

AD 586 Anti-Dumping Investigation – Discussion paper

Response
Disclosure,
Council
Regulation
1072/2012



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1. PROCEEDING

1. Proceeding

2. Injury and cause of damage

3. Union Interest

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1.1 MISSING 25%-STATUS OF THE COMPLAINANTS ACCORDING ARTICLE 5 (4) COUNCIL REGULATION

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

EU27TOTALS (kg)				
PRCCODE/PERIOD	Jan.-Dec. 2008	Jan.-Dec. 2009	Jan.-Dec. 2010	Jan.-Dec. 2011
23411130 Porcelain or china tableware and kitchenware (excluding electro-thermic apparatus, coffee or spice mills with metal working parts)	172.411.016	224.645.025	139.999.738	144.540.000 (CN 6911 10 00)
23411210 Ceramic tableware, other household articles : common pottery	132.633.510	60.212.296	52.713.215	47.981.881 (CN 6912 00 10)
23411230 Ceramic tableware, other household articles : stoneware	48.580.164	43.308.985	34.453.858	40.030.620 (CN 6912 00 30)
23411250 Ceramic tableware, other household articles : earthenware or fine pottery	120.944.425	89.675.383	111.362.263	107.003.084 (CN 6912 00 50)
23411290 Ceramic tableware, other household articles : others	15.425.256	21.764.707	17.504.551	15.793.065 (CN 6912 00 90)
Total for codes equivalent to 6912 (23411210 + 23411230 + 23411250 + 23411290)	317.583.355	214.961.371	216.033.887	210.808.650
TOTAL equivalent to 6911+ 6912	489.994.371	439.606.396	356.033.625	355.348.650
Total for codes equivalent to 6912 (23411210 + 23411230 + 23411250 + 23411290) less 20%	254.066.684	171.969.097	172.827.110	168.646.920
Total (6911 + 6912 less 20%) in Tonnes	426.478	396.614	312.827	313.187
Total Production Complaints 6911 + 6912 (t12 007557 10-I-02 07 2012-AD586-adps)	76.131	63.061	71.821	74.127
PercentageRelation Total Production Complaints to Total 6912+6912 less 20%	17,85%	15,90%	22,96%	23,67%

- PRODCOM/EUROSTAT data show a total EU production of 355.529t.
- Data of the complainants concerning their production amounts 74.126 t → **20,87% share of the EU complainants**
- The EUROSTAT/PRDOCOM data customs classification (6912) does not correspond to the definition of the product concerned. The complainants adjusted the data by reducing the Eurostat data of 6912 by 20%.
- Following this only a comparable production of 313.187t is left over. Comparing to the production volume of the complainants (74.126 t) this leads to a share of **23,6%**.
- **Both numbers do not match to the minimum of required 25% according to Article 5 (4) of the council regulation 1225/2009.**

1.1 ADJUSTMENT ANNEX B.3.3

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

Open

Annex B.3.3

Estimates on imports and exports of non porcelain ceramic tableware

The CN codes 69120010, 69120030, 69120050, 69120090 include non porcelain ceramic tableware and other household products of, respectively, common pottery, stoneware, earthenware or fine pottery, and others. For instance, other household products include ashtrays, vases, jars, etc. In order to determine imports and exports of non porcelain ceramic tableware, we applied the conservative estimate that these products represent 80% of the total official figures of the relevant 8-digit CN code.

1.2.1 INEFFICIENT CONSIDERATION OF THE REGIONAL STRUCTURE I

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information



- 386 companies Annex A
- 5 sampled factories
- **199 companies from Guangdong**
→ none of them in the sampling
- This is remarkable especially due to the fact that more or less all the durable porcelain is manufactured in the Guangdong area

1.2.1 INEFFICIENT CONSIDERATION OF THE REGIONAL STRUCTURE II

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

Provinces	sampled factories	not sampled interested parties according announcement Nov. 15, 2012	% Value ¹	% Volume ¹	Average price per kg	Index Wages ³
HEBEI		7				80
BEIJING		1				163
TIANJIN (Tangshan)		22				131
SHANDONG	5 (17,6 % B352)	16	8,17	12,84	\$ 1,13	84
HENAN		5				75
JIANGSU		2				100
SHANGHAI		1				178
ZHEJIANG		2				103
HUNAN	4 (26,8% B349)	45	10,46	11,88	\$ 1,45	76
JIANGXI		5				72
FUJIAN		57				81
GUANGXI	3 (23,0% B353)	18	8,06	12,84	\$ 1,04	79
GUANGDONG		199	53,96	47,55	\$ 1,87	100
HONGKONG		3				
TAIWAN		1				
N.N		2				
National Total						

Quellen:

1: China chamber of Commerce for Import and Export of Light Industrial Products and Arts-Crafts, CCCLA, Rest Sales and weight = other provinces

2: <http://www.stats.gov.cn>

3: Guangdong, the region with the highest export volume to EU 2011 = 100

- Almost **54%** of Chinese export volume (by price) or almost **48%** of the volume by weight of the product concerned are **exported to the EU from Guangdong** province
- The **average price per kg** of the exports from **Guangdong** is significantly **higher** than the export prices from the **other provinces** (especially the provinces of the sampled companies)
- The **average wages** in the province **Guangdong** are significantly **higher** than in the provinces of the factories in the sample
- Product range differs in the provinces
- These facts alone show that the sample is not representative.

1.2.2 INEFFICIENT CONSIDERATION OF THE ON-GOING ANT-TRUST INVESTIGATION AGAINST THE GERMAN PORCELAIN INDUSTRY

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

- The Commission failed to treat the **data provided by the Complainant** and the injury data collected during the investigation with the required caution. They particularly failed to give due account of the **presence of collusive practices** on the EU market (principally in Germany), which may have rendered the injury data collected throughout the investigation unreliable.
- The German Anti-Trust-Authority (Bundeskartellamt) is investigating collusive practices in the ceramics and porcelain market. In 2010, one of the **major EU producers** was fined by the Commission for its **price-collusion in a sister market segment** (ceramic bathroom fittings); this was disregarded in the analysis.
- As per the judgment in *Mukand Ltd v. Council of the European Union*, the Commission **cannot consider data used in an injury analysis as reliable and consistent** with normal market conditions, where the use of it disregards a known factor which might have been a cause of the injury sustained by the Community. Thus, the Commission's assessment of injury and causation are vitiated by a manifest error.

1.2.2 COUNCIL REGULATION 1072/2012

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

3.6. Anti-competitive practices on the Union market

(174) Several parties alleged that injury is caused by anti-competitive practices on the Union market and it was also stated that this anti-dumping proceeding was launched to recuperate losses produced by fines for illegal cartels. CCCLA stated that the presence of collusive practices on the Union market may render the injury data (namely sales prices, sales volumes, market share and profits) both in the complaint and collected throughout the investigation unreliable given that they do not represent a situation that reflects the normal operation of the market.

(175) On the one hand, it is noted that in 2010 the Commission fined seventeen bathroom fixtures and fittings undertakings for a price fixing cartel between 1992 and 2004 affecting six Member States: Germany, Austria, Italy, France, Kingdom of Belgium (Belgium) and the Kingdom of Netherlands (Netherlands) ⁽¹⁾. The practices in question took place before the period considered and concerned other products. In addition, the only undertaking concerned which was also active in the ceramic tableware and kitchenware sector during the period considered filed an action for the annulment of that fine with the General Court of the European Union. This action remains pending. On the other hand, the German authorities launched a cartel investigation on some German tableware producers in February 2011. The outcomes of the investigation have not been made public by German authorities yet, so no conclusions can be drawn on this point. Moreover, that investigation concerns only one Member State, while the Union industry is quite widespread. The claims were therefore rejected.

2. INJURY AND CAUSE OF DAMAGE

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

2.1 ADDITIONAL ARGUMENTS AGAINST AN INJURY OF THE EU INDUSTRY

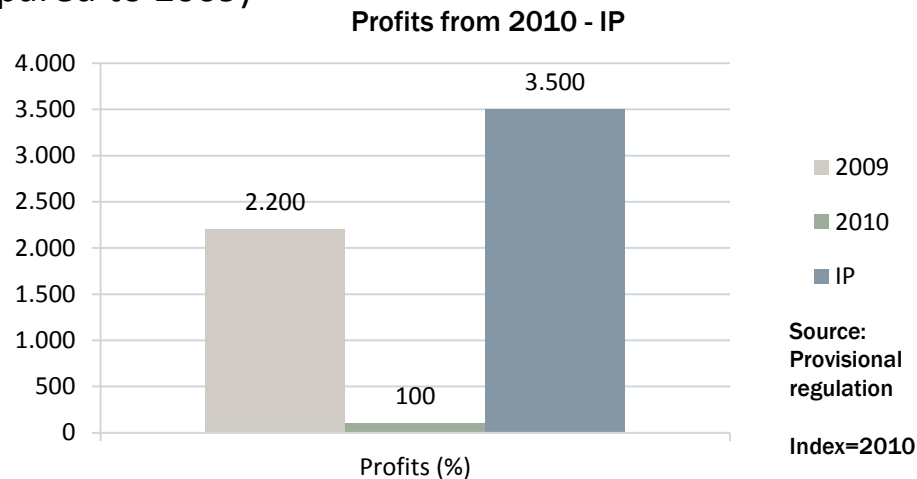
1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

- Chinese imports **decreased by 30%** more than Union industry sales
- From 2010 to the IP imports decreased by a staggering **8,892%** compared to minor decrease by union producer sales
- Union industry profits are at a **healthy level for the industry at 3,5%** (IP) (they have increased by 60% compared to 2009)



- **Comparison to Leather footwear is not meaningful** (completely different product and market)
- Comparison should be with **ceramic tiles** (level of profit was concluded to be **3,9%**)

