

Annual Report of the Hearing Officer for Trade Proceedings 2022



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Annual Report of the Hearing Officer for Trade Proceedings

2022

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1. CONTEXT AND OVERVIEW

The primary role of the Hearing Officer is to ensure that the rights of defence of interested parties are respected, and thereby contribute to the implementation of the rules in trade proceedings in an objective and transparent manner.

The EU Charter of Fundamental Rights stipulates the following: the right of every person (i) ‘to be heard, before any individual measure which would affect him or her adversely is taken’, (ii) ‘to have his or her affairs handled impartially, fairly and within a reasonable time’ and (iii) ‘to have access to his or her file, while respecting the legitimate interests of confidentiality and of professionally and business secrecy’.

For parties involved in trade proceedings, more precise rules are contained in particular in the basic Regulations dealing with the different types of trade defence instruments, such as the anti-dumping, anti-subsidy and safeguards Regulations, or in the trade barriers Regulation¹. In order to underline the Commission’s commitment to guaranteeing due process in trade proceedings and to improving their impartiality, the function of the Hearing Officer was created already in 2007, and their Terms of Reference (ToR) confirmed and modernised in 2019². The changes that were introduced in 2019 were based on the experience gained by the Hearing Officer over time. The interventions of the Hearing Officer’s should become more effective, allowing for adequate follow-up where appropriate. This is in the interest of all parties to a proceeding to safeguard their rights of defence, and in the interest of the investigating authority, which is bound by legal deadlines. To this effect, a good balance between parties’ rights and the time constraints of the proceeding is essential, especially taking into account the new deadlines that were introduced in the ‘modernisation package’ of the Trade Defence Regulations.

The current ToR of the Hearing Officer, which lay down their responsibilities and competencies, were adopted in 2019 and cover 10 basic Trade Regulations³. Since then, the ToR have remained unchanged. One of the basic Trade Regulations listed in the ToR, namely Regulation (EC) No 868/2004 of the European Parliament and the Council⁴, has been replaced by Regulation (EU) 2019/712 of the European Parliament and the Council of 17 April 2019⁵ concerning fair competition in air services, without however affecting the Hearing Officer’s competence in the matter.

In 2020, the European Commission, with Regulation 2020/1173⁶, adopted an amendment to the anti-dumping⁷ and anti-subsidy⁸ basic Regulations on the duration of the period of pre-disclosure to interested parties, which was prolonged from three weeks to four weeks. These amendments also did not change the scope of competence of the Hearing Officer.

The Hearing Officer is attached, for administrative purposes, to the Commissioner responsible for trade policy; however, he/she enjoys independence in performing their duties and shall not take instructions in fulfilling their tasks.

The mentioned Terms of Reference lay down detailed rules on the interventions of the Hearing Officer in all aspects of a trade proceeding and throughout all phases of the proceedings. They further lay down the procedure for hearings conducted by the Hearing Officer. Furthermore, the Hearing Officer has been delegated decision-making powers on certain procedural issues, such as access to files, extension of deadlines and the confidential nature of a document. At the request of an interested party, the Hearing Officer can also examine information that is confidential by nature, and that cannot be disclosed to parties, and inform the party whether in the Hearing Officer’s view the information has been correctly reflected in the findings of the Services. The Hearing Officer is, in addition, empowered to raise with the Commissioner responsible for trade policy and the Director General for Trade, any concerns about the conduct of content of any trade investigation.

The interventions of the Hearing Officer must be effective, allowing for adequate follow-up where appropriate. This is important for all parties to a proceeding to safeguard their rights of defence, and for the investigating authority, which is bound by legal deadlines. To this effect, finding a good balance between parties’ rights and the time constraints of the proceeding is essential. At the same time, the Hearing Officer is not a part of the investigation process, but their role is to ensure that the rights of defence are respected by the Commission services.

The main principles laid down in the current ToR are as follows:

- The Hearing Officer acts upon request of parties. Such requests for intervention of the Hearing Officer must be submitted in good time and expeditiously, so as not to jeopardise the orderly conduct of the proceeding;
- Interested parties should therefore request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention;
- Hearings with the Hearing Officer should in principle only take place if the issues could not be settled with the Commission services in due course;
- Hearing requests should in principle be made within the relevant timeframes set for the procedure – although there may be valid reasons for late requests which the Hearing Officer takes into account.

The Hearing Officer will in principle not accept or consider evidence that has not been submitted to the Commission services in due course in the proceeding.

While the Hearing Officer continues to assess each request on its own merits, these elements should encourage parties to come forward at the right point in time so that their arguments can be properly taken into account and given the appropriate follow-up.

