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Subject:	Annual Report of the Hearing Officer in Trade Proceedings (2024-2025)

Delegations will find attached, on behalf of the European Commission, the Annual Report of the Hearing Officer in Trade Proceedings covering the years 2024 and 2025.



Annual Report of the Hearing Officer in Trade Proceedings (2024-2025)

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1. EXECUTIVE SUMMARY

This report covers activities of the Hearing Officer in Trade Proceedings over a two-year period, encompassing 2024 and 2025. The period was marked by significant transitions, including the completion of the term of long-standing Hearing Officer Dr. Thinam Jakob (appointed in 2018) in May 2025, followed by a five-month interim appointment of Ms. Andra Van Eesbeeck dit Vanderhaegen. As of 1 November 2025, the newly appointed Hearing Officer Mr. Gustavo Luengo assumed the position.¹

At the outset of this period, the volume of activities of the Hearing Officer reflected a notable slowdown, mostly attributable to the post-pandemic reduction in the number of new trade defence investigations initiated before 2023, which in turn led to fewer requests for intervention. It is important to note that there is a typical time lag of six to eight months between the initiation of an investigation and the submission of intervention requests to the Hearing Officer. The renewed surge in initiations from 2024 onwards is expected to generate a corresponding increase in Hearing Officer activities in the coming years.

Over the reporting period, the Hearing Officer received 35 intervention requests, held 6 hearings, and issued several recommendations, including a landmark policy recommendation pursuant to Article 4(7) of the Hearing Officer's terms of reference (Commission Decision (EU) 2019/339).² Specifically, the Hearing Officer intervened in matters including those relating to the confidentiality of information/proper summaries of confidential information, or further disclosure of essential findings, thereby effectively protecting the parties' rights. The Hearing Officer found that the rights of defence of interested parties had been respected in the large majority of cases. Notably, the interim Hearing Officer issued a recommendation to the services responsible for investigations, which then was taken up by the newly appointed Hearing Officer and resulted in the first ever policy recommendation to the services on the treatment granted to producers not exporting the product concerned in new anti-dumping investigations.

More detailed description of the interventions during the period 2024 and 2025 is provided in the report.

The Hearing Officer remains committed to acting swiftly and decisively, enhancing transparency and outreach to stakeholders, and preparing for emerging challenges stemming from global economic trends and the anticipated increase in trade proceedings.

2. CONTEXT AND OVERVIEW

The primary function of the Hearing Officer is to ensure that the rights of defence of interested parties in trade proceedings are respected and thereby contribute to the implementation of the rules in an objective and transparent manner.

The EU Charter of Fundamental Rights underpins this mission and provides the right of every person (i) 'to be heard, before any individual measure which would affect him or her adversely is taken', (ii) 'to have his or her affairs handled impartially, fairly and within a reasonable time' and (iii) 'to have access to his or her file, while respecting the legitimate interests of confidentiality and of professionally and business secrecy'.

For parties involved in trade proceedings, more precise rules are contained in the basic Regulations dealing with the different types of trade defence instruments, such as the anti-dumping, anti-subsidy and safeguards

¹ APPOINTMENT OF A HEARING OFFICER (C/2025/5535), OJ C, C/2025/5535, 15.10.2025, ELI: <http://data.europa.eu/eli/C/2025/5535/oj>.

² DECISION (EU) 2019/339 OF THE PRESIDENT OF THE EUROPEAN COMMISSION of 21 February 2019 on the function and Terms of Reference of the Hearing Officer in certain trade proceedings, OJ L 60, 28.2.2019, p. 20, ELI: <http://data.europa.eu/eli/dec/2019/339/oj>.

Regulations, or in the Trade Barriers Regulation.³ To underscore the Commission's commitment to ensuring due process and improving impartiality, the function of the Hearing Officer was created back in 2007, and the Terms of Reference confirmed and modernized in 2019. The changes that were introduced in 2019 were based on the experience gained by the Hearing Officer over time. The interventions of the Hearing Officer have become more effective, allowing for adequate follow-up where appropriate. This is in the interest of both (i) all parties in proceedings to safeguard their rights of defence, and (ii) the investigating authority, which is bound by the legal framework. To this effect, a good balance between the parties' rights and the time constraints of the investigation is essential, especially considering the tighter deadlines that were introduced at the time of the latest modernization of the trade defence regulations.