2.1 ADDITIONAL ARGUMENTS AGAINST AN INJURY OF THE EU INDUSTRY

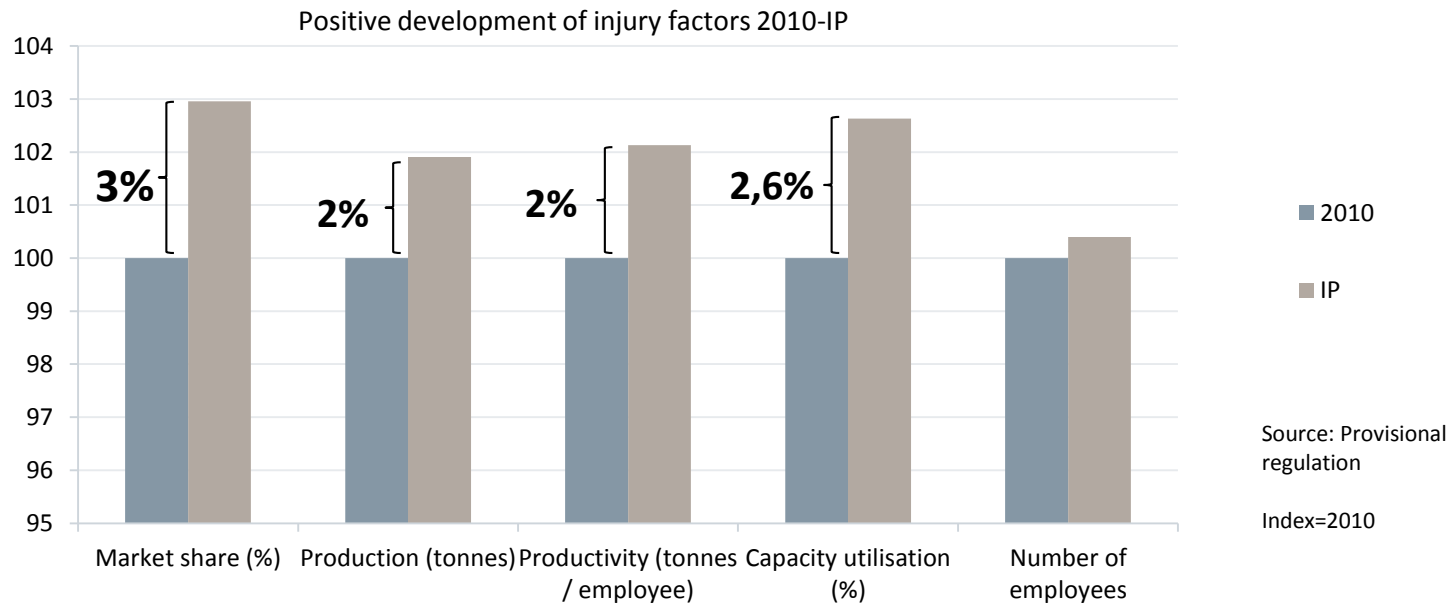
1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

■ Positive Development of the other injury factors from 2010 to IP:



- The injury factors increased markedly since 2009, therefore these factors **deserve closer scrutiny by the Commission Services.**

2.2 UNION CONSUMPTION

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

Codex 6911 - 6912 Consumption of the Union

Formula for consumption
Production
- Export total
+ Import Total

Origin	Party	Information	Codex	Unit	Year 2011	Year 2010	Year 2009
Trade Statistics	EU	Import China	6911 + 6912	kg	539.127.500	574.618.100	502.034.400
Addition	EU	Import non EU excl. China	6911 + 6912	kg	102.041.400	95.163.400	94.566.900
Addition	EU	EU Utilization of EU Production	6911 + 6912	kg	254.971.500	260.788.600	355.584.296
Origin	Party	Information	Codex	Unit	Year 2011	Year 2010	Year 2009
Prodcom	EU	Produktion (Prodcom 11/12)	6911 + 6912	kg	355.259.000	356.034.000	439.606.396
Trade Statistics	EU	Export non EU	6911 + 6912	kg	100.287.500	95.245.400	84.022.100
Trade Statistics	EU	Import non EU	6911 + 6912	kg	641.168.900	669.781.500	596.601.300
Addition	EU	Consumption of EU	6911 + 6912	kg	896.140.400	930.570.100	952.185.596
1072/2012	EU	Consumption	6911 + 6912	kg	726.614.000	750.830.000	687.609.000
Addition	EU	difference in kg	6911 + 6912	kg	-169.526.400	-179.740.100	-264.576.596
Addition	EU	difference in %	6911 + 6912	kg	-23,3%	-23,9%	-38,5%

- The union consumption identified by the EU Commission is **23,3%** lower, as the addition of the relevant data of EUROSTAT.
- The Commission does not contravene a rule if it publishes the data and statistics used (concerning the general market data not including the specific data of the complainants).

2.3 IMPORTS I

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

Origin	Party	Information	Codex	Unit	Year 2011	Year 2010	Year 2009	Year 2008
Trade Statistics	EU	Import China	6911	kg	313.072.600	326.492.000	282.553.800	348.902.000
Trade Statistics	EU	Import China	6912	kg	226.054.900	248.126.100	219.480.600	249.088.000
Trade Statistics	EU	Import China	6911 + 6912	kg	539.127.500	574.618.100	502.034.400	597.990.000
Trade Statistics	EU	Import China	6911 + 6912	kg +/- kg VJ	-35.490.600	72.583.700	-95.955.600	-56.899.400
Trade Statistics	EU	Import China	6911 + 6912	kg +/- % VJ	-6,58	12,63	-19,11	-9,52
Trade Statistics	EU	Import EXTRA-TRADE EUR27	6911	kg	362.273.300	369.672.700	324.180.700	399.658.600
Trade Statistics	EU	Import EXTRA-TRADE EUR27	6912	kg	278.985.600	300.108.800	272.420.600	318.137.600
Trade Statistics	EU	Import EXTRA-TRADE EUR27	6911 + 6912	kg	641.258.900	669.781.500	596.601.300	717.796.200
Trade Statistics	EU	Import EXTRA-TRADE EUR27	6911 + 6912	kg +/- kg VJ	-28.522.600	73.180.200	-121.194.900	-58.249.300
Trade Statistics	EU	Import EXTRA-TRADE EUR27	6911 + 6912	kg +/- % VJ	-4,45	10,93	-20,31	-8,12
1072/2012	EU	Import China	6911 + 6912	kg	485.814.000	516.618.000	449.346.000	535.593.000
1072/2012	EU	Import China	6911 + 6912	kg +/-	-53.313.500	-58.000.100	-52.688.400	-62.397.000
1072/2012	EU	Import China	6911 + 6912	kg +/- %	-10,97	-11,23	-11,73	-11,65
Addition	EU	Import China 1072 vs EXTRA TRADE EUR27	6911 + 6912	kg +/-	-155.444.900	-153.163.500	-147.255.300	-182.203.200
Addition	EU	Import China 1072 vs EXTRA TRADE EUR27	6911 + 6912	kg +/- %	-24,24	-22,87	-24,68	-25,38

- In Recital 114 the Commission states that the total imports from the PR of China **decreased 9%**.
- We compared the numbers of the Commission with the actual EUROSTAT data und found out that the values during the IP differ by **24,24%**.
- While the sum of all EXTRA TRADE EUR27 imports only **increased by 4,45%** the imports of China **decreased by 6,58%**. Therefore, the imports of China have decreased more than the total import EXTRA TRADE EUR27.

2.3 IMPORTS II

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

- While the union consumption decreased by **3,84%** the imports of the PR China deteriorated by **4,45%**.
- This shows that the PR of China imports and all relevant parameters are declining faster than other market participants.

Codex 6911 - 6912 Consumption of the Union

Formula for consumption
Production
- Export total
+ Import Total

Origin	Party	Information	Codex	Unit	Year 2011	Year 2010	Year 2009	Year 2008
Trade Statistics	EU	Import China	6911 + 6912	kg	539.127.500	574.618.100	502.034.400	597.990.000
Addition	EU	Import non EU excl. China	6911 + 6912	kg	102.041.400	95.163.400	94.566.900	119.806.200
Addition	EU	EU Utilization of EU Production	6911 + 6912	kg	254.971.500	260.788.600	355.584.296	385.482.571
Origin	Party	Information	Codex	Unit	Year 2011	Year 2010	Year 2009	Year 2008
Prodcom	EU	Produktion (Prodcom 11/12)	6911 + 6912	kg	355.259.000	356.034.000	439.606.396	489.994.371
Trade Statistics	EU	Export non EU	6911 + 6912	kg	100.287.500	95.245.400	84.022.100	104.511.800
Trade Statistics	EU	Import EXTRA-TRADE EUR27	6911 + 6912	kg	641.168.900	669.781.500	596.601.300	717.796.200
Addition	EU	Consumption of EU	6911 + 6912	kg	896.140.400	930.570.100	952.185.596	1.103.278.771
Addition	EU	Consumption of EU	6911 + 6912	kg +/- %	-3,84	-2,32	-15,87	-8,77

2.4 PRODUCTION OF THE ECONOMIC SECTOR VERSUS CHANGES IN THE CONSUMPTION

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

- In Recital 123, the Commission states that the production of the branch didn't recover to the same degree as the consumption by **3,84%**.

Codex 6911 - 6912 Consumption of the Union

Formula for consumption
Production
- Export total
+ Import Total

Origin	Party	Information	Codex	Unit	Year 2011
Trade Statistics	EU	Import China	6911 + 6912	kg	539.127.500
Trade Statistics	EU	Import China	6911 + 6912	kg +/- %	-6,58
Addition	EU	Import non EU excl. China	6911 + 6912	kg	102.041.400
Addition	EU	Consumption of EU	6911 + 6912	kg +/- %	6,74
Addition	EU	EU Utilization of EU Production	6911 + 6912	kg	254.971.500
Addition	EU	EU Utilization of EU Production	6911 + 6912	kg +/- %	-2,28
Origin	Party	Information	Codex	Unit	Year 2011
Prodcom	EU	Produktion (Prodcom 11/12)	6911 + 6912	kg	355.259.000
Prodcom	EU	Produktion (Prodcom 11/12)	6911 + 6912	kg +/- %	-0,22
Trade Statistics	EU	Export non EU	6911 + 6912	kg	100.287.500
Trade Statistics	EU	Import EXTRA-TRADE EUR27	6911 + 6912	kg	641.168.900
Addition	EU	Consumption of EU	6911 + 6912	kg	896.140.400
Addition	EU	Consumption of EU	6911 + 6912	kg +/- %	-3,84

- The manufacturing sector in the Union was the one least affected by the economic crisis.
- In the investigation period, the import of products from the People's Republic of China **decreased by 6,58%**, while the consumption decreased **just by 3,84%**.

2.5 FACTORS INFLUENCING PRODUCTION COSTS IN EU INDUSTRY I

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

Labour cost > 65% of total cost of production

- The hourly labour cost in the business economy ([NACE](#) Rev.2 sections B to N) for the EU-27 was **€ 23,1 in 2011** and **EUR 22,5 in 2010**.
- The highest labour costs per hour in the business economy were obtained for Belgium (€ 39,3), Sweden (€ 39,1), Denmark (€ 38,6), France (€ 34,2), Luxembourg (€ 33,7), the Netherlands (€ 31,1) and **Germany (€ 30,1)**.
- The lowest labour cost per hour was estimated for Bulgaria (€ 3,5), **Romania (€ 4,2 in 2010)**, Lithuania (€ 5,5), Latvia (€ 5,9).

	2008	2009	2010	IP
Cost of production (t)	3.578	3.583	3.514	3.230
Labour cost per t	2.293	2.330	2.292	2.176
Relation labour cost/cost of production	64,1%	65,0%	65,2%	67,4%

- If we analyse the evolution of the labour cost per t, we notice that the labour cost percentage is increasing year after year, which does not confirm the statement of the Commission (142) that productivity increased.