The more information is given to parties on how the general principles that determine the exercise of its functions by the Hearing Officer are translated into practice, the better they will be able to raise issues of concern to them in an appropriate manner.

This report has been drafted in accordance with Article 18(1) of the ToR and contains a summary of the activities in 2022 and main observations.

2. EVOLUTION OF ACTIVITIES IN 2022

Historically, the vast majority of intervention requests concerned trade defence proceedings (anti-dumping, anti-subsidy, reviews, re-opening of cases). This held true also in 2022. As opposed to earlier years, in 2022, the Hearing Officer was only requested to intervene in anti-dumping and anti-subsidy proceedings.

The large majority of these requests concerned issues related to objections to the Commission's determination of facts and findings, breaches of the right to be informed, disclosure issues, and extensions of deadlines.

In 2022, compared to years 2020 and 2021, a smaller percentage of all ongoing investigations led to intervention requests (13% in 2022; 17% in 2020 and 17.7% in 2021).

The Hearing Officer received altogether 23 such requests in 2022 (not all of them for hearings but also for other types of interventions) and held 8 hearings. The Hearing Officer found that the rights of defence of parties had been respected. Before granting a hearing and in accordance with the ToR, the Hearing Officer, where appropriate, encouraged the parties to first address their concerns to the Commission services, if not yet done.

3. HEARINGS

The most prominent activity of the Hearing Officer is to organise and chair hearings at the request of interested parties. These hearings are organised in a particular way in order to maximize the participation of all services involved

in the decision-making process and to achieve a high degree of transparency for the interested parties of a case. In 2022, the Commission services have followed the proposals and suggestions of the Hearing Officer.

In view of the relatively small number of hearings in 2022, each case concerned can be addressed individually.

They are listed below in chronological order starting from the first intervention request (please, click on the case number, if reading electronically, for more information on the case):

R739/R740 Glass fibre fabrics (GFF) (certain woven and/or stitched)

This proceeding concerned an anti-circumvention investigation, against a Moroccan producer, of measures already in force against GFF exported to the Union from China and Egypt. In this proceeding, three related exporting producers (China, Egypt and Morocco) represented by one law firm requested a hearing with the Hearing Officer relating to the application Article 18 of the basic Regulation (facts available), and a hearing was granted. The exporting producers considered that there was a lack of explanation justifying the use of facts available and claimed that their comments were not considered in a satisfactory manner.

The Commission services explained that the exporting producers had provided conflicting and/or only partial information over the time-period in question, which led to doubts about the start of the production put forward by the Moroccan party. In addition, the Commission services noted a high number of missing invoice numbers in the sequential numbering system submitted by the Moroccan party. Lastly, the Commission services explained that the data provided contained unexplained discrepancies. As a result, they concluded that there was sufficient justification to apply Article 18 of the basic Regulation.

The Hearing Officer found that the rights of defence had been respected, and, in view of the tight timelines of the investigations, she suggested that the Commission services should add certain explanations given during the hearing to the Regulation.

AD681 Superabsorbent polymers

In this proceeding, one exporting producer requested an intervention of the Hearing Officer regarding an error committed by the Commission services in the General Disclosure Document, and the one-day deadline to comment on the second additional disclosure document that had been issued. Upon its request, a hearing with the Hearing Officer took place.

The Commission services argued that, as far as the error in the General Disclosure Document was concerned, it was a clerical error, and the changes could not be 'unexpected' or 'new' to the interested party, as the second Additional Disclosure Document came further to the request of the party, and the direction of the indicators had not changed.

The Hearing Officer concluded that the overall trends did not appear to have been subject to significant change, thus, the

rights of defence of the party had been respected; as to the request for an extension of deadlines to submit comments, she observed that it could not be granted since it is the Hearing Officer's duty to respect the deadline of proceedings and the second Additional Disclosure Document took account of the party's comments.

R746/R747/R748 Trichloroisocyanuric acid

Three exporting producers requested the intervention of the Hearing Officer, in view of obtaining new exporter status, and a hearing was granted. The parties raised the following objections to the Commission's determinations and findings with respect to:

- The representativity of sales' transactions in terms of volume and prices
- The application of the law, particularly the application and interpretation of article 11(4) of the basic Regulation
- Issues on the disclosure of the dumping calculations.

During the hearing, the Commission services explained that the transactions to the EU market were assessed both in terms of volume and price and noted that the examination made by the Commission was based on information at TARIC⁹ level. These factors led to the conclusion that the transactions in question could not be considered a reliable indicator of the future export activity of the parties, as opposed to other situations with other exporters in the past. The Commission services further explained that they had not done a calculation of dumping and normal value in this proceeding, as their findings clearly indicated that a new exporter status could not be granted to the parties, and therefore, the provision of the disclosure as requested by the parties was neither possible nor legally required.

