



**Notice of initiation of an anti-subsidy proceeding concerning imports of new battery electric vehicles designed for the transport of persons originating in the People's Republic of China**

(C/2023/160)

The European Commission ('the Commission') initiates on its own initiative an anti-subsidy proceeding pursuant to Article 10(8) of Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union <sup>(1)</sup> ('the basic Regulation'), on the grounds that imports of new battery electric vehicles for the transport of persons originating in the People's Republic of China are being subsidised and are thereby causing injury <sup>(2)</sup> to the Union industry.

**1. Market information**

After an in-depth analysis of recent market developments and considering the sensitivity of the electric vehicle sector and its strategic importance to the EU economy in terms of innovation, value added and employment, the Commission has collected market information from various independent sources. This information tends to show the existence of subsidisation by the People's Republic of China which negatively affects the situation of the Union industry.

On the basis of publicly available information, there is sufficient evidence demonstrating that imports of the product under investigation originating in the People's Republic of China benefit from countervailable subsidies provided by the Government of the People's Republic of China. Those subsidies have allowed the subsidised imports to rapidly increase their market share in the EU to the detriment of the Union industry. Section 3 of this Notice provides more information in this regard.

The available evidence, as summarised in Section 4 of this Notice, shows the likelihood of substantially increased subsidised low-priced imports that would pose an imminent threat of injury to an already vulnerable EU industry. Such a surge of low-priced imports, gaining significant markets share in a rapidly growing market in which a significant and sustained rate of investments is needed as the Union market transitions to full electrification, would lead the Union industry to incur heavy losses which could prove rapidly unsustainable.

In these special circumstances, since the Commission is in possession of sufficient evidence tending to show the existence of subsidisation, threat of injury and causal link required for the initiation of an anti-subsidy investigation, it has decided, in accordance with Article 10(8) of the basic Regulation, to proceed with such an initiation without having received a written complaint by or on behalf of the Union Industry.

Pursuant to Article 11(11) of the basic Regulation, Union producers of the like product are requested to cooperate with the Commission in investigations that have been initiated pursuant to Article 10(8).

For the purpose of this *ex-officio* investigation, interested parties may request anonymity, as detailed in Section 5.8 of this Notice.

Section 5.6 of this Notice provides information about access to the file for interested parties.

**2. Product under investigation**

The product subject to this investigation is new battery electric vehicles ('BEVs'), principally designed for the transport of nine or less persons, including the driver, propelled <sup>(3)</sup> solely by one or more electric motors. Motorcycles are excluded from the present investigation.

All interested parties wishing to submit information on the product scope must do so within 10 days of the date of publication of this Notice <sup>(4)</sup>.

<sup>(1)</sup> OJ L 176, 30.6.2016, p. 55.

<sup>(2)</sup> The general term 'injury' refers to material injury as well as to threat of material injury or material retardation of the establishment of an industry as set out in Article 2(d) of the basic Regulation.

<sup>(3)</sup> Regardless of the number of wheels set in motion.

<sup>(4)</sup> References to the publication of this Notice mean publication in the *Official Journal of the European Union*.

### 3. Evidence of subsidisation

The product allegedly being subsidised is the product under investigation originating in the People's Republic of China ('the country concerned'), currently classified mainly under CN code 8703 80 10. The CN code is given for information only without prejudice to a subsequent change in the tariff classification. The scope of this investigation is subject to the definition of the product under investigation as contained in section 2.

The Commission has gathered sufficient evidence that the producers of the product under investigation from the People's Republic of China have benefitted from several subsidies granted by the Government of the People's Republic of China.

The subsidy practices consist, *inter alia*, of (1) direct transfer of funds and potential direct transfers of funds or liabilities, (2) government revenue forgone or not collected, and (3) government provision of goods or services for less than adequate remuneration.

In particular, the Commission has found evidence, among others, of various grants, provision of loans, export credits and credit lines provided by State-owned banks or bonds underwritten by State-owned banks and other financial institutions at preferential terms, provision of preferential export insurance; income tax reductions and exemptions, dividend tax exemption, import and export tax rebates; VAT exemptions and rebates; and government provision of goods (such as raw and input materials as well as components) and services for less than adequate remuneration.