2.5 FACTORS INFLUENCING PRODUCTION COSTS IN EU INDUSTRY II

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

	Electricity prices						Gas prices					
	Households (1)			Industry (2)			Households (3)			Industry (4)		
	2009	2010	2011	2009	2010	2011	2009	2010	2011	2009	2010	2011
EU-27	0.163	0.167	0.178	0.107	0.105	0.110	0.059	0.053	0.056	0.036	0.031	0.034
Euro area (5)	0.171	0.176	0.187	0.111	0.109	0.116	0.066	0.058	0.062	0.038	0.032	0.036
Belgium	0.192	0.196	0.214	0.111	0.106	0.110	0.061	0.059	0.057	0.033	0.029	0.032
Bulgaria	0.082	0.081	0.083	0.065	0.065	0.065	0.047	0.037	0.043	0.031	0.024	0.029
Czech Republic	0.132	0.135	0.150	0.107	0.103	0.111	0.049	0.047	0.054	0.033	0.031	0.031
Denmark	0.270	0.267	0.291	0.086	0.094	0.099	0.092	0.107	0.116	0.056	0.057	0.067
Germany	0.228	0.238	0.253	0.113	0.112	0.125	0.065	0.057	0.059	0.043	0.036	0.046
Estonia	0.092	0.097	0.097	0.064	0.069	0.072	0.039	0.036	0.042	0.027	0.029	0.028
Ireland	0.203	0.180	0.190	0.121	0.112	0.116	0.064	0.050	0.051	0.033	0.028	0.038
Greece	0.115	0.118	0.125	0.095	0.095	0.101						
Spain	0.158	0.173	0.195	0.115	0.117	0.114	0.061	0.053	0.054	0.031	0.028	0.029
France	0.121	0.128	0.138	0.073	0.085	0.085	0.055	0.052	0.058	0.036	0.033	0.037
Italy	0.210	0.197	0.201	0.153	0.139	0.153	0.076	0.062	0.069	0.040	0.030	0.031
Cyprus	0.156	0.186	0.205	0.119	0.151	0.167						
Latvia	0.105	0.105	0.117	0.090	0.089	0.098	0.052	0.031	0.039	0.039	0.026	0.029
Lithuania	0.095	0.116	0.121	0.092	0.100	0.105	0.042	0.038	0.043	0.031	0.032	0.035
Luxembourg	0.188	0.173	0.168	0.116	0.102	0.100	0.049	0.043	0.051	0.040	0.037	0.042
Hungary	0.148	0.170	0.168	0.124	0.106	0.095	0.048	0.054	0.056	0.037	0.030	0.033
Malta	0.171	0.170	0.170	0.151	0.180	0.180						
Netherlands	0.190	0.170	0.174	0.113	0.104	0.103	0.083	0.070	0.072	0.038	0.032	0.033
Austria	0.191	0.197	0.199				0.065	0.062	0.069			
Poland	0.113	0.134	0.147	0.090	0.098	0.101	0.039	0.043	0.046	0.028	0.030	0.033
Portugal	0.151	0.158	0.165	0.094	0.094	0.099	0.060	0.059	0.061	0.035	0.027	0.034
Romania	0.098	0.103	0.108	0.081	0.085	0.080	0.029	0.027	0.028	0.023	0.022	0.023
Slovenia	0.135	0.140	0.144	0.103	0.099	0.099	0.066	0.058	0.067	0.044	0.042	0.045
Slovakia	0.154	0.152	0.168	0.142	0.117	0.128	0.046	0.044	0.047	0.041	0.033	0.035
Finland	0.130	0.133	0.154	0.069	0.069	0.076				0.031	0.030	0.042
Sweden	0.160	0.184	0.209	0.067	0.081	0.089	0.089	0.103	0.122	0.039	0.044	0.052
United Kingdom	0.147	0.139	0.143	0.112	0.099	0.098	0.043	0.041	0.042	0.029	0.023	0.025
Norway	0.157	0.203	0.213	0.079	0.103	0.111						
Croatia	0.115	0.115	0.114	0.087	0.094	0.091	0.032	0.038	0.038	0.026	0.034	0.040
FYR of Macedonia												0.038
Turkey	0.114	0.134	0.122	0.078	0.089	0.079	0.039	0.032	0.029	0.029	0.024	0.022
Bosnia and Herzegovina		0.074	0.075		0.062	0.061		0.038	0.045		0.042	0.048

Energy costs

- The development of energy costs in the EU has not contributed to a decrease in cost of production because the increase in electricity prices has been compensated by a decrease in gas prices.

(1) Annual consumption: 2 500 kWh < consumption < 5 000 kWh.

(2) Annual consumption: 500 MWh < consumption < 2 000 MWh; excluding VAT

(3) Annual consumption: 5 600 kWh < consumption < 56 000 kWh (20-200 GJ).

(4) Annual consumption: 2 778 MWh < consumption < 27 778 MWh (10 000-100 000 GJ); excluding VAT.

(5) 2009 and 2010, EA-16.

Source: Eurostat (online data codes: nrg_pc_204, nrg_pc_205, nrg_pc_202 and nrg_pc_203)

2.5 FACTORS INFLUENCING PRODUCTION COSTS IN EU INDUSTRY III

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

Relation cost of production – product portfolio – average sales prices

- The Commission stated that **average sales prices** for the industry have decreased by **12% since 2008-2011**
- All other players in this market have been able to **increase** their prices

	2008	2009	2010	IP	2008	2009	2010	IP
Average import price VCA (€/t)	1.274	1.307	1.473	1.499	100,0%	102,6%	115,6%	117,7%
Average sales price EU industry (€/t)	4.103	3.818	3.811	3.615	100,0%	93,1%	92,9%	88,1%
Average import price Turkey (€/t)	2.027	2.014	2.171	2.058	100,0%	99,4%	107,1%	101,5%
Average import price other countries (excl. Turkey) (€/t)	2.579	2.588	2.869	2.904	100,0%	100,4%	111,3%	112,6%

- This fact shows that the price policy of the European industry is not influenced by the stated Chinese Dumping

2.5 FACTORS INFLUENCING PRODUCTION COSTS IN EU INDUSTRY III

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

- The EU industry was able to maintain their average export prices

	2008	2009	2010	IP
Average sales price EU industry at EU market (€/t)	4.103	3.818	3.811	3.615
Average export sales price EU industry (€/t)	3.136	2.983	3.462	3.125
Export % in total production volume	32%	32%	35%	37%
Relation between export sales price and average sales price in EU	76%	78%	91%	86%

Conclusion

- The margin % of the EU industry is improving in the IP in comparison with the period 2008-2010. This is mainly because the costs of production decreased and export sale prices remained at almost the same level, taking a higher percentage of the overall sales.
- Various members have also announced these good results for 2011, such as Villeroy & Boch, Steelite International, BHS Tabletop AG.

2.5 FACTORS INFLUENCING PRODUCTION COSTS IN EU INDUSTRY IV

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

	2008	2009	2010	IP
Sales	1.066.207.844	817.911.230	869.253.941	825.151.550
Cost of production	1.006.491.400	825.164.900	828.249.800	775.846.000
Margin	59.716.444	-7.253.670	41.004.141	49.305.550
Margin %	5,6%	-0,9%	4,7%	6,0%

(Remarkable to notice is the drop in 2009 which is mainly caused by a drop in volume, sales price and stable cost of production)

- If we assume a situation where the EU industry had kept their prices at the 2008 level, the margin would improve from **6% to 13,8%**, which would have reflected the improvement in productivity.

	2008	2009	2010	IP
Sales	1.066.207.844	873.844.466	886.728.103	900.343.065
Cost of production	1.006.491.400	825.164.900	828.249.800	775.846.000
Margin	59.716.444	48.679.566	58.478.303	124.497.065
Margin %	5,6%	5,6%	6,6%	13,8%

2.6 TURKEY AND NON-DISCRIMINATION PRINCIPLE

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

Disclosure No. 149

	2008	2009	2010	2011 / IP
Volume of imports from all other third countries (tonnes)	100.971	81.464	81.602	88.706
Index (2008 =100)	100	81	81	88
Market Share	12,20%	11,80%	10,90%	12,20%
Average Import price (EUR/tonne)	2.378	2.354	2.591	2.522
Index (2008 =100)	100	99	109	106
Volume of imports from Turkey (tonnes)	36.952	33275	32.887	40.553
Index (2008 =100)	100	90	89	110
Market Share	4,50%	4,80%	4,40%	5,60%
Average Import price (EUR/tonne)	2.027	2.014	2.171	2.058
Index (2008 =100)	100	99	107	102

Disclosure No. 113

	2008	2009	2010	2011 / IP
Volume of imports from PRC (tonnes)	535.593	449.346	516.618	485.814
Index (2008 = 100)	100	84	96	91
Market share	64,80%	65,30%	68,80%	66,90%
Average import price (EUR/tonne)	1.274	1.307	1.473	1.499
Index (2008 = 100)	100	103	116	118

■ Turkish imports to the EU **increased by 10%** from 2008-2011. Their market share increased during that period from **4,5% to 5,6%, which is over the *de minimis* limit.**

■ We appeal to the Commission to fulfil that obligation and **to close the investigation against China**, as there is no investigation against Turkey, the non-discrimination principle leaves the Commission no other choice.

2.7 CAUSATION

1. Proceeding

2. Injury and cause of damage

3. Union Interest

4. Misleading information

- **Chinese imports** have **decreased** by **30%** more than Union industry sales
- **Import prices** from China have **increased by 18%**
- From 2010 to the IP the **imports decreased by a staggering 5,9%** when compared to the relatively minor decrease experienced by Union producer sales in the same period.
- Since **2008 the Union Industry has been profitable**, and significantly so in the IP, increasing profit levels to **3,5%**. Sales have remained stable since 2009 and allowed a higher EU sales price (compared to Chinese prices) to be set, which has contributed towards the Union industry's profits.
- The data on consumption provided by the Commission (in contrast to that concerning Chinese imports) demonstrates a clear correlation with important injury factors.
- **The level of consumption decreased by 16%** during 2008 and 2009 following the economic crisis. This was mirrored in almost an identical drop in sales (decreased by 17%), employment (decreased by 17%) and production (decreased by 18%). Recital 100, provisional regulation.

