



# ***Delhi Regional anti-dumping workshop for Asian investigating authorities***

***New Delhi – 3/5 October 2016***



# Questionnaire, information gathering and verification

*F. Michiels – Deputy Head of Unit EU  
Commission – DG Trade*



# Introduction

**Two main factors:**

**Quality:** questionnaire replies are the main source of information

**Time:** relatively short/complexity



# 1. Questionnaires

*Who receives a questionnaire?*

- *Exporting producers (sampling?)*
- *EU producers (sampling?)*
- *Importers, Users (Public interest test)*

# 1. Questionnaires

*What do we ask in the questionnaire?*

*different objectives:*

- *Exporter -> domestic/export price, COP*
- *EU producers -> Situation of industry, injury calculation*
- *Importers/users -> impact of measure, public interest*

# 1. Questionnaires

## *Procedural aspects*

- *Standard but adapted to cases (product)*
- *Specific format (word/excel/OASIS)*
- *Deadlines and extensions*
- *1 single questionnaire (+deficiency)*
- *Reply in EN, certified by company*
- *Confidential, non-confidential version*



## 2. Verifications

**Two main factors:**

**Quality:** questionnaire replies are the main source of information

**Time:** relatively short/complexity

## There are 5 “types” of verification visits:

- Exporting producers (incl. traders and agents)
- Related importers
- Unrelated importers and users
- Union producers
- Official bodies (mainly to authorities in exporting country)

The nature of the information to be verified varies amongst the different types. Questionnaires are therefore adapted to the different circumstances.



# Objectives

*To verify the information*

*To check the facts*

*To collect evidence*

**NOT** *to hold a hearing or discussion with the company  
and/or lawyer*

# Pre-verification aspects

- *Get familiar with the case and the product concerned*
- *Read and analyse the reply immediately*
- *Make a preliminary assessment/calculation*
- *Request for further information*
- *Identify critical areas of the reply*
- *Compare replies from different companies*
- *Send a “pre-verification letter” to the company*

# The on-spot visit

## *Some important elements:*

- *timing*
- *team composition*
- *opening speech, agenda, mention non-cooperation*
- *ask if there are any corrections made to the reply*
- *copy of evidence*
- *taking good notes*
- *in case of non-cooperation: no decision but inform*
- *at the end of the visit, mention problems identified*



**Thank you.**



# **Standing and definition of the domestic industry**

*F. Michiels – Deputy Head of Unit EU  
Commission – DG Trade*



## 2 different objectives

**Standing** = acceptability of the complaint (ADA Art 5.4)

**Definition of the industry** = domestic producers examined for injury assessment (5ADA Art 4)



# 1. Standing

**First test: complaint/individual producers**

**Second test: standing questionnaires**

- All known producers
- Favour/oppose/Neutral
- Company specific info  
(producer?/Relationship/production/sampling)
- File open for consultation

## 2. Definition of the industry

**EU producer of the like produce as a whole**

**Potential exclusion:**

- *related to exporters or importers, **or***
- *importers of the dumped products, **and***
- *which have been excluded from the injury investigation (exclusion not automatic)*





## Practically:

Analysis based on the situation of

- > all of them cooperate (reasonable number)
- > some of them/sampling: micro & macro indicators

All are verified

## 3. Potential challenges

### (i) Change of composition

Possible but rare since producers as a whole are analysed

Addition/removal possible: adjustments as soon as possible; provisional stage (verification), final stage (disclosure)

### (ii) Fragmented industries: exceptional



**Thank you.**