



## 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)

### FORM FOR COMPANIES REQUESTING AN EXEMPTION FROM POSSIBLE EXTENDED DUTIES

FOR PRODUCERS OF: [product]  
CONIGNED FROM: [country under investigation]  
INVESTIGATION PERIOD: [period back to the original IP or the IP of the last expiry review]  
REPORTING PERIOD: [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 (EC) No XXXX/XXXX imposing a definitive anti-dumping duty  
REGULATORY REFERENCE: Commission Regulation (EC) No. XXXX/XXXX  
REGISTRATION NUMBER: RXXX  
DEADLINE FOR REPLY: **37 days after date on cover letter**

#### OFFICIALS IN CHARGE:

HEAD OF SECTION: [name]

CASE OFFICERS: [names]

ADDRESS: EUROPEAN COMMISSION  
DIRECTORATE GENERAL FOR TRADE  
OFFICE XXX, 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'.**

## A. INTRODUCTION

The purpose of this document is for producers to request an exemption from the possible extension of duties to imports of [product] consigned from [country under investigation].

**[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.

**By completing this form, you are claiming that you are not engaged in circumvention practices as defined in Article 13(1) of the basic Regulation.**

Please note that this form sets out minimum information requirements, therefore case officers may ask for additional information and may ask further related questions during verification visits. Companies concerned may also submit supplementary evidence they deem useful for the determination of their exemption.

Your reply to this form 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. All other relevant evidence showing that the company is not engaged in circumvention practices should be provided by the applicant.

### **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 would 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 A of the questionnaire.
- 7.1. Any related company, whether located in [original country], [country under investigation] or elsewhere, should complete this questionnaire, answering questions where appropriate, if they are or have been involved in:
  - Manufacture
  - Production
  - Sales
  - Marketing
  - Resales

of [product] since the start of the original investigation against imports of [product] from [original country] in [insert date].

8. If your company does not produce or sell [product] or you have any doubts whether or what questionnaire is applicable **please contact the case officers immediately.**
9. 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.
10. Identify clearly all units of measurement and currencies used in tables, lists and calculations. **Apply the same measurement consistently throughout your questionnaire response.**
11. Unless otherwise specified replies should relate to the investigation period as defined on page 1 of this questionnaire.
12. 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.

## **B. SPECIFICATION OF THE REQUEST**

1. I certify that I, as a producer of [product] in [country under investigation], claim exemption from any duties extended to imports of [product] consigned from [country under investigation].

2. I certify that I have submitted copies of this questionnaire completed by all related companies involved in the production, sales or marketing of [product].

### **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.

3. Please state whether you are related to any company in [original country] involved in the manufacture, sale or marketing of [product]. If so, give full details of the relationship and transactions between you and the other company in [original country].

4. Please state whether you are related to any company in [country under investigation] involved in the manufacture, sale or marketing of [product]. If so, given full details of the relationship and transactions between you and the other company in [country under investigation].

5. Please state whether you have at any time exported [product] from [original country] to the European Union or have at any time purchased [product] from [original country]. If so, give full details. Were these purchases from a related company?



## C. PRODUCT

### **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]

## D. GENERAL – COMPANY INFORMATION AND CORPORATE STRUCTURE

### 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.

1. State the legal form of your company.
2. Give the addresses of all of your production sites in [country under investigation] and details of what activities take place in which site.
3. Give a brief history of your company, including the date of incorporation, the first date of production of [product] and details of other products manufactured and/or sold.
4. Supply a diagram outlining the internal hierarchical and organisational structure of your company.
5. 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.

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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.

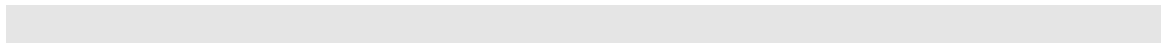
<sup>3</sup> Please indicate the names of the persons to contact and their functions within the company.



**6.** 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 commercialisation of [product] by completing Excel Table D.5. 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, contracts or agreements between the parties.

**7.** 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 D.6.

**8.** 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.



## E. OPERATING STATISTICS

### 1. TURNOVER

1. State your company's turnover (use the currency in which your accounts are kept), free of taxes and after all discounts by completing Excel Table E-1. **Please note that sales to EU should cover for the whole period all current members of the European Union<sup>4</sup>.**
2. If the accounts of your company have been **consolidated** with related companies, prepare a table in the format of table E-1, showing the consolidated turnover free of taxes and after all discounts. Please explain in detail how the consolidation has been done.
3. Please indicate on which basis you defined the sector in the above table. Indicate which products are included in the turnover of the sector.