3. UNION INTEREST

1. Proceeding

2. Injury and cause of damage

3. Union interest

4. Misleading information

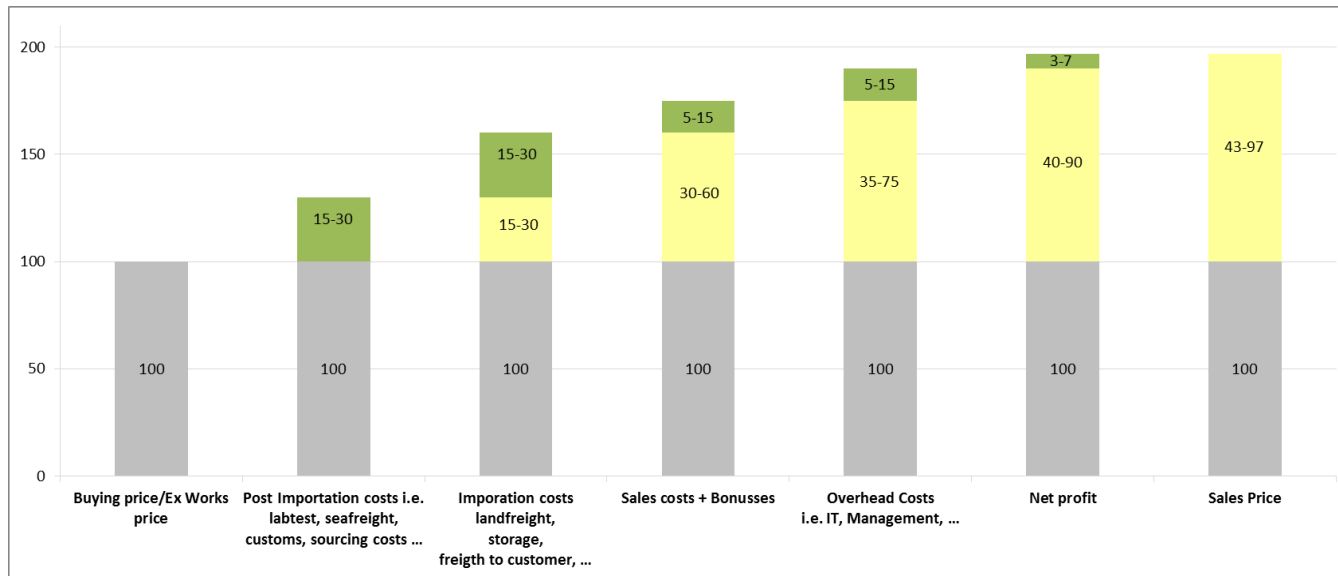
3.1 PRICE INCREASE FOR THE CONSUMERS

1. Proceeding

2. Injury and cause of damage

3. Union interest

4. Misleading information



- The Commission states that the unrelated importers have margins between 50-200% and therefore will be able to cover the duties without price increases for the consumer.
- It might be true that for **individual articles** the margins are in that range but for the majority of the articles the margin is **much lower**.
- During the audits at unrelated importers side it was proven that they have **high import and post import costs between 50-70%**.
- According to a basic understanding of business administration, **margin and net profit are 2 different things**. The Commission ignores that, mentioning only the margin at unrelated importers and only net profit on the industry side.

3.2 NUMBER OF EMPLOYEES AT UNRELATED IMPORTER SIDE

1. Proceeding

2. Injury and cause of damage

3. Union interest

4. Misleading information

- In Recital 200 the Commission states that within the 5 sampled independent importers employ **350 people** for sales and purchasing of the products concerned.
- In reality, there are **more than 10.000 people** working with the product concerned at the 5 sampled unrelated importers.
- Even if we follow the numbers (350) of the Commission we can make an easy calculation:
 - The independent importers sampled represent 6% of the import volume to the EU
 - If the 350 people are correct and we calculate the staff for 100% of the imports with the same ratio it means almost **6.000 people**

4. MISLEADING INFORMATION IN THE COUNCIL REGULATION 1072/2012 OF THE EU COMMISSION

1. Proceeding > 2. Injury and cause of damage > 3. Union interest > **4. Misleading information**

4.1 PRICE DEVELOPMENT IMPORT PRICES CHINA I

1. Proceeding > 2. Injury and cause of damage > 3. Union interest > **4. Misleading information**

- In Recital 114 the Commission calculated an import price increase from the PR of China of 17,7% of € 1,247 and 1,499 € per kg.

Origin	Party	Information	Codex	Unit	Year 2011	Year 2010	Year 2009	Year 2008
Trade Statistics	EU	Import China	6911 + 6912	kg	539.127.500	574.618.100	502.034.400	597.990.000
Trade Statistics	EU	Import China	6911 + 6912	€	818.570.170,00 €	855.882.260,00 €	661.863.520,00 €	767.338.880,00 €
Addition	EU	Import China	6911 + 6912	€ / kg	1,52 €	1,49 €	1,32 €	1,28 €
Addition	EU	Import China	6911 + 6912	€ +- %	1,94	12,98	2,74	11,23

- The average price of imports from the PR of China based on the above-mentioned PRODCOM statistics 11/2012 amounts to **€ 1,52 per kg in the year 2011**. In relation to the Index 100 in 2008 the price increase is **€ 0,24 and 18,32%**, accordingly.
- The Commission stated in their statistical analysis that the price increase of the imports of the PR of China far exceeds the export prices of the Union producers. The prices of the union producers have **decreased by € 0,03** from 2008-2011 and **declined by 0,78%**.

4.1 PRICE DEVELOPMENT IMPORT PRICES CHINA II

1. Proceeding → 2. Injury and cause of damage → 3. Union interest → **4. Misleading information**

Origin	Party	Information	Codex	Unit	Year 2011	Year 2010	Year 2009	Year 2008
Trade Statistics	EU	Export total	6911	Euro	948.440.370,00 €	923.990.900,00 €	853.515.200,00 €	1.061.892.820,00 €
Trade Statistics	EU	Export total	6911	kg	195.935.600	189.121.600	172.106.300	196.587.500
Trade Statistics	EU	Export total	6911	Euro/kg	4,84 €	4,89 €	4,96 €	5,40 €
Trade Statistics	EU	Export total	6912	Euro	557.142.130,00 €	535.072.300,00 €	474.420.860,00 €	540.538.840,00 €
Trade Statistics	EU	Export total	6912	kg	226.820.800	261.353.600	234.580.800	249.861.500
Trade Statistics	EU	Export total	6912	Euro/kg	2,46 €	2,05 €	2,02 €	2,16 €
Trade Statistics	EU	Export total	6911 + 6912	Euro	1.505.582.500,00 €	1.459.063.200,00 €	1.327.936.060,00 €	1.602.431.660,00 €
Trade Statistics	EU	Export total	6911 + 6912	kg	422.756.400	450.475.200	406.687.100	446.449.000
Trade Statistics	EU	Export total	6911 + 6912	Euro/kg	3,56 €	3,24 €	3,27 €	3,59 €
Trade Statistics	EU	Export total	6911 + 6912	Euro/kg +- €	0,32 € -	0,03 € -	0,32 € -	0,17 €
Trade Statistics	EU	Export total	6911 + 6912	Euro/kg +- %	9,95	-0,81	-9,03	-4,47

- This explains also the assumption in Recital 115 of the disclosure that this trend could be influenced by a change in the product assortment.
- Obviously the Commission **did not consider the current assortments** and the **price increase rates**, which the products from the PR of China have to bear.
- This may be a clue to the conclusion of the Commission in Recital 202 that the supply chain could absorb the proposed antidumping duty without endangering the affected market participants.

4.2 PRICE UNDERCUTTING I

1. Proceeding

2. Injury and cause of damage

3. Union interest

4. Misleading information

- In Recital 116, the Commission determined a price cutting range from **26,3 to 47,6%** between the imports of the People's Republic of China and the products of Union producers.
- The following figures are based on the incorrectly estimated prices of the Commission, so that we do not distort the conclusion of the Commission.
- The average price of Chinese imports by weight is **€ 1,499/kg**. This price undercuts the price of the Union producers **by 47,6%**. Therefore the average price of the Union producers is **€ 2,84/kg**.

4.2 PRICE UNDERCUTTING II

1. Proceeding

2. Injury and cause of damage

3. Union interest

4. Misleading information

- Without claiming that they are complete, we compiled the figures above from the current EUROSTAT statistics. According to the figures, there are Union producers which undercut the export price of **€ 1,499/kg** estimated by the Commission.
- The relative average price of imports from the People's Republic of China was **€ 1,52**. As a consequence the weighted Union price would have to be **€ 2,90**.

Origin	Party	Information	Codex	Unit	Year 2011
Trade Statistics	Romania	EXPORT EXTRA EUR27	6912	€/kg	1,02 €
Trade Statistics	Romania	EXPORT INTRA EUR27	6912	€/kg	1,08 €
Trade Statistics	Spain	EXPORT INTRA EUR27	6912	€/kg	1,16 €
Trade Statistics	Italy	EXPORT INTRA EUR27	6912	€/kg	1,19 €
Trade Statistics	Portugal	EXPORT INTRA EUR27	6912	€/kg	1,61 €
Trade Statistics	Romania	EXPORT EXTRA EUR27	6911	€/kg	1,86 €
Trade Statistics	Romania	EXPORT INTRA EUR27	6911	€/kg	2,04 €
Trade Statistics	Spain	EXPORT INTRA EUR27	6911	€/kg	2,04 €
Trade Statistics	Germany	EXPORT INTRA EUR27	6912	€/kg	2,09 €
Trade Statistics	Portugal	EXPORT EXTRA EUR27	6912	€/kg	2,52 €

- This information proves that the external **similarity** of goods does not mean that the physical composition of the goods is similar as well.
- The Commission cannot ignore that goods from Union producers with the customs tariff number 6911 and 6912 achieve different prices on their own. The market attributes the product significant characteristics and the Commission does not consider this fact.



Porzellan/Germany

Aktennotiz

Donnerstag, 17. Januar 2013

Thema: AD586 Lagerbestände der EU – Teil II

Nach einer weiteren Querprüfung des vorliegenden Zahlenmaterial im Verfahren AD586 belegen die genannten LAGERBESTÄNDE der Unionshersteller ein drittes Mal erneut die Fehlerhaftigkeit der Ermittlungsarbeit.

In Absatz 130 bezeichnet die EU-Verordnung 1072/2012 in Abs. 130 die Lagerbestände der Unionshersteller mit 7.611 Tonnen für das Jahr 2010.

(130) Die Schlussbestände des Wirtschaftszweigs der Union nahmen im Bezugszeitraum in absoluten Zahlen um 14 % ab. Die Untersuchung ergab, dass diese Angabe keinen entscheidenden Indikator für diese Art von Wirtschaftszweig darstellt, in der im Wesentlichen auftragsabhängig gearbeitet wird.

Tabelle 8

	2008	2009	2010	UZ
Lagerbestände (in Tonnen)	7 754	6 647	7 611	6 647
Index (2008 = 100)	100	86	98	86

In der Antragsschrift zum Verfahren vom 24.01.2012 beziffern alleine die Antragsteller ihre Lagerbestände (gem. ANNEX-G-ARES797765 – Seite 3) auf 13.262.954 kg, also 13.263 Tonnen. Demnach beträgt die Summe der Lagerbestände aller Unionshersteller 5.652 Tonnen weniger, als die Vorräte der Antragsteller, die bekanntlich weniger als 20% der Unionshersteller ausmachen.

Mit Verlaub und allem gebührenden Respekt, aber die offizielle EU-Regulation Nr. 1072/2012 stützt sich auf nicht haltbare und vor allem nicht nachvollziehbare Daten und Fakten. Sämtlich daraus getroffene Schlussfolgerungen (Abs. 130 ff) sind als unzutreffend zu bewerten!