The above schemes appear to be subsidies since they involve a financial contribution by the Government of the People's Republic of China or other regional governments (including public bodies), or by private bodies directed or entrusted by the Government of the People's Republic of China, and which confer a benefit to the recipients. They appear to be specific and, thus, countervailable, among others, since they are limited to certain sectors, products and/or regions.

In view of Articles 10(2) and 10(3) of the basic Regulation, the Commission prepared a memorandum on sufficiency of evidence containing the Commission's assessment on all the evidence at its disposal concerning the country concerned and on the basis of which the Commission initiates the investigation. That memorandum can be found in the file for inspection by interested parties.

The Commission reserves the right to investigate other relevant subsidies, which may be revealed during the course of the investigation.

### 4. Evidence of threat of injury and causation

The varied nature of the subsidies in question shows that they favour several aspects relating to the production and selling of the product concerned, ensuring continued support to this sector. It is therefore foreseeable that the subsidised imports of the product concerned could continue to negatively affect the Union industry's economic situation.

The Commission has at its disposal sufficient evidence that subsidised imports of the product under investigation from the country concerned have increased at a significant rate in both absolute and in market share terms. Such an increase, together with other elements, such as the freely disposable capacity and the attractiveness of the Union market in terms of prices, indicate the likelihood of substantially increased imports in the near future.

Furthermore, the Commission found evidence that there is sufficient freely disposable capacity in the People's Republic of China and that there is an imminent and substantial increase in such capacity which does not appear to be absorbable by other markets, indicating the likelihood of substantially increased subsidised imports that would cause injury.

The evidence at the disposal of the Commission also shows that the prices of the subsidised imports are significantly lower compared to the prices of the Union industry, thereby depressing prices or preventing price increases which otherwise would have occurred and, consequently, placing significant pressure on Union sales, market shares and profit margins. This is especially relevant in a context where the Union industry will need to achieve higher volumes of sales in the BEV market to absorb the heavy investments it needs to spend to remain competitive in the transition to full electrification. The surge of low-priced imports of BEVs originating in the People's Republic of China gaining significant market shares in a growing market would lead the Union industry to incur heavy losses which could prove rapidly unsustainable.

Inventories of the product being investigated may be relevant, although, in general, the car industry works based on orders.

## 5. Procedure

In these special circumstances, since sufficient evidence of subsidisation, threat of injury and a causal link required for the initiation of an anti-subsidy proceeding exist, after informing the Member States, the Commission hereby initiates ex-officio an investigation pursuant to Article 10 (8) of the basic Regulation.

The investigation will determine whether the product under investigation originating in the country concerned is being subsidised and whether the subsidised imports cause injury to the Union industry.

If the conclusions are affirmative, the investigation will examine whether the imposition of measures would not be against the Union interest.

The Government of the People's Republic of China has been invited for consultations.

### 5.1. Investigation period and period considered

The investigation of subsidisation and injury will cover the period from 1 October 2022 to 30 September 2023 ('the investigation period'). The examination of trends relevant for the assessment of injury will cover the period from 1 January 2020 to the end of the investigation period ('the period considered').

### 5.2. Comments on the file and the initiation of the investigation

All interested parties wishing to comment on the file (including matters pertaining to injury and causality) or any aspects regarding the initiation of the investigation must do so within 37 days of the date of publication of this Notice.

Any request for a hearing with regard to the initiation of the investigation must be submitted within 15 days of the date of publication of this Notice.

### 5.3. Procedure for the determination of subsidisation

Exporting producers<sup>(?)</sup> of the product under investigation from the country concerned and the authorities of the country concerned are invited to participate in the Commission investigation.

#### 5.3.1. Investigating exporting producers

Procedure for selecting exporting producers to be investigated in the country concerned

##### (a) Sampling

In view of the potentially large number of exporting producers in the country concerned involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 27 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all exporting producers, or representatives acting on their behalf, are hereby requested to provide the Commission with information on their company(ies) within 7 days of the date of publication of this Notice. This information must be provided via TRON.tdi at the following address: [https://tron.trade.ec.europa.eu/tron/tdi/form/AS689\\_SAMPLING\\_FORM\\_FOR\\_EXPORTING\\_PRODUCER](https://tron.trade.ec.europa.eu/tron/tdi/form/AS689_SAMPLING_FORM_FOR_EXPORTING_PRODUCER). Tron access information can be found in section 5.7.

