ANTI DUMPING EU MEASURES AGAINST CHINA AND POSSIBLE LEGAL ACTIONS TO ALLEVIATE THEM AND/OR IMPROVE RELATIONSHIPS BETWEEN EU AND CHINA

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Abstract. *Imports of goods at less than an average market price can be very harmful to fair competition and to the economies of the importing Country. The European Union has established since 2016 a standard set of regulations for its member states in order to identify dumped imported goods and apply duties to redress the situation. People Republic of China, due to its importance as exporter of goods in the European Union, at a price liable to be defined as "dumped" has been the subject of the overwhelming majority of duties leveled at dumped imports. Such a conflicting situations can be solved either applying standard international alw negotiations and agreements, either making recourse to the tools offered by European Union's regulation from the affected companies exporting goods to European Union's member states.*
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Before addressing the subject of anti dumping regulation it is necessary to understand what is dumping according to European Union Regulations.

According to the basic regulation EU REG. 2016-1036: "2. A product is to be considered as being dumped if its export price to the Union is less than a comparable price for a like product, in the ordinary course of trade, as established for the exporting country." (Article 1 par. 2).

Thus:

— Export price must be less than a comparable price for a like product in the ordinary course of trade;
— Export price must be less than as established for the exporting Country in the ordinary course of trade;

A few clarifications are necessary, for example, a "like product" must be an identical product or, if not identical, a product whose characteristics closely resemble those of the product under consideration.

The European Union Legislative framework sets guidelines to determine the dumping margin, to be used in every investigation over alleged dumping:

"The existence of margins of dumping during the investigation period shall normally be established on the basis of a comparison of a weighted average normal value with a weighted average of prices of all export transactions to the Union, or by a comparison of individual normal values and individual export prices to the Union on a transaction-to-transaction basis. However, a normal value established on a weighted average basis may be compared to prices of all individual export transactions to the

Union, if there is a significant difference in the pattern of export prices among different purchasers, regions or time periods, and if the methods specified in the first sentence of this paragraph would not reflect the full degree of dumping being practised." (Article 2 sec. C REG. 2016-1036).

The key system adopted by the regulation to identify the existence of a dumping margin are those of a comparison between normal value and the export price in order to determine a possible dumping margin.

The basic Regulation 2016-1036 reasons that the normal value: "shall normally be based on the prices paid or payable, in the ordinary course of trade, by independent customers in the exporting country." (Art. 2 Sec. A par. 1 REG. 2016-1036)

Of Course it is just a broad definition that requires more specifications as detailed by the Regulation.

If the normal value shall normally be based on the prices paid or payable, in the ordinary course of trade, by independent customers in the exporting country, it is considered that where the exporter in the exporting country does not produce or does not sell the like product, the normal value may be established on the basis of prices of other sellers or producers.

Prices between parties which appear to be associated or to have a compensatory arrangement with each other may not be considered to be in the ordinary course of trade and may not be used to establish the normal value unless it is determined that they are unaffected by the relationship.

In order to determine whether two parties are associated, account may be taken of the definition of related parties as set out in Article 127 of Commission Implementing Regulation (EU) 2015/2447 (1).

The sales of the like product intended for domestic consumption shall normally be used to determine the normal value if such sales volume constitutes 5 % or more of the sales volume of the product under consideration in the Union. However, a lower volume of sales may be used when, for example, the prices charged are considered representative for the market concerned.

Whenever sales of the like product in the ordinary course of trade are insufficient, or where, because of the particular market situation, such sales do not permit a proper comparison, the normal value of the like product shall be calculated on the basis of the cost of production in the country of origin plus a reasonable amount for selling, general and administrative costs and for profits, or on the basis of the export prices, in the ordinary course of trade, to an appropriate third country, provided that those prices are representative.

A particular market situation for the product concerned may be deemed to exist, inter alia, when prices are artificially low, when there is significant barter trade, or when there are non-commercial processing arrangements.

Sales of the like product in the domestic market of the exporting country, or export sales to a third country, at prices below unit production costs (fixed and variable) plus selling, general and administrative costs may be treated as not being in the ordinary course of trade by reason of price, and may be disregarded in determining the normal value, only if it is determined that such sales are made within an extended period in substantial quantities, and are at prices which do not provide for the recovery of all costs within a reasonable period of time.

If prices which are below costs at the time of sale are above weighted average costs for the period of investigation, such prices shall be considered to provide for recovery of costs within a reasonable period of time.

The extended period of time shall normally be one year but shall in no case be less than six months, and sales below unit cost shall be considered to be made in substantial quantities within such a period when it is established that the weighted average selling price is below the weighted average unit cost, or that the volume of sales below unit cost is not less than 20 % of sales being used to determine normal value.

Costs shall normally be calculated on the basis of records kept by the party under investigation, provided that such records are in accordance with the generally accepted accounting principles of the country concerned and that it is shown that the records reasonably reflect the costs associated with the production and sale of the product under consideration.

If costs associated with the production and sale of the product under investigation are not reasonably reflected in the records of the investigated party, they shall be adjusted or established on the basis of the costs of other producers or exporters in the same country or, where such information is not available or cannot be used, on any other reasonable basis, including information from other representative markets.

Consideration shall be given to evidence submitted on the proper allocation of costs, provided that it is shown that such allocations have been historically utilized. In the absence of a more appropriate method, preference shall be given to the allocation of costs on the basis of turnover. Unless already reflected in the cost allocations under this subparagraph, costs shall be adjusted appropriately for those non-recurring items of cost which benefit future and/or current production.

Where the costs for part of the period for cost recovery are affected by the use of new production facilities requiring substantial additional investment and by low-capacity utilization rates, which are the result of start-up operations which take place within or during part of the investigation period, the average costs for the start-up phase shall be those applicable, under the abovementioned allocation rules, at the end of such a phase, and shall be included at that level, for the period concerned, in the weighted average costs referred to in the second subparagraph of paragraph 4. The length of a start-up phase shall be determined in relation to the circumstances of the producer or exporter concerned, but shall not exceed an appropriate initial portion of the period for cost recovery. For this adjustment to costs applicable during the investigation period, information relating to a start-up phase which extends beyond that period shall be taken into account where it is submitted prior to verification visits and within three months of the initiation of the investigation.