Halle (Westf.) den 17.01.2013

Knud Holst



Porzellan/Germany Akt en not iz

Donnerstag, 17. Januar 2013

Thema: AD586 Lagerbestände der EU

Nach einer weiteren Prüfung des vorliegenden Zahlenmaterial im Verfahren AD586 belegen die genannten LAGERBEBESTÄNDE der Unionshersteller erneut die Fehlerhaftigkeit der verwendeten Zahlen.

Mit Schriftsatz vom 14.12.2012 Abs. 3.6. haben wir die Kommission bereits darauf hingewiesen, dass sich die genannten Lagerbestände der Verordnung 1072/2012 (6.647 Tonnen für das Jahr 2011) keinesfalls auf die Unionshersteller in ihrer Gesamtheit, sondern vielmehr nur auf den Anteil der Antragsteller beziehen können.

Rechnet man jedoch die vorliegenden Zahlen des Verfahrens nach, ergeben sich eine Reihe von weiteren eklatanten Fehlern, die sicherlich nicht dem Juristen, aber dem Kaufmann sofort auffallen:

*Liegen die Produktionszahlen höher als die verkaufte Menge,
müssen sich zwangsläufig auch die Lagerbestände erhöhen!*

Die EU-Verordnung 1072/2012 weist in Abs. 130 jedoch sinkende Lagerbestände aus (Index 86 in 2011). In Abs. 122 wiederholt sie die im Dokument t12.007557.6 und t12.007557.10-I-02.07.2012-AD586-adps genannten Produktionszahlen in Tonnen der Antragsteller vom 02.07.2012. Dass die Kommission diese Zahlen nicht geprüft hat, wird in einem weiteren Vortrag entsprechend gewürdigt.

Offensichtlich ist, dass mit einem Lagerbestand von 6.647 Tonnen lediglich die Vorräte der Antragsteller gemeint sein können. Dennoch hätte es der Kommission bei Analyse des Schriftsatzes t12.007557.10-I-02.07.2012-AD586-adps auffallen müssen, dass das vorgetragene Zahlenwerk fehlerhaft und falsch ist:

Date	Origin	Party	Information	Codex	Unit	Year 2011	Year 2010	Year 2009	Year 2008
24.01.2012	RFI Annex G	Complaints	Stock	6911 + 6912	kg	not given	13.262.954	19.650.590	23.672.205
07.11.2012	Prodcom (11/12)	EU	Production	6911 + 6912	kg	355.259.000	356.034.000	439.606.321	489.994.371
15.11.2012	Regulation 1072/2012	EU	Stock	6911 + 6912	kg	6.647.000	7.611.000	6.647.000	7.754.000
02.07.2012	Complaints	Complaints	Sales total	6911 + 6912	kg	69.789.259	67.362.596	62.905.885	72.170.454
02.07.2012	Complaints	Complaints	Production	6911 + 6912	kg	74.126.624	71.820.980	63.061.267	76.131.422
07.11.2012	Prodcom (11/12)	EU	Stock Shrae (arithmetical)	6911 + 6912	%	1,87%	2,14%	1,51%	1,58%
15.11.2012	Regulation 1072/2012	Complaints	Stock Shrae (arithmetical)	6911 + 6912	%	8,97%	10,60%	10,54%	10,19%
02.07.2012	Complaints	Complaints	Stock Surplus (Production J. Sales)	6911 + 6912	kg	4.337.365	4.458.384	155.382	3.960.968
02.07.2012	Complaints	Complaints	Stock amount (arithmetical) (Opening balance + Surplus)	6911 + 6912	kg	11.948.365	11.105.384	7.909.382	
02.07.2012	Complaints	Complaints	Stock amount difference	6911 + 6912	kg	-5.301.365	-3.494.384	-1.262.382	
02.07.2012	Complaints	Complaints	Stock amount difference	6911 + 6912	%	-79,76%	-45,91%	-18,99%	

Im Jahr 2011 kumulieren sich die fehlerhaften Angaben der Antragsteller auf eine Abweichung des Lagerbestandes auf – 79,76%! Wir unterstellen den Antragstellern mit Nichtwissen, den Wert ihrer PRODUKTIONSMENGE weit oberhalb der Realität angegeben zu haben, um überhaupt in eine annehmbare Nähe der 25% Marktanteile der EU-Grundverordnung zu kommen.

In der logischen Konsequenz sind den im Antrag genannten Produktionsmengen der Antragsteller für das Jahr

2011 5.301.365 kg
2010 3.494.384 kg

abzuziehen, sodass der Anteil der Antragsteller an der Unionsmenge lediglich

Dt	Origin	Party	Information	Codex	Unit	Year 2011	Year 2010	Year 2009	Year 2008	Year 2007
24.01.2012	RFI Annex G	Complaints	Production	6911 + 6912	kg	not given	67.639.283	59.404.730	71.805.782	81.902.375
24.01.2012	RFI Annex G	EU	Production	6911 + 6912	kg	232.000.000	not given	not given	not given	not given
07.11.2012	Prodcom (11/12)	EU	Production	6911 + 6912	kg	355.259.000	356.034.000	439.606.321	489.994.371	534.909.589
02.07.2012	Complaints	Complaints	Proportion to EU Production (Prodcom 10/2012)	6911 + 6912	kg in %	18,87	28,01	22,50	20,41	not given
02.07.2012	Complaints	Complaints	Proportion of Complaints-Sales in EU Production (Prodcom 10/2)	6911 + 6912	kg in %	12,37	18,76	14,31	14,73	not given
02.07.2012	Complaints	Complaints	Proportion of Complaints-Sales in EU Production (Prodcom 6911 + 6912)	6911 + 6912	kg in %	19,64	18,92	14,31	14,73	not given
04.10.2012	Complaints	Complaints	Proportion of Complaints-Sales in EU Production (Prodcom 10/2)	6911 + 6912	%	12,37	18,76	14,31	14,73	not provided
02.07.2012	Complaints	Complaints	Production	6911 + 6912	kg	74.126.624	71.820.980	63.061.267	76.131.422	85.596.910
02.07.2012	Complaints	Complaints	Proportion to EU Production (Prodcom 11/2012)	6911 + 6912	kg in %	20,87	20,17	14,34	15,54	16,00
02.07.2012	Complaints	Complaints	Proportion to EU Production (Prodcom 10/2012)	6911 + 6912	kg in %	13,14	20,01	14,34	15,54	16,00
15.11.2012	Regulation 1072/2012	EU	Production	6911 + 6912	kg	240.200.000	not given	not given	not given	not given
07.11.2012	Prodcom (11/12)	Complaints	Proportion to EU Production	6911 + 6912	%	not given	19,00%	13,51%	14,65%	not given
15.11.2012	Regulation 1072/2012	EU	theoretic reduction of 20% total	6911 + 6912	kg	not given	284.827.200	351.685.057	391.995.497	not given
15.11.2012	Regulation 1072/2012	EU	Proportion to EU Production	6911 + 6912	kg	not given	23,75%	16,89%	18,32%	not given
02.07.2012	Complaints	Complaints	Stock amount difference	6911 + 6912	kg	-5.301.365	-3.494.384	-1.262.382	not given	not given
02.07.2012	Complaints	Complaints	Production (Real Figure less Stock Difference)	6911 + 6912	kg	not given	64.144.899	58.142.348	not given	not given

64.144.899 kg im Jahr 2010 betrug.

Halle (Westf.) den 17.01.2013

Knud Holst

Date	Origin	Party	Information	Codex	Unit	Year 2011	Year 2010	Year 2009	Year 2008	Year 2007
24.01.2012	RFI Annex G	Complaints	Production	6911 + 6912	kg	not given	67.639.283	59.404.730	71.805.782	81.902.375
24.01.2012	RFI Annex G	EU	Production	6911 + 6912	kg	232.000.000	not given	not given	not given	not given
07.11.2012	Prodcom (11/12)	EU	Production	6911 + 6912	kg	355.259.000	356.034.000	439.606.321	489.994.371	534.909.589
02.07.2012	Complaints	Complaints	Proportion to EU Production (Prodcom 10/2012)	6911 + 6912	kg in %	18,87	28,01	22,50	20,41	not given
02.07.2012	Complaints	Complaints	Proportion of Complaints-Sales in EU Production (Prodcom 10/2012)	6911 + 6912	kg in %	12,37	18,76	14,31	14,73	not given
02.07.2012	Complaints	Complaints	Proportion of Complaints-Sales in EU Production (Prodcom 10/2012)	6911 + 6912	kg in %	19,64	18,92	14,31	14,73	not given
04.10.2012	Complaints	Complaints	Proportion of Complaints-Sales in EU Production (Prodcom 10/2012)	6911 + 6912	%	12,37	18,76	14,31	14,73	not provided
02.07.2012	Complaints	Complaints	Production	6911 + 6912	kg	74.126.624	71.820.980	63.061.267	76.131.422	85.596.910
02.07.2012	Complaints	Complaints	Proportion to EU Production (Prodcom 11/2012)	6911 + 6912	kg in %	20,87	20,17	14,34	15,54	16,00
02.07.2012	Complaints	Complaints	Proportion to EU Production (Prodcom 10/2012)	6911 + 6912	kg in %	13,14	20,01	14,34	15,54	16,00
15.11.2012	Regulation 1072/2012	EU	Production	6911 + 6912	kg	240.200.000	not given	not given	not given	not given
07.11.2012	Prodcom (11/12)	Complaints	Proportion to EU Production	6911 + 6912	%	not given	19,00%	13,51%	14,65%	not given
15.11.2012	Regulation 1072/2012	EU	theoretic reduction of 20% total	6911 + 6912	kg	not given	284.827.200	351.685.057	391.995.497	not given
15.11.2012	Regulation 1072/2012	EU	Proportion to EU Production	6911 + 6912	kg	not given	23,75%	16,89%	18,32%	not given
02.07.2012	Complaints	Complaints	Stock amount difference	6911 + 6912	kg	-5.301.365	-3.494.384	-1.262.382	not given	not given
02.07.2012	Complaints	Complaints	Production (Real Figure less Stock Difference)	6911 + 6912	kg	not given	64.144.899	58.142.348	not given	not given