In order to obtain information it deems necessary for the selection of the sample of exporting producers, the Commission has also contacted the authorities of the country concerned and may contact any known associations of exporting producers.

---

<sup>(?)</sup> An exporting producer is any company in the country concerned which produces and exports the product under investigation to the Union market, either directly or via a third party, including any of its related companies involved in the production, domestic sales or exports of the product under investigation.

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports to the Union which can reasonably be investigated within the time available. All known exporting producers, the authorities of the country concerned and associations of exporting producers will be notified by the Commission, via the authorities of the country concerned if appropriate, of the companies selected to be in the sample.

Once the Commission has received the necessary information to select a sample of exporting producers, it will inform the parties concerned of its decision whether they are included in the sample. The sampled exporting producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

A copy of the questionnaire for exporting producers is available in the file for inspection by interested parties and on DG Trade's website : <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2684>.

The Commission will add a note reflecting the sample selection to the file for inspection by interested parties. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

The questionnaire will also be made available to any known association of exporting producers, and to the authorities of the People's Republic of China.

Without prejudice to the application of Article 28 of the basic Regulation companies that have agreed to their possible inclusion in the sample but are not selected to be in the sample will be considered to be cooperating ('non-sampled cooperating exporting producers'). Without prejudice to section (b) below, the countervailing duty that may be applied to imports from non-sampled cooperating exporting producers will not exceed the weighted average amount of subsidisation established for the exporting producers in the sample <sup>(6)</sup>.

(b) Individual amount of countervailable subsidisation for companies not included in the sample

Pursuant to Article 27(3) of the basic Regulation, non-sampled cooperating exporting producers may request the Commission to establish their individual subsidy amount. Exporting producers wishing to claim an individual amount of countervailable subsidisation must fill in the questionnaire and return it duly completed within 30 days of the date of notification of the sample selection, unless otherwise specified. A copy of the questionnaire for exporting producers is available in the file for inspection by interested parties and on DG Trade's website : <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2684>.

The Commission will examine whether non-sampled cooperating exporting producers can be granted an individual subsidy amount in accordance with Article 27(3) of the basic Regulation.

However, non-sampled cooperating exporting producers claiming an individual amount of countervailable subsidisation should be aware that the Commission may nonetheless decide not to determine their individual amount of countervailable subsidisation if, for instance, the number of non-sampled cooperating exporting producers is so large that such determination would be unduly burdensome and would prevent the timely completion of the investigation.

---

<sup>(6)</sup> Pursuant to Article 15(3) of the basic Regulation, any zero and *de minimis* amounts of countervailable subsidies and amounts of countervailable subsidies established in the circumstances referred to in Article 28 of the basic Regulation shall be disregarded.

### 5.3.2. Investigating unrelated importers <sup>(7)</sup> <sup>(8)</sup>

Unrelated importers of the product under investigation from the country concerned to the Union are invited to participate in this investigation.

In view of the potentially large number of unrelated importers involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit to a reasonable number the unrelated importers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 27 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, are hereby requested to provide the Commission with the information on their company(ies) requested in the Annex to this Notice within 7 days of the date of publication of this Notice.

In order to obtain information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under investigation in the Union which can reasonably be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

Once the Commission has received the necessary information to select a sample, it will inform the parties concerned of its decision on the sample of importers. The Commission will also add a note reflecting the sample selection to the file for inspection by interested parties. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

In order to obtain information it deems necessary for its investigation, the Commission will make available questionnaires to the sampled unrelated importers. Those parties must submit a completed questionnaire within 30 days from the date of the notification of the decision about the sample, unless otherwise specified.

