exporting country.

Regulation (EU) 2016/1036 (hereinafter referred to as the Regulation) and the Protocol on the Application of Special, Anti-Dumping and Countervailing Duties in Relation to Third Countries (hereinafter referred to as the Protocol) are documents that establish the procedure for conducting an anti-dumping investigation and the introduction of anti-dumping measures.

An anti-dumping investigation may begin due to the fact that the competent authority of the EU and the EAEU has evidence of the cases of dumping and damage to the branches of goods manufacturing. Also, the reason for launching an anti-dumping investigation may be the

filing of an application by an individual, a legal entity or any other organization that does not have the status of a legal entity acting on behalf of the Union branch. In order to file an application (complaint), the applicant must comply with certain conditions:

1. Producers of similar goods who support the applicant must account for at least 25% of the total production of similar goods produced by the Union industry.
2. The volume of production of the goods by the applicant and the manufacturers must amount to more than 50% of the total volume of production of a similar product produced by that part of the Union's industry that expresses either support or disagreement with the complaint.

The anti-dumping investigation in the EU, initiated in accordance with Article 5 (9) of the Regulation, is completed within 12 months. The anti-dumping investigation may be completed within 15 months from the date of commencement of the investigation in accordance with Article 6(9) of the Regulations<sup>1</sup>.

The term of the anti-dumping investigation in the EAEU is 12 months from the starting date of the investigation on the basis of an application for exercising anti-dumping measures. This period may be extended by the body conducting investigations, but not more than 6 months. The maximum duration of an anti-dumping investigation may be 18 months<sup>2</sup>.

The stages of the anti-dumping investigation in the EU and the EAEU:

1. Application (complaint). A complaint is considered filed if it is supported by those manufacturers whose total production volume is more than 50% of the total production of a similar product manufactured by that part of the Union's industry that expresses either support or disagreement with the complaint. However, an investigation should not be initiated if the producers of the Union directly supporting the complaint account for less than 25% of the total production of a similar product produced by the industry of the Union.

A complaint in the EU is filed with the Commission of the European Union, and in the EAEU — with the Department of Internal Market Protection.

The complaint is considered within 30 days by the Department of Internal Market Protection of the EAEU and 45 days by the Commission of the European Union. After the expiration of these terms, the competent authorities decide to initiate an anti-dumping investigation.

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<sup>1</sup> Regulation (EU) 2016/1036 of the European Parliament and of the Council of June 8, 2016 on protection against dumping imports from non-member countries of the European Union (codification) [Electronic resource]. – Access mode: <https://eur-lex.europa.eu/>. – Date of access: 08.04.2023.

<sup>2</sup> Protocol on the Application of Special, Anti-dumping and Countervailing Duties in Relation to Third Countries [Electronic resource]. – Access mode: <https://www.consultant.ru/>. – Date of access: 08.04.2023.

2. Notification. The competent authority is obliged to notify the WTO of the occurrence of the investigation. In the EAEU, the competent authority is the Department for the Protection of the Internal Market of the EAEU, in the EU – the Commission of the European Union.

3. Questionnaire. During the investigation, the Department of Internal Market Protection of the EAEU and the Commission of the European Union may request data from national producers. If it is determined that dumping exists, a questionnaire is sent to exporters. The questionnaire is a document containing a list of sections related to the economic activities of foreign companies, exporters. Each country has a specific questionnaire form. Exporters must complete this document within 30 days in the EU and the EAEU.

4. Verification visit. After the exporters' response, the competent authorities (in the EAEU – the Department for the Protection of the Internal Market of the EAEU, in the EU – the Commission of the European Union) conduct a verification visit to the exporter's enterprises to verify these data.

5. Final results. Public hearings of interested parties are held.

6. Interim results. Interim results are sent to the participants of the anti-dumping investigation, where interested parties can send comments to the body that conducted the anti-dumping investigation.

7. Public hearings. The final data on the results of the anti-dumping investigation are published in the media.

In the EAEU, after conducting an investigation, the EAEU Internal Market Protection Department provides a report to the Eurasian Economic Commission on the feasibility of introducing anti-dumping measures.

If the occurrence of dumping is proved, anti-dumping duties are introduced on the territory of the EAEU by the decision of the Eurasian Economic Commission and by the decision of the Commission of the European Union on the territory of the EU.

Anti-dumping investigation is a complex process for an enterprise that receives financial damage, but in case of a positive result, protection from foreign competitors is provided for 5 years.

Based on the results of the anti-dumping investigation, in most cases, anti-dumping measures are introduced in both the EAEU and the EU. When applying anti-dumping measures, the interests of all EAEU and EU member states should be taken into account. There are cases when the introduction of anti-dumping measures after the anti-dumping investigation in the EAEU and the EU was impractical:

Cases of non-introduction of anti-dumping measures due to their inconsistency with the interests of the EU are infrequent (about 4% of investigations). So, in 1994, the investigation into gum rosin from China ended without the introduction of measures. It was found that their introduction would lead to a significant increase in costs for many consumers producing goods with high added value, while maintaining a large number of jobs<sup>1</sup>.

In 2018, the Board decided to apply an anti-dumping measure against herbicides from the European Union. However, Kazakhstan actually vetoed this decision, making a proposal to cancel it. At the same time, Astana stated that in light of the current situation in the EAEU herbicide market, "these products are of high importance for the domestic crop industry." A ban on the use of anti-dumping measures by Belarus and Kazakhstan is appropriate, since the main goal of these countries is to preserve the competitiveness of their enterprises<sup>2</sup>.

The scientific work compared the anti-dumping investigation in the EAEU and the EU. The anti-dumping investigation in the EAEU and the EU has the same stages and conditions of the investigation. The maximum duration of the anti-dumping investigation in the EU is 15 months, and in the EAEU – 18 months. Another difference in conducting an anti-dumping investigation is that in the EU the complaint is considered within 45 days, and in the EAEU within 30 days. The scientific article also gave examples of inappropriate application of anti-dumping measures following the results of the anti-dumping investigation in the EAEU and the EU. It should be noted that the Commission of the European Union has greater powers than the Eurasian Economic Commission in conducting an anti-dumping investigation.

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<sup>1</sup> Korneenko, I.A. The practice of assessing the compliance of anti-dumping measures with the interests of the EU / I.A. Korneenko // International relations: history, theory, practice: materials of the VII Scientific and Practical Conference of Young Scientists fac. international. Relations of BSU, Minsk, February 3, 2017 / editorial board : V. G. Shadursky [et al.]. — Minsk : BSU, 2017. — P. 187-191.

<sup>2</sup> Pugachev, V.P. On the practice of applying anti-dumping measures to protect markets in regional integration associations of the CIS and the EAEU / V.P. Pugachev // Trends in economic development in the XXI century : materials of the II International Scientific Conference, Minsk, February 28, 2020 / Belarusian State University ; editorial Board: A. A. Koroleva (Editor-in-chief) [and others]. – Minsk: BSU, 2020. - P. 460 - 463.