### 2. INCOME STATEMENT

1. Complete Excel table E-2, showing the main items of your Income statement. Provide details of how costs have been allocated to your manufacture of [product].

### 3. TOTAL QUANTITY AND VALUE OF SALES

1. Please complete Excel table E.3 U. State the total quantity and net value of sales to **unrelated customers**.
2. Provide an identical table (Excel table E.3 R), for sales to **related customers**.

### 4. PRODUCTION AND CAPACITY STATISTICS

1. Provide information concerning the total production and capacity of **your company to produce [product]** including all subsidiaries or other related companies by completing Excel table E.4.

**Please note:**

1. Describe your production line and its major components. If you have recently invested in your production of [product] then give full details.
2. Explain the method used to calculate the usual capacity and capacity utilisation

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<sup>4</sup> Members of the European Union are Austria, Belgium, Bulgaria, Cyprus, The Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and The United Kingdom. Questions referring to the 'European Union', 'EU', 'Union' or 'Total Union' should include **all** these Member States.

of your company to manufacture [product].

3. If your company produces [product] outside [country under investigation] (including the European Union), the above information should also be provided in separate tables for each relevant manufacturing plant in question.
4. Please indicate the average "scrap ratio" resulting from the production process.

**5. STOCKS**

1. Complete Excel table E-5, showing the values and quantity of stocks of your company and each related production company, separately.

**6. PURCHASES**

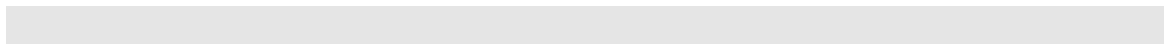
1. Complete Excel table E-6, showing in summary your purchases of raw materials, semi-finished goods and finished goods. These are defined in Section F.

**7. EMPLOYMENT**

1. Complete Excel table E-7, showing the average headcount in full time equivalent ('FTE') for the respective periods.

**8. INVESTMENTS**

1. Complete Excel table E-8, showing your investments related to the product under investigation for the respective periods.



## **F. PURCHASES AND COSTS**

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

1. If you purchase finished [product] for resale, complete Excel Table F.1. Give full details as to what you purchase, and from whom. Are they related or unrelated companies?
2. If you purchase finished [product] from [original country] from a related company, then you should complete the Excel sheet RLPURCH.xls. If you are in doubt as to whether a company is related to you then please refer to page 5 of this claim form.

### **2. 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.**

### **3. 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.

### **4. TERMS OF PURCHASE**

Give full details on the terms of the purchase of the items set out in F.1, F.2 and F.3 above.

## 5. 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.

## 6. 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.

## G. EXPORT SALES TO THE EUROPEAN UNION

### 1 Sales of [product] to the European Union

1. Do you sell [product] to the European Union? If so, give full details of the sales channels that you use and whether you sell via any related company.
2. Please note that any related company involved in the sale of [product] to the European Union consigned from [country under investigation] will also have to complete this questionnaire.
3. Where export sales were made through intermediate countries, give full details of the sales channels/countries through which the products enter the EU. Report the names of the companies involved and whether they are related to your company. Provide information on who holds legal title of the product concerned or product under investigation while it is in intermediate countries.

If there is any further processing or assembly, or if the product under investigation is changed or enhanced in any way in intermediate countries, explain in detail. Provide information on whether any of the products that are sent to the EU through intermediate countries, contain components from countries other than the exporting country. If so, identify the country of origin of each of the components, which comprise the product eventually sold to the EU, and specify where the assembly of that product occurred.

3. Complete the Excel Table EUSAL with all exports of [product] to the European Union where the invoice date is during the reporting period.

## H. 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

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Signature of authorised official

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Name and title of authorised official

## GLOSSARY

Explanations and definitions of some of the more specialised terms used in the questionnaire are provided here.

### **Facts available**

In cases in which an interested party refuses access to, or otherwise does not provide, necessary information within the time limits, or significantly impedes the investigation, provisional or definitive findings can be made on the basis of the facts available. Where it is found that false or misleading information was supplied, the information can be disregarded and use may be made of facts available. It is therefore in the interest of parties involved in an anti-dumping proceeding to actively co-operate. If an interested party does not co-operate or co-operates only partly, the result may be less favourable to the party than if it had co-operated.

### **Country of origin**

The country of origin is normally either the country where the good has been wholly obtained or, when more than one country is concerned in the production of the good, the country where the last substantial transformation has been carried out.