A copy of the questionnaire for importers is available in the file for inspection by interested parties and on DG Trade's website <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2684>

### 5.4. Procedure for the determination of injury and investigating Union producers

A determination of injury is based on positive evidence and involves an objective examination of the volume of the subsidised imports, their effect on prices on the Union market and the consequent impact of those imports on the Union industry. In order to establish whether the Union industry is injured, Union producers of the product under investigation are requested to participate in the Commission investigation, particularly considering Article 11(11) of the basic Regulation.

---

<sup>(7)</sup> Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex I to the questionnaire for these exporting producers. In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, "person" means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

<sup>(8)</sup> The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of subsidisation.

In view of the potentially large number of Union producers concerned and in order to complete the investigation within the statutory time limits, the Commission may limit the Union producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling is carried out in accordance with Article 27 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all Union producers, or representatives acting on their behalf, are hereby requested to provide the Commission with information on their company(ies) within 7 days of the date of publication of this Notice. This information must be provided via TRON.tdi at the following address: [https://tron.trade.ec.europa.eu/tron/tdi/form/AS689\\_SAMPLING\\_FORM\\_FOR\\_EU\\_PRODUCER](https://tron.trade.ec.europa.eu/tron/tdi/form/AS689_SAMPLING_FORM_FOR_EU_PRODUCER). TRON access information can be found in Section 5.7.

The Commission will add a note reflecting the sample selection to the file for inspection by interested parties. Interested parties will be invited to comment on the provisional sample. In addition, other Union producers, or representatives acting on their behalf, that consider that there are reasons why they should be included in the sample must contact the Commission within 7 days of the date of notification of the provisional sampling. All comments regarding the provisional sample must be received within 3 days of the date of notification of the provisional sampling, unless otherwise specified.

All known Union producers and/or associations of Union producers will be notified by the Commission of the companies finally selected to be in the sample.

The sampled Union producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

A copy of the questionnaire for Union producers is available in the file for inspection by interested parties and on DG Trade's website <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2684>.

#### 5.5. *Procedure for the assessment of Union interest*

Should the existence of subsidisation and injury caused thereby be established, a decision will be reached, pursuant to Article 31 of the basic Regulation, as to whether the adoption of countervailing measures would not be against the Union interest. Union producers, importers, suppliers and their representative associations, users and their representative associations, trade unions and representative consumer organisations are invited to provide the Commission with information on the Union interest.

Information concerning the assessment of Union interest must be provided within 37 days of the date of publication of this Notice unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. A copy of the questionnaires, including the questionnaire for users of the product under investigation, is available in the file for inspection by interested parties and on DG Trade's website <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2684>. The information submitted pursuant to Article 31 will only be taken into account if supported by factual evidence at the time of submission.

#### 5.6. *Interested parties*

In order to participate in the investigation interested parties, such as exporting producers, Union producers, importers, suppliers and their representative associations, users and their representative associations, trade unions and representative consumer organisations first have to demonstrate that there is an objective link between their activities and the product under investigation.

Exporting producers, Union producers, importers and representative associations who made information available in accordance with the procedures described in sections 5.3.1, 5.3.2, 5.4 and 5.5 above will be considered as interested parties if there is an objective link between their activities and the product under investigation.

Other parties will only be able to participate in the investigation as interested party from the moment they make themselves known, and provided that there is an objective link between their activities and the product under investigation. Being considered as an interested party is without prejudice to the application of Article 28 of the basic Regulation.

Access to the file available for inspection for interested parties is made via TRON.tdi at the following address: <https://webgate.ec.europa.eu/tron/TDI>. Please follow the instructions on that page to get access <sup>(9)</sup>.

#### 5.7. *Possibility to be heard by the Commission investigation services*

All interested parties may request to be heard by the Commission's investigation services.

Any request to be heard must be made in writing and must specify the reasons for the request as well as a summary of what the interested party wishes to discuss during the hearing. The hearing will be limited to the issues set out by the interested parties in writing beforehand.

