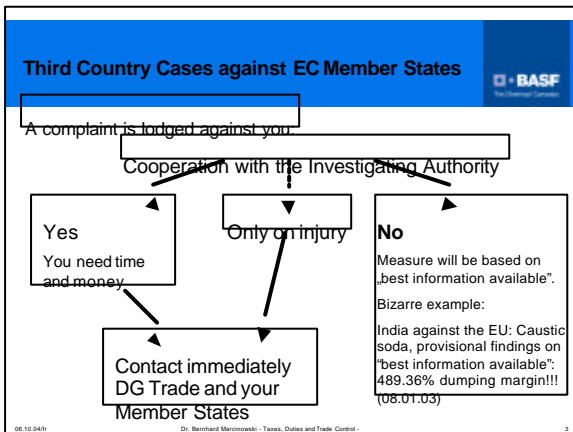
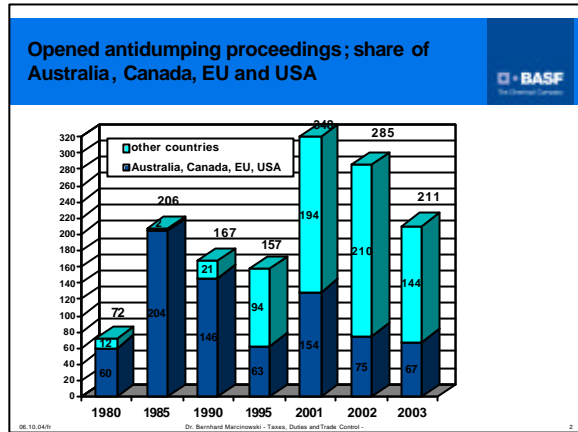


**CEC, DG Trade, Genvaal Seminar**  
**„BASF’s Experience with Antidumping-Complaints from Third Countries“**  
**- 14. – 15. October 2004 -**

**BASF**  
The Chemical Company



**Third Country Cases against EC Member States**

**Filling in the Questionnaire:**

Time consuming: Ask for an extension (normally granted for 14 days)

TBT: Transaction by transaction list  
 e.g.: 59 columns have to be filled in for each transaction of the last 12/18 months on the export market and on the domestic market (problem: India, Mexico and other countries do not lodge the complaint against individual Member States, they lodge it against the total EU, therefore 25 Member States will be the domestic market!).

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## Third Country Cases against EC Member States



### Cooperation

Do not stop your activities after having filled in the questionnaire.

- Keep contact (Embassies are sometimes very helpful)
- Show up in the complaining country (long distance)
- Use your rights and play your roles during the whole proceeding!

**Stay in close co-operation with DG Trade and Member States always!**

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## Third Country Cases against EC Member States



### Cooperation

Confidentiality everywhere?!

- In the questionnaire you have to give extremely sensitive details:
- Names, volumes, prices for domestic and export customers
  - Cost of production
  - Monthly consumption of **all** input materials including the names of suppliers with prices.
  - Recipes

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## Third Country Cases against EC Member States



### Anti-dumping Complaints: A Tool of Espionage?

Product	„Demands“
Vitamin AD <sub>3</sub>	Disclosure of the recipe and the production technology.
Lysine	Disclosure of the recipe; exact, monthly evidence of consumption of <b>all</b> input materials.
Polystyrene	Customer list of all third country sales
Acrylic esters	R & D plan for the next 5 years. Detailed description of production technology including recipe of catalysts.

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## Third Country Cases against EC Member States



### You are not alone:

- Ask your National Representative for help/advice.
- Ask DG Trade for help/advice.
  - Critical/too sensitive questions can be rejected
  - Assistance during the on spot investigation is sometimes vital.

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## Experience with China



Antidumping Legislation has been introduced in China in 1997. Since then, 27 procedures were initiated, thereof 8 against BASF Group ("Champion in China").

Alleged margins of dumping: 12 – 85% (~ 45% average).

Favourable outcome:

- 4 x 0%
- 1 x 4%
- 1 x 5%
- 1 x 6%
- 1 x still pending

How and why: Full co-operation and engagement **AND** support from the DG Trade and the German Ministry of Economics:

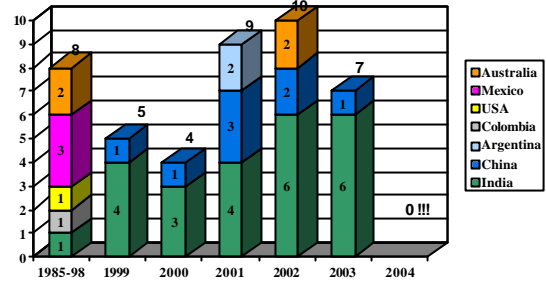
e.g. 3 note verbal, interventions, help in establishing contacts, dumping problems on the agenda of high level meetings, training of Chinese officials (e.g. speech of Mr. Perez-Canado before Members of the injury section) etc.

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## Dumping complaints against the BASF Group



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