### **Dumping**

A product is considered as being dumped if its export price to the European Union is less than a comparable price for the like product, in the ordinary course of trade, as established for the exporting country or market economy third country.

### **European Commission**

The European Commission is the executive body of the European Union. In anti-dumping proceedings it has the responsibility for the receipt of complaints and for conducting anti-dumping investigations. The European Commission also decides whether to terminate proceedings, to accept undertakings and to impose provisional duties. For the imposition of definitive duties the Commission makes a proposal to the Council of Ministers for decision.

### **Exporting country**

The exporting country is normally the country of origin. However, it may be an intermediate country, except where, for example, the products are merely transhipped through that country, or the products concerned are not produced in that country, or there is no comparable price for them in that country.

### **Export price**



The export price is the price actually paid or payable for the product concerned when sold for export to the European Union, or to other countries.

### **Independent customers**

A customer is being considered independent if he cannot be defined as a related company; see under related company.

### **Member states**

<b>Country</b>	<b>Code</b>	<b>Currency</b>
Austria	AT	EUR
Belgium	BE	EUR
Bulgaria	BG	BGL
Croatia	HR	HRK
Cyprus	CY	EUR
Czech Republic	CZ	CZK
Denmark	DK	DKK
Estonia	EST	EUR
Finland	FI	EUR
France	FR	EUR
Germany	DE	EUR
Greece	EL	EUR
Hungary	HU	HUF
Ireland	IE	EUR
Italy	IT	EUR
Latvia	LV	LVL
Lithuania	LT	LTL
Luxembourg	LU	EUR
Malta	MA	EUR
Netherlands	NL	EUR
Poland	PL	PLN
Portugal	PT	EUR
Romania	RO	ROL
Slovakia	SK	EUR
Slovenia	SL	EUR
Spain	ES	EUR
Sweden	SE	SEK
United Kingdom	UK	GBP

### **Original equipment manufacturer (OEM)**

Describes a situation where a manufacturer produces a product which is sold under the brand name of the buyer. The term OEM refers to the purchaser of goods who is, or was, a manufacturer of the product.

### **Own brand manufacturer (OBM)**

This manufacturer produces a product and sells it under its own brand name.

### **Related party (company)**

For the purpose of completing this questionnaire, 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) together they 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:
  - husband and wife,
  - parent and child,
  - brother and sister (whether by whole or half blood),
  - grandparent and grandchild,
  - uncle or aunt and nephew or niece,
  - parent-in-law and son-in-law or daughter-in-law,
  - brother-in-law and sister-in-law.

### **Selling, general and administrative expenses (SG & A)**

The SG & A is part of the total cost :

+ cost of materials  
+ cost of direct labour  
+ cost of manufacturing overheads  
= cost of production  
+ SG & A expenses  
= Total cost

The SG&A includes all selling, general and administration expenses including finance cost.

## GUIDANCE FOR COMPLETING THE NON CONFIDENTIAL VERSION

When completing the version of this claim form that will be open for consultation by interested parties you should bear in mind that other companies and parties will have access to it. The reply open for consultation should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence.

In order to assist you in completing the version open for consultation by interested parties, we advise you to proceed as follows:

1. Use the completed "limited" response as a basis. Identify all information in the limited response which you consider is not limited and **copy** it to the version open for consultation.
2. After this, check once more whether the information you did not copy to the file for consultation is really limited. If you still consider it to be confidential, you must give the reasons why, item by item and summarise the limited information in a form which is suitable for consultation by interested parties. If, in exceptional circumstances, it is not possible to even summarise the limited information, give reasons why summarisation is not possible.

### Examples on how to summarise "limited" information

- ◆ When the information concerns numbers for various years you can use indices.

Example of limited information:

2006	2007	2008
20.000 EUR	30.000 EUR	40.000 EUR

The summary open for consultation by interested parties could be as follows:

2006	2007	2008
100	150	200

- ◆ When the information concerns a single number you can apply a % change to it .

Example of limited figure:

"My cost of production is EUR 300 per tonne."

The summary for consultation could be as follows:

"My cost of production is EUR 330 per tonne" (+ footnote saying: "actual numbers have been amended by a margin of maximum  $\pm$  10% to protect confidentiality").

- ◆ When the limited information concerns text you can either summarise it or eliminate the names of parties by indicating their function.

Example: TRADING COMPANY Ltd told me that the prices of imports were 20% lower.

Summary for consultation by interested parties: **[one of my customers]** told me that the prices of imports were 20% lower.