The current Terms of Reference of the Hearing Officer, which lay down the responsibilities and competencies, were adopted in 2019 and cover 10 basic Trade Regulations.⁴ Since then, the Terms of Reference have remained unchanged. One of the basic trade regulations listed in the Terms of Reference, namely Regulation (EC) No 868/2004 of the European Parliament and the Council,⁵ was replaced by Regulation (EU) 2019/712 of the European Parliament and the Council of 17 April 2019⁶ concerning fair competition in air services, without however affecting the Hearing Officer's competence in the matter. In 2020, pursuant to Regulation 2020/1173⁷ the European Commission adopted an amendment to the anti-dumping⁸ and anti-subsidy⁹ basic Regulations on the duration of the period of pre-disclosure to interested parties, which was prolonged from three to four weeks. These amendments also did not change the scope of competence of the Hearing Officer.

The Hearing Officer is attached, for administrative purposes, to the Commissioner responsible for trade policy; however, the Hearing Officer enjoys full independence in performing the assigned duties and shall not take instructions in fulfilling those tasks.

The Hearing Officer's Terms of Reference lay down detailed rules on the interventions of the Hearing Officer in all aspects of a trade proceeding and throughout all phases of proceedings. They further lay down the procedure

³ REGULATION (EU) 2015/1843 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 October 2015 laying down Union procedures in the field of the common commercial policy in order to ensure the exercise of the Union's rights under international trade rules, in particular those established under the auspices of the World Trade Organization, OJ L 272, p.1, ELI: <http://data.europa.eu/eli/reg/2015/1843/oj/>

⁴ A list of Trade Regulations covered is provided in Article 1 of the Terms of Reference.

⁵ Regulation (EC) No 868/2004 of the European Parliament and of the Council of 21 April 2004 concerning protection against subsidization and unfair pricing prices causing injury to Community air carriers in the supply of air services from countries not members of the European Community, OJ L 162, 30.4.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/868/oj>.

⁶ Regulation (EU) 2019/712 of the European Parliament and of the Council of 17 April 2019 on safeguarding competition in air transport, and repealing Regulation (EC) No 868/2004, OJ L 123, 10.5.2019, p. 4, ELI: <http://data.europa.eu/eli/reg/2019/712/oj>.

⁷ Commission Delegated Regulation (EU) 2020/1173 of 4 June 2020 amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidized imports from countries not members of the European Union as regards the duration of the period of pre-disclosure, OJ L 259, 10.8.2020, p. 1, ELI: http://data.europa.eu/eli/reg_del/2020/1173/oj.

⁸ Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union, OJ L 176, 30.6.2016, p. 21, ELI: <http://data.europa.eu/eli/reg/2016/1036/oj>.

⁹ Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidized imports from countries not members of the European Union, OJ L 176, 30.6.2016, p. 55, ELI: <http://data.europa.eu/eli/reg/2016/1037/oj>.

for hearings conducted by the Hearing Officer. The Hearing Officer has decision-making powers on certain procedural issues, such as access to files, extension of deadlines, non-discrimination between the interested parties, and the confidential nature of a document. At the request of an interested party, the Hearing Officer can also examine information that is confidential by nature, and that cannot be disclosed to parties, and inform the party whether in the Hearing Officer's view the information has been correctly reflected in the findings of the services responsible for the investigation. The Hearing Officer is, in addition, empowered to raise with the Commissioner responsible for trade policy and the Director General for Trade, any matter arising out of a trade proceeding.

