

Empirical Analysis Of Eu Member States' Voting Patterns: Rationale And Impact Of Duties On Imports From Pakistan

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ABSTRACT

This paper discusses the voting patterns of the EU member states and subsequent reasons for their unique voting styles. To examine the rationale of members' voting trends, the examples of Denmark and Sweden are used and conclusions are drawn on the basis of empirical data provided by the aforementioned states. It intends to examine the impact of imposition of anti-dumping (AD) duties on scale of imports from Pakistan. In this respect, conclusions are drawn on the basis of data extracted from the Eurostat website. Instead of analysis of impact of anti-dumping duty (ADD) on overall imports from Pakistan to EU, this paper precisely evaluates and compares the level of imports (of those particular products which have been subject to duty only) before and after the imposition of duty.

Key Words: Anti-Dumping, Voting Pattern, EU Council, Pakistan.

Introduction

1.1 IMPACT OF IMPOSED DUTIES ON FLOW OF IMPORTS OF CONCERNED PRODUCTS FROM PAKISTAN

1.1.1 IMPACT OF DUTY IMPOSED BY COUNCIL REGULATION (EC) NO 1467/2004 ON IMPORTS OF POLYETHYLENE TEREPHTHALATE

It is confirmed that from 1999, or even before 1999 to 2000, there were no imports of polyethylene terephthalate from Pakistan to the EU. The imports, however, started in 2001, which later drastically (100 times) increased in 2002. In 2003 they further increased about 300%. From 2003 to 2010 the level of imports had been fluctuating, with significant reduction in level of imports in 2007 (however above the level of imports in 2002), imports were at their highest level (through 16 years of imports from Pakistan to the EU) in 2008.

However, after termination of the AD investigation due to the calculation of negative dumping margin for sole trader of Pakistan (Novatex Ltd), in 2010 anti-subsidy duty was imposed on imports of same product from Pakistan. It resulted in a radical decrease in level of imports of polyethylene terephthalate from Pakistan. The scale of imports through the upcoming four years is comparatively found to be average ten times lower than the level of imports in 2002. Therefore, it could be established that the imposition of anti-subsidy duty on imports of

polyethylene terephthalate has resulted in significant reduction of imports from Pakistan to the EU. However, Vandebussche et al. studied empirically the effects of European AD actions on import deviation from importers in an AD inquiry. They find that in contrast to the US, trade deviation in the European Union instigated by AD actions is relatively limited.

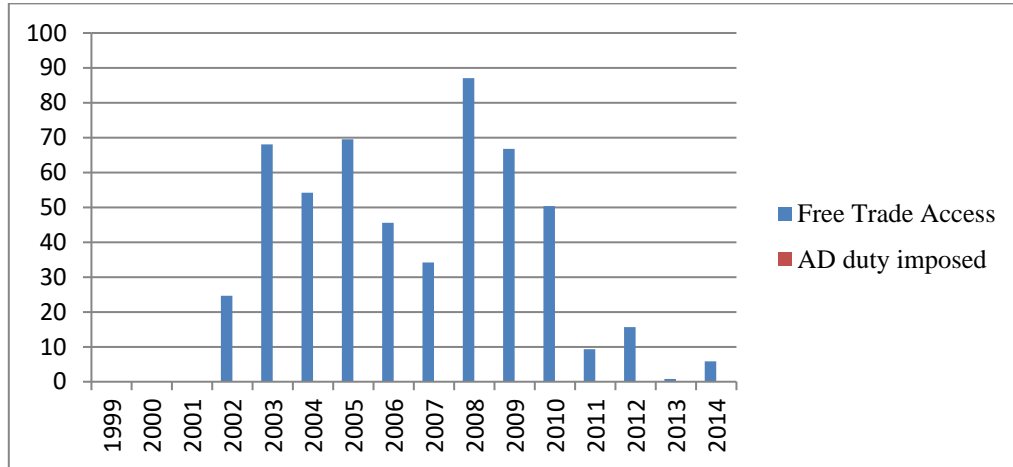


Figure 1.1: Shows the level of trade of polyethylene terephthalate before and after imposition of Subsidy duty in 2010

