



EUROPEAN COMMISSION

Directorate-General for Trade

Directorate H - Trade defence

LIMITED<sup>1</sup> VERSION

VERSION FOR INSPECTION BY INTERESTED PARTIES

(tick box as appropriate)

## ANTI-CIRCUMVENTION QUESTIONNAIRE FOR IMPORTERS

FOR IMPORTERS OF: [product]

INVESTIGATION PERIOD (“IP”): [period back to the original IP or the IP of the last expiry review]

PERIOD OF REPORTING: [12 month period to just before initiation or else as necessary]

STATUTORY REFERENCE: **Council Regulation (EC) No 1225/2009** (“the basic Regulation”)

ORIGINAL REGULATION: **Council Regulation (XXXX/XXXX)** imposing a definitive anti-dumping duty

REGULATORY REFERENCE: **Commission Regulation (EC) No. XXXX/2012**

REGISTRATION NUMBER: **RXXX**

DEADLINE FOR REPLY: **37 days after date on cover letter**

### OFFICIALS IN CHARGE:

HEAD OF SECTION: [name]

CASE OFFICERS: [name]  
[name]

**ADDRESS:** EUROPEAN COMMISSION  
DIRECTORATE GENERAL FOR TRADE  
OFFICE XX/XX  
1049 BRUSSELS  
BELGIUM

**FAX:** +32 2 29X XXXX

**EMAIL:** [Functional Mailbox]@ec.europa.eu

**THIS CLAIM FORM MUST BE SUBMITTED TWICE, ONCE AS A LIMITED VERSION AND ONCE AS A VERSION FOR INSPECTION BY INTERESTED PARTIES**

<sup>1</sup> Confidential information falls under the term 'limited' according to the internal rules of the European Commission. Hence, only documents labelled 'limited' are considered confidential documents pursuant to Article 19 of Council Regulation (EC) No 1225/2009 and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). Documents which are not so labelled are considered to be non-confidential documents pursuant to these provisions. **Therefore, any replies which contain confidential information must be labelled 'limited'.**

## INTRODUCTION

**[Here you should insert the allegation received that has led to the initiation of the circumvention investigation.]**

This allegation is explained in detail in the Commission Regulation which has initiated this investigation and is referenced on the front page.

This questionnaire is to be filled in by EU importers of [PRODUCT] from Country under investigation and/or ORIGINAL COUNTRY, regardless of the fact whether they are related or independent from their exporting partner and regardless of the fact whether the imported products are later re-sold or used for own production. If your company is not involved in imports from these markets or you have doubts whether you should fill in the questionnaire **please contact the case officers immediately.**

Your reply to this questionnaire may be subject to verification. You are therefore requested to keep all supporting documents and all working documents used for the preparation of your reply available for inspection. Please note that the list of questions and documents requested is not exhaustive.

### **Limited ('confidential') and non-confidential versions:**

Both a limited version and a version for inspection by interested parties of this claim form should be completed. You should be aware of the following:

Interested parties providing confidential information shall be required to furnish non-confidential summaries of this information. Those summaries shall be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. In exceptional circumstances, the parties may indicate that the information is not susceptible of summary. In such exceptional circumstances, a statement of the reasons why summarisation is not possible must be provided.

If it is considered that a request for confidentiality is not warranted and if the supplier of the information is either unwilling to make the information available or to authorise its disclosure in generalised or summary form, the information may be disregarded.

In cases where any interested party refuses access to, or otherwise does not provide, necessary information within the time limits, or significantly impedes the investigation or supplies false or misleading information, the claim for exemption may be rejected.

**You should also be aware that the non-submission of all relevant information or the submission of incomplete, false or misleading information within the specified time limits can have unfavourable consequences for your company. In any of these circumstances, the Commission may apply Article 18 of Council Regulation No 1225/2009 and disregard any late response, or any responses which are significantly incomplete, false or misleading to an extent that they would be likely to impede the investigation process.**

All correspondence with the Commission must refer to the **Registration Number** of the proceeding as shown on page 1.

