

AD – WORKSHOP
AD586 – Table- & Kitchenware
Discussion Guide

21.11.2012

Agenda/Schedule

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■ Status Quo

- Vote of member states
- Decision of EU-Commission → Disclosure 15.11.2012
- Imposition of Duty

■ Further approach

- Addressee EU-Commission
- Addressee EU member states
- Addressee other political opinion leaders

Target of this document

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- **Guideline for development of common strategy**
- **Working packages**

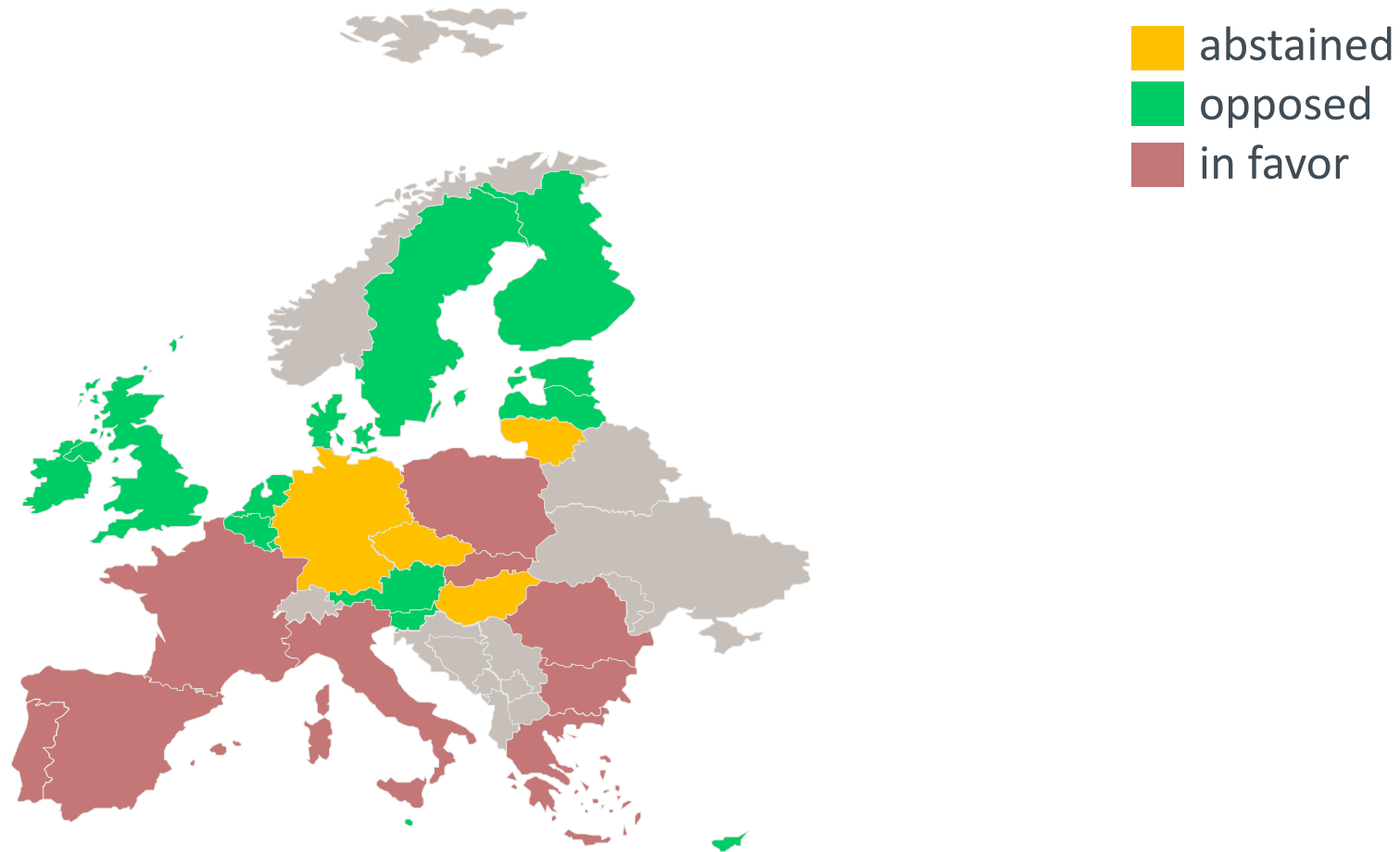
Sampled EU-Producers (??)