ANNEX

	2007	2008	2009	2010	IP (2011)
1. Total Production capacity in the EU (in kilos)	442.046.064	371.539.689	361.253.280	326.573.339	324.072.263
(a) complaining producers	100	84	82	74	73
(b) non-complaining producers	106.405.448	100.554.017	98.919.190	99.511.316	100.009.920
	335.640.617	270.985.673	262.334.089	227.062.023	224.062.343
2. Total Production in the EU (in kilos)	355.600.000	281.300.000	230.300.000	235.700.000	240.200.000
(a) complaining producers	100	79	65	66	68
(b) non-complaining producers	85.596.910	76.131.422	63.061.267	71.820.980	74.126.624
	270.003.090	205.168.578	167.238.733	163.879.020	166.073.376
3.1. Total Union Industry Sales on the EU market (in kilos)	260.674.440	190.332.000	156.798.360	152.609.260	152.094.620
(a) complaining producers	100	73	60	59	58
(b) non-complaining producers	60.739.998	53.975.430	47.668.876	50.625.198	53.974.134
	199.934.442	136.356.570	109.129.484	101.984.062	98.120.486
3.2. Total Union Industry Sales on the EU market (in Euros)	1.464.503.377	1.114.866.702	909.140.603	861.233.583	802.660.956
(a) complaining producers	100	76	62	59	55
(b) non-complaining producers	341.245.317	316.160.234	276.391.349	285.697.740	284.841.962
	1.123.258.060	798.706.469	632.749.254	575.535.843	517.818.994
4. Total Union Industry Sales outside the EU market (in kilos)	94.925.560	90.968.000	73.501.640	83.090.740	88.105.380
(a) complaining producers	100	96	77	88	93
(b) non-complaining producers	20.066.246	18.195.024	15.237.009	16.737.398	15.815.125
	74.859.314	72.772.976	58.264.631	66.353.342	72.290.255
5. Total Employment (FTE*) related to the product under investigation in the EU	35.920	31.599	26.146	24.993	25.093
(a) complaining producers	100	88	73	70	70
(b) non-complaining producers	8.111	7.664	6.805	6.909	7.023
	27.809	23.935	19.341	18.084	18.070
6. Total End of Year Stocks of EU production (in kilos)					
(a) complaining producers					
(b) non-complaining producers					

* Full Time Equivalent (FTE)



Porzellan/Germany
A k t e n n o t i z

Dienstag, 15. Januar 2013
Thema: AD586 Prodcom Zahlen

Nach Prüfung der Internetseite

http://epp.eurostat.ec.europa.eu/portal/page/portal/prodcom/data/tables_excel

haben wir festgestellt, dass sich die Prodcom Zahlen erneut verändert haben und für die Jahre 2011 bis 2009 am 09.01.2013 neu eingespielt wurden.

The screenshot shows the Eurostat website interface. At the top, there is a header with the European Commission logo and the Eurostat logo, along with navigation links like 'Registrieren', 'Links', 'Kontakt', and 'Wichtiger rechtlicher Hinweis'. Below the header, there is a breadcrumb trail: 'Europäische Kommission > Eurostat > Produktionsstatistiken (Prodcom) > Daten > Exceltabellen (NACE Rev. 2)'. The main content area is divided into three columns. The left column contains a sidebar with a tree view under 'Produktionsstatistiken (Prodcom)', including 'Einleitung', 'Europroms', 'Stahldaten', and 'Daten'. The middle column is titled 'Excel Tabellen NACE Rev. 2' and contains a detailed explanation of the data tables, stating that they are based on NACE Rev. 2 and are available in English. It also lists a series of links for annual Prodcom data from 1995 to 2011, each with a date indicating when the data was updated. The right column is titled 'Links' and contains a brief description of the document's purpose. At the bottom of the page, there is a footer indicating the last update date: 'Letzte Aktualisierung 06.12.2011'.

Europäische Kommission
eurostat Ihr Schlüssel zur europäischen Statistik

Registrieren | Links | Kontakt | Wichtiger rechtlicher Hinweis Deutsch (de)

Europäische Kommission > Eurostat > Produktionsstatistiken (Prodcom) > Daten > Exceltabellen (NACE Rev. 2)

Home Statistiken Veröffentlichungen Über Eurostat Benutzerunterstützung

Produktionsstatistiken (Prodcom)

- ▼ Einleitung
- Europroms
- Stahldaten
- ▼ Daten
 - Exceltabellen (NACE Rev. 2)**
 - Exceltabellen (NACE Rev. 1.1)
 - Datenbank

Excel Tabellen NACE Rev. 2

Die Excel-Tabellen auf dieser Webseite enthalten Prodcom-Daten, die auf NACE Rev. 2 basieren. Für 1995 bis 2007 enthalten die Tabellen Daten, die soweit wie möglich von den ursprünglichen, auf NACE Rev. 2 basierenden Daten konvertiert wurden. Ab 2008 enthalten die Tabellen die ursprünglichen Daten, die auf NACE Rev. 2 basieren, wie sie von den nationalen Ämtern berichtet wurden.

Diese Tabellen zeigen nur die Produktionsdaten und sind nur auf Englisch verfügbar.

Um die Datenbank zu benutzen, in der sowohl die Produktionsdaten als auch die entsprechenden Außenhandelsdaten vorhanden sind, klicken Sie bitte auf den Link "Datenbank" im Menü links.

- Jährliche Prodcom-Daten 2011 (aktualisiert am 09/01/2013)
- Jährliche Prodcom-Daten 2010 (aktualisiert am 09/01/2013)
- Jährliche Prodcom-Daten 2009 (aktualisiert am 09/01/2013)
- Jährliche Prodcom-Daten 2008 (aktualisiert am 04/10/2012)
- Jährliche Prodcom-Daten 2007 (aktualisiert am 13/02/2012)
- Jährliche Prodcom-Daten 2006 (aktualisiert am 13/02/2012)
- Jährliche Prodcom-Daten 2005 (aktualisiert am 09/11/2009)
- Jährliche Prodcom-Daten 2004 (aktualisiert am 09/11/2009)
- Jährliche Prodcom-Daten 2003 (aktualisiert am 09/11/2009)
- Jährliche Prodcom-Daten 2002 (aktualisiert am 09/11/2009)
- Jährliche Prodcom-Daten 2001 (aktualisiert am 09/11/2009)
- Jährliche Prodcom-Daten 2000 (aktualisiert am 09/11/2009)
- Jährliche Prodcom-Daten 1999 (aktualisiert am 09/11/2009)
- Jährliche Prodcom-Daten 1998 (aktualisiert am 09/11/2009)
- Jährliche Prodcom-Daten 1997 (aktualisiert am 09/11/2009)
- Jährliche Prodcom-Daten 1996 (aktualisiert am 09/11/2009)
- Jährliche Prodcom-Daten 1995 (aktualisiert am 09/11/2009)

Links

In diesem Dokument wird beschrieben, wie die Exceltabellen verwendet werden

Letzte Aktualisierung 06.12.2011

Darauf hin haben wir die Daten erneut für das Verfahren sichergestellt



In Downloads suchen

Downloads

Heute
15.01.2013



[Website snapshot 2009 created 2013-01-09 N2.xls](#)

http://epp.eurostat.ec.europa.eu/portal/page/portal/prodcom/data/tables_excel/Website_sn...

[In Ordner anzeigen](#) [Aus Liste entfernen](#)



[Website snapshot 2011 created 2013-01-09 N2 \(1\).xls](#)

http://epp.eurostat.ec.europa.eu/portal/page/portal/prodcom/data/tables_excel/Website_sn...

[In Ordner anzeigen](#) [Aus Liste entfernen](#)



[Website snapshot 2011 created 2013-01-09 N2.xls](#)

http://epp.eurostat.ec.europa.eu/portal/page/portal/prodcom/data/tables_excel/Website_sn...

[In Ordner anzeigen](#) [Aus Liste entfernen](#)

Die statistischen Zahlen für den Untersuchungszeitraum 2011 haben sich zu den bisherigen Angaben (Stand 1.11.2012) nicht verändert. Diese wurden zum besserten Verständnis hier grün gekennzeichnet

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	09.01.2013	Statistics on the production of manufactured goods Sold Volume ANNUAL														
2																To use the database that contains both production and related tr
3	PROD.COM Code	Unit	flag EU27	Volume EU27	Base EU27	flag EU25	Volume EU25	Base EU25	Belgium	Bulgaria	Czech Republic	Denmark	Germany	Estonia	Ireland	Greece
4									ALL VALUES AND Sold Volumes ARE EXPRESSED IN THOUSANDS							
5									All confidential data and all national estimated data is suppressed							
6									(:C)=Confidential, (:CE)=Confidential Estimated, (:E)=Estimated							
1818	23321300	kg	E	330361		E	330361		C	0	C	74	147914	0	0	0
1819																
1820	23411130	kg	R	144540	30	EU27(R)-EU02	132829	30	0	47	8701	14	42928	0	C	0
1821	23411150	kg	R	20000	4000	EU27(R)-EU02	17453	4000	0	0	0	0	168	0	0	0
1822	23411210	kg	E	47982		E	47595		0	243	73	0	C	2	C	C
1823	23411230	kg		40031			40031		0	0	C	0	C	0	106	0
1824	23411250	kg		107003			89671		0	0	0	0	C	0	C	40
1825	23411290	kg		15793			15737		0	56	C	0	C	170	0	0
1826																
1827	23411330															
1828	23411350															
1829	23421030	pl/st		30283		EU27-EU02(R)	26783	700	0	C	0	0	2307	0	0	53
1830	23421050	pl/st		10709		EU27-EU02(R)	8909	600	C	140	C	0	C	8	C	0
1831	23431030	kg	E	68696		E	65224		0	180	3952	0	C	0	0	0
1832	23431050	kg		19301			19301		0	0	C	84	C	0	0	0
1833	23441100	kg	E	5963		EU27-EU02(R)	5961	1	0	C	C	0	4845	0	C	0
1834	23441210	kg	E	89271		EU27-EU02(R)	85271	400	C	C	2645	45	39673	0	0	0
1835	23441230	kg	E	4237		EU27-EU02(R)	4197	40	C	C	370	123	1803	0	C	0
1836	23491100	kg	E	20834		EU27-EU02(R)	20830	2	C	C	0	0	C	0	C	0
1837	23491230	kg		183235		EU27-EU02(R)	183235	0	0	C	C	0	C	0	C	0
1838	23491250	kg	E	458454		EU27-EU02(R)	455254	800	C	710	232	4145	145999	71	C	C
1839	23511100	kg		13822704		EU27-EU02(R)	13783704	3000	C	C	C	25	1976338	381000	C	654963
1840	23511210	kg		166654403			157115809		5513537	1891981	3796956	1852804	18184702	449000	C	8285371