The main principles laid down in the current Terms of Reference are as follows:

- The Hearing Officer acts upon requests from interested parties. Such requests for intervention by the Hearing Officer must be submitted in good time and expeditiously, so as not to jeopardize the orderly conduct of the proceeding.
- Interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event and include a detailed explanation justifying such intervention.
- Hearings with the Hearing Officer should, in principle, only take place if the issues cannot be settled with the Commission's services in due course.
- Hearing requests should in principle be made within the relevant timeframes set for the procedure – although late requests may be considered if valid reasons are provided.

The Hearing Officer will in principle not accept or consider new evidence that has not been submitted to the Commission's services in due course in the proceedings. It is important to note that the Hearing Officer is neither part of the investigation team nor a judge: substantive determinations are for the responsible services to make. The Hearing Officer intervenes solely to ensure that such determinations respect the procedural rights of interested parties.

The more information is given to parties on how the general principles that determine the exercise of its functions by the Hearing Officer are translated into practice, the better they will be able to raise issues of concern to them in an appropriate manner. Such information can be found in the Hearing Officer's website: https://policy.trade.ec.europa.eu/contacts/hearing-officer-trade-proceedings_en.

3. ACTIVITIES IN 2024

In 2024 all intervention requests received by the Hearing Officer related to trade defence proceedings (and mostly anti-dumping cases).

The principal issues raised included:

- Objections to the Commission's factual determinations and findings;
- Alleged breaches of the right to be informed;
- Disclosure-related disputes; and
- Challenges to the application of the 'best facts available' methodology.

The Hearing Officer received altogether 12 such requests for interventions in 2024, not all of which resulted in hearings; some were resolved through other forms of interventions. 4 hearings were held, in all of which the Hearing Officer found that the rights of defence of the interested parties had been respected.

In total, those requests concerned 12 ongoing proceedings,¹⁰ of which 9 were new anti-dumping investigations, 1 new anti-subsidy investigation, 1 partial interim review and 1 anti-circumvention review. The percentage of ongoing proceedings affected by any intervention request remained relatively low (at approximately 10%), in a context where, in 2024, the Commission's service responsible for trade defence investigation opened 33 new investigations¹¹ and conducted 25 reviews.

The following categories of interested parties submitted intervention requests: 5 requests from exporting producers (1 requesting to be recognized as an interested party), 3 requests from importers, 2 requests from representatives of Union Industry, 2 requests from representatives of users, and 1 request from the government of a third country.

3.1. **Hearings in 2024**

Of the 4 hearings held in 2024, 3 hearings concerned a single investigation – a review concerning possible circumvention of the anti-dumping measures imposed by Implementing Regulation (EU) 2021/1930 on imports of birch plywood originating in Russia.¹² Those requests were filed by three different exporting producers and each raised objections to the application of the facts available methodology. In 2 hearings the Hearing Officer concluded that the scope of the request fell outside the Hearing Officer's mandate; in the third, the Hearing Officer found that the conditions for applying facts available had been met.

¹⁰ This report no longer relies on previously applied statistical methodology of counting the number of on-going cases per year, which was based on considering separate investigations per country even though those were merged into the same case number. Whether the investigation concerns one or more exporting countries, this report considers as one proceeding the investigation concerning a product under investigation from at least one country. Unlike the statistics provided by DG TRADE where, for instance, one new case concerning two exporting countries is counted as two new initiation cases, the activities of the Hearing Officer are measured on the basis of the ongoing investigations or proceedings, regardless of the number of countries concerned by the same proceeding.

¹¹ [TDI Statistics 2024](#)

¹² [R 799 Birch Plywood](#)

One hearing was held upon request from users in an anti-dumping proceeding concerning imports of erythritol¹³ who raised objections to the facts and findings of the proceeding. The Hearing Officer found no issues affecting the rights of defence of the parties in this instance.

3.2. Other interventions in 2024

The Hearing Officer also received certain intervention requests that did not seek a formal hearing. The issues raised were settled directly with the Commission's services responsible for investigations.

On one occasion, an exporting producer requested recognition as an interested party in a proceeding; the responsible service granted that status directly, following a review of the facts with the Hearing Officer.