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- Rosenthal (Germany) <http://www.rosenthal.de/>
- IPA (Italy SME) <http://www.ipaporcellane.it/ita/Home.html>
- SC Porstar SRL (Romanian) http://www.portelanalba.ro/index_en.htm
- Grestel – Proutos Cerâmicos, SA (Portuguese) <http://www.grestel.pt/>
- Matceramica – Fabrico de Louca SA (Portuguese)
<http://www.matceramica.com/pt>
- Steelite International PLC (UK) <http://www.steelite.com/>
- Lubiana PL (Poland) www.lubiana.com.pl

Status Quo – Vote of EU member states

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Status Quo II - Decision of EU-Commission

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L 318/28

EN

Official Journal of the European Union

15.11.2012

COMMISSION REGULATION (EU) No 1072/2012

of 14 November 2012

imposing a provisional anti-dumping duty on imports of ceramic tableware and kitchenware originating in the People's Republic of China

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Initiation

- (1) On 16 February 2012, the European Commission announced, by a notice published in the *Official Journal of the European Union* (2) (the notice of initiation), the initiation of an anti-dumping proceeding with regard to imports into the Union of ceramic tableware and kitchenware originating in the People's Republic of China (the country concerned, 'China' or the PRC).
- (2) The proceeding was initiated following a complaint lodged on 3 January 2012 on behalf of EU producers (the complainants), representing more than 30 % of the total Union production of ceramic tableware and kitchenware. The complaint contained *prima facie* evidence of dumping of the said product and of material injury resulting therefrom, which was considered sufficient to justify the opening of a proceeding.

2. Parties concerned by the proceeding

- (3) The Commission officially advised the complainants, other known Union producers, the known exporting producers in the PRC, importers, traders, users, suppliers and associations known to be concerned, and the representatives of the PRC of the initiation of the proceeding. The Commission also advised producers in the Russian Federation, which was proposed in the notice of initiation as a possible analogue country. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation. All interested parties who so requested and showed that there were particular reasons why they should be heard, were granted a hearing.

(4) In view of the apparent high number of exporting producers and unrelated importers, the notice of initiation requested exporting producers and unrelated importers to make themselves known to the Commission and to provide basic information on their activities related to the product concerned during the period from 1 January 2011 to 31 December 2011. This information would allow the Commission, in accordance with Article 17 of the basic Regulation, to decide whether sampling would be necessary and if so, to select samples.

(5) In view of the large number of Union producers involved in this proceeding, the notice of initiation announced that the Commission had provisionally selected a sample of Union producers for the determination of injury in accordance with Article 17 of the basic Regulation. That pre-selection had been made by using the information available to the Commission at initiation stage and it was based on the producers' sales volume, size, geographic location in the Union and product segment. It included six Union producers covering all major product types and located in five Member States, out of which two were small and medium-sized enterprises (SMEs). That preliminary sample accounted for over 15 % of the estimated total Union production. However, one of the preliminary sampled producers did not wish to be part of the sample and several interested parties submitted that a Member State with large production volumes had been overlooked and should be included in a representative sample. In view of this, the Commission changed its preliminary sample and the resulting final sample included seven Union producers covering all major product types and located in six Member States, out of which two were SMEs. That sample represented over 20 % of the estimated total Union production.

(6) Around 400 exporting producers or groups of exporting producers in the PRC who account for over 60 % of total exports provided the requested information and agreed to be included in the sample. On the basis of the information received the Commission provisionally selected a sample of five exporting producers with the highest export volume to the Union and invited all exporting producers known to the Commission to make comments on the proposed sample. Two exporting producers pre-selected to form part of the sample then corrected their sampling information such that their export volume was not sufficient for them to be included in the sample. The Commission then selected the final sample with the updated five largest companies in terms of export volume. The sampled companies account for almost 20 % of the exports to the Union of all cooperating exporting producers.