Source: Calculations based on Eurostat data

Table 1.1: Describing import of polyethylene terephthalate from Pakistan to the EU

Source: Developed by the author based upon Eurostat data

Year	Trade	Year	Trade
1999	-	2007	34200996
2000	-	2008	87090719
2001	22799	2009	66813814
2002	24692445	2010	50300617
2003	68059858	2011	9349700
2004	54184384	2012	1564525
2005	69525187	2013	797044
2006	45559621	2014	5881047

1.1.2 IMPACT OF DUTY IMPOSED ON IMPORTS OF COMPACT FLUORESCENT LAMPS

Drope and Hansen establish that increasing use of AD measures and their continued widespread use suggests that countries increasingly use AD measures to protect specific industries; they even negotiate ever more free trade agreements. They focus and debate recent changes in the global use of AD policy as a probable tactical counterpoint to trade liberalisation. And it seems to have contributed to an extraordinary number of countries handling more AD petitions and introducing more AD actions than ever before. These measures – and even the threat of measures – cause terrific levels of trade distortion in the form of reduced imports.

Figure 1.2 reveals that there was no import of compact fluorescent lamps (CFL) from Pakistan to the EU in 2000 or before. There is an important co-relation between imposition of AD duty

on imports of CFL on China in 2001 and the start of imports of the same product from Pakistan in 2001. The Commission's stance however, vindicated that imports from Pakistan were circumventing by means of transshipment and assembly procedures carried out in Pakistan, as the imports from Pakistan started just after the imposition of duty on Chinese imports. However, it is difficult to conclude that imports from Pakistan worth a few hundred thousand euros can cause material injury to EU industry, or can significantly impede the impact of AD duty imposed on China. It is, however, evident that the imports of CFL from Pakistan were almost stopped after imposition of circumvention measures on Pakistan in 2004. The fact that the imports of CFL did not resume even after the expiry of circumvention measures in 2009 also establishes that imports from Pakistan were not genuine as, possibly after imposition of circumvention measures on Pakistan, the Chinese company decided to close its assembly procedure in Pakistan.

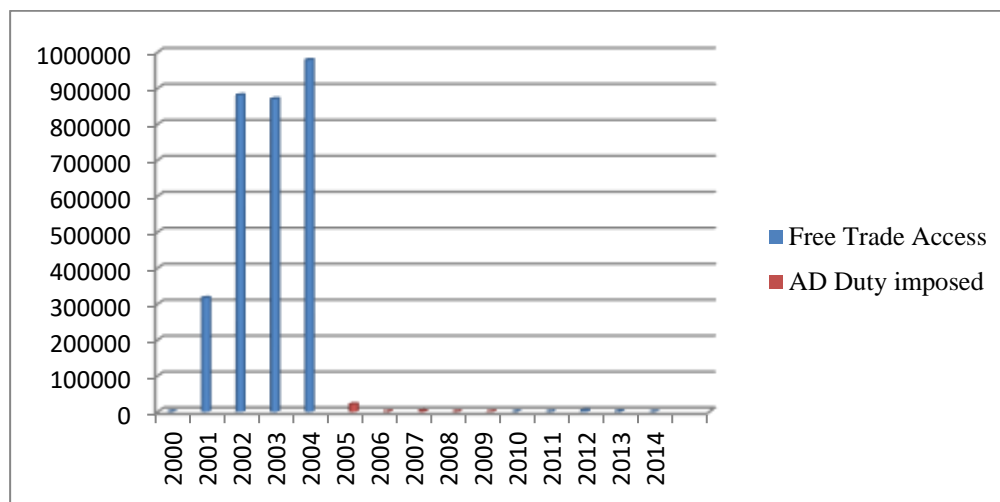


Figure 1.2: Differentiates the magnitude of import flow of CFL with and without the imposition of AD measures

Source: Developed by the author based upon Eurostat data

1.1.3 IMPACT OF AD DUTY IMPOSED ON IMPORT OF BED LINEN OF COTTON

The data as prescribed in the following figure reveals that from 1994 to 1998 the scale of import has been increasing steadily. The imports had also been increasing from 1998 to 2002, despite the fact that AD duty was imposed by the EU on imports of bed linen of cotton through this period. Thus, it could be established that in this case imposition of AD duty did not affect the flow of bed linen of cotton from Pakistan. After re-imposition of AD duty on imports of bed linen of cotton from Pakistan in 2004, the level of imports from Pakistan drastically reduced, and after 2005 no import of bed linen of cotton is seen from Pakistan to the EU, despite the fact that the rate of duty was reduced from 13.1% to 5.6% in 2006 through expiry review.