**Some general instructions:**

1. Answer questions in the order presented in the questionnaire. Listed information and tables should conform to the requested formats and should be clearly labelled. If you encounter difficulties with this you should contact the case handlers to find an acceptable solution.
2. **All worksheets used in answering the questionnaire, in particular those linking the information supplied with management and accounting records, must be retained for subsequent inspection during the on-the-spot investigation.**
3. To facilitate verification, identify sources and specify where the source documents are maintained. During the verification you should be prepared to substantiate all information you submitted. Every part of the response should be able to be traced to regular company documents in the ordinary course of business.
4. All documents and source material submitted in response to this questionnaire must be **accompanied by an English translation**.
5. **It is essential to the investigation that information be submitted electronically in an accessible format.** The reply to this questionnaire should be submitted in Word format or equivalent. The questionnaire tables should be submitted in Excel format or equivalent. Supporting documents originally in paper format should be scanned and submitted in PDF or JPG format or equivalent.
6. A lack of computerised response may be considered as non-co-operation unless you show that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost.. **If you feel that you cannot present the information as requested please contact the case officers without delay.**
7. Although the questionnaire is addressed to your company it is understood that all subsidiaries or other related companies are also party to the proceeding. Detailed questions about your corporate structure are included in Section B of the questionnaire.

**Your attention is drawn to the fact that in cases where a parent, subsidiary or other related company located in EU is involved in import of [PRODUCT] from the countries concerned a separate copy of this questionnaire has to be completed by each and every related company concerned.**

**PLEASE NOTE:**

Natural persons or legal persons (i.e. companies) should be deemed to be related if:

- (a) they are officers or directors of one another's businesses;
  - (b) they are legally recognised partners in business;
  - (c) they are employer and employee;
  - (d) any persons directly or indirectly owns, controls or holds 5% or more of the outstanding voting stock or shares of both of them;
  - (e) one of them directly or indirectly controls the other;
  - (f) both of them are directly or indirectly controlled by a third person;
  - (g) they together directly or indirectly control a third person; or
  - (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law.
8. For the purpose of replying to this questionnaire you should normally **use the amounts as booked in your accounting records**. For amounts not booked in your accounting records and where a conversion is needed, the average exchange rates listed in this questionnaire should be used (see worksheet "Exchange Rate").
9. Identify clearly all units of measurement and currencies used in tables, lists and calculations. **Apply the same measurement consistently throughout your questionnaire response.**
10. Unless otherwise specified replies should relate to the investigation period as defined on page 1 of this questionnaire.
11. If you intend to have another party acting on your behalf e.g. a law firm or an accountancy firm, please ensure that the European Commission receives an original power of attorney.

## A. COMPANY INFORMATION

### Company details

**Name:**

**Address:**

**Address of the accounting records<sup>2</sup>:**

**Phone:**

**Fax:**

**Website:**

**Name and function of the contact person<sup>3</sup>:**

**E-mail of contact person:**

### Legal representative(s)

If you have appointed a legal representative, an accounting firm or any other consultant to assist you in this proceeding, then please provide the following details for each of them:

**Name:**

**Address:**

**Phone:**

**Fax:**

**E-mail of contact person:**

**Website:**

Please submit a duly signed original of the power of attorney.

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<sup>2</sup> If the accounting records of the company are kept in different locations, please indicate which records are kept at which location together with the address.

<sup>3</sup> Please indicate the names of the persons to contact and their functions within the company.

## **PRODUCT DESCRIPTION**

[quote directly from Council regulation imposing duties including CN codes where necessary]

### **Product concerned:**

When this questionnaire refers to 'product concerned' we refer to the product description above, originating in [original country].

When this questionnaire refers to [product] then we refer to this product description above, regardless of origin.

### **Product under investigation:**

When this questionnaire refers to 'product under investigation' then we refer to the product description above, consigned from [country under investigation] to the European Union.

### **Product control number (case specific)**

[On a case by case basis you may need to request data at the level of the original Product Control Number, or at the level of a shortened or simplified Product Control Number. If so, give details here and consider where, and in which tables, you will require companies requesting exemption to provide data at this level]

## **B. GENERAL – CORPORATE STRUCTURE**

1. State the legal form of your company.
2. Give a brief history of your company, including the date of incorporation, the first date of import of [PRODUCT] and details of other products imported.
3. Provide details of your company's world-wide corporate structure and affiliations, including parent companies, subsidiaries or other companies related directly or indirectly to your company. Please supply a chart for this purpose. List also the activities of all companies.
4. Provide the names and addresses, telephone, fax numbers and e-mail addresses of all subsidiaries or other related companies in all countries that are involved in the production or sales of [PRODUCT] by completing Excel Table B.4. Specify the activities of each of these related companies. In all cases, you should describe the nature of the relationship and state whether you share any board members or senior executives with any of these entities. If so, identify these persons and the nature of their mutual affiliations. Attach copies of any arrangements between the parties.
5. List each shareholder in your company who owned more than 5% of the shares during the investigation period and list the activities of the shareholders, by completing Excel Table B.5.
6. Enclose copies of your audited accounts for the last three financial years. If your accounts are not audited, enclose attach the financial statements filed with your tax authority or company register.