The Hearing Officer observed that even though there had been cases in the past in which a single export transaction was considered sufficient and reasonable, the conditions in those cases had been different, and therefore, not comparable. Furthermore, as regards the interpretation of Article 11 (4) of the basic Regulation, the Hearing Officer explained that it was not in her realm to provide for such interpretation. Finally, concerning the disclosure of dumping calculations and normal value, the Hearing Officer concluded that the Commission services were not obliged to provide them to the party, because there were no such documents or files generated during the investigation. In conclusion, all rights of defence had been respected in this proceeding.

AD682 Corrosion resistant steels originating in Turkey and Russia

In this proceeding, the Hearing Officer was requested to intervene four different times by four different parties (two exporting producers, one Union industry producer and the Turkish government). The Hearing Officer granted two hearings to the two different exporting producers. The other parties were not granted a hearing on the grounds that their requests concerned the investigation during the proceeding, and not their rights of defence. She reminded the parties that she was not part of the investigation and, pursuant to the Terms of Reference of the Hearing Officer, she encouraged the parties to firstly address their concerns to the Commission services.

At the first hearing that took place before the Hearing Officer, the party considered that the application of Article 18(1) of the basic Regulation was not appropriate in the case at hand, as the company had cooperated to the best of its ability and the application of best facts available was unfair.

The Commission services explained that the intention to apply the abovementioned Article was already apparent from the wording of the so-called "Article 18 letter" sent to them, which concluded that the party provided misleading information, thereby impeding the investigation.

The Hearing Officer found that no conclusions could be reached at this stage, and she invited the Commission services to reflect on the arguments discussed.

At the second hearing with another exporting producer, the party raised claims on the methodology used to calculate the normal value in situations where there were no domestic sales. In that respect, the Commission services explained the relevant methodology used to construct the normal value.

The Hearing Officer found that adequate explanation was given to the party with regard to the use of the methodology, and therefore, the party's rights of defence had not been breached. She noted that the Commission services needed to expose all explanations in the Regulation and the party had to be informed in due time.

AD686 Aluminium Road wheels

One exporting producer requested the intervention of the Hearing Officer following the pre-disclosure made by the Commission during the investigation.

In this respect, the Hearing Officer granted a hearing, where the exporting producer requested the disclosure of the individual dumping and injury margin, as well as the underlying calculations. The party also asked for an extension of the deadline of three days to comment on the pre-disclosure. The Commission services explained that individual dumping and injury calculations were not undertaken, due to the deficient data at hand and therefore, the said calculations could not be pre-disclosed to the party. For that reason, the party received the pre-disclosure which set a duty that fell under the 'all others' rate.

The Hearing Officer explained that indeed, a specific duty was provided to the party, which however was at an 'all others' rate, given the application of Article 18 of the basic Regulation. She found that at that stage of the proceeding, no reconciliation between the two parties was possible. Nevertheless, she encouraged the Commission services to re-analyse the situation considering further comments raised by the party. She finally reminded the party that a residual margin did not have to be necessarily calculated, but that a conclusion could also be reached based on different sources. In the light of the above, she concluded that the rights of the parties had been respected.

AD687 Fatty acid originating in Indonesia

In this proceeding, the Hearing Officer was requested to intervene on several different occasions. She received requests from three Union producers, one request from an exporting producer and furthermore, two requests from the same user.

One Union producer requested the Hearing Officer's intervention twice but was not granted a hearing as no issues concerning its rights of defence were raised, but only technical issues relating to the definition of the product under investigation. The Hearing Officer clarified that she was not part of the investigation and does not decide on the product scope in any given investigation. Two other Union producers alike were not granted a hearing because they did not raise issues related to their rights of defence in their intervention requests, and therefore, the Hearing Officer advised them to firstly address their concerns to the Commission services.

A hearing with another Union producer took place, and during the hearing, the party expressed its concerns as regards the impact of the anti-dumping measures in place at that time, as exhibited in the General Disclosure Document. Another issue raised by that party concerned the withdrawal of the complaint, which took place before their first hearing with the Commission services was held. The party pointed out that despite the withdrawal of the complaint, the Commission services did not react to the change of situation and did not inform them about their intention to continue or terminate the ongoing proceeding. The party also raised issues related to factors other than the imports that led to injury to the Union producers and claimed that major direct and indirect users of fatty acids were affected. Finally, the party noted that the entire Union and Union citizens were affected by general developments regarding the production of fatty acids.