Ebenfalls haben sich nicht die statistischen Daten für das Kalenderjahr 2010 verändert.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1	09.01.2013	Statistics on the production of manufactured goods Sold Volume ANNUAL 2010																
2																		
3	PROD.COM Code	Unit	flag EU27	Volume EU27	Base EU27	flag EU25	Volume EU25	Base EU25	Belgium	Bulgaria	Czech Republic	Denmark	Germany	Estonia	Ireland	Greece	Spain	France
4									ALL VALUES AND Sold Volumes ARE EXPRESSED IN THOUSANDS									
5									All confidential data and all national estimated data is suppressed									
6									(:C)=Confidential, (:CE)=Confidential Estimated, (:E)=Estimated									
1820	23321270	kg	E	200431		R	180000	30000	0	C		0	19871	0	C		3624	41933
1821	23321300	kg	E	313331		EU27-EU02(R)	313326	5	C		C	17	128050	0		0	C	E
1822																		
1823	23411130	kg	E	140000		EU27-EU02(R)	131808	8	0	C	9123	427	42124	0	C	0	3833	9661
1824	23411150	kg	R	17000	1000	EU27(R)-EU02	15119	1000	0	0	0	0	C	0	C	0	C	125
1825	23411210	kg	E	52713		E	52364		0	108	24	0	C	0	C	C	7394	E
1826	23411230	kg	E	34454		E	34454		0	0	C	0	C	0	97	0	C	3500
1827	23411250	kg		111362		EU27-EU02(R)	90692	30	0	C	0	0	0	0	316	63	1571	986
1828	23411290	kg		17505			17436		0	69	C	0	C	216	0	0	C	39
1829																		
1830	23411330																	
1831	23411350																	
1832	23421030	p/st		33771		EU27-EU02(R)	28371	600	0	C	0	0	2279	0	0	85	3269	2037
1833	23421050	p/st		8916		EU27-EU02(R)	8788	2	C		121	C	1	C	1	C	50	1652
1834	23431033	kg		26088		EU27-EU02(R)	24338	50	0	C	0	4699	0	1150	0	0	C	C
1835	23431035	kg	E	10412		R	8000	4000	0	0	0	0	C	0	0	0	C	0
1836	23431039	kg		38835		EU27-EU02(R)	38124	1	0	C	C	0	0	13837	0	0	0	C
1837	23431053	kg	R	2000	2000	EU27(R)-EU02	2000	2000	0	0	C	0	0	0	0	0	0	C
1838	23431055	kg	E	17160		E	17160		0	0	C	93	8352	0	0	0	C	0
1839	23441100	kg		5940		EU27-EU02(R)	5936	4	0	C	C	0	4124	0	C	0	C	C
1840	23441210	kg	E	81110		EU27-EU02(R)	76010	300	C	C	C	1563	28	37288	0	0	C	9461
1841	23441230	kg	E	6085		EU27-EU02(R)	6049	9	C	C	C	114	1770	0	C	0	0	1264
1842	23491100	kg	E	16495		EU27-EU02(R)	16495	0	0	C	C	0	0	0	0	0	C	0
1843	23491230	kg		179978		EU27-EU02(R)	179978	0	0	C	C	0	0	0	17031	0	C	C
1844	23491255	kg		266672		EU27-EU02(R)	264572	700	C	0	703	C	4068	141187	0	0	14766	C
1845	23491259	kg		1305445		EU27-EU02(R)	1303645	600	C	111	C	0	24520	0	C	C	C	929
1846	23511100	kg		13903075		EU27-EU02(R)	13899075	4000	858871	C	C	3819	1690679	209000	C	741931	3568520	307553
1847	23511210	kg		161051936			152202369		5041216	1981971	3421893	1566624	16866894	402000	C	9319207	23883281	14765117

Stuart Newman von der FTA hat den letzt verfügbaren Datenauszug der Prodcorm am 20.03.2012 gespeichert. Die Werte für die Jahre 2010 bis 2007 stimmen mit den Daten der späteren Veröffentlichungen aus Oktober 2012 überein:

	A	B	C	D	E	F	G	H	I	J	K	L
1	EU PRODUCTION (KG, €, €/T)											
2												
3												
4	DECLARANT	PERIOD/PRCCODE	26211130	26211210	26211230	26211250	26211290	Total kg	Total tonne		€/T	
154	Lituania	Jan.-Dec. 2009	88.624	211.307	23.546	0	0		323.477		3.985,62	
155	Lituania	Jan.-Dec. 2010	1.931	31.849	0	0	0	33.780	34			
156	Lituania	Jan.-Dec. 2010	126.940	106.551	0	0	0		233.491		6.912,11	
157												
158												
159	EU27TOTALS	Jan.-Dec. 2007	224.059.944	99.816.055	45.001.600	149.324.674	16.707.316	534.909.589	534.910			
160	EU27TOTALS	Jan.-Dec. 2007	1.297.188.907	175.600.067	122.014.191	448.151.208	55.239.550		2.098.193.923		3.922,52	
161	EU27TOTALS	Jan.-Dec. 2008	172.411.016	132.633.510	48.580.164	120.944.425	15.425.256	489.994.371	489.994			
162	EU27TOTALS	Jan.-Dec. 2008	1.155.687.961	223.023.269	111.253.445	366.692.507	38.513.571		1.895.170.753		3.867,74	
163	EU27TOTALS	Jan.-Dec. 2009	224.645.025	60.212.296	43.308.985	89.136.601	21.764.707	439.067.614	439.068			
164	EU27TOTALS	Jan.-Dec. 2009	1.014.891.051	103.879.268	87.729.526	260.767.419	27.861.712		1.495.128.976		3.405,24	
165	EU27TOTALS	Jan.-Dec. 2010	140.389.738	57.658.215	34.692.858	109.572.232	16.170.551	358.483.594	358.484			
166	EU27TOTALS	Jan.-Dec. 2010	951.992.617	108.948.909	99.294.994	297.531.448	42.191.703		1.499.959.671		4.184,18	
167												

Demnach ist nunmehr bewiesen, dass die Verordnung 1072/2012 mit falschen Produktionszahlen die Quote der Antragsteller ermittelt hat.

Origin	Party	Information	Codex	Unit	Year 2011	Year 2010	Year 2009	Year 2008	Year 2007
Prodcorm (10/12)	EU	Production	6911 + 6912	kg	564 033 704	358 983 625	439 606 396	489 994 371	534 909 589
Prodcorm (11/12)	EU	Production	6911 + 6912	kg	355.259.000	356.034.000	439.606.321	489.994.371	534.909.589
1072/2012	EU	Production	6911 + 6912	kg	240.200.000	not given	not given	not given	not given
1072/2012	EU	Production	6911 + 6912	kg +/-	115.059.000	not given	not given	not given	not given

Der Antrag der Antragsteller ist am 22.12.2011 bei der Europäischen Kommission eingereicht worden. Prodcorm Daten für das laufende Kalenderjahr standen zu diesem Zeitpunkt nicht zur Verfügung. Demnach bezog sich die jüngste Statistik auf das Jahr 2010.

Gemäß Prodcom betrugen die Statistischen Werte für das Jahr 2010

am 20.03.2012	358.484 Tonnen
am 04.10.2012	358.983 Tonnen
am 07.11.2012	356.034 Tonnen
am 09.01.2013	356.034 Tonnen

Die von der Kommission für die Verordnung 1072/2012 verwendete Produktionsmenge wird in Absatz 108 mit 24.200 Tonnen (wörtlich) für das Jahr 2011 „geschätzt“. In Absatz 122 bezeichnet die Kommission die Produktionsmengen ihrer Ermittlungsarbeit wie folgt

4.2. Makroökonomische Indikatoren

4.2.1. Produktion, Produktionskapazität und Kapazitätsauslastung

- (122) Im Bezugszeitraum entwickelten sich die Produktion, die Produktionskapazität und die Kapazitätsauslastung des Wirtschaftszweigs der Union wie nachfolgend dargelegt.

Tabelle 3

	2008	2009	2010	UZ
Produktion (in Tonnen)	281 300	230 300	235 700	240 200
Index (2008 = 100)	100	82	84	85
Produktionskapazität (in Tonnen)	371 540	361 253	326 573	324 072
Index (2008 = 100)	100	97	88	87
Kapazitätsauslastung	75,7 %	63,8 %	72,2 %	74,1 %
Index (2008 = 100)	100	84	95	98

- (123) Die Produktion des Wirtschaftszweigs der Union sank im Bezugszeitraum um 15 %. Insgesamt betrachtet ist dieser Rückgang stärker ausgeprägt als der des Unionsverbrauchs im selben Zeitraum. Die Produktion erholte sich 2010 auch nicht im selben Maß, wie dies beim Verbrauch zu beobachten war.

Es ist daher als bewiesen anzusehen, dass die Kommission bei der Verwendung ihrer Hochrechnungen nicht die Daten der Prodcom verwendet hat, sondern sich lediglich auf die Angaben der Antragsteller gemäß Schreiben Nr. t12.007557.6 verlassen hat.

Das Verfahren ist aus den im unserem Schreiben vom 14.12.2012 genannten Gründen – siehe Punkt 1.1 einzustellen.

Die Kommission bestätigte im Hearing vom 14.01.2013 die Notwendigkeit der ausschließlichen Verwendung der PRODCOM Statistiken für die Ermittlung des Anteils der Antragsteller am Unionsvolumen.

Origin	Party	Information	Codex	Unit	Year 2011	Year 2010	Year 2009	Year 2008
RFI Annex G	Complaints	Production	6911 + 6912	kg	not given	67.639.283	59.404.730	71.805.782
RFI Annex G	EU	Production	6911 + 6912	kg	232.000.000	not given	not given	not given
RFI Annex G	Complaints	Sales total	6911 + 6912	kg	not given	63.407.786	59.778.866	68.998.462
Prodcom (t1/t2)	EU	Production	6911 + 6912	kg	355.259.000	356.034.000	439.606.321	489.994.371
1072/2012	EU	Production	6911 + 6912	kg	240.200.000	not given	not given	not given
Prodcom (t1/t2)	Complaints	Proportion to EU Production	6911 + 6912	%	not given	19,00%	13,51%	14,65%
1072/2012	EU	theoretic reduction of 20% total	6911 + 6912	kg	not given	284.827.200	351.685.057	391.995.497
1072/2012	EU	Proportion to EU Production	6911 + 6912	kg	not given	23,75%	16,89%	18,32%

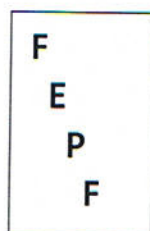
Selbst bei einem vollständigen Abzug von 20% aus der Produktionsgesamtzahl (6911 + 6912) kämen die Antragsteller nicht auf die notwendigen 25%, das Verfahren fortzuführen.

Der guten Ordnung halber sei erwähnt, dass die Kommission selbst im Hearing vom 14.01.2013 bestätigte, dass nur der Codex 6912 um 20% zu reduzieren sei, um die konkrete Menge der untersuchten Ware herzustellen.

Halle (Westf.) den 15.01.2013



Knud Holst



FEDERATION EUROPEENNE DES INDUSTRIES DE PORCELAINE ET DE FAIENCE DE TABLE ET D'ORNEMENTATION

EU production of ceramic tableware and kitchenware

The following statement concerns the complaint against imports from China of Ceramic tableware and kitchenware currently falling within CN codes 6911 10 00, ex 6912 00 10, ex 6912 00 30, ex 6912 00 50 and ex 6912 00 90 (hereby "the product concerned").

Further to the initiation of the investigation, we have analysed the available public data as well as the internal information of the members. We provide below the updated figures of the EU production of the product concerned for the period 2007-2011. These figures are based on the best knowledge of the market developed with the support of the Prodcom database for porcelain tableware and the relevant national associations and/or producers in the following countries: Czech Republic, France, Germany, Italy, Portugal, Spain and the UK.