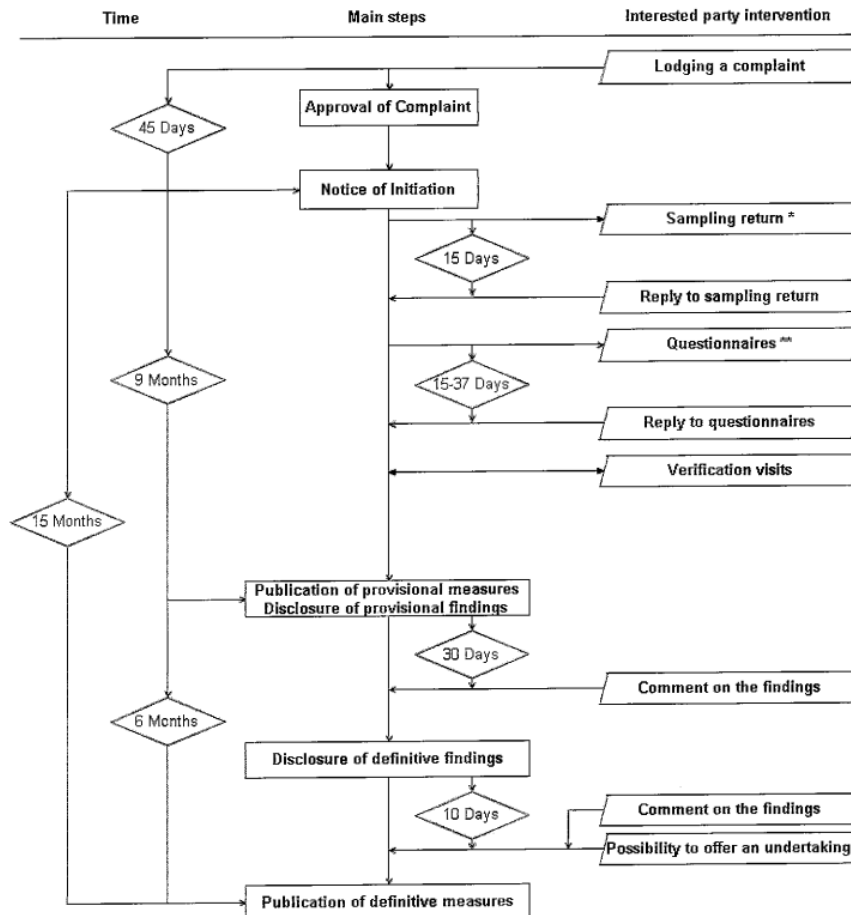
⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ C 44, 16.2.2012, p. 22.

Further approach I

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Anti-dumping Article 5 Investigation

