

**KEY ISSUES REGARDING THE EU'S
CONCURRENT IMPOSITION OF ANTI-
DUMPING AND COUNTERVAILING DUTIES ON
CHINESE COATED FINE PAPERS: ANALOGUE
COUNTRY, MARKET ECONOMY TREATMENT,
INDIVIDUAL TREATMENT, AND DOUBLE
REMEDY**

Chien-Huei Wu^{*}

ABSTRACT

This article uses the EU's decision to simultaneously impose anti-dumping and countervailing duties against Chinese coated fine papers as a case study to illustrate the complexities involved in EU's trade defence regime against products originating from nonmarket economies. Four specific issues are dealt with: analogue country, market economy treatment, individual treatment and double remedy. In examining the reasonableness of the European Commission's choice of the analogue country, this article develops a two-step approach, firstly against the Basic AD Regulation and secondly against Article X:3 of the GATT 1994. In view of the positive results of the request for individual treatment, this article argues that the EU may pass the "as applied" complainant in the WTO dispute settlement mechanism. With regard to the proposed amendment to the Basic AD Regulation, it may also pass the "as such" complaint. In light of the fact that the

^{*} Associate Research Professor, Academia Sinica, Taipei, Taiwan. PhD in Law (European University Institute). E-mail: wch@sinica.edu.tw.

EU is a third party taking the same position as the respondent in US – Anti-Dumping and Countervailing Duties, this article explores the rationale behind the Commission’s determination to impose concurrent anti-dumping and countervailing duties since one single anti-dumping duty may provide sufficient level of protection. This article argues that the rationale is mainly because of the perspective expiry of alternative price comparability methodology as provided in China’s accession protocol, the different nature of anti-dumping and anti-subsidy investigations, and practical benefits of concurrent imposition.

KEYWORDS: *anti-subsidy, double remedy, nonmarket economy, analogue country, market economy treatment, individual treatment, lesser duty rule, EC – Fasteners, US – Anti-Dumping and Countervailing Duties, Zhejiang XinanChem*