It is also noted that no imports of same product were seen even after expiry of AD measures in 2009. There must be some other reason for eradication of imports from Pakistan to the EU; the imposition of AD duty in 2004 could not be a single reason, as previously from 1997 to 2002 it did not affect the magnitude of imports from Pakistan, despite the fact that the rate of

duty was comparatively high at that time. The lower amount of import diversion in Europe can be due to the lower duty levels as a result of injury margin protection, as opposed to higher dumping margin protection. Unlike, many other WTO member states, EU have incorporated ‘lesser duty rule’ in its basic regulation and it preferably used to have recourse to it. Therefore, low duty rates calculated in all cases related to Pakistan (which are found to be less than 15% of export price) can be one of the significant reasons for lack of trade diversion from Pakistan.

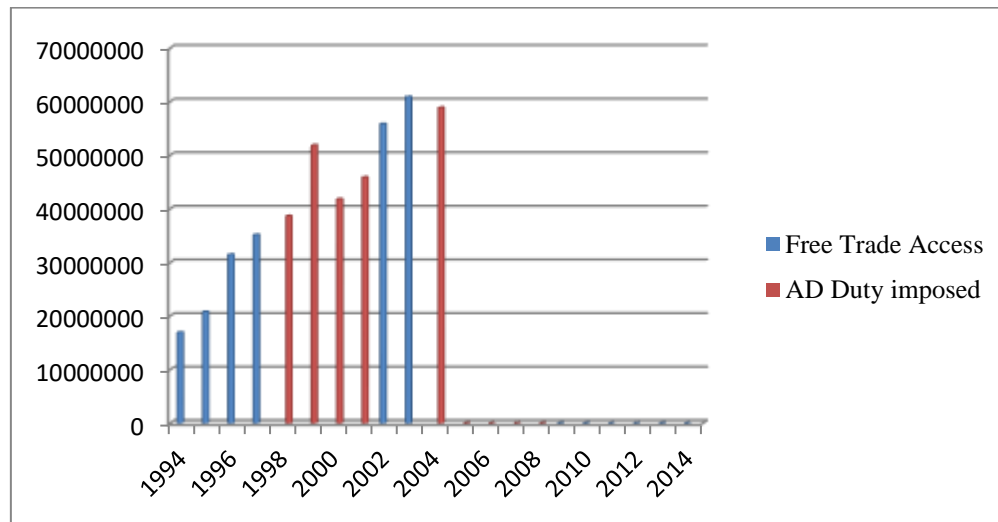


Figure 1.3: Shows the impact of imposition of anti-dumping duties on export of bed linen of cotton combined nomenclature (CN) Code 63023190 from Pakistan to the EU
Source: Researcher’s computations based on Eurostat data

Table 1.2: Shows the flow of bed linen of cotton from Pakistan to the EU-Value in Euros
Source: Researcher’s computations based on Eurostat data

Year	Trade	Year	Trade	Year	Trade
1994	16916316	2001	45866527	2008	-
1995	20779155	2002	55823667	2009	-
1996	31451256	2003	60852559	2010	-
1997	35123389	2004	58851774	2011	-
1998	38663372	2005	-	2012	-
1999	51843279	2006	-	2013	-
2000	41807707	2007	-	2014	-

1.1.4 IMPACT OF AD DUTY IMPOSED ON IMPORTS OF BED LINEN OF COTTON MIXED WITH FLAX

Similarly, a supplementary reason could be the absence of transparency and the larger extent of ambiguity regarding the actual levels of safeguard in Europe in contrast to the US which could explain the comparatively small influence on non-named countries’ imports into the EU. However, the analysis of current data established that import of bed linen of cotton mixed with flax was minimal from 1994 to 1997, although Pakistani exporters of bed linen

had free access to EU markets. The negligible magnitude (below 0.2 million Euro) of imports in 1997, however, does not explain whether material injury could be caused to the EU market with this little scale of imports, as the EU Council in 1997 imposed definitive AD duty on imports of bed linen mixed with flax originating from Pakistan. Yet, it is noted that the level of imports increased marginally through the duty period. It is also found that in 2003 after expiry of previously imposed AD measures, the magnitude of imports increased almost 150% as compared to the previous year. After re-imposition of AD duty on the same product in 2004, no imports of product concerned could be seen from Pakistan to the EU.

