

ANNEX 9 - COMMENTS ON RESEARCH METHODOLOGY

1. SOURCES OF DATA

- **Survey (covering both views on EC TDI and comparison between EC/US)** – The objective of the survey is to gather the views of the following parties: European Commission, EC Member States, EC Industry Associations, EC companies involved in complaints, EC importers/users/consumers that have been affected by TDI, exporters involved in EC TDI proceedings, US TDI agencies, US industries making complaints, US users/importers in TDI investigations, US respondents in TDI investigations, and US lawyers.
- **Technical analysis** – Joint technical work of Mayer, Brown, Rowe & Maw LLP Brussels/London/Washington DC offices to identify and catalogue differences between EC and US.
- **Analysis of other published sources** - Key sources include: EC & US legislation, EC & US TDI decisions, EC & US official statistics on TDI decisions (including annual Commission reports to the Parliament (1980 to 2004), WTO Panel and Appellate Body Rulings, judgements of the Court of First Instance / European Court of Justice, European Commission website, US International Trade Commission website, US Import Administration/Department of Commerce website, academic articles on TDI in trade journals.

2. SURVEY METHODOLOGY

For the survey, where possible, face to face interviews were conducted with participants due to the number and complexity of potential issues to address.

Survey participants were sent a list of 'discussion issues' to provide structure to, and stimulate, discussion. Two discussion lists were produced; one for EC business and one for Member States (the only real difference being that the latter contained some specific issues to be addressed from the perspective of Member States).

Interviews with other parties (e.g. European Commission, US interviewees, other EC parties) was structured around the EC business discussion issue list.

The advantages of the discussion issues list over a formal questionnaire can be summarised as follows:

- Questions in a formal questionnaire are specific in nature. Thus, they guide the respondent into commenting on the particular focused on in the question. If the 'question' is left more general, different respondents may respond in different ways. Each discussion issue was designed to prompt the respondent to raise their particular comments or concerns rather than being led by a specific questions.
- All of the respondents have been intimately involved in TDI issues either as an interested party or a Member State. They can therefore be expected to have considerable experience and knowledge. The checklist does not need more explanation for such people as the issues in themselves will provoke thoughts on which the respondent can comment.

- The discussions will, as far as possible, take place face to face. Thus, to the extent that a particular issue in the list does not provoke comments, we asked more specific questions on the topic to prompt them.
- Even without specific questions, the list of discussion issues is six pages long (a questionnaire would have been longer to take account of all the issues that needed to be discussed). For presentation purposes, we formatted this with 2 pages to a page in landscape format. This gives a reasonable 3 page document which will provide the working discussion list for consultations with interested parties.

The results in the survey were highly successful. Typically, meetings have lasted at least two hours and provided detailed comments on many issues.

3. STRUCTURE OF THE DISCUSSION LIST

The discussion lists are reproduced in annex 4.

The discussion lists have three sections.

Section 1 gathers information about the interest and experience of the survey respondent. This is useful in several ways:

- for summarising the composition of the sample surveyed
- to identify those participants that have experience of the US system that may be able to provide useful information in terms of the comparison between EC and US TDI.
- to assess the extent to which EC industry is concerned about the TDI activity of other countries against EC exports. The fact that the EC is consistently targeted more by TDI investigations than it undertakes itself seems to influence opinions on TDI by some interested parties. It will therefore be useful to assess the importance of this factor in conditioning the answers of interested parties.

Section 2 covers the detailed points on anti-dumping and anti-subsidy which have been combined into one section. The reason for combining the two is that, apart from the dumping and subsidy calculations, the substance and procedure for these two instruments is virtually identical. Thus, the most effective way to cover these two instruments is to work through them both at the same time, separating discussion as appropriate (e.g. time limits under procedure and dumping/subsidy calculation under substance).

Section 3 covers safeguards. This section is much shorter given the relatively low level of experience in this area.

4. CHOOSING INTERVIEWEES

The survey is very focused and targeted on people with real experience and knowledge. The initial list of key industry and Member State contacts was discussed with the European Commission.

In speaking with these key contacts, we have tried to identify other suitable interviewees for the survey. The idea is that the industry associations, for example, have been happy to

provide us with contacts in some of their members that might be willing to participate in the survey.

For the US, interviewees were chosen by colleagues in our Washington DC Office. It was ensured that we met senior staff of the main US agencies and other interesting contacts