Damocles at the Docks

Two Years of Automatic Registration of Imports in EU Trade Defence Practice

21 September 2026

*On 24 September 2024, the European Commission (**Commission**) issued a press release announcing that, from October 2024, all new anti-dumping (**AD**) and anti-subsidy (**AS**) investigations would automatically be accompanied by a registration order under Article 14(5) of the Basic Anti-Dumping Regulation (Regulation (EU) 2016/1036, **BADR**) or Article 24(5) of the Basic Anti-Subsidy Regulation (Regulation (EU) 2016/1037, **BASR**). This briefing takes a closer look at this new practice after a full two years of application to see what has and has not changed as a result.*

Background

Historically, and before October 2024, importers based in the European Union *(EU)* typically had an 8–9-month period between the initiation of an AD or AS investigation and the imposition of any provisional duties. During this period, importers would tend to increase purchases and build up inventories in anticipation of possible measures. This practice is commonly referred to as "front-loading". At the time, duties on imports cleared during this pre-duty period could generally be collected only if the Commission had ordered registration of imports and subsequently found that the conditions for retroactive collection were met. Such registrations were quite rare, because the Union industry normally had to request them and provide evidence of front-loading, which was often difficult to establish at the early stages of an investigation.

This changed on 24 September 2024, when the Commission decided that imports would be registered automatically in every new AD and AS investigation. The aim was to keep retroactive duties available from the outset and to avoid the evidentiary burden that had made registration difficult in practice. The first Registration Regulations issued under the new practice were adopted on 24 October 2024, and every subsequent investigation has followed the same pattern.

Registration is not conviction

Upfront learning point for businesses: registration does not mean that you definitely have to pay retroactive duties. It only keeps open the possibility for the Commission to impose retroactive duties if the strict legal conditions are later met: the importer knew, or should have known, about the dumping and injury; imports rose sharply over a short period; and that increase risks weakening the effect of the final duties.

In practice, the key question is whether imports increased substantially after an AD or AS investigation was initiated. If they did not, the Commission will likely not collect duties retroactively, even where the dumping margin is high. So far, the Commission has usually refused to collect duties retroactively.

What two years of automatic registration actually produced

We have reviewed every original AD and AS investigations the Commission has initiated since the automatic registration policy took effect with the Notice of 24 September 2024. 29 investigations in total, across all stages of the pipeline. The pattern we have observed is quite telling:

- In all 25 cases that have reached this the registration stage, the Commission ordered registration on its own initiative. It did not first assess whether imports had increased or wait for a request by the Union industry.
- In all 14 provisional Regulations issued so far, the Commission has discontinued registration because provisional duties were in place but left any retroactive-collection decision for the definitive stage.
- In all 7 definitive Regulations issued since the policy took effect, the Commission refused to collect duties retroactively because the registered imports had not risen enough after initiation.

A few examples show how high the bar remains:

- Barium Carbonade (China and India): volumes moved by **-9%** and **+9%**, which the Commission did not see as substantial.
- ABS resins (Korea and Taiwan): volumes were only 8% higher than the investigation-period average in January-July 2025, and only 6% higher in January-August 2025. The Commission did not consider this substantial enough.
- Choline chloride (China): even a **34%** rise in imports was not enough, because the import prices were 29% higher in the investigation period than afterwards and no additional injury was shown.

The Commission's 44th Annual Trade Defence Instruments Report of 17 September 2026 identifies three cases in 2025 in which the criteria for retroactive collection were met. While all three initially sit outside our dataset as they had been initiated before the automatic-registration policy took effect, they are useful to display that the outcome does not depend on whether registration was granted the old way or the new automatic way:

- In Erythritol from China, the investigation was initiated on 21 November 2023, and registration was granted manually on 5 June 2024 after monthly imports had risen +59% post-initiation at declining prices, with importer admissions of stockpiling.

- In Multilayered Wood Flooring from China, the investigation was initiated on 16 May 2024 and registration was granted automatically on 24 October 2024, after monthly imports had risen by (+56%) post-initiation, at prices 3-4% below. The definitive duty was levied retroactively on the registered imports. Interestingly, importers argued that stockpiling was driven by compliance preparations for the incoming EU Deforestation Regulation, not by front-loading against anti-dumping duties. The Commission held that the reasons for stockpiling were irrelevant.

- In Screws without Heads form China, the investigation was initiated on 17 October 2024 (i.e., seven days before the automatic-registration policy took effect), and registration was granted automatically on 29 January 2025. The Commission found that monthly imports rose by (+44%) post-initiation at prices 8-9% below and stayed at that elevated level following the imposition of provisional measures. The definitive duty was levied retroactively. Importantly, the Commission rejected importers' arguments on the orders placed much earlier due to long lead times disconnected from the investigation.

In conclusion, registration is now automatic, but retroactive collection is still rare. Therefore, importers should treat registration as a real commercial risk, but not as a sign that retroactive duties will automatically follow.

Why the deterrent works even when it is never triggered

Despite not being often triggered, even the idea of retroactive application is sufficient for causing a slowdown in trade flows in the weeks following publication of a registration order. The real power of registration thus lies not in retroactive duty collection, but in the uncertainty it creates.

Once a registration order is published, importers hesitate, insurers reassess risk, and the Commission becomes ready to impose retroactive duties if conditions are fulfilled. The warning alone does the job, and if retroactivity eventually happens that just serves as the cream on top.

What this means for importers and their EU customers

Until recently, many importers assumed they had several months to bring in additional volumes before any duties took effect. Since October 2024, that calculation has become much riskier. Once an investigation starts, every shipment could potentially be caught by retroactive duties. And even if those duties never materialise, the uncertainty itself can be costly.

There are two practical actions you can implement:

- contracts should clearly say who bears the risk if duties are imposed retroactively;
- the registration notice will be published a few months after the initiation. By the time an investigation is formally launched, it is important to study well the complaint and the trade flows to ensure no big volumes of imports are put at risk.

Damocles' sword above the docks may never fall; but plan as if it will, and it need not spoil your dinner.

***

BLOMSTEIN will closely monitor further developments and keep you informed. If you have any questions on the topic, Leonard von Rummel and Uğur Can Hekim and the entire team is ready to assist you.

BLOMSTEIN | We provide legal support to our international client base on competition, international trade, public procurement, State aid and ESG in Germany, Europe, and – through our global network – worldwide.