TOTAL TABLEWARE 1,000 tons	2007	2008	2009	2010	2011
DE	57	49	42	42	41
IT	32	24	15	16	18
UK	60	38	34	36	38
PT	68	52	46	47	47
FR	26	25	21	20	20
PL	34	27	24	25	24
ES	21	15	10	8	8
CZ	16	16	8	9	8
RO	31	30	27	29	34
rest	12	6	4	4	5
total	355,6	281,3	230,3	235,7	240,2

Renaud BATIER
Managing Director

Minutes of the Hearing EU-Commission

Date: January 14th 2013 / 14:00-16:00

Participants: Mr Breker (WOB), Mr Christoph Fischer (CF), Mr Gielen (JG), Mr Holst (KH), Mr Kremeyer (BK), Mr Kriessler (MKR), Mr Tognana (AT),

Participants EU-Commission: Mr Per Ake Aidemark (PAA), Mr Arthur Braam (AB), Mr Laurens Elsen (LE), Ms Sonia Herrero-Rada (SHR), Ms Vanessa Peidro-Cid (VPC),



Reporter: Ms Morscher (VMO)

Who	Slide
CF	<p>Welcome/Introduction; Round of introduction</p> <p>Clarifies the goal of the hearing which is to have a dialogue and discuss about the differences in the findings of the EU and the group. And may have/give an explanation.</p>
MKR	<p>Presentation of the facts of the slide about the differences of PRODCOM data and the adjustments of the EU-Commission. Question: What adjustments did the EU-Commission made to calculate the numbers?</p>
AB	<p>"Cannot answer the question, maybe afterwards some comments could be made"</p>
MKR	<p>Presentation of the Annex B.3.3 and explanation the approach of the complainants: reduction of 20%.</p> <p>Demonstration of the calculation with the current PRODCOM numbers and the same approach (CN Code 6912 -20%) of the complainants.</p> <p>The Result is that the complainants only have a share of 23,67% of the EU Production (which does not correspond to the Article 5 (4) Council Regulation 1225/2009 → minimum share of 25%).</p>
SHR	<p>Question: Which data (date) was used?</p>
KH	<p>Current data (changes have been realized in October/November)</p>
JG	<p>The data before October/November were even higher, and the share would be much smaller.</p>
AB	<p>Cannot retrospectively adjust the data (concerning the standing of the complainants). The date of construction of the data (of the complainants) and the valid numbers than count. The Commission has analysed this numbers in detail. The calculation must be wrong.</p>
MKR	<p>There are two questions: the Numbers but also the estimations (adjustments) which have been made are not understandable.</p>
AB	<p>The 20% deduction is correct. The same 20% estimation was used from the EU-Commission</p>
AT	<p>But does the Commission started with the same data (EUROSTAT respectively PRODCOM)?</p>
AB	<p>Used the data from the Complainants and statistical data. AB thinks it was from EUROSTAT.</p> <p>AB confirms:</p> <ul style="list-style-type: none"> - 20% reduction of 6912 - PRODCOM data is the source (but date of construction)



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MKR	From where did the EU-Commission take the 240.200.000 (kg)? Part of the complainant? No numbers from PRODCOM!
AT	The numbers were estimated and cross checked with statistical sources.

Who		Slide
WOB	The Sampling of the Chinese factories does not consider the province Guangdong. Although there are 199 manufacturers in Guangdong (more than in every other province in China). Why did the EU-Commission not consider one company from Guangdong? Another important aspect is that Guangdong manufacturer produce porcelain which is not produced in other provinces (i.e. Durable). Also the average export prices are much higher compared to the other provinces.	
EL	The Commission choose those manufacturers for the sample, which have the largest exports. This is the common practice and applicable, not other criteria were used.	
WOB	You now have the knowledge about the number of factories and the information concerning Guangdong. Do you use this now and change the sampling (make some adjustments to the sampling)?	
EL	We do not consider this and make a new sampling.	
MKR	How did the Commission find out, which manufacturers are the largest exporters?	
EL	The numbers filled out in Annex B were the basis to find out the largest exporters.	
AT	Makes remarks on the volume exported from Guangdong, the average export price, the produced products (bone china, durable) and points out that the sampling is not representative.	
EL	The Commission agrees. The point is taken. The Commission simply took the manufacturers with the largest volume. The number of companies which could be investigated was set up to 5. The volumes of the manufacturers as individual companies were taken. The province was not considered in the way presented.	
MKR	Mäser presented an alternative to the PCN where the provinces are considered. This could have been realized at an early stage.	
EL	It would be more accurate but this is very difficult and complicated.	
MKR	Difficult but fair.	
KH	KH asked the EU-Commission if they consider the differences between table- and kitchenware and simple cups, plates (with reference to the regulation ...). HK asked if the Commission did laboratory tests)	
PAA	No laboratory tests have been made. We compare tableware with plates.	
AT	Excursus: Complainants IPA (Italy) is not only producing in Europe but also importing from China (through a sister company). Therefore is should not be considered as a complaining party.	

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AB	Cannot answer the question, because the complainants are confidential. There is no problem if a company is importing from China, it depends on the range and volume of imports. The eventual imports are not included in the production.
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Who	Slide
CF	Is presenting the slide with the on-going Anti-Trust-Investigation in Europe. There are still no final results. If there is a cartel this would be effective on several injury factors/indicators. It might be possible that (with the AD) a cartel is protected?
AB	Do you have to add something new in this case?
CF	No we have still the same information status than before. But we are talking about 41% of the porcelain industry in Europe.
EL	The investigation is not closed yet, and we don't know the details. We might change the regulation when the investigation is closed.
CF	Is there a cartel or not?
EL	No we don't assume.
CF	So you waiting for the results from Germany and then might change?
AB	It is all in the Regulation
CF	In the regulation is written that it the industry is wide spread, but 41% is not really wide spread. IF there is a cartel it would have an impact on the injury factors
AB	It could only affect the injury factors.
KH	V&B already had a penalty because of an anti-trust-investigation (sanitary products).
CF	Repeats: Commission is waiting for a decision of the Bundeskartellamt.
EL	In theory when confirming this, it might have an impact. This has to be examined. For the EU-Commission waiting is not the solution. On the basis of the results of the Bundeskartellamt we do analyses. If a cartel exists, than an assessment has to be done if this have impacts on the AD-investigation.
PAA	At the moment there is no cartel (they assume).
AT	AT presents the figures on the slide concerning the profits of the EU industry (data taken out of the provisional regulation). The EU-industry do made profits in the IP (2011).
AB	You have to consider the whole period: starting point and endpoint (2008-2011).
AT	Remarks that the balance sheets of the companies show good profit margins. Excursus: Saturnia and their specialisation of the pizza plates. The EU-Commission tries to protect an industry that doesn't exist anymore.

Slide



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Who		Slide
KH	KH explains that the union consumption mentioned in the regulation is different to the calculated union consumption. About 23,3%. KH questions if the trade statistics which are used for the calculation is the same basis as for the EU-Commission?	
AB	AB said that the commission will have a look on that. The Commission has their own source. But the formula (Consumption = Production – Export + Import) is the same.	
KH	So they way to reach the result is right. But the data is different?	
AB	Yes. We didn't use PRODCOM.	
MKR	You use PRODCOM but adjusted it?	
AB	We come to this later on.	
MKR	But this is important	
AB	For the Complaint we used PRODCOM. But in the regulation we used different numbers.	
KH	How do you come back?	
AB	We will explain it to you.	
EL	We give a formal answer to all of the participants.	
KH	The same problem with the data also comes up by calculating the imports. We used trade statistics and PRODCOM. And we also have different numbers at the imports.	
AD	The Commission will have a look on it and may change the data if they need to do so.	






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Who	Slide
JG	JG presents the slides concerning the production of the economic sector: profitability, labour costs, energy costs, average sales price. Comparing the prices of the local and export market. The export volume is increasing and the price level is different. The increase of the export decreases the average prices.
KH	In Brazil the EU-Commission finds the same situation.
JG	If the numbers were compared, there is no problem of the margins, looking from the sales and costs perspective. If the EU complainants increased the market (as all the other market players did) they had a margin from 13,8% (starting from 5,6% in 2008) if we assume they adjusted their prices.
	<p><i>No comment for the EU-Commission.</i></p>
MKR	MKR explains that Turkey is very successful in the EU (concerning the data in the provisional regulation), they increased their market share from 4,5 to 5,60% at a stable average price. Maybe Turkey is dumping? 5,6% is above the de minimis limit. May we learn about the status of the investigation on Turkey?
AB	This is not considered to break the causal link. We have not complained for Turkey.
MKR	But the non-discrimination principle? You don't need some complainants.
AB	We could have done an investigation, but we didn't.
EL	In general we work on the basis of a complaint. We don't need. There is no obligation for us to do so.

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Who		Slide
CF	In our understanding not only the Chinese are responsible for the injury factors. There are other factors like the Financial crisis, influence of Turkey, missing adaption of the EU producers to the changing consumer behaviour. We miss these factors in the regulation.	
	<i>No comment from the EU-Commission.</i>	
MKR	3 out of 5 sampled companies are here today. We all presented our papers, figures, balance sheets. We discussed long about the importation-, post-importation costs. (VPC nodes in agreement) It is simply wrong that we could absorb the measures, or that we have margins from 50-200%. The wording of the provisional regulation is misleading, the comparison with gross margins (importer side) and net profit (EU producer).	
AB	I could understand if you are upset (wrong wording). But this is an approximate estimation ...	
AT	Refers to recital 201, 202, 203 and 219 and the contradictory statements.	
CF	The EU-Commission received all the balance sheets of the sampled unrelated importers and could see that such margins are not realistic. Customers are coming to the companies and what is written in the provisional regulation is causing problems in the porcelain business.	
AB	There is nothing wrong with the 50-200%. The fast majority of the sampled companies proof this. If somebody reads it wrong it is not the problem of the EU Commission.	
MKR	That is not fair. Because it is misleading also the same thing with the mentioned employees. The EU commission on one hand speaks about the employees in the whole industry and the employees of the sampled importers. This is no fair comparison.	
AB	AB refers to recital 203/204 where it is stated that all interested parties are invited to give further information/inputs on this issue. Concerning the numbers of employees we estimate a total of people working with the product concerned of app. 7.000 (importer).	
MKR	But this is a misleading presentation of the facts in the provisional regulation.	
	<i>No comment of the EU-Commission.</i>	
KH, AT	Additional remarks to the margin, profit	

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Who		Slide
KH	KH presents the slides and states that also in the average price, the price development and the prices from China are different from the regulation and the own calculation.	
AB	Compared the numbers. They are more or less the same (Recital 117).	
MKR, KH	We double check this again.	
		
		
		
CF	Asks for the further approach and when we could expect an answer of the EU-Commission.	
AB	The Commission asks for a Hearing submission (the presentation) in two versions: limited and non-limited.	
	The Commission will analyse the comments (send in the statement from 17.12.2012) and prepare the findings for a final position which will then be send to all interested parties. This final position could be expected until mid/end February.	
PAA	The Commission will look at the arguments of every party. Eventually the findings will be revised. The interested parties will see that some things will be addressed or not. But there is no answer point by point.	
AT	Admits that this measure does already have consequences (damages) on the market. The market is confused and the importers have difficulties. The beneficiaries of the AD-Duty will not be the European companies.	
AB	We take note of the comments.	