Two investigations (namely, an anti-dumping proceeding concerning imports of mobile access equipment¹⁴ and anti-subsidy proceeding concerning imports of new battery electric vehicles designed for the transport of persons)¹⁵ were each subject to 2 intervention requests by exporting producers disputing the application of facts available. In the latter case, the government of the People's Republic of China requested further clarifications. In all cases the issues were settled directly with the service responsible for investigation.

In 2024, no requests were received for other types of interventions (such as extensions of deadlines, recommendations, or policy recommendations). There were also no requests for interventions in proceedings covered by other parts of the Hearing Officer's Terms of Reference, such as those relating to the Generalised System of Preferences, Safeguards, the Trade Barriers Regulation, or fair competition in air services.

4. ACTIVITIES IN 2025

In 2025, all intervention requests submitted to the Hearing Officer pertained to trade defence proceedings.

The principal issues raised included:

- Objections to the Commission's factual determinations and findings;
- Alleged breaches of the right to be informed;
- Access to file;
- Rejections of the status as interested party;
- Disclosure-related disputes; and
- Challenges to the application of the 'best facts available' methodology.

In 2025, the Hearing Officer received 23 intervention requests, not all of which resulted in hearings; some were resolved through other forms of intervention. 2 hearings were conducted during the year. One request for a hearing could not be accommodated, as it was submitted too late in the proceedings to allow for timely intervention. The Hearing Officer found that the rights of defence of parties had been respected in most cases, with the exception of two instances in which remedial action was recommended.

In total, the requests received by the Hearing Officer in 2025 concerned 23 ongoing proceedings, of which 21 were new anti-dumping investigations, 1 new anti-subsidy investigation, and 1 safeguard investigation. The

¹³ [R 699 Erythrol](#)

¹⁴ [AD 698 Mobile Access](#)

¹⁵ [AS 689 - New battery electric vehicles for passengers](#)

proportion of ongoing proceedings affected by any intervention request rose notably compared to 2024, to approximately 25%, although it remained relatively contained relative to the overall number of proceedings. In total, during 2025 the trade defence services opened 32 new investigations and 21 reviews.

The following categories of interested parties submitted intervention requests: 7 from exporting producers, 5 from importers or association of importers/users, 2 from the Union industry acting as complainants, 1 from a producer requesting to be recognized as an interested party, and 1 request from a government of a third country.

4.1. Hearings in 2025

Two hearings were held in 2025. In an anti-dumping proceeding concerning imports of vanillin¹⁶ an exporting producer raised issues relating to the sampling procedure and certain clerical errors. The service responsible for investigation corrected the clerical errors; the remaining issues were found to fall outside the scope of the Hearing Officer's competence.

In an anti-dumping proceeding concerning imports of hardwood plywood¹⁷ an association of importers/users requested the intervention of the Hearing Officer with regard to the right to be heard by the Hearing Officer, the right to equal treatment, the right to comment and submit evidence, the right to access to open file, the right to be informed of the main facts and considerations on which the European Commission based its findings, and the right to good administration. The hearing took place on 16 October 2025. At the hearing, the interim Hearing Officer found that majority of issues fell outside the scope of competence of the Hearing Officer, and concluded that further follow-up action was warranted, as the rights of defence of the interested parties had not been breached.

4.2. Other interventions in 2025

In 2025, the Hearing Officer was once asked by an exporting producer for an extension of deadlines for comments; however, the Hearing Officer maintained the original deadline as no compelling reason for extension was provided.

In an anti-subsidy investigation,¹⁸ the Hearing Officer was requested by a government of a third country to remove confidential documents from the file. The Hearing Officer found the request well-founded and recommended that the service responsible for investigation destroy the documents in question and delete all references to them in the final regulation. The recommendation was duly followed.

