



Commission discloses to interested parties draft definitive findings of anti-subsidy investigation into imports of battery electric vehicles from China

Brussels, 20 August 2024

Today, as part of its ongoing anti-subsidy investigation, the European Commission has **disclosed to interested parties the draft decision to impose definitive countervailing duties on imports of battery electric vehicles (BEVs) from China**. This draft decision reflects the comments received from interested parties on the provisional countervailing duties [published](#) on 4 July 2024, as well as the conclusion of a number of investigative steps that had not been finalised at provisional stage.

The disclosure of draft definitive findings is an **intermediate procedural step** in a trade defence investigation. The aim is to give interested parties the opportunity to comment, as was also done at provisional stage. Once the Commission has analysed all comments by interested parties, and Member States have given their opinion, the final decision will be published in the *Official Journal of the European Union*.

The main novelties in the disclosure of the draft definitive findings - which are still **subject to change** based on substantiated comments by interested parties - are as follows:

- A slight **adjustment of the proposed duty rates** based on substantiated comments on the provisional measures received from interested parties, as well as the conclusion of investigative steps that had not yet been finalised at provisional stage:
 - BYD: 17,0%
 - Geely: 19,3%
 - SAIC: 36,3%
 - Other cooperating companies: 21,3%
 - All other non-cooperating companies: 36,3%;
- The decision to **grant an individual duty rate** to Tesla as an exporter from China, established at 9%, at this stage;
- The possibility for several Chinese exporters and certain **joint ventures** with EU producers - which did not yet export at the time of the investigation period - to benefit from the lower duty rate foreseen for their related cooperating companies; and
- The decision **not to retroactively collect countervailing duties**.

Procedure and next steps

On 4 October 2023, the Commission formally [initiated](#) an *ex-officio* anti-subsidy investigation on imports of BEVs for passengers originating in China.

On 4 July 2024 the Commission [published](#) in the *Official Journal of the European Union* the regulation imposing provisional countervailing duties on imports of BEVs from China. The duties entered into force on 5 July 2024.

On 20 August 2024 the Commission disclosed to interested parties the draft decision to impose definitive countervailing duties on imports of BEVs from China. This decision was made after the Commission considered all the comments received from interested parties on the regulation imposing provisional measures.

Interested parties also have the possibility to request hearings with the Commission services as soon as possible, and to provide comments within 10 days.

After that, having taken into account the comments by interested parties, the Commission will present the final determination to Member States, which will vote pursuant to the examination procedure under comitology rules (Commission proposal adopted unless there is qualified majority against it). This vote will have binding effect.

Definitive measures must be imposed no later than 4 months after imposition of provisional duties. A Commission Implementing Regulation including the definitive findings in the investigation will be published in the Official Journal by 30 October 2024, at the latest (within maximum 13 months of initiation).

Any potential measures will be in force for 5 years, extendable upon substantiated request and subsequent review.

Background

The investigation was announced by Ursula **von der Leyen**, President of the European Commission, on 13 September 2023 during her State of the European Union (SOTEU) speech. This decision was based on growing evidence-based concerns about the recent and rapid rise in low-priced exports of electric vehicles coming from China to the EU. The Commission is following strict legal procedures in line with EU and WTO rules, allowing all parties concerned, including the Chinese government and companies/exporters, to present their comments, evidence and arguments.

For More Information

More information is available on the Commission's [Trade website](#), in the public register under case number [AS689](#).

[EU Trade Defence Policy](#)

[Questions and answers](#)

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