The Commission services explained that only one General Disclosure Document had been issued, proposing to impose definitive measures, where all comments made by the parties were addressed. After the disclosure, the interested parties had had the opportunity to provide further comments and, in the case at hand, the party concerned had availed itself of the opportunity. The Commission services concluded that all comments submitted by the parties concerned will be duly addressed in the final legal act.

The user, a former producer of fatty acid to whom a hearing was granted, requested an intervention related to the Commission's decision not to terminate the proceeding

upon the withdrawal of the complaint, and not to take into consideration their views on the Union interest. During the hearing, the user raised three different issues:

- Complaint withdrawal and its consequences
- Other factors that led to injury to the Union producers
- The Union users' perspective.

The Hearing Officer noted that the procedure was still ongoing, and it remained to be seen what the Commission services concluded on the continuation or termination of the proceeding. She recalled the importance of the parties' right to be heard and reminded that the parties' comments will be addressed in the final act.

AD684 Ceramic Tiles

In this proceeding, the Hearing Officer was requested to intervene four times by four different parties (three exporting producers and one party claiming to be a Union producer). The Hearing Officer granted a hearing to the party claiming to be a Union producer, which complained that several of its relevant comments and objections raised had not been considered when issuing the general disclosure document.

She did not grant a hearing to the rest of the interested parties, as they did not raise issues as regards their rights of defence.

In the hearing, firstly, the Commission services explained that the legal framework for the investigation was the basic Regulation and since the party in question did not have any production capacities in the European Union, they were considered as importers. Taking that into consideration, the Commission services pointed out that there was no dumping behaviour by the suppliers of the Union industry, stressed that the required questionnaires had been and still were available on the DG TRADE website and noted that some documents that the party had wanted to submit did not relate to the criteria that would influence the Union interest test.

The Hearing Officer expressed her satisfaction with the clarification by the Commission services regarding the status of the party concerned (importer) and concluded that the Commission services had to address, in an appropriate manner, the substantiated comments made by the party in the Final Regulation.

Thus, she concluded that the rights of the parties had been respected.

4. OTHER INTERVENTIONS

Replies to Intervention requests not leading to a hearing

The Hearing Officer received certain intervention requests that did not result in hearings.

On two occasions, the interested parties contested the definition of the product scope under investigation, which does not fall within the competence of the Hearing Officer. Once a party questioned the transparency of the information during an investigation. There were also simple requests for information. To such requests the hearing Officer replied in writing without resorting to a formal intervention.

To some further intervention requests, the Hearing Officer, again in accordance with the ToR, recommended that the parties try and settle the issues with the services first.

Extension of deadlines

The Hearing Officer was requested to extend procedural deadlines once and granted the request.

Generalized Systems of Preferences +

No request under the Generalized System of Preferences was filed in 2022.

Safeguards

No requests under the safeguards Regulation were filed in 2022.

Trade Barriers Regulation

No requests under the Trade Barriers Regulation were filed in 2022.

Confrontational Hearing requests

No requests for any confrontational hearing were filed in 2022.

5. OTHER ACTIVITIES

Consultation on policy issues

The Hearing Officer was not consulted on policy issues in 2022.

Formal Recommendations

In 2022, the Hearing Officer did not make formal recommendations.

Decisions

The Terms of Reference confer on the Hearing Officer certain decision-making powers on a number of issues (for example disputes on access to file, confidential nature of a document, deadlines). The Hearing Officer decided in one case on a prolongation of deadlines.

Outreach and Training Activities

The Hearing Officer presented the Annual Activity Report for the year 2021 to the Working Party on Trade Questions, and it was published on the Hearing Officer's website. Training on the role of the Hearing Officer was likewise offered to all newcomers of the Trade Defence Services. Finally, increasing visibility, and modernisation of the Hearing Officer Website was carried out, including facilitated access and an update of the content. This initiative will be further developed in 2023.

Cooperation with the Commission services responsible for investigations

The cooperation with the Commission services was satisfactory. Oversight that came to the attention of the Hearing Officer were corrected and the services agreed, for example, to expand disclosures, thereby respecting the rights of defence of the parties.

A formal consultation mechanism is in place obliging the Director responsible for policy changes or updates to consult the Hearing Officer, notably if they are likely to impact the rights of parties. As a matter of course, the Hearing Officer continues to be involved in all inter-service consultations initiated by DG Trade Directorate G, and in all proposals sent to the Commission for adoption. Although it did not happen in the past years, the Hearing Officer may also be consulted and intervene in other inter-service consultations.

Following the re-organisation of DG Trade, all staff of the Hearing Officer has been administratively attached to a DG Trade Unit. In 2019, the European Court of Auditors had concluded that, in spite of the administrative attachment of the Hearing Officer's staff to DG Trade, at the time directly to a Director, the Hearing Officer acts independently from a functional point of view. This independence relies on the personalities of the persons involved rather than on the institutional setting. From a practical point of view, there has been no undue impact on the work of the Hearing Officer staff.