The amounts for selling, for general and administrative costs and for profits have to be based on actual data pertaining to production and sales, in the ordinary course of trade, of the like product by the exporter or producer under investigation. When such amounts cannot be determined on that basis, the amounts may be determined on the basis of:

(a) the weighted average of the actual amounts determined for other exporters or producers subject to investigation in respect of production and sales of the like product in the domestic market of the country of origin;

(b) the actual amounts applicable to production and sales, in the ordinary course of trade, of the same general category of products for the exporter or producer in question in the domestic market of the country of origin;

(c) any other reasonable method, provided that the amount for profit so established shall not exceed the profit normally realised by other exporters or producers on sales of products of the same general category in the domestic market of the country of origin.

Imports from non-market-economy countries are a special case, as the normal value shall be determined on the basis of the price or constructed value in a market economy third country, or the price from such a third country to other countries, including the Union, or, where those are not possible, on any other reasonable basis, including the price actually paid or payable in the Union for the like product, duly adjusted if necessary to include a reasonable profit margin.

An appropriate market-economy third country has to be selected in a not unreasonable manner, due account being taken of any reliable information made available at the time of selection. Account shall also be taken of time limits. Where appropriate, a market-economy third country which is subject to the same investigation shall be used.

The parties to the investigation shall be informed shortly after its initiation of the market-economy third country envisaged and shall be given 10 days to comment.

In anti-dumping investigations concerning imports from the People's Republic of China, Vietnam and Kazakhstan and any non-market-economy country which is a member of the WTO at the date of the initiation of the investigation, the normal value shall be determined in accordance with market economy's regulations, if it is shown, on the basis of properly substantiated claims by one or more producers subject to the investigation, that market-economy conditions prevail for this producer or producers in respect of the manufacture and sale of the like product concerned. When that is not the case, the rules set out for non market economies shall apply.

A claim on prevalent market-economy conditions must be made in writing and contain sufficient evidence that the producer operates under market-economy conditions, that is if:

— decisions of firms regarding prices, costs and inputs, including for instance raw materials, cost of technology and labor, output, sales and investment, are made in response to market signals reflecting supply and demand, and without significant State interference in that regard, and costs of major inputs substantially reflect market values,
— firms have one clear set of basic accounting records which are independently audited in line with international accounting standards and are applied for all purposes,
— the production costs and financial situation of firms are not subject to significant distortions carried over from the former non-market-economy system, in particular in relation to depreciation of assets, other write- offs, barter trade and payment via compensation of debts,
— the firms concerned are subject to bankruptcy and property laws which guarantee legal certainty and stability for the operation of firms, and
— exchange rate conversions are carried out at the market rate.

A determination whether the producer meets the criteria referred to under this point shall normally be made within seven months of, but in any event not later than eight months after, the initiation of the investigation, after the Union industry has been given

an opportunity to comment. That determination shall remain in force throughout the investigation. The Commission shall provide information to the Member States concerning its analysis of claims made pursuant to point normally within 28 weeks of the initiation of the investigation.

Art. 2 Section A from the Regulation 2016-1036 specifies the criteria to identify the normal value for non market-economy Countries.

Non market economy Countries are identified by European Union as Countries where State intervention in the economy is such as to provoke considerable distortions in the form of State subsidy to industries, State tax exemptions and rebates, State control of the industry and production, State help in the access to credit and any other measure imposed or promoted by the State in order to cause strong distortions in a market economy.

Non market economy Countries can be members of WTO agreements like People Republic of China, Kazakhstan and Vietnam. Or they can be non members like Albania, Armenia, Mongolia, North Korea, Turkmenistan, etc.

"In anti-dumping investigations concerning imports from the People's Republic of China, Vietnam and Kazakhstan and any non-market-economy country which is a member of the WTO at the date of the initiation of the investigation, the normal value shall be determined in accordance with paragraphs 1 to 6, if it is shown, on the basis of properly substantiated claims by one or more producers subject to the investigation and in accordance with the criteria and procedures set out in point (c), **that market-economy conditions prevail for this producer or producers in respect of the manufacture and sale of the like product concerned**. When that is not the case, the rules set out under point (a) shall apply (normal value determined in comparison with value or price in selected market economy third country)". (Art. 2 Sec. A par. 7 REG. 2016-1036)

The export is calculated as the price actually paid or payable for the product when sold for export from the exporting country to the Union. (Art. 2 Sec. B par. 8 REG. 2016-1036) and a fair comparison must be made between the export price and the normal value. This comparison shall be made at the same level of trade and in respect of sales made at, as closely as possible, the same time and with due account taken of other differences which affect price comparability" (Art. 2 Sec. B par. 10 REG. 2016-1036)

Where the normal value and the export price as established are not on such a comparable basis, due allowance, in the form of adjustments, shall be made in each case, on its merits, for differences in factors which are claimed, and demonstrated, to affect prices and price comparability.

Any duplication when making adjustments shall be avoided, in particular in relation to discounts, rebates, quantities and level of trade. (Art. 2 Sec. B par. 10 REG. 2016-1036)

Adjustments can be allowed due to differences in:

— Physical characteristics of the product;
— Import charges and indirect taxes;
— Discounts, rebates and quantities;
— Level of trade;
— Transport, insurance, handling, loading and ancillary costs;
— Packing;

— Credit cost;
— After sale cost;
— Commissions;
— Currency conversions;
— Other conditions if it is demonstrated they affect prices;

The dumping margin is thus established “on the basis of a comparison of a weighted average normal value with a weighted average of prices of all export transactions to the Union, or by a comparison of individual normal values and individual export prices to the Union on a transaction-to-transaction basis. However, a normal value established on a weighted average basis may be compared to prices of all individual export transactions to the Union, if there is a significant difference in the pattern of export prices among different purchasers, regions or time periods, and if the methods specified in the first sentence of this paragraph would not reflect the full degree of dumping being practised. This paragraph shall not preclude the use of sampling” (Art. 2 Sec. D par. 11 REG. 2016-1036)

As conclusion the dumping margin consists in the amount by which the normal value exceeds the export price

It is interesting to note that the existence of a dumping margin is not enough to apply the anti dumping regulations for a given product or exporter, as it is necessary to prove an injury to European Union industry as a causal effect of the dumped price.

Injury to EU industry must be:
— Material (economic loss or stymied development of new industries) with real impact on the industry due to dumped prices.
— Existent or threatened.
— Caused by imports at dumped price.

Factors allowing to presume material injury
1) significant rate of increase of dumped imports into the Union market indicating the likelihood of substantially increased imports;
2) whether there is sufficient freely disposable capacity on the part of the exporter or an imminent and substantial increase in such capacity indicating the likelihood of substantially increased dumped exports to the Union, account being taken of the availability of other export markets to absorb any additional exports;
3) whether imports are entering at prices that would, to a significant degree, depress prices or prevent price increases which otherwise would have occurred, and would probably increase demand for further imports;
4) examinations of inventories of the product being investigated.

