

Customs: "Pay now anti-dumping duties for the goods introduced into the EU months ago?" What should you do?

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There are several procedures in the European Union (EU) to protect the internal market. One of the tools is an antidumping procedure. According to this procedure additional or anti-dumping duties should be paid, if the institutions of the EU come to the conclusion that goods introduced into the EU had been dumped.

During the investigation imports of the goods in question are registered in order to levy anti-dumping payments on them, if the conclusion of the investigation would be that anti-dumping measures had been circumvented. To register imports the Member States of the EU keep records of the respective customs declarations.

During the anti-dumping investigation procedure, the interested parties (e.g. exporters from third countries, importers) are given the possibility to cooperate with the investigating institutions of the EU. If the cooperation was successful and the information has proven helpful, exemption from the imposed anti-dumping duties will be given to the cooperating parties. Other parties are requested to pay the imposed anti-dumping duties.

If a decision is received from the customs authorities requesting to pay anti-dumping duties on the goods imported in the EU months ago, which steps should be taken? What should be done to avoid this risk in the future?

- One should follow the information on the EU anti-dumping measures and initiated anti-dumping investigation procedures. Evaluate the possibilities to participate in the investigation procedure and submit reliable information to be able to request an exemption from paying the anti-dumping duties.
- Before entering into a purchase agreement ensure secured post-delivery expenses. E.g. as the purchaser of the goods one should agree, that the seller is obliged to cover expenses incurred after delivery, such as anti-dumping duties. A precise definition of the rights and obligations of the parties is the possibility to recover additional and unexpected expenses, should an appeal of the customs decision be unsuccessful.
- Review the documentation supporting the goods – there may be several hints to proceed with a successful appeal of the customs decision (e.g. information on the origin of the goods, or their commodity code).

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