Transparency

Continuing overall progress can be noted in relation to trade defence policy. Parties are able to see the agenda of the Trade Defence Committee meetings which are put online. Likewise, the parties can also see the refund Decisions online. Case timelines are published on the DG TRADE website and case documents are updated to accommodate new rules. In addition, the Hearing Officer has acted upon requests of parties to verify the information in the confidential files of a proceeding in accordance with Article 15 of the ToR.

Parties' right to good administration

The specific role of the Hearing Officer is to safeguard the application of the principles of EU law, namely the right to good administration.

The Trade Defence Services continue to make considerable efforts towards standardisation of procedures and thus more predictability for the parties. Extensive guidance is provided to case-handlers including on jurisprudence and new policy developments. Further explanations have been embedded in the DG TRADE internet site. This is essential to create trust in the Commission's proceedings. Nevertheless, quality management in regard to substance and process also remain essential to this effect.

Guidance for Interested Parties

The Hearing Officer has taken up an initiative to provide more step by step explanations as regards their role and competences to potential interested parties by adding guidelines on the website of the Hearing Officer.

This part, attached to the Hearing Officer's website, gives guidance to interested parties and informs about questions and answers to issues likely to be raised by these interested parties, so as to enable them to bring across their valid concerns in a clear and comprehensive manner to the Hearing Officer.

6. THE ROLE OF THE HEARING OFFICER IN THE LITIGATIONS BEFORE THE COURT OF JUSTICE

Since the formal establishment of the role of the Hearing Officer in 2010, there is mounting evidence that the Hearing Officer's interventions are having an impact. Indeed, after completion of the proceedings, any of the interested parties may refer the issues to the European Court of Justice.

By now, in a number of instances, the role of the Hearing Officer has been acknowledged by the European Courts. Therefore, it seems appropriate to, for the first time in the Hearing Officer's reports, to highlight the corresponding cases and the conclusions drawn in them, which may form the basis for future interventions.

A notable mentioning of the Hearing Officer took place in case [T-753/16](#)¹⁰ where an interested party had not, in due time, requested an intervention of the Hearing Officer and, in general, expressed an exceptionally dismissive attitude while pleading alleged infringements of their right to a fair trial and the rights of defence. The court, however, rejected such plea.

In [Case T-596/14 RENV II](#)¹¹ the applicant did not approach the Hearing Office during the proceeding, whereas the court found that "The applicant cannot justify the fact that it did not approach the hearing officer by the fact that its lawyers had made such a request unsuccessfully in another case. It is not disputed that (i) the applicant was entitled to address itself to the hearing officer and (ii) that the hearing officer's assessments regarding respect for rights of the defence and confidentiality are made on a case-by-case basis, so that the existence of another such decision by the hearing officer cannot, of itself, rule out that, in the present case, he would have granted the applicant's request."

The two cases, thus, irrefutably recognized the role of the Hearing Officer in trade proceedings.

There are two more notable cases, where the European Court of Justice found that the interventions of the Hearing Officer had made a substantial impact on the rights of defence for the applicant.

In case [T-278/20](#)¹² the applicant has had two hearings with the Hearing Officer and the court recognized that, because of these hearings, the applicant had received more favourable treatment in the investigations, and that their rights of defence had been observed in the proceeding to which they were subject.

In case [T-383/17](#)¹³ the applicant alleged an infringement of the principle of good administration and rights of defence. However, four hearings with the Hearing Officer took place during the proceeding, and the applicant has had ample opportunity to be heard and receive explanations and clarifications from the Commission services responsible for the investigation. The court thus dismissed this plea, notwithstanding that, for other legal reasons, the Commission Implementing Regulation concerned was annulled.

In case [T-144/20](#)¹⁴ the court upheld the argument of the Commission that "if the applicant doubted that its right to be heard had been respected during the administrative procedure ... it was entitled to refer the matter to the hearing officer, which it failed to do". Furthermore, the court established that "it follows from all of the foregoing that, contrary to the applicant's assertions, it had the opportunity to comment on the two elements on which it relies and that, consequently, the Commission did not infringe its rights of defence". In all other cases where interventions of the Hearing Officer had been referred to without further details, it is evident that the issues that had been brought in due course before the Hearing Officer and had been resolved, so no longer could be used as an argument before the court.

In conclusion, it is evident that interventions of the Hearing Officer are serving the intended purpose, which is to strengthen the procedural guarantees for the exercise of the procedural rights of any interested parties concerned.