## C. PURCHASES

### 1 General Information on purchases of the product concerned.

1. Please provide the list (names, addresses) of all your suppliers in the investigation period in ORIGINAL COUNTRY and the countries under investigation.
2. Where export sales were made through intermediate countries please provide the following information:
  - a) Explain thoroughly each distribution channel through which the product concerned is imported from ORIGINAL COUNTRY and the country under investigation. Indicate the names of the companies involved and report whether they are related to your company. Provide information on who holds legal title of the product concerned while it is in intermediate countries. Include a detailed flow chart indicating the physical delivery, ordering, invoicing and payment of the sales concerned.
  - b) If there is any further processing or assembly; or if the product concerned is changed in any way in intermediate countries, explain in detail. You may use charts or diagrams to supplement your answer.
3. List all customs offices involved in the customs clearance of the products under investigation.

### 2 Total quantity and value of purchases

1. Please complete Excel table C.2 U. State the total quantity and net value of purchases from **unrelated suppliers**.
2. Provide an identical table (Excel table C.2 R), for purchases from **related suppliers**.



## **OPTIONAL FOR ASSEMBLY OPERATIONS IN THE EU**

### **PURCHASES AND COSTS**

#### **INCLUDE IN THE EXCEL SHEET THE RELEVANT TABLES!**

#### **1. PURCHASES OF SEMI-FINISHED [PRODUCT]**

1. If you purchase semi-finished products to assemble and/or complete for resale as finished [product], complete Excel Table F.2. Give full details as to what you purchase, and from whom, Are they related or unrelated companies?

NOTE: by semi-finished products we mean purchases of an article that can be made into finished products by an assembly or completion operation. This does not include manufacturing of a finished product from a commodity raw material which can be traded in its raw form and used for many varied applications.

**If you have any doubt at all as to whether you are purchasing a semi-finished product you should contact the case officers IMMEDIATELY.**

#### **2. PURCHASES OF RAW MATERIALS**

1. What are the main raw materials used by your company to manufacture [product]?
2. Do you purchase any of these raw materials from a related company? If so, please give full details as well as the origin of these raw materials. State whether the material costs include transportation charges, duties and other expenses. Elaborate on whether the transfer price was representative of a fair market price. Supply, if possible, purchase prices from unrelated parties for an identical or comparable input. If these purchase prices cannot be obtained, provide cost of production information for the input.
3. Is any of these raw materials purchased from, or manufactured in, [original country]?
4. Complete Excel Table F.3 for each purchase made during the reporting period.

#### **3. TERMS OF PURCHASE**

Give full details on the terms of the purchase of the items set out in F.2 and F.3 above.

#### **4. MANUFACTURING PROCESS**

1. Give full details of your manufacturing process, in particular your raw materials, and the stages used to transform these raw materials into [product]. If you process semi-finished goods into [product] then explain this process carefully. If any part of these processes involves subcontracting, tolling, or outside companies, give full details and state whether these companies are related or unrelated.
2. Do you have a cost accounting system which accounts for the cost of manufacturing of [product]? If so, give full details of the system and how it operates and the data that is entered into the system to cost your manufacturing process.

#### **5. COST OF PRODUCTION**

1. Please complete Excel table F.4.1 for the reporting period with the cost of production in your accounting currency. Note that cost of production is made up of raw materials, direct and indirect manufacturing cost, and selling, general and administrative cost.
2. If you process, assemble or complete semi-finished goods then another copy of Excel Table F.4.1 has been provided for you to complete separately. If you both manufacture from raw materials, and process, assemble, or complete from semi-finished goods, complete both tables.
3. Explain how these tables were completed and the source of the data. If you have apportioned any figure using a key (e.g. volume, value, labour hours) then give full details.

#### **OPTIONAL QUESTIONS FOR NEW ASSEMBLY OPERATIONS**

4. Please provide the following information in case the cost of production is affected by the use of new production facilities which required substantial additional investment and resulted in low capacity utilisation rates as a result of start-up operations:
  - A detailed description of the new production facility, i.e. location, production equipment and production activities. A detailed listing of the expenditure for the new production facility.
  - Detailed information of the capacity utilisation rates for the start-up phase.
  - The specific date on which the production for sale commenced. Information on the length/duration of the start-up phase.

## D. CERTIFICATION

The undersigned certifies that all information supplied herein in response to the claim for exemption from possible extension of duties is complete and correct to the best of my knowledge and belief and understands that the information submitted may be subject to audit and verification by the European Commission.

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Date

Signature of authorised official

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Name and title of authorised official