In an anti-dumping proceeding concerning imports of certain cold-rolled flat steel products¹⁹ a producer from an exporting country requested an intervention to be recognized as an interested party. The interim Hearing Officer found that the request was legitimate and recommended the services responsible for investigation to register the producer as an interested party. However, the service did not follow the recommendation. The newly appointed Hearing Officer followed up on the matter upon a new request from the same producer, who sought to file a product exclusion request in the investigation at issue, so that its potential exports would not be adversely affected. Ultimately, the producer was permitted to file such a request since the service found it was related to another exporting producer who was being investigated as part of the sample of exporting producers. Incidentally, the producer seeking registration as an interested party was the same producer which one year

¹⁶ [AD 708 Vanillin](#)

¹⁷ [AD 717 Hardwood Plywood](#)

¹⁸ [AS 703 Aluminium Road Wheels](#)

¹⁹ [AD 739 Cold-rolled Flat Steel Products \(certain\)](#)

earlier also approached the Hearing Officer with a request for being recognized as an interested party in another proceeding and was then granted the status.

The Hearing Officer identified the question of rights to be accorded to producers in anti-dumping investigations as a matter of fundamental importance. Pursuant to Article 4(7) of Commission Decision (EU) 2019/339, the Hearing Officer issued a policy recommendation to the Commission's service concerning the registration of a producer as an interested party. In particular, the Hearing Officer suggested the service to be more flexible as regards requests by producers not exporting the product concerned and to examine whether (and eventually permit) producers to participate in investigations where a genuine affectation by the outcome of the investigation is shown by the producer, as this would ensure compliance with Article 41 of the Charter of Fundamental Rights of the European Union. By the close of the reporting year, no formal response from the service had been received.

The Hearing Officer was also asked in one investigation²⁰ to review the information provided in the open file, so as to determine whether proper summaries of confidential information had been provided and to check whether information treated as confidential should be provided in the open file, at least in a summary manner. The Hearing Officer concluded that the information available on the open file was appropriate and it was not possible to provide the requested information in a summary form, since so doing could reveal confidential/sensitive business information of the exporting producers concerned.

In another case,²¹ the Hearing officer was requested to review the rejection of interested party status by a company which, arguably, did not export the product concerned. The Commission's service responsible for the investigation clarified the product scope and the fact that the company did not export the product concerned, and thus was not affected by the investigation.

As in 2024, no requests were received in 2025 for interventions in proceedings covered by other parts of the Hearing Officer's Terms of Reference, including those relating to the Generalised System of Preferences, Safeguards, the Trade Barriers Regulation, or fair competition in air services.

²⁰ [AD 727 - Cast Iron Articles](#)

²¹ [AD 737 - Pea protein](#)

5. COMPARATIVE ANALYSIS OF INTERVENTION REQUESTS AND INTERVENTIONS IN 2024-2025²²

The proportion of ongoing proceedings affected by intervention requests rose from approximately 10% in 2024 to around 25% in 2025, suggesting heightened engagement by interested parties with the procedural mechanisms available to them.

Table 1. Comparative overview of key indicators for the two reporting years

Indicator	2024	2025
Intervention Requests Received	12	23
Hearings Held	4	2
Ongoing Proceedings Affected	12	23
% of Ongoing Proceedings	~10%	~25%

