

A new EU regulation on anti-dumping and countervailing duties – a customs tool

An EU Regulation on anti-dumping and countervailing duties was published on 3 July 2019.

The Regulation lays down the conditions for the levying of anti-dumping and/or countervailing duty on products brought to an artificial island, a fixed or floating installation or any other structure in the continental shelf or the exclusive economic zone of a Member State. The Regulation is one component of the modernisation of the EU's trade defence instruments.

The Basic Regulations (EU) 2016/1036 and (EU) 2016/1037 on the levying of anti-dumping and countervailing duty make it possible to apply and collect anti-dumping and/or countervailing duties on certain goods also in the continental shelf of a Member State or the exclusive economic zone declared by a Member State pursuant to the United Nations Convention on the Law of the Sea.

On 2 July 2019, the Commission adopted Implementing Regulation [\(EU\) 2019/1131](#) establishing a so-called customs tool, in accordance with which anti-dumping and/or countervailing duties will be collected in the above-mentioned situation. The Regulation began to apply from 4 November 2019.

Finland has had an exclusive economic zone since 1 February 2005 ([Act on the Exclusive Economic Zone of Finland 26.11.2004/1058](#), in Finnish). According to section 1 of the Act, the exclusive economic zone of Finland shall comprise the part of the sea which is immediately adjacent to the territorial waters of Finland and the outer limit of which is determined by the agreements concluded by Finland with foreign States and the outer limit location of which is given by a Government Decree.

When is anti-dumping and/or countervailing duty in accordance with the Regulation levied?

Anti-dumping and/or countervailing duty is levied on goods brought to an artificial island, a fixed or floating installation or any other structure in the continental shelf or the exclusive economic **only** if specifically provided for in the regulation imposing the anti-dumping and/or countervailing duty.

Anti-dumping and countervailing duties may be levied by Finnish Customs on goods brought to the continental shelf or the exclusive economic zone either

1. when the goods in question are re-exported from Finland to the continental shelf or the exclusive economic zone of Finland or another EU Member State, or
2. when the goods in question are brought to the exclusive economic zone of Finland directly from a third country.

A public notice of initiation of an anti-dumping proceeding will be published in the C series of the Official Journal of the European Union. When there is enough proof of injury caused by dumping, a provisional anti-dumping duty will be imposed for a period 6 months. The investigations and registrations are also shown in Taric, but only as text, there is no measure code for them. On the Finnish Customs website [anti-dumping and countervailing-duties](#), under Read more, there are links to the duties in force, registrations and ongoing investigations (in Finnish).

Case 1

If goods referred to in the Regulation establishing a customs tool are brought to the continental shelf or the exclusive economic zone of a Member State **from the customs territory of the Union, a re-export declaration or an exit summary declaration** must be used to declare such product before its departure. The recipient of the goods operating in the continental shelf or in the exclusive economic zone shall lodge **a receipt declaration** at the customs authority of the Member State where the re-export declaration was accepted or where the exit summary declaration was registered.

The re-export declaration or exit summary declaration shall provide the information about the continental shelf or exclusive economic zone of the Member State to which the goods are to be brought. This information is provided using the certificate codes Y200–Y222, which are integrated into Taric. Country of destination code QP must also be used in the re-export declaration or the exit summary declaration. The certificate code for the exclusive economic zone of Finland is Y220. The codes have been added to code list 0006.

- Elex: In the re-export declaration or the re-export declaration amendment, the certificate codes Y200–Y222 are entered as additional document for the goods item. The country and regulation number of the code in question are entered as the value for the additional document. For example, in the case of code Y203 – Germany – Continental shelf or Exclusive Economic Zone (Regulation 2019/1131 establishing a customs tool, OJ L 179, 3.7.2019, p. 12), ‘Germany, Regulation 2019/1131’ is entered as the value for code Y203.
- Arex: In the exit summary declaration (IE615) or the exit summary declaration amendment (IE613), the certificate codes Y200–Y222 are entered as additional document for the goods item. The country and regulation number of the code in question are entered as the value for the additional document. For example, in the case of code Y200 – Belgium – Continental shelf or Exclusive Economic Zone (Regulation 2019/1131 establishing a customs tool, OJ L 179, 3.7.2019, p. 12), ‘Belgium, Regulation 2019/1131’ is entered as the value for code Y200.

Case 2

Goods referred to in the Regulation establishing a customs tool can also be brought to the continental shelf or the exclusive economic zone of a Member State **directly from outside the customs territory of the Union**. The recipient of the goods operating in the continental shelf or in the exclusive economic zone shall lodge **a receipt declaration** at the customs authority of the Member State to which the continental shelf or exclusive economic zone belongs.

The receipt declaration shall be lodged at Finnish Customs using Customs [form 1104](#), and it shall be lodged without delay and at the latest within 30 days of receipt of the goods in an artificial island, a fixed or floating installation or any other structure in the continental shelf or in the exclusive economic zone.

The receipt declaration shall be submitted by email to [tulliselvitystuki\(at\)tulli.fi](mailto:tulliselvitystuki(at)tulli.fi). The customer will receive an automatic acknowledgement of receipt.

More information: [yritysneuvonta.lupa-asiakkaat\(at\)tulli.fi](mailto:yritysneuvonta.lupa-asiakkaat(at)tulli.fi)