7. ANNEX

Anti-dumping and anti-subsidy proceedings concerned by intervention requests in 2022

The following tables demonstrate the actual numbers and the ratios between the ongoing trade proceedings and intervention requests received by the Hearing Officer compared to the last 4 years. The methodology in place is the same one as the one used before for comparison and cross-reference purposes.

Table 1: Dynamics of intervention requests and interventions in 2022

The overall statistics concerning the intervention requests and Hearings with the Hearing Officer indicate that the Hearing Officer’s activities decreased compared to the ones performed in previous years. However, there is a certain stability regarding the number of intervention requests and Hearings with the Hearing Officer from January 2022 to December 2022.

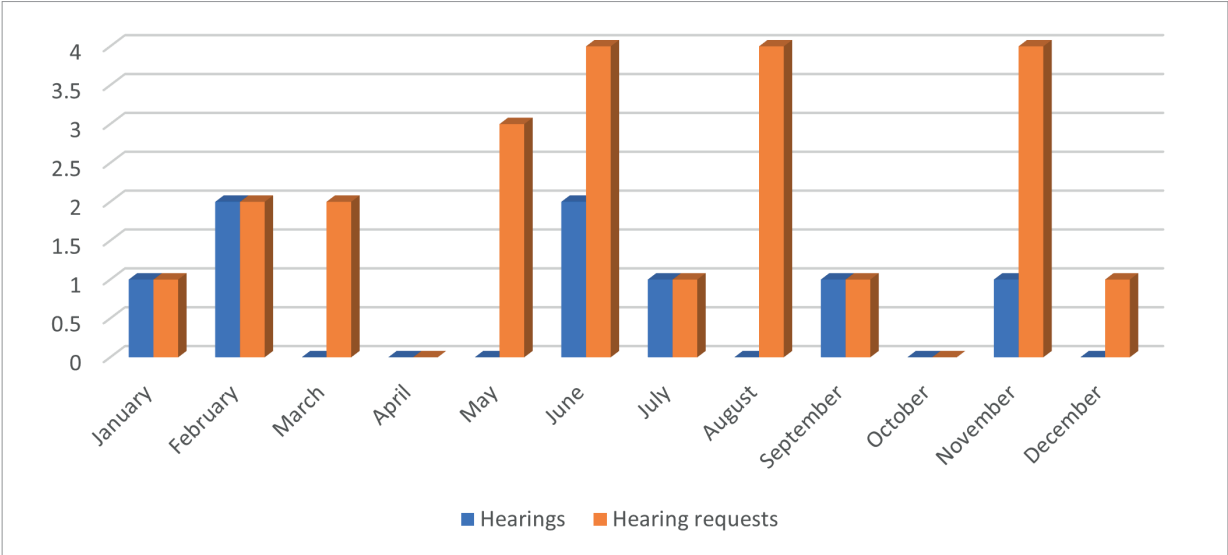


Table 2: Trade proceedings concerned by intervention requests vs. ongoing proceedings (actual numbers)

The table represents the total number of intervention requests vs intervention request resulting in hearings. The number of intervention requests that took place in both 2021 and 2022 remained roughly the same.