It is presumed that a causal link exists when the injury to the EU industry coincides with the increase in dumped and/or subsidised imports.

Summarizing, when a comparison between normal values and export prices leads to determination of a dumping margin in conjunction with a material injury to the EU industry, anti dumping measures will be applied.

Anti dumping measures consists with import duties on dumped products, calculated on the dumping margin.

The main EU anti dumping regulations are the following:
Regulation 2016-1036 (Basic anti dumping regulation)
Regulation 2016-1037 (Basic anti subsidy regulaton)

Regulation 2015-478 (Common rules for imports)

Regulation 2015-755 (Common rules for imports from certain third Countries)

Regulation 2015-936 (Common rules for imports of textile products from certain third Countries not covered by bilateral agreements)

Regulation 2017-2321 modifying Regulation 2016-1036 and Regulation 2016-1037

Regulation 2018-825 modifying Regulation 2016-1036 and Regulation 2016-1037

Anti dumping measures can be applied only if they are not against the overall interest of European Union. This is the so called EU Interest test that must be done before applying any anti dumping measure.

Anti dumping duties must be inferior than the dumping margin. This is the Lesser Duty Rule principle that must rule the anti dumping measures applied by the European Union. The measure cannot be viewed as a retaliation measure able to completely eliminate the dumping margin for the exporter, but must reduce it in order to stimulate fair competition within the market.

The European Regulations on anti dumping were closely patterned on World Trade Organization rules as defined by the General Agreements on Tariff and Trade (GATT). How much closely they were patterned on WTO rules can be gleaned by the following table.

Anti dumping in WTO a comparison between Agreement on the implementation of article VI of GATT and EU Regulation 2016—1036

Implementation of article VI GATT	Regulation 2016 — 1036
Definition of dumping	
A product is to be considered as being dumped, i.e. introduced into the commerce of another country at less than its normal value, if the export price of the product exported from one country to another is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country (Art. 2.1)	A product is to be considered as being dumped if its export price to the Union is less than a comparable price for a like product, in the ordinary course of trade, as established for the exporting country. (Art 1.2)
Normal value	
The normal value is equal to the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country (Art. 2.1)	The normal value shall normally be based on the prices paid or payable, in the ordinary course of trade, by independent customers in the exporting country (Art. 2,1)
Comparison	
A fair comparison shall be made between the export price and the normal value. This comparison shall be made at the same level of trade, normally at the ex-factory level, and in respect of sales made at as nearly as possible the same time. Due allowance shall be made in each case, on its merits, for differences which affect	A fair comparison shall be made between the export price and the normal value. This comparison shall be made at the same level of trade and in respect of sales made at, as closely as possible, the same time and with due account taken of other differences which affect price comparability. Where the normal value and

Implementation of article VI GATT	Regulation 2016 — 1036
price comparability, including differences in conditions and terms of sale, taxation, levels of trade, quantities, physical characteristics, and any other differences which are also demonstrated to affect price comparability.7 In the cases referred to in paragraph 3, allowances for costs, including duties and taxes, incurred between importation and resale, and for profits accruing, should also be made. (Art. 2.4)	the export price as established are not on such a comparable basis, due allowance, in the form of adjustments, shall be made in each case, on its merits, for differences in factors which are claimed, and demonstrated, to affect prices and price comparability. Any duplication when making adjustments shall be avoided, in particular in relation to discounts, rebates, quantities and level of trade. (Art. 2.10)
Dumping margin	
The existence of margins of dumping during the investigation phase shall normally be established on the basis of a comparison of a weighted average normal value with a weighted average of prices of all comparable export transactions or by a comparison of normal value and export prices on a transaction-to-transaction basis. A normal value established on a weighted average basis may be compared to prices of individual export transactions if the authorities find a pattern of export prices which differ significantly among different purchasers, regions or time periods, and if an explanation is provided as to why such differences cannot be taken into account appropriately by the use of a weighted average-to-weighted average or transaction-to-transaction comparison. (Art. 2.4.2)	The existence of margins of dumping during the investigation period shall normally be established on the basis of a comparison of a weighted average normal value with a weighted average of prices of all export transactions to the Union, or by a comparison of individual normal values and individual export prices to the Union on a transaction-to-transaction basis. However, a normal value established on a weighted average basis may be compared to prices of all individual export transactions to the Union, if there is a significant difference in the pattern of export prices among different purchasers, regions or time periods, and if the methods specified in the first sentence of this paragraph would not reflect the full degree of dumping being practised. This paragraph shall not preclude the use of sampling in accordance with Article 17. The dumping margin shall be the amount by which the normal value exceeds the export price. Where dumping margins vary, a weighted average dumping margin may be established" (Art. 2.11)
Determination of injury	
Determination of injury for purposes of Article VI of GATT 1994 shall be based on positive evidence and involve an objective examination of both (a) the volume of the dumped imports and the effect of the dumped imports on prices in the domestic market for like products, and (b) the consequent impact of these imports on domestic producers of such products. (Art. 3.1)	A determination of injury shall be based on positive evidence and shall involve an objective examination of: (a) the volume of the dumped imports and the effect of the dumped imports on prices in the Union market for like products; and (b) the consequent impact of those imports on the Union industry. (Art. 3.2)

A Brief outline on EU procedures for Antidumping cases

An Anti dumping proceeding generally opens with a circumstantiated and substantiated complaint filed at the Commission from the EU industry manufacturing the same or a similar product to the one referred to in the complaint.

The Commission makes a preliminary exam to assess if the complaint contains enough evidence in order to begin a case. If the complaint submits sufficient evidence, an anti dumping case is open and official notice is given in the EU Official Journal. The notice invites all interesting parties to take part in the open procedure; interested parties include: users, exporting country authorities in anti-subsidy investigations in particular and, where appropriate, consumer organizations.

Detailed questionnaires are sent to producers in the exporting countries and to importers, traders and producers in the EU. The parties are also informed that they can request a hearing and ask for access to the non-confidential files in order to help themselves defend their case. After receiving answers to the questionnaires, verification are carried out by Commissions officials, on the premises of the cooperative parties. The information so gathered is processed in order to calculate or determine the dumping margin and the injury factors**.**

The results are summarized in a **draft implementing act,** serving as a base to decide if: a) impose provisional measures, b) continue the investigation, c) close the procedure. A decision to impose provisional measures is published on the EU Official Journal.

