

**UPDATE ON TRADE PROTECTION MEASURES
APPLICABLE TO IMPORTS OF PET
INTO THE EU**

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GSI – PET DAY 2009
Florence, 8 October 2008

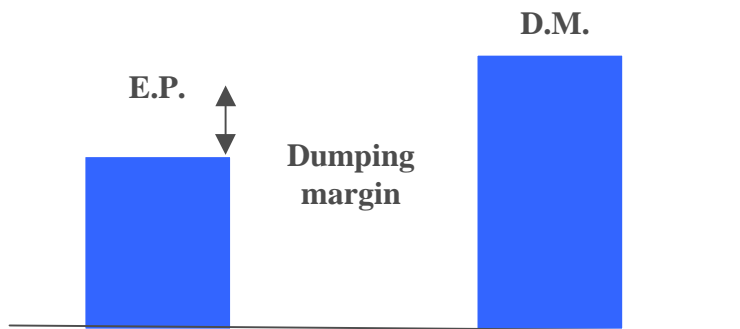
ANTI-DUMPING - INTRODUCTION

- Council Regulation 384/96 2006 provides that anti- dumping duties are to be imposed if:
 - (i) there is a finding of dumping
 - (ii) there is a determination of material injury (or threat thereof) to EU industry and
 - (iii) the adoption of measures is in the interest of the EU as a whole.

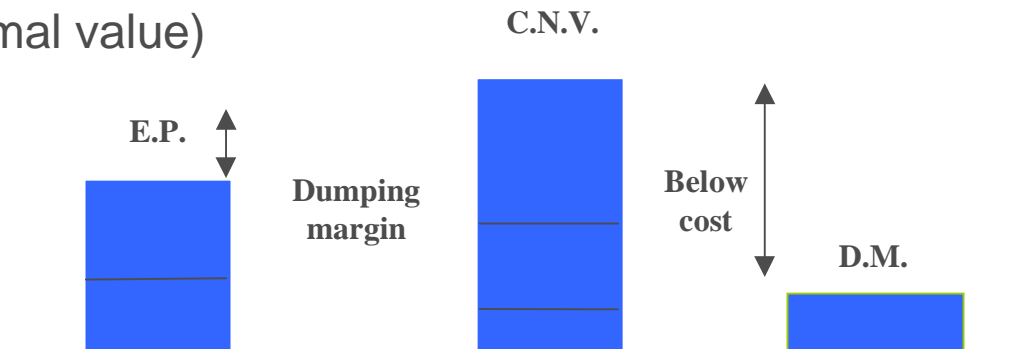
When AD measures could be imposed?

- **Dumping:**

- Export prices are lower than domestic prices



- Or, in the absence of reliable domestic prices (constructed normal value)



ANTI-SUBSIDY: INTRODUCTION

- Council Regulation 2026/97 on protection against subsidized imports from countries not members of the European Community;
- Existence of **Subsidy**
 - Financial contribution
 - Benefit
 - Specificity of subsidy
- Existence of **Injury**
- Existence of **Community interest**

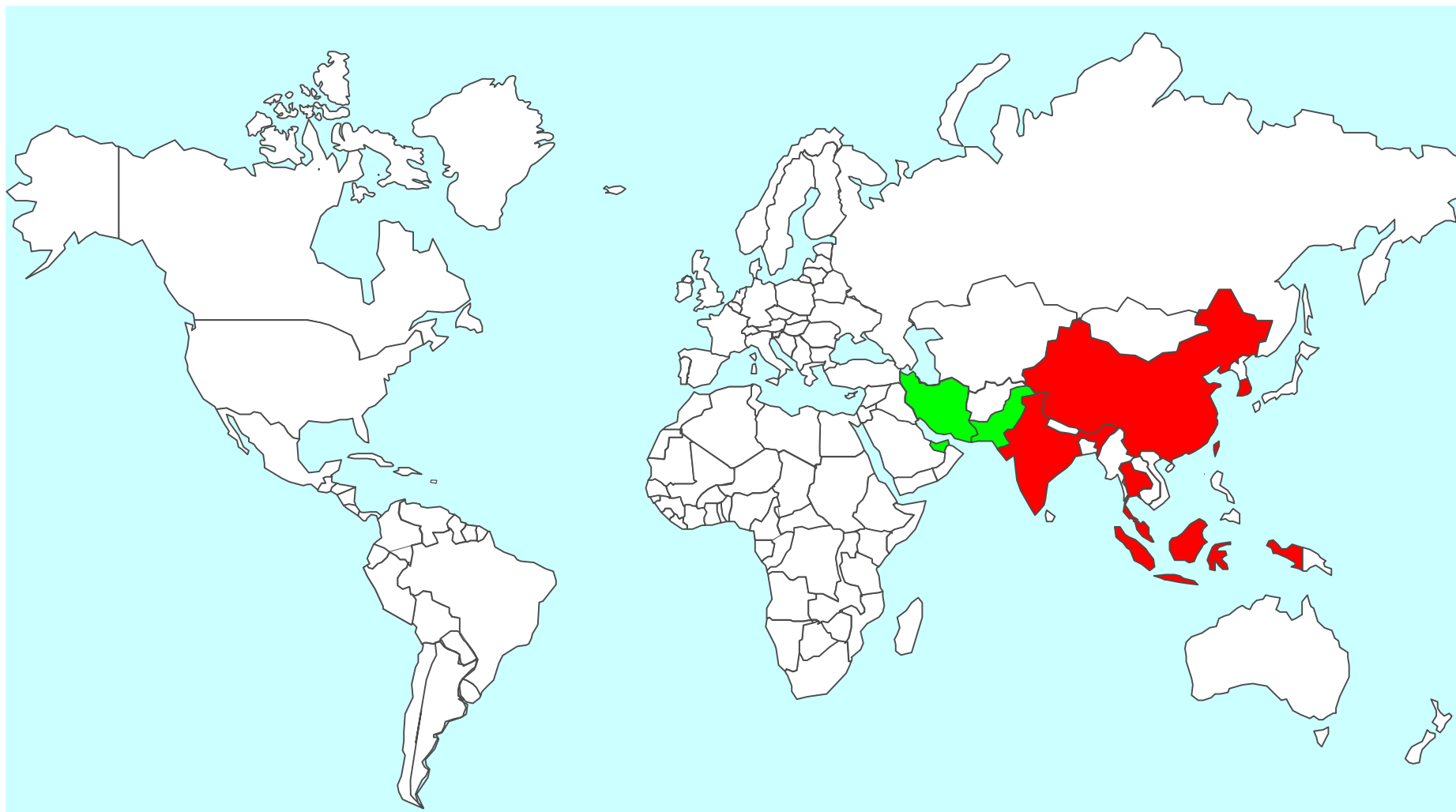
Main procedural stages in AD and AS proceedings