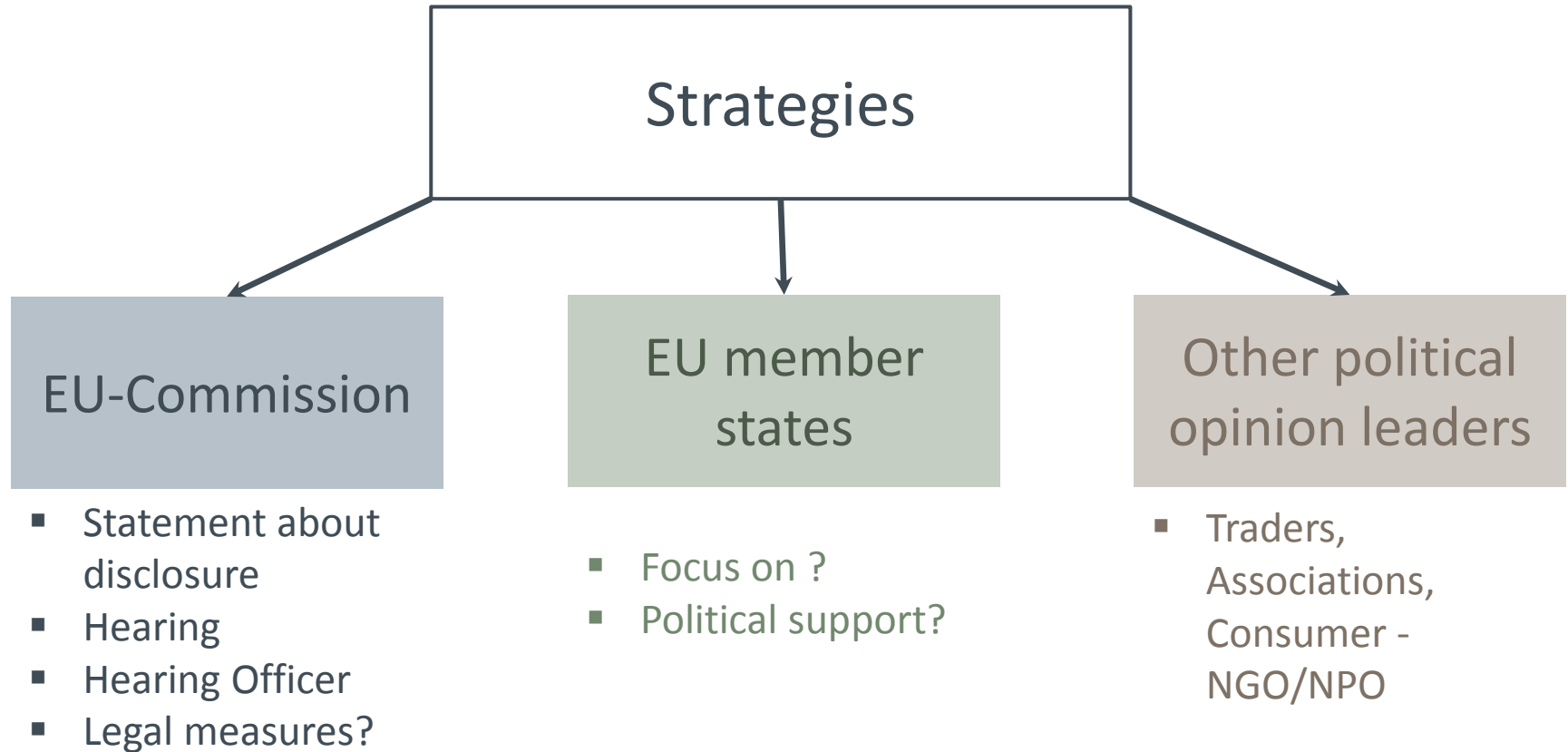


■ 17.12.2012

Further approach II



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Addressee EU-Commission

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- Hearing
- Hearing Officer contact details:
trade-hearing-officer@ec.europa.eu | Phone: +32-2 2 99 91 64 | Fax: +32-2 2 92 01 49
European Commission
Directorate-General for Trade, Hearing Officer
(Office N-105 6/85)
B - 1049 Brussels
- Deadlines: 17.12.2012 → Response Disclosure
- Arguments

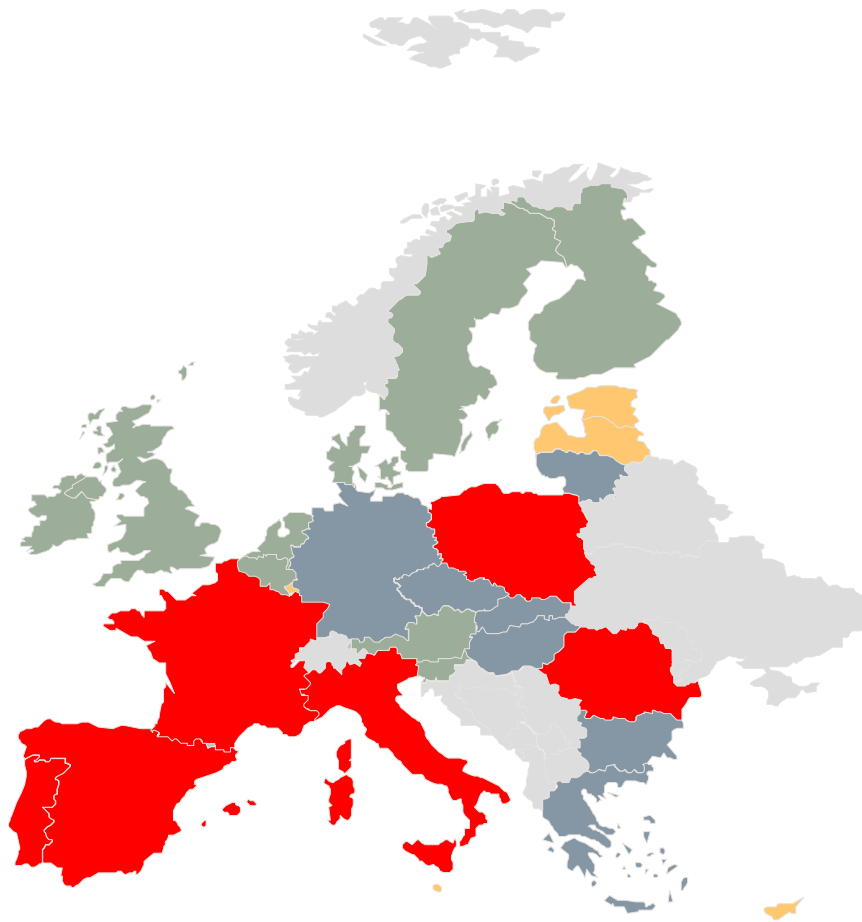
Issues / Arguments (brainstorming)

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- Procedural error
- Analogue Country
- Margins
- Same product?
- Antitrust suit applicants?
- Proofs?
- ...?????

Addressee EU member states (to be discussed)

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- Should be OK
- No chance
- Actions to keep
- Actions to convince

Addressee EU member states

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- Focus on member states?
- Arguments: individual interest of each country/state?
- What interest?
 - Import-volume
 - Production-volume
 - ***Strategic Partner from the state:*** traders, associations, chambers of commerce, NGO's/NPO's concerning consumer, and? Which are the main players?
 - ***Special case:*** Germany

Addressee other political opinion leaders

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- National parliaments
- EU parliament
- Others?

Work Packages



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Who?

What?

Deadline