Following publications of the aforementioned decision, interested parties can request a full disclosure on the Commission findings and submit comments. Such comments are reviewed by the Commission, and included in a second disclosure considered as final disclosure. After final disclosure the commission assesses the comments received and submits a draft implementing act to Member States.

Exporters in to EU can submit an undertaking, stating that they undertake to respect minimum prices, if the undertaking is accepted by the Commission, no duties will be levied from the companies whose undertaking was accepted.

Member States can submit their opinion to the Commission through the Trade Defence Instruments Committee. Member States have the power to block the adoption of a draft by qualified majority.

If there is no block from Member States the Commission can:

A) enact a Regulation imposing definitive duties, accepting undertakings and providing on collection of provisional duties to be published in EU Official Journal.

B) ascertain that one or more conditions for imposing anti dumping duties are not met and decide on termination of the case, after a consultation with Member States.

Anti dumping measures stay in force for five years before being reviewed.

An Expiry Review after five years is begun by a request from EU Industry providing evidence on the fact that the expiry of measure would lead to the continuation of dumping and injury.

EU Regulation 2016-1036 provides for other reviews.

The Interim Review it is conduct by the Commission during a five year term in order to ascertain if the circumstances changed significantly or if the measures have led to a cessation of dumping and injury.

The Newcomer Review can be asked by new exporters in order to determine that margins for new exporters are compliant with anti dumping measures. The Judicial Review can be asked for by affected parties in anti dumping cases who are guaranteed by recourse to the General Court or Court of Justice competent for anti dumping cases.

Members of WTO can activate the WTO Dispute Settlement. During 2017 the EU Commission has amended Regulation 2016/1036 and enacted new methods to be enforced from 8 June 2018.

The main goals from EU Commission are:

Improving the injury margin calculation method: taking in consideration cost and investments in production, R&D expenses, social and environmental expenses (example Emission Trading System).

More certainty; non injurious minimum margin equal to 6%with possibility to agree higher profits on a case by case basis.

More efficient anti dumping investigations: investigation time reduced to maximum 7-8 months.

More transparency towards economic operators: with issuance of an early warning to exporters in case of provisional anti dumping measures and a three week "grace period" when the measure is not enforced.

More support to small sized enterprises: more efficient help desk to allow SME to participate in investigations.

More attentions to raw material distortions or subsidization in exporting countries: the lesser duty rule will take notice of serious distortions in raw material prices, applying the full amount of dumping as measure.

More attention to labor, social and environmental issues: no more undertakings will be accepted from exporting countries with poor record of implementing basic ILO conventions or bi-lateral environment protection agreements.

The following changes have been implemented in the Regulation framework in order to achieve the European Commission goals:

— New Country neutral calculation method for dumping, considering market distortions trough State intervention. Appliable to WTO Countries (China included) and non WTO Countries. Where it will be established that it is not appropriate to use domestic prices or costs due to significant State-induced distortions, the new methodology would apply.

— The new calculation is applied when domestic prices are considered unreliable due to "significant distortions" caused by a) State ownership, control or policy, b) State interference in prices and costs, c) public policies discriminating in favor of domestic suppliers, d) lack, discriminatory or inadequate enforcement of bankruptcy, corporate and property laws or distortions in wage laws, e) access to finance from institutions not acting independently from the State.

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— The new calculation is applied when domestic prices are considered unreliable due to "significant distortions" caused by a) State ownership, control or policy, b) State interference in prices and costs, c) public policies discriminating in favor of domestic suppliers, d) lack, discriminatory or inadequate enforcement of bankruptcy, corporate and property laws or distortions in wage laws, e) access to finance from institutions not acting independently from the State.
— The EU Commission now establishes if distortions occur preparing country reports and sector reports for specific industries in any given Country.

"The country reports must be technical, fact-based documents, which draw on many sources, in particular official public records in the countries concerned. Information from international organizations is also included e.g. IMF, OECD. The reports, which are Commission Staff Working Documents, are descriptive in nature and do not pass judgement on the economies in question" (EU Commission Annual Report 2017).

Reports from EU Commission can be used by European Industry to file Anti Dumping claims and rely on the evidence provided in the reports in order to demonstrate if the prices are distorted.

The new principles are applied to investigations starting from 20 December 2017.

Of course due to its importance because of its import's volume in EU Countries, the People Republic of China is the subject of a specific report in 2017.

The report on People Republic of China from the Commission identifies significant distortions in the economy

The report considers in detail every facets of the industry in people Republic of China, divided by sector.

The conclusions outlined in the Report point to the fact that China is a socialist market economy and the State has a decisive role in the economy, leading to a strong intervention from the government.

In People Republic of China the State implements officially the economic agenda "far beyond a macroeconomic control, extending to the level of business decisions of individual enterprises, both State Owned Enterprises and — at times — privately owned companies" (EU Commission Annual Report 2017).

As a consequence:

— Business decision can be influenced by State policy resulting in non market based resources allocation. This in course caused overcapacity in some industry sectors, leading to low export prices.
— Access to capital is distorted: State Owned Enterprises have very easy access to loans and availability of low "non market" interest rates.
— Labor market is not well developed as in other countries at collective bargaining or collective wages.

The practical results from the investigations induced the EU Commission strongly suggest that China is an industrial superpower, with state interventionism in the economy, and large overcapacity in some industrial sectors. As a consequence it is able to set prices well below average European Union Countries prices for equivalent products and anti dumping regulation must, necessarily, be applied.

The number of anti dumping provision against China is a direct effect of the impact brought from Chinese economy to EU and the commercial correlation between Chinese production and EU market.

No other non EU industrialized Country (Russian Federation, U.S.A., Brazil, India) has been able to impact in the same way in the EU.

"The pressure related to industrial overcapacities in China was persisting. This reflects again the number of complaints received from EU industry that included sufficient evidence to support allegations of injurious dumping or subsidies" (36th Annual Report from the Commission to the European Parliament and the Council on the EU's Anti-Dumping, Anti-Subsidy and Safeguard activities — Conclusions)

The following statistical data show the importance of dumped goods imported from People Republic of China.