The timeframe for hearings is as follows:

- For any hearings to take place before the imposition of provisional measures, a request should be made within 15 days from the date of publication of this Notice and the hearing will normally take place within 60 days of the date of publication of this Notice.
- After the provisional stage, a request should be made within 5 days from the date of the provisional disclosure or of the information document, and the hearing will normally take place within 15 days from the date of notification of the disclosure or the date of the information document.
- At definitive stage, a request should be made within 3 days from the date of the final disclosure, and the hearing will normally take place within the period granted to comment on the final disclosure. If there is an additional final disclosure, a request should be made immediately upon receipt of this additional final disclosure, and the hearing will normally take place within the deadline to provide comments on this disclosure.

The outlined timeframe is without prejudice to the right of the Commission services to accept hearings outside the timeframe in duly justified cases and to the right of the Commission to deny hearings in duly justified cases. Where the Commission services refuse a hearing request, the party concerned will be informed of the reasons for such refusal.

In principle, hearings will not be used to present factual information which is not yet on file. Nevertheless, in the interest of good administration and to enable Commission services to progress with the investigation, interested parties may be directed to provide new factual information after a hearing.

#### 5.8. *Instructions for making written submissions and sending completed questionnaires and correspondence*

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing the Commission a) to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

Interested parties may request that their identity is not disclosed. Anonymity will be granted based on good cause shown in the request.

All written submissions, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Sensitive' <sup>(10)</sup>. Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

<sup>(9)</sup> In case of technical problems please contact the Trade Service Desk by email <mailto:trade-service-desk@ec.europa.eu> or by telephone +32 22979797.

<sup>(10)</sup> A 'Sensitive' document is a document which is considered confidential pursuant to Article 29 of the basic Regulation and Article 12.4 of the WTO Agreement on subsidies and countervailing measures. It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

Parties providing 'Sensitive' information are required to furnish non-confidential summaries of it pursuant to Article 29(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. Those summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence.

If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

Interested parties are invited to make all submissions and requests via TRON.tdi (<https://tron.trade.ec.europa.eu/tron/TDI>) including scanned powers of attorney and certification sheets. By using TRON.tdi or email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: <https://europa.eu/!7tHpY3>. The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided e-mail address is a functioning official business e-mail which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission  
Directorate-General for Trade  
Directorate G  
Office: CHAR 04/039  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

Email:

Subsidy: [mailto:TRADE\\_AS689\\_BEV\\_SUBSIDY@ec.europa.eu](mailto:TRADE_AS689_BEV_SUBSIDY@ec.europa.eu)

Injury: [mailto:TRADE\\_AS689\\_BEV\\_INJURY@ec.europa.eu](mailto:TRADE_AS689_BEV_INJURY@ec.europa.eu)

## 6. Schedule of the investigation

The investigation shall normally be concluded within 12 months and, in any event, no later than 13 months from the date of the publication of this Notice. In accordance with Article 12(1) of the basic Regulation, provisional measures may be imposed normally not later than 9 months from the publication of this Notice.

In accordance with Article 29a of the basic Regulation, the Commission will provide information on the planned imposition of provisional duties 4 weeks before the imposition of provisional measures. Interested parties will be given 3 working days to comment in writing on the accuracy of the calculations.

In cases where the Commission intends not to impose provisional duties but to continue the investigation, interested parties will be informed in writing of the non-imposition of duties 4 weeks before the expiry of the deadline under Article 12(1) of the basic Regulation.

Interested parties will be given in principle 15 days to comment in writing on the provisional findings or on the information document, and 10 days to comment in writing on the definitive findings, unless otherwise specified. Where applicable, additional final disclosures will specify the deadline for interested parties to comment in writing.

## 7. Submission of information

As a rule, interested parties may only submit information in the timeframes specified in sections 5 and 6 of this Notice. The submission of any other information not covered by those sections should respect the following timetable:

- Any information for the stage of provisional findings should be submitted within 70 days from the date of publication of this Notice, unless otherwise specified.



- Unless otherwise specified, interested parties should not submit new factual information after the deadline to comment on the provisional disclosure or the information document at provisional stage. Beyond such deadline, interested parties may only submit new factual information provided that such parties can demonstrate that such new factual information is necessary to rebut factual allegations made by other interested parties and provided that such new factual information can be verified within the time available to complete the investigation in a timely manner.
- In order to complete the investigation within the mandatory deadlines, the Commission will not accept submissions from interested parties after the deadline to provide comments on the final disclosure or, if applicable, after the deadline to provide comments on the additional final disclosure.