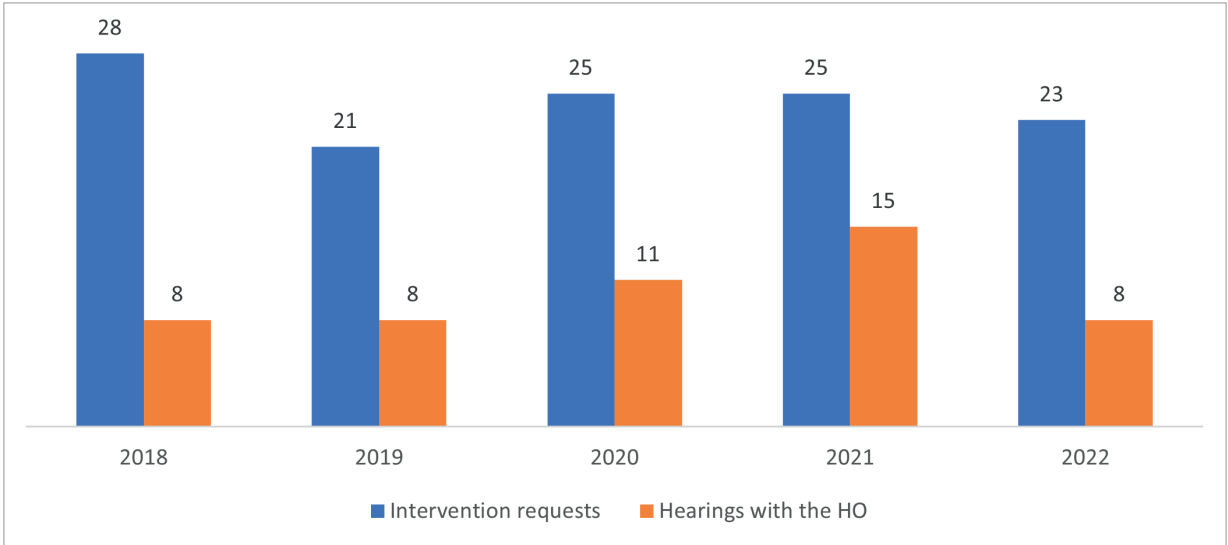


Table 3: Trade proceedings concerned by intervention – requests vs. ongoing investigations (in %)

The number of intervention requests in relation to ongoing proceedings is indicative only. As well as in year 2021, in many requests, several interested parties participated and occasionally represented different types of interested parties in the same proceeding.

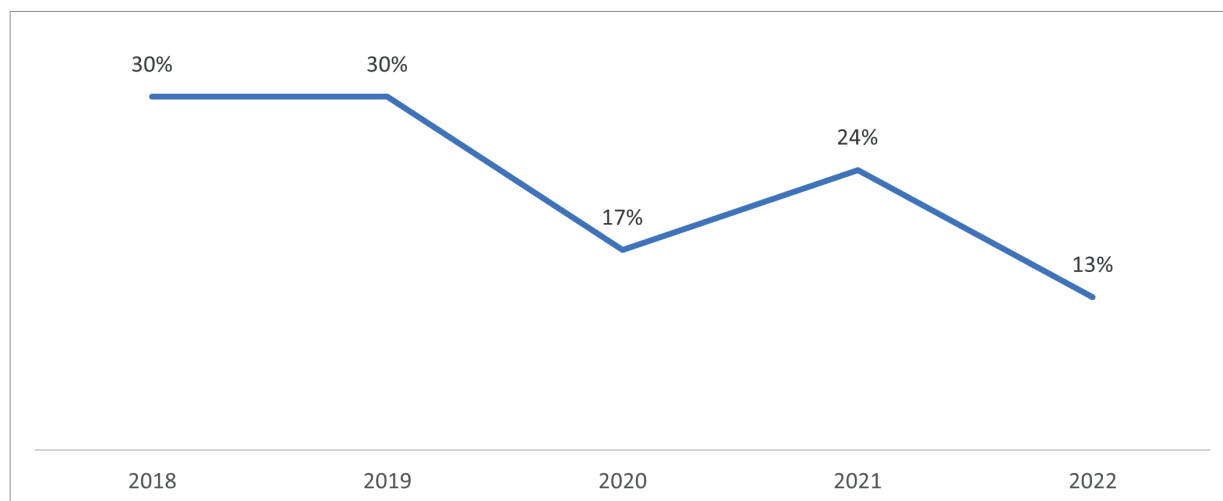


Table 4: Trade proceedings concerned by intervention request vs. ongoing proceedings and the number of intervention requests vs. hearings

The actual number of cases as shown in this table corresponds to the cases investigated by Trade Defence in 2022. The table demonstrates certain stability in the number of intervention requests over the last three years. The number of Hearings that take place in a year is relatively low, compared to the multiple intervention requests per year. As far as the proceedings with intervention requests concerns, the Hearing Officer was requested to intervene at different stages of a single proceeding – or there were multiple intervention requests per proceeding from different interested parties.