By December 2017 EU had 97 Anti Dumping Measures in force, and 29 extensions. The affected Countries are:

Country	A.D. Measures in force
People Republic of China	85
Russian Federation	9
India	5
Indonesia	4
United States of America	4
Republic of Korea	3
Belarus	2
Thailand	2
Taiwan	2
Malaysia	2
Ukraine	2
Argentina	1
Brazil	1
Iran	1
Japan	1
South Africa	1
Turkey	1

Anti dumping investigations open in 2017

Product	Country	OJ Reference
Low carbon ferro-chrome	People Republic China, Russian Federation, Turkey	C 200, 23-6-2017
Ferro-silicon	Egypt, Ukraine	C 251, 2-8-2017
New and retreaded tyres for buses or lorries	People Republic China	C 264, 11-8-2017
Electric bicycles	People Republic China	C 353, 20-10-2017
Silicon metal (silicon)	Bosnia Hercegovina, Brazil	C 438, 19-12-2017

Summary table for new investigations initiated by country of export during the period 2013 — 2017 (excluding re-openings)

Country of origin	2013	2014	2015	2016	2017
Argentina	—	—	—	—	—
Belarus	1	—	—	1	—
Bosnia Herzegovina	1	—	—	—	1
Brazil	1	1	1	1	1
China People Republic of	6	6	6	6	5
Egypt	1	—	—	—	1
India	1	2	2	1	—
Indonesia	1	—	—	—	—
Iran	1	—	—	1	—
Georgia	1	—	1	—	—
Japan	1	1	—	—	—
Korea Rep. of	1	2	—	2	—
Mexico	1	—	1	—	—
Russian Federation	2	1	1	1	1
Serbia	1	—	—	1	—
Taiwan	1	1	1	—	—
Turkey	2	1	1	—	—
Ukraine	1	1	—	1	1
U.S.A.	1	1	—	—	—
Vietnam	1	—	—	—	—

New investigations terminated without the imposition of measures during the period 1 January — 31 December 2017

Product	Country	Decision N.	OJ Reference
Purified terephthalic acid	Republic of Korea	Commission Decision (EU) 2017/957	L 144; 07.06.2017,
Hot-rolled flat products of iron, non-alloy or other alloy steel	Serbia	Commission Regulation (EU) 2017/1795	L 258; 06.10.2017,

New investigations concluded by the imposition of definitive duties during the period 1 January — 31 December 2017

Product	Country	Decision N,	OJ Reference
Stainless steel tube and pipe butt-welding fittings	People Republic of China, Taiwan	Commission Regulation (EU) 2017/141	L 22; 27.01.2017,
Heavy plate of non-alloy or other alloy steel	People Republic of China	Commission Regulation (EU) 2017/336	L 50; 28.02.2017

Hot-rolled flat products of iron, non-alloy or other alloy steel	People Republic of China	Commission Regulation (EU) 2017/649	L 92; 06.04.2017
Lightweight thermal paper	Republic of Korea	Commission Regulation (EU) 2017/763	L 114; 03.05.2017
Seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel), of circular cross section, of an external diameter exceeding 406,4 mm	People Republic of China	Commission Regulation (EU) 2017/804	
Concrete reinforcement bars and rods (rebars)	Belarus	Commission Regulation (EU) 2017/1019	L 155; 17.06.2017
Hot-rolled flat products of iron, non-alloy or other alloy steel	Brasil, Iran, Russia, Ukraine	Commission Regulation (EU) 2017/1795	L 258; 06.10.2017

Imposition of provisional duties in the course of new investigations during the period 1 January — 31 December 2017

Product	Country	Decision N,	OJ Reference
Corrosion resistant steels	People Republic of China	Commission Regulation (EU) 2017/1444	L 207; 10.08.2017
Cast iron articles	People Republic of China	Commission Regulation (EU) 2017/148	L 211; 17.08.2017

Expiry reviews concluded during the period 1 January — 31 December 2017 with confirmation of duty

Product	Country	Decision N,	OJ Reference
Sodium gluconate	People Republic of China	Commission Regulation (EU) 2017/94	L 16; 20.01.2017
Aluminium road wheels	People Republic of China	Commission Regulation (EU) 2017/109	L 18; 24.01.2017
High tenacity yarn of polyester	People Republic of China	Commission Regulation (EU) 2017/325	L 49; 25.02.2017

Solar panels (crystalline silicon photovoltaic modules and key components)	People Republic of China	Commission Regulation (EU) 2017/367	L 49; 25.02.2017,
Graphite electrode systems	India	Commission Regulation (EU) 2017/422	L 64; 10.03.2017
Okoume plywood	People Republic of China	Commission Regulation (EU) 2017/648	L 64; 10.03.2017
Filament glass fibre products	People Republic of China	Commission Regulation (EU) 2017/724	L 107; 25.04.2017
Tungstene carbide	People Republic of China	Commission Regulation (EU) 2017/942	L 142; 02.06.2017
Stainless steel bars and rods	India	Commission Regulation (EU) 2017/422	L 165; 28.06.2017
Melamine	People Republic of China	Commission Regulation (EU) 2017/1171	L 170; 01.07.2017
Coated fine paper	Китай	Регламент Комиссии ЕС 2017/1188	L 171; 04.07.2017
	People Republic of China	Commission Regulation (EU) 2017/1188	L 171; 04.07.2017
Barium carbonate	People Republic of China	Commission Regulation (EU) 2017/1759	L 250; 28.09.2017,
Open mesh fabrics of glass fibres	People Republic of China	Commission Regulation (EU) 2017/1993	L 288; 07.11.2017,
Ceramic tiles	People Republic of China	Commission Regulation (EU) 2017/2179	L 307; 23.11.2017,
Hand pallet trucks and their essential parts	People Republic of China	Commission Regulation (EU) 2017/2206	L 314; 30.11.207,
Trichloroisocyanuric acid	People Republic of China	Commission Regulation (EU) 2017/2230	L 319; 05.12.2017,

Expiry reviews concluded during the period 1 January — 31 December 2017 with termination and repeal of the measure

Product	Country	Decision N,	OJ Reference
Polyethylene terephthalate (PET)	People Republic of China	Commission Decision (EU) 2017/206	L 32; 07.02.2017,

The situation did not change much in 2018 as can be seen from the following tables.

Anti Dumping Measures in force in 2018 for a number of 120 measures and 29 extensions. The affected Countries are:

Country	A.D. Measures in force
People Republic of China	85
Russian Federation	9
India	5
Indonesia	4
United States of America	4
Republic of Korea	3
Belarus	2
Thailand	2
Taiwan	2
Malaysia	2
Ukraine	2
Argentina	1
Brazil	1
Iran	1
Japan	1
South Africa	1
Turkey	1

Anti dumping investigations in 2018

Product	Country
Solar glass	Malaysia
Hot-rolled sheet steel piles	People Republic China
Urea and ammonium nitrate	Russian Federation, Trinidad & Tobago, USA
Hollow sections	North Macedonia, Russian Federation, Turkey.