Table 2. Dynamics of intervention requests and interventions from 2016 – 2025

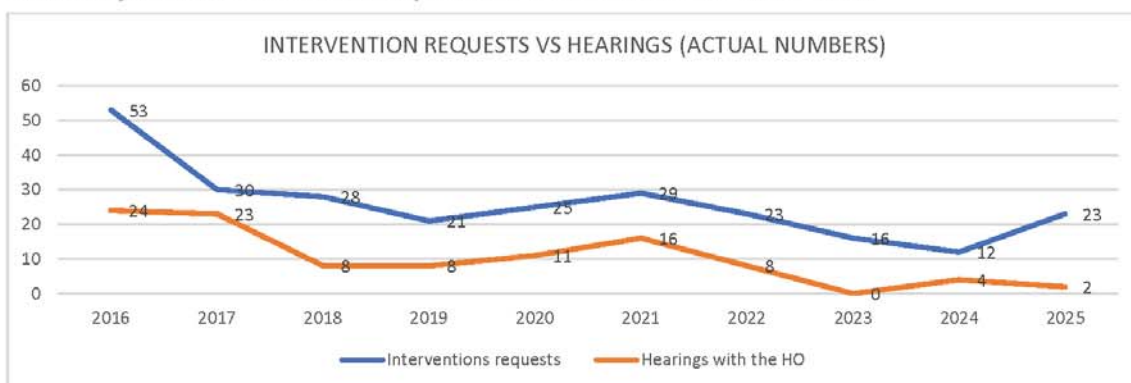
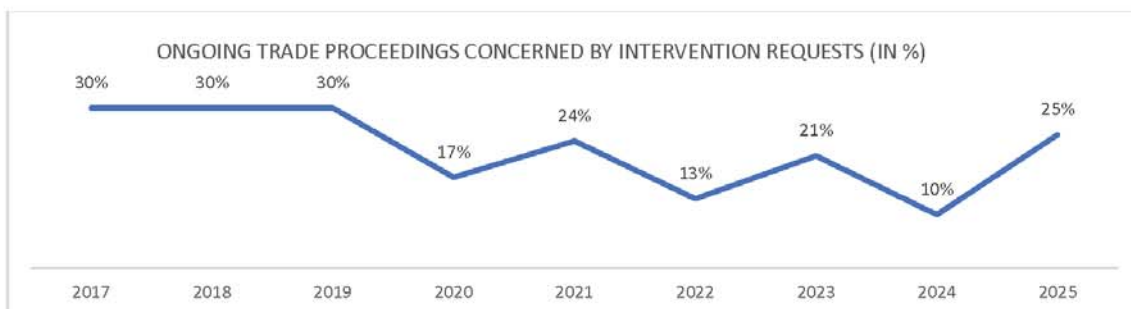
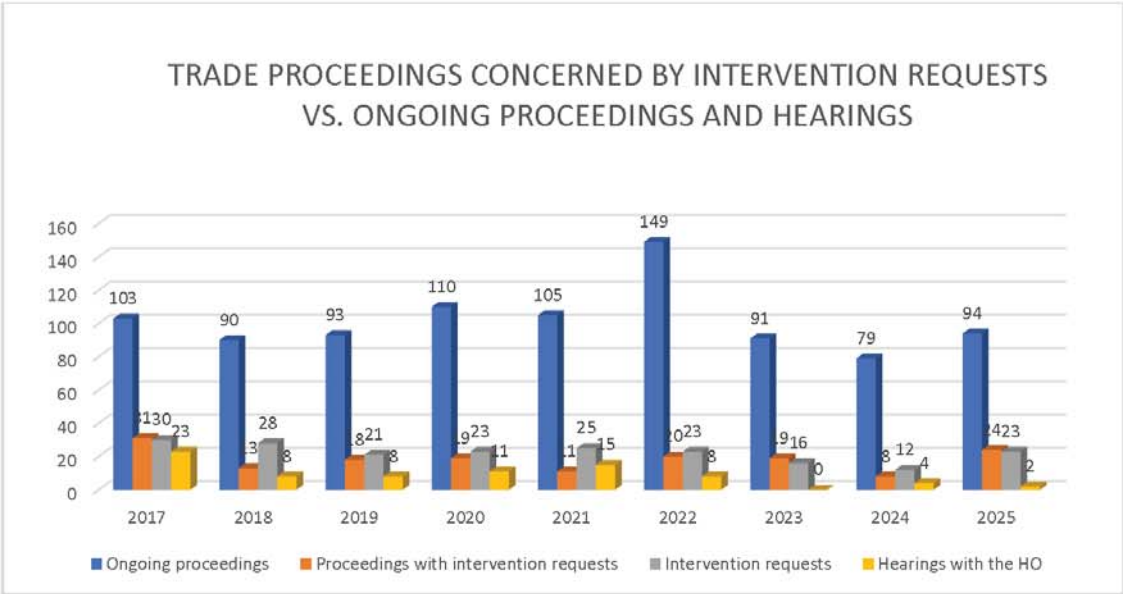


Table 3. Percentage of Ongoing Trade Proceedings Affected by Intervention Requests



²² The methodology of accounting for years 2024 and 2025 has been reviewed, and now an ongoing proceeding refers only to the case number, not on the number of exporting countries investigated in each proceeding. Therefore, the actual trends are indicative only.