#### **8. Possibility to comment on other parties' submissions**

In order to guarantee the rights of defence, interested parties should have the possibility to comment on information submitted by other interested parties. When doing so, interested parties may only address issues raised in the other interested parties' submissions and may not raise new issues.

Such comments should be made according to the following timeframe:

- Any comment on information submitted by other interested parties before the imposition of provisional measures should be made at the latest within 75 days from the date of publication of this Notice, unless otherwise specified.
- Comments on the information provided by other interested parties in reaction to the disclosure of the provisional findings or of the information document should be submitted within 7 days from the deadline to comment on the provisional findings or on the information document, unless otherwise specified.
- Comments on the information provided by other interested parties in reaction to the disclosure of the definitive findings should be submitted within 3 days from the deadline to comment on the definitive findings, unless otherwise specified. If there is an additional final disclosure, comments on the information provided by other interested parties in reaction to this further disclosure should be made within 1 day from the deadline to comment on this further disclosure, unless otherwise specified.

The outlined timeframe is without prejudice to the Commission's right to request additional information from interested parties in duly justified cases.

#### **9. Extension to time limits specified in this Notice**

Extensions to the time limits provided for in this Notice should only be requested in exceptional circumstances and will only be granted if duly justified upon good cause being showed.

In any event, any extension to the deadline to reply to questionnaires will be limited normally to 3 days, and as a rule will not exceed 7 days.

Regarding time limits for the submission of other information specified in the Notice of initiation, extensions will be limited to 3 days unless exceptional circumstances are demonstrated.

#### **10. Non-cooperation**

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 28 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 28 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

### 11. Hearing Officer

Interested parties may request the intervention of the Hearing Officer for trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

The Hearing Officer may organise hearings and mediate between the interested party/-ies and Commissions services to ensure that the interested parties' rights of defence are being fully exercised. A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in the due course.

Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. Where hearing requests are submitted outside the relevant timeframes, the Hearing Officer will also examine the reasons for such late requests, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: [https://policy.trade.ec.europa.eu/contacts/hearing-officer\\_en](https://policy.trade.ec.europa.eu/contacts/hearing-officer_en).

### 12. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council <sup>(1)</sup>.

A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG TRADE's website: <https://europa.eu/!vr4g9W>.

---

---

<sup>(1)</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

## ANNEX

<input type="checkbox"/>	'Sensitive' version
<input type="checkbox"/>	Version 'For inspection by interested parties'
(tick the appropriate box)	

**ANTI-SUBSIDY PROCEEDING CONCERNING IMPORTS OF NEW BATTERY ELECTRIC VEHICLES  
DESIGNED FOR THE TRANSPORT OF PERSONS ORIGINATING IN THE PEOPLE'S REPUBLIC OF  
CHINA**

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the request for sampling information made in point 5.3.2 of the notice of initiation.

Both the *Sensitive* version and the version *For inspection by interested parties* should be returned to the Commission as set out in the notice of initiation.

1. IDENTITY AND CONTACT DETAILS

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	

2. TURNOVER AND SALES VOLUME

Indicate the total turnover in euros (EUR) of the company, the value in euros (EUR) and volume in pieces for imports and resales on the Union market after importation from the People's Republic of China, during the investigation period, of the product under investigation as defined in the notice of initiation.

	Pieces	Value in euros (EUR)
Total turnover of your company in euros (EUR)		
Imports of the product under investigation originating in the People's Republic of China		
Imports of the product under investigation (all origins)		
Resales on the Union market after importation from the People's Republic of China of the product under investigation		

### 3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES <sup>(1)</sup>

Give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under investigation. Such activities could include but are not limited to purchasing the product under investigation, producing it under sub-contracting arrangements, or processing or trading it.

Company name and location	Activities	Relationship

### 4. OTHER INFORMATION

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

### 5. CERTIFICATION

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will involve completing a questionnaire and accepting a visit at its premises in order to verify its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating importers are based on the facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

\_\_\_\_\_

<sup>(1)</sup> In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, "person" means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).