Summary table for new investigations initiated by country of export during the period 2014 — 2018 (excluding re-openings)

Country of origin	2014	2015	2016	2017	2018
Argentina	—	—	—	—	1
Belarus	—	—	1	—	—
Bosnia Herzegovina	—	—	—	1	—
Brazil	—	1	1	1	—
China People Republic of	6	6	6	5	1
Egypt	—	—	—	1	—
India	2	2	1	—	—
Indonesia	—	—	—	—	1

Iran	—	—	1	—	—
Georgia	—	1	—	—	—
Japan	1	—	—	—	—
Korea Rep. of	1	—	2	—	—
Northern Macedonia	—	—	—	—	1
Malaysia	—	—	—	—	1
Mexico	—	1	—	—	—
Russian Federation	2	1	1	1	2
Serbia	—	—	1	—	—
Taiwan	1	1	—	—	—
Trindad & Tobago	—	—	—	—	1
Turkey	2	1	—	1	1
Ukraine	—	—	1	1	—
U.S.A.	1	—	—	—	1

New investigations terminated without the imposition of measures during the period 1 January — 31 December 2018

duct	Country	Regulation/ Decision N.	OJ Reference
Cast and iron articles	India	COMMISSION REGULATION (EU) 2018/140	L 25; 30.01.2018, p.6
Ferro-silicon	Egypt, Ukraine	COMMISSION DECISION (EU) 2018/824	L 139; 05.06.2018, p.25
Low carbon ferro-chrome	People Republic of China, Russian Federation, Ukraine	COMMISSION REGULATION (EU) 2018/1037	L 185; 23.07.2018, p.48
Silicon metal	Bosnia Herzegovina, Brazil	COMMISSION REGULATION (EU) 2018/1193	L 211; 22.08.2018, p.5

New investigations terminated with the imposition of provisional duties during the period 1 January — 31 December 2018

Product	Country	Decision N.	OJ Reference
New and retreaded tyres for buses or lorries	People Republic China	COMMISSION REGULATION (EU) 2018/683	L 116; 07.05.2018, p.8
Electric bicycles	People Republic China	COMMISSION REGULATION (EU) 2018/1012	L 181; 18.07.2018, p.7

New investigations terminated with the imposition of final duties during the period 1 January — 31 December 2018

Product	Country	Decision N.	OJ Reference
Cast Iron Articles	People Republic China	COMMISSION REGULATION (EU) 2018/140	L 25; 30.01.2018, p.6
Corrosion resistant steel	People Republic China	COMMISSION REGULATION (EU) 2018/186	L 34; 08.02.2018, p.16
New and retreaded tyres for buses or lorries	People Republic China	COMMISSION REGULATION (EU) 2018/1579	L 263; 22.10.2018, p.3

According to official statistics from the 37th Annual Report from the Commission to the Council and the European Parliament on the EU's Anti-Dumping, Anti-Subsidy and Safeguard activities 2018, the EU's measures are proving highly effective (data from the period November 2017-October 2018)

Product under AD measure	Country of origin	Decrease in imports after imposition of AD measure
Aluminium radiators	People republic of Chi-na	-98%
Aluminium road wheels	People republic of Chi-na	-38%
Ceramic tableware and kitchenware	People republic of Chi-na	-28%
Ceramic tiles	People republic of Chi-na	-84%
Coated fine paper	People republic of Chi-na	-99%
New and retreaded tyres for buses and lor-ries	People republic of Chi-na	-81%
Steel products	Various Countries (in-cluded People republic of China)	-70'%
Sweetcorn in kernels	Thailand	-62%
Thermal paper	Rep. of Korea	-91%

Possible ways to alleviate the situation between EU and China

It is evident from the number of anti dumping measures that economic relationship between EU and China could suffer some strain.

There can be several possible ways to improve relationship. First a classic international law approach between involved States that could develop as in the outline below, suggesting alternative methods to deal with the conflict, or measures available to companies and individuals as provided in the frame of European Union Regulations

The Classic International Law measures can consist of: bilateral or multilateral negotiation between States or Cooperation with EU Commission in order to solicit reviews of measures (from statistics China is enjoying positive commercial balance even when exporting gods subject to anti dumping duties to EU, so such cooperation has not been extensively in use.

Another way to solve the situation in the framework of classic international law is the opening of consultations according to WTO framework, in particular WTO Dispute Resolution. China requested consultations and opined that, from the date of expiry of paragraph 15(a)(ii) on 11 December 2016 (China accession to WTO), the European Union is no longer entitled to determine normal value on the basis of a special calculation methodology.

WTO Dispute Resolution involve a first stage of bilateral dispute negotiation. In case of failure a second stage is opened requesting the WTO Dispute Settlement Body to establish a panel where non concerned members , that can be appealed an intervene as third parties. The panel issues a report that can be appealed to the Appellate Body. The panel report or the report from the Appellate Body are adopted by the Dispute Settlement Body unless the Dispute Settlement Body opts to reject it by unanimity.

China has already resolved to settle disputes with EU through WTO.

A final method in the framework of classic international law could be some kind of retaliation: likeduties on imports from EU Countries and research of alternative suppliers, in order to contrast EU anti dumping measures. However as China is apparently enjoying a positive commercial balance even when exporting gods subject to anti dumping duties to EU, such measure has, so far, not considered.

National companies and individuals can recourse to the following measures within EU Law framework:

— Submission of undertakings: when a provisional decision on anti dumping is passed, every exporter can submit the undertaking offer to revise its prices or to cease exports at dumped prices (Art. 8 Reg 2016-1036);

If the undertaking is accepted by the EU Commission no duties are imposed to the exporter.

The undertaking must be submitted within a period set by the Commission in each provisional anti dumping measure.

— New exporter review: can be requested by a new company that was not already an exporter during the investigation period.

Can begun “where a new exporter or producer can show that it is not related to any of the exporters or producers in the exporting country which are subject to the anti-dumping measures on the product, and that it has actually exported to the Union following the investigation period, or where it can demonstrate that it has entered into an irrevocable contractual obligation to export a significant quantity to the Union” (Art. 11.4 Reg. 201-1018).

The review, including the related investigation will last maximum 9 months.

— Judicial Review for misapplication of EU law or misjudgment of facts leading to the provision at the General Court or Court of Justice.

Such measures, including the judicial review, in some cases brought a fruitful solution for Chinese companies as a review from recent EU jurisprudence can attest with cases in favor of the foreign applicant.