Table 4. Ongoing trade proceedings concerned by intervention requests in actual numbers



6. COOPERATION WITH THE COMMISSION'S SERVICES RESPONSIBLE FOR INVESTIGATIONS

The Hearing Officer's cooperation with the Commission's services responsible for trade defence investigations continued to be constructive and effective throughout the reporting period. In general, oversights brought to the attention of the Hearing Officer were duly corrected, and the services agreed, where appropriate, to expand disclosures in order to safeguard the rights of defence of interested parties.

The Hearing Officer continues to be involved in all inter-service consultations initiated by DG Trade (in particular from Directorate G). The Hearing Officer may also be consulted and intervene in other inter-service consultations. For instance, in 2025, the Hearing Officer was consulted in the inter-service consultation relating to the Hearing Officer's Empowerment Decision, which was now granted without an expiry date. The Secretariat-General (SG) agreed to transmit directly to the Hearing Officer copies of relevant consultations for which it is responsible.

All staff of the Hearing Officer's office remain administratively attached to a unit within DG TRADE. In 2019, the European Court of Auditors concluded that, notwithstanding this administrative arrangement, the Hearing Officer and team act independently from a functional standpoint. The Court further noted, however, that this independence rests on the personal integrity of the individuals concerned rather than on the institutional framework. The newly appointed Hearing Officer, Mr. Gustavo Luengo, brings extensive experience from the Legal Service, which further reinforces his independence from the Commission's services responsible for trade defence investigations.

7. CONCLUSIONS

The Hearing Officer remains fully committed to the impartial, transparent, and effective protection of procedural rights in EU trade proceedings. As the volume and complexity of trade defence activity continue to grow, the role of the Hearing Officer as a guardian of due process becomes ever more central to the legitimacy and credibility of the EU's trade defence system.

The following conclusions can be observed from the reporting period.

First, the near doubling of intervention requests (from 12 in 2024 to 23 in 2025) is not an anomaly but rather the direct and foreseeable consequence of the marked surge in new trade defence investigations initiated from 2024 onwards. Given the structural six-to-eight-month lag between investigation initiation and the submission of requests to the Hearing Officer, current initiation levels predict a sustained (and possibly further elevated) caseload in 2026 and beyond. Given the projected increase in intervention requests in 2026 and beyond, it is possible that the administrative capacity of the Hearing Officer's office should be reviewed and, if necessary, reinforced.

Second, across both years, the Hearing Officer found that the rights of defence of interested parties had been respected in the large majority of cases. Where deficiencies were identified (notably in two instances in 2025) remedial action was recommended and, where followed up by the services, proved effective. This reflects a generally sound level of procedural compliance and underscores the corrective value of the Hearing Officer's function, even in cases that do not result in formal hearings.

Third, the issuance of the first-ever policy recommendation under Article 4(7) of Commission Decision (EU) 2019/339, addressing the treatment of producers not exporting the product concerned in new anti-dumping investigations, represents a significant exercise of the Hearing Officer's systemic advisory function. It goes beyond individual case resolution to address structural gaps in procedural practice. However, the absence of a formal response from the services by the close of 2025 highlights the need for more robust follow-up mechanisms. This would reinforce accountability and ensure that the mechanism fulfils its intended systemic function.

Fourth, the scope of the Hearing Officer's competence remains a recurring challenge. A notable proportion of hearing requests in both years raised issues that fell outside the Hearing Officer's mandate — particularly challenges to substantive findings, which are for the investigating services to determine. This recurring pattern suggests that interested parties do not always have a clear understanding of the boundaries of the Hearing Officer's competence, pointing to a need for enhanced guidance and outreach.

Fifth, the succession from a long-tenured Hearing Officer to an interim appointment and subsequently to a newly appointed permanent Hearing Officer was accomplished without operational disruption. Ongoing matters were handed over and continued seamlessly, reflecting the institutional resilience of the function.