- Filing of the complaint (the Commission considers the admissibility of the complaint within 45 days)
- Initiation of the investigation
- Provisional anti-dumping/anti-subsidy measures (within 9 months of the initiation)
- Definitive anti-dumping/anti-subsidy measures for 5 years (within 13 months for AS and within 15 months for AD investigations)

AD and AS measures applicable to imports of PET

Country	Normal expiry	Type of measures	Level (min - max)
Australia	20.08.2009 Measures expired	Definitive duty	66-128 EUR/tonne
Australia	20.08.2009 Measures expired	Undertaking: no duty	
China	20.08.2009 Expiry review ongoing	Definitive duty	0-184 EUR/tonne
India	28.02.2012	Definitive duty	88,9-200,9 EUR/T
India	28.02.2012	Undertaking: no duty	
India (AS)	28.02.2012	Definitive AS duty	0-106,5 EUR/T
Indonesia	28.02.2012	Definitive duty	92,1-187,7 EUR/T
Indonesia	28.02.2012	Undertaking: no duty	
Korea	28.02.2012	Definitive duty	0-148,3 EUR/T
Malaysia	28.02.2012	Definitive duty	36,0-160,1 EUR/T
Taiwan	28.02.2012	Definitive duty	36,3-143,4 EUR/tonne
Thailand	28.02.2012	Definitive duty	83,2 EUR/T

EU already applies AD/AS against largest exporters



New AD and AS proceeding against Iran, Pakistan and UAE

- Complainants: **PET Committee of Plastics Europe**
- Allegations of dumping:
 - Iran: 13%
 - Pakistan: 11%
 - UAE: 13%
- Allegations of countervailable subsidies:
 - Iran: 12%
 - Pakistan: 11%
 - UAE: 11-18%

New AD and AS proceedings against Iran, Pakistan and UAE: procedural points

Stage of the proceedings	Period
Initiation	3 September 2009
Responses to the anti-dumping questionnaires by interested parties	Within 37 days from the NOI or from the sample decision, where applicable
Verifications in the exporting countries and in the EU	Expected in November 2009 – March 2010
Injury and Community interest hearings at the Commission	Individually decided by each interested party (preferably before the provisional disclosure)
Provisional measures, if any	Around 3 June 2010
Definitive measures, if any	By 3 October 2010 for AS proceeding
	By 3 December 2010 for AD proceeding (could be aligned with the deadline applicable for the AS proceeding)

Sample of importers in PET AD and AS proceedings



EUROPEAN COMMISSION
Directorate-General for Trade
Directorate H - Trade defence
Investigations III Monitoring of implementation

Brussels, 24 September 2009
DG TRADE H4/TS/D(2009)8357

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Dear Madam, Sir,

Subject: AD 545: Anti-dumping proceeding concerning imports of certain polyethylene terephthalate originating in Iran, Pakistan and the United Arab Emirates
AS 546: Anti-subsidy proceeding concerning imports of certain polyethylene terephthalate originating in Iran, Pakistan and the United Arab Emirates

On that basis, the Commission services envisage the following importers to be included in the sample:

Company	Country
Acqua Minerale San Benedetto	Italy
Global Service International	Italy

The sales of the product concerned by the above mentioned companies on the Community market represent 83% of the sales volumes reported in the sampling returns and 48% of the total estimated Community imports of the product concerned during the investigation period.

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