The following decisions are just a few cases.

Imports of crystalline silicon photovoltaic modules and key components (cells) originating in or consigned from China — T 783/14 — SolarWorld AG vs Commission — Judgment of 16 February 2017.

The applicant argued that the Commission infringed Article 8(1) of the basic anti-dumping Regulation because it accepted an undertaking from Chinese exporters, at a minimum import price level that would not remove the injury and risk for dumping. The General Court observed the applicant did not provide any evidence or argumentation capable of showing that the adjustment mechanism under Clause 3.5 was manifestly inappropriate and rejected the application.

Imports of crystalline silicon photovoltaic modules and key components (cells) originating in or consigned from China — T-162/14 — Canadian Solar Emea GmbH and others v Council — Judgment of 28 February 2017.

The applicants contested the application of anti dumping regulation objecting on several grounds, including errors of assessment, determination of higher duties than requested to eliminate dumping. The GC found that the applicants were not successful in showing that the institutions had made an error of assessment with regard to the factors they decided were relevant for the definition of the product concerned. The GC also noted that the institutions had established a causal link between the injury suffered by the EU industry and the dumped imports from China. It rejected the claims.

Imports of crystalline silicon photovoltaic modules and key components (cells) originating in or consigned from China — T-160/14 — Yingli Energy and others v. Council — Judgment of 28 February 2017.

The applicants observed the Commission infringed Article 20(3) of the basic anti-dumping Regulation by not supplying them with enough information on the increased injury margin and the exports in the final disclosure. Actually the GC found that the applicants were able to identify these factors by the information sent to them by the Commission in the administrative procedure, which the applicants actually acknowledged at the hearing. It rejected the application.

Imports of tartaric acid originating in China — T-442/12 — Changmao Biochemical Engineering Co.Ltd v Council — Judgment of 1 June 2017.

The applicant requested non application of anti dumping measure on a number of claims, including that normal value was construed on the basis of information received from a cooperating producer in the analogue country Argentina. In one case, when one kind of tartaric acid was not produced by the Argentinian producer, normal value of that type was constructed using the difference in price between the two tartaric types. When the applicant requested information on the method of calculating normal value, in particular the source of the prices of the two different tartaric types and the factors affecting the price comparison, the institutions refused its request because it constituted confidential information. The GC found that the applicant's right of defence and Article 20(2) were infringed when the institutions, without a valid reason, refused to grant it access to the information it requested on the price difference between the two acids. Consequently the GC annulled the contested regulation in so far it applied to the applicant.

Bicycles consigned from Pakistan — T 435/15 — Kolachi Raj Industrial (Private) Ltd v Commission — Judgment of 10 October 2017

The applicant was subjected to AD duties after an anti circumvention investigation. The applicant claimed that the Commission failed to prove that the parts of the assembled product were "from" the People's Republic of China and assumed the parts assembled where manufactured in Sri Lanka. The applicant produced "certificates of

origin issued by the Department of Commerce in the Democratic Socialist Republic of Sri Lanka". The Commission found that the certificates were insufficient to prove the origin for various reasons. For instance, the certificates were issued not on the basis of manufacturing costs but on the basis of a mere projection of manufacturing costs for the future, valid for one year. The Commission concluded the parts where from China. The Court held that in this case it was established that the parts came from Sri Lanka but that there was doubt whether the parts originate in this country indeed. The Court found that the Commission was right in the circumstances of this case to consider that the certificates did not constitute sufficient evidence to demonstrate the Sri Lankan origin of the bicycles parts and a sufficient statement of reasons was present. However, it disagreed with the application by analogy of Article 13(2)(b) to the manufacturing of the parts in Sri Lanka. It held that the provision could not establish origin and that its application to manufacture in Sri Lanka is outside the scope of the anti-circumvention investigation concerning Pakistan. Only on that basis the Court annulled the Commission Implementing Regulation (EU) 2015/776 for Kolachi. The judgment is under appeal.

Bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in Indonesia, Malaysia, Sri Lanka and Tunisia or not — C248/15 P, C-254/15 P and C-260/15 P — Maxcom v City Cycle Industries (Appeal) — Judgment of 26 January 2017.

The Appellants sought to set aside the judgment of the GC of 19 march 2015, City Cycle Industries v. Council (T413/13) in which the GC annulled Regulation (EU) No 501/2013 of 29 May 2013 in so far as it extended the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 990/2011 on imports of bicycles originating in China to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia ('regulation at issue'). The appellants observed that the burden of proof should lie with the individual exporting producers to establish that they were not engaging in transhipment practices. The CJ stated that the evidence establishing circumvention under these circumstances must nonetheless fulfil the four criteria under Article 13 of the basic anti-dumping Regulation ((a) the slight modification of the product concerned to make it fall under customs codes which are normally not subject to the measures, provided that the modification does not alter its essential characteristics; (b) the consignment of the product subject to measures via third countries; (c) the reorganisation by exporters or producers of their patterns and channels of sales in the country subject to measures in order to eventually have their products exported to the Union through producers benefiting from an individual duty rate lower than that applicable to the products of the manufacturers; (d) in the circumstances indicated in paragraph 2, the assembly of parts by an assembly operation in the Union or a third country) . According to the CJ, there is no legal presumption that would infer directly from an interested party's failure to cooperate that circumvention practices exist. The GC merely found that it was not possible based on the available information to the Council to conclude that transhipment operations were being engaged at a national level and did not constitute a factual basis for suggesting that City Cycle was involved in such operations.

In essence, the CJ rejected the appellants' claims and dismissed the action.

Bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in Indonesia, Malaysia, Sri Lanka and Tunisia or not — C247/15

P, C-253/15 P and C-259/15 P — Maxcom v Chin Haur Indonesia (Appeal) — Judgment of 26 January 2017.