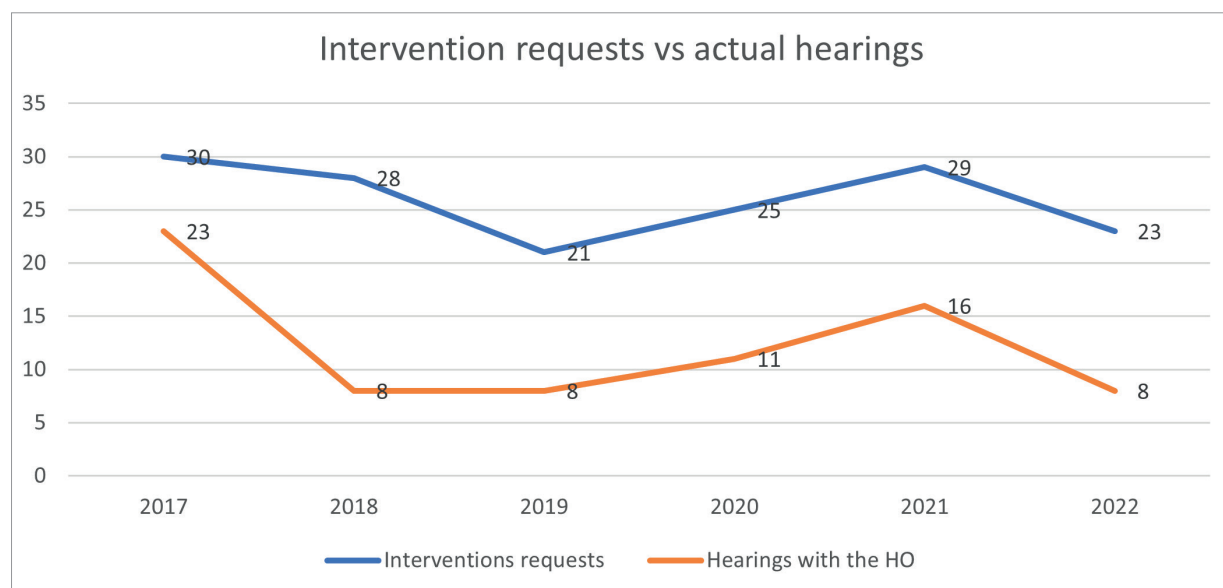


Table 5: Interventions by case type

In 2022, the Hearing Officer was only requested to intervene in anti-dumping and anti-subsidy proceedings and issues related to Article 5 of the anti-dumping basic Regulation and Article 10 of the anti-subsidy basic Regulation, as well as in the only on-going safeguards proceeding.

Type		Proceedings ongoing 1.1.2022	Proceedings initiated 2022	Sum of proceedings ongoing during 2022	Proceedings in which the HO was requested to intervene	in %
Initial cases (Art 5 AD, Art 10 AS)		19	11	30	10	33%
Reviews	Other	19	6	25	0	0%
	Expiry	29	27	56	10	18%
	Interim	4	4	8	0	0%
	New exporter	4	3	7	0	0%
Re-opening of a case		5	5	10	0	0%
UT Withdrawal/Implementation		2	0	2	0	0%
Pre-Initiation		0	0	0	0	0%
Refund		3	6	9	0	0%
Others (GSP and safeguards)		1	1	2	0	0%
Total		86	63	149	20	13%

Interventions by type of requesting party

In 2022, the largest group of interested parties requesting an intervention were exporting producers, directly concerned with ongoing investigations.

In 2022, governments did not request the intervention of the Hearing Officer. However, an EU importer requested the intervention of the Hearing Officer under the mistaken belief that they are EU industry representatives.

Intervention requests by issues raised

The majority of requests, as in previous years, concerned requests for additional information and objections to the facts and findings of the investigation. Some of the requests also concerned the right to be informed or issues related to the Disclosure and extension of deadline.

In many requests, several different issues were raised simultaneously. Finally, in some cases, the same interested party reached out several times for an intervention of the Hearing Officer during the same proceeding with different issues.

8. END NOTES

1. REGULATION (EU) 2015/1843 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 October 2015 laying down Union procedures in the field of the common commercial policy in order to ensure the exercise of the Union's rights under international trade rules, in particular those established under the auspices of the World Trade Organisation, OJ L 272, p.1.
2. DECISION (EU) 2019/339 OF THE PRESIDENT OF THE EUROPEAN COMMISSION of 21 February 2019 on the function and Terms of Reference of the Hearing Officer in certain trade proceedings, OJ L 60, 28.2.2019, p.20.
3. A list of Trade Regulations covered is provided in Article 1 of the ToR.
4. Regulation (EC) No 868/2004 of the European Parliament and of the Council of 21 April 2004 concerning protection against subsidisation and unfair pricing prices causing injury to Community air carriers in the supply of air services from countries not members of the European Community (OJ L 162, 30.4.2004, p. 1).
5. Regulation (EU) 2019/712 of the European Parliament and of the Council of 17 April 2019 on safeguarding competition in air transport, and repealing Regulation (EC) No 868/2004 (OJ L 123, 10.5.2019, p.4).
6. Commission Delegated Regulation (EU) 2020/1173 of 4 June 2020 amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidized imports from countries not members of the European Union as regards the duration of the period of pre-disclosure.
7. Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union.
8. Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidized imports from countries not members of the European Union.
9. [EU Customs Tariff \(TARIC\) \(europa.eu\)](https://europa.eu/eu-foreign-affairs/customs-tariff-taric)
10. Judgement of 22 September 2021, PAO Severstal v European Commission, T-753/16, ECLI:EU:T:2021:612
11. Judgement of 24 September 2019, Xinyi PV Products (Anhui) Holdings Ltd v European Commission, T-586/14 RENV II, ECLI:EU:T:2022:799
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