The appellants sought to set aside the judgment of the GC of 19 March 2015, Chin Haur Indonesia v Council (T-412/13) by which the GC annulled Regulation (EU) No 501/2013 of 29 May 2013 insofar as it extended the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 990/2011 on imports of bicycles originating in China to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia ('regulation at issue'). This judgment also revolves around the burden of proof. The appellants argued that the burden of proof should lie with the individual exporting-producers to establish that they were not engaging in transhipment practices. According to the CJ, there is no legal presumption that would infer directly from an interested party's failure to cooperate that circumvention practices exist. The CJ also held that the EU institutions must have evidence to show that the change in the pattern of trade 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 Council relied on a certain amount of factual evidence gathered by the Commission's agents in the course of the verification visit at Chin Haur's premises, i.e. that Chin Haur did not have the machinery to produce the parts in the volumes that it was claiming to produce. The GC found that the evidence did not prove that Chin Haur was engaged in transhipment operations, even though it acknowledged that some of the evidence, i.e. the fact that Chin Haur's Chinese supplier was not mentioned anywhere or that certain boxes were filled with frames bearing no origin contributed to uncertainty as to that company's actual activities. Additionally, Chin Haur failed to justify the figures provided in the exemption forms. According to the CJ, the GC denied the Council by its judgment the possibility of basing its conclusion on a body of consistent evidence and required that institution to furnish direct evidence that Chin Haur was in fact engaged in transhipment operations, at odds with the standard of proof required to show circumvention where cooperation is not forthcoming from producer-exporters. It thus followed that the GC erred in the application of Article 13(1) in finding that the Council was not entitled to conclude that Chin Haur was engaged in transhipment. The CJ therefore set aside the judgment of the GC and gave a judgment itself in the matter, in which it found that the Council had established a causal link between the transhipment operations and the change in the pattern of trade between Indonesia and EU. Consequently, the CJ sided with Maxcom, the Council and the Commission and reversed the judgment of the GC and dismissed the action for annulment brought by of Chin Haur.

Imports of certain iron or steel fasteners originating in the People's Republic of China- C-376/15 P and C-377/15 P — Changshu City Standard Parts Factory v Council of the European Union (Appeal) — Judgment of 5 April 2017.

The appellants sought to set aside the judgment of the GC of 29 April 2015, Changshu City Standard Parts Factory and Ningbo Jinding Fastener v Council (T-558/12 and T-559/12), by which the GC dismissed the appellants' actions for annulment of Council Implementing Regulation (EU) No 924/2012 of 4 October 2012. The appellant's crucial ground of appeal concerned the Council's exclusion of certain export transactions for the purpose of calculating the dumping margin. The appellants claimed that all export sales of the product under consideration are to be included in the comparison for the purpose of calculating the dumping margin under Article 2(11) of the basic

anti-dumping Regulation. The CJ found that the wording of Article 2(11) refers to "all export transactions to the Union" and that the objective pursued by Article 2(11) of the basic Regulation is to reflect the full degree of dumping being practiced. According to the CJ all transactions have to be taken into account for the purposes of the calculation. Essentially, in the light of the foregoing the CJ held that the GC had wrongly found that the EU institutions were entitled to exclude export transactions relating to certain types of the product under consideration because there were no "comparable prices" for those product types. Thus, the CJ annulled the contested regulation in so far it applied to the appellants.

Bicycles originating in China — C-61/16 P — European Bicycle Manufacturers Association v Giant (Appeal) — Judgment of 14 December 2017.

The CJ dismissed the appeal brought by the Union industry (EBMA) against the judgment of the GC of 26 November 2015 Giant (China) v Council (T-425/13).

The Commission concluded that the Giant group was related to two Chinese companies, S.G. and Jinshan Development and Construction (Jinshan), and that Giant therefore need to return a MET claim for Jinshan and all companies belonging to that company. Giant argued that, since it was only very indirectly related to Jinshan through a joint venture and Jinshan was not a producer of the product concerned, it was not required to submit a MET claim for that company. The GC upheld Giant's action for annulment of the regulation at issue by finding essentially that the EU Institutions failed to make a link between the information that had not been provided by Giant, namely an MET claim for the Jinshan Group, and its relevance to calculate the export price for the Giant group. EBMA appealed the judgment and relied on two grounds. Essentially, EBMA alleged misinterpretation and misapplication of Article 18 of the basic anti-dumping Regulation, which provides that the EU institutions may rely on available facts to make findings inter alia when an interested party does not provide necessary information within the time limits provided in the Regulation. The CJ stated that the GC verified whether the information relating to the Jinshan group companies which the EU institutions wished to obtain in order, inter alia, to determine Giant's export price, was likely to influence that determination. The GC concluded that the information was irrelevant to the calculation of the export price.

Thus, under these circumstances and in light of the definition of 'necessary information' above, the CJ concluded that the GC did not err in law by finding that the Council infringed Article 18(1) when it relied on the facts available to calculate the export price. Essentially for these reasons, the CJ dismissed the appeal in its entirety.

The real solution to the dumped good imports, however, lies in a more coordinated efforts at negotiations between Countries, again relying on the consolidated principles from international laws.

It is interesting to note that, since 2015 the People Republic of China is developing its "One Belt — One Road Initiative, also known as "Belt and Road Initiative".

The main objective of such initiative are:

— Economical, in order to foster the creation of a large trade and economic integration between China, Asian Countries, European Countries and Africa.
— Infrastructural, in order to develop modern transport, industrial and other infrastructures to favor trade and economic development to the abovesaid economical areas.

— Political, to improve ties between China and other Countries from Asia, Europe and Africa in order to favor trade and economic development. The political part of the initiative cannot be underestimated as improved political ties with foreign Countries could determine new markets for Chinese goods and free access to raw material for Chinese industries and the People Republic of China itself.

In the last years China signed cooperation agreement and memorandums of understanding with more than 80 Countries in order to develop the "Belt and Road Initiative"

In Europe the Chinese initiative has been received with some attention leading to the signature of the following memorandums of understanding:

— MOU between Greece and PRC signed on 27 August 2018
— MOU between Italy and PRC signed on 23 March 2019
— MOU between Luxembourg and PRC signed on 27 March 2019
— MOU between Switzerland and PRC signed on 29 April 2019

It must be noted that such MOU don't constitute an international agreement and do not subject any party to obligations.

However, they are a first step for the development of cooperation agreement and to improve the cooperation between the involved Countries through new consultations and the establishment of new bilateral consulting organs.

As an example, the MOU signed between Italy and People Republic of China provides for:

— A mutually beneficial cooperation compliant with the party's national laws and the EU regulations (paragraph 2).
— Development of cooperation in the following sectors: 1) Transport and infrastructures, 2) Free trade commerce, 3) Finance, 4) Tourism and cultural exchange, 5) Environment protection (paragraph 3).
— Cooperation will proceed through standard bilateral channels and through the Italo-Chinese Government Committee (paragraph 4).

It can be considered a useful tool to bring in more bilateral and multilateral negotiation and mitigate the effects of dumping imports from People Republic of China.

The solution to the excess of dumping price imports from China lies in a multitude of tools, political, economic, juridical and jurisdictional, but any step will likely see a considerable importance of the classic international law tools involving negotiation and agreements within the concerned Countries.