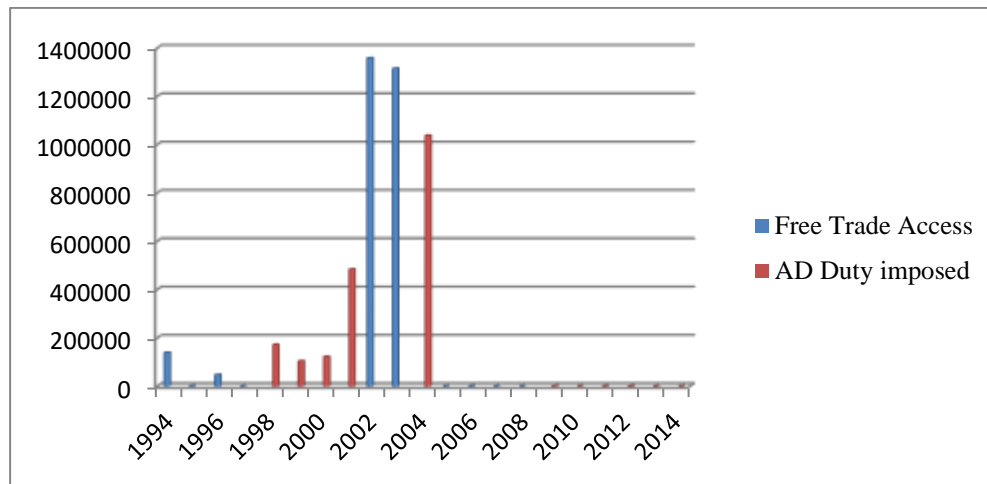


Figure 1.4: Differentiates the magnitude of imports from Pakistan to the EU of bed linen of cotton mixed with flax (CN Code 63023110) with and without application of safeguard measures

Source: Computations based upon Eurostat data

Table 1.3: Shows the flow of bed linen of cotton mixed with flax from Pakistan to the EU: Value in Euros

Source: Author's computations based on Eurostat data

Year	Trade	Year	Trade	Year	Trade
1994	138612	2001	482759	2008	-
1995	771	2002	1357612	2009	-
1996	46507	2003	1314346	2010	-
1997	-	2004	1037007	2011	-
1998	171887	2005	-	2012	-
1999	103491	2006	-	2013	-
2000	121194	2007	-	2014	-

1.1.5 IMPACT OF DUTY IMPOSED ON IMPORT OF BED LINEN OF MAN-MADE FIBRE

Figure 1.5 explains that the magnitude of imports of bed linen of man-made fibre has been steadily increasing, and the imposition of duty from 1997 to 2002 could not affect the level of imports, although after expiry of the measure in 2003 and 2004 a drastic increase in imports can be seen. However, Lasagni noted that, imports from targeted countries were

reduced almost 50% after the imposition of duty but in case of price undertaking the results are not clear. Moreover, full trade diversion as a result of application of ADD could not be proved from their analysis. Similarly Vandebussche et al. demonstrated that, EU’s anti-dumping policy is more effective as compared to the US, as it causes less trade diversion pursuant to imposition of protective measures.

It is also revealed that the re-imposition of AD duty from 2004 to 2009 significantly reduced the volume of imports of bed linen from Pakistan. The volume of imports through the duty period (2004-2009) is found to be lower than the level of imports in 2002. The reduction of duty rate from 13.1% to 5.6% through expiry review in 2006 also could not show any positive impact on the scale of imports from Pakistan. It is further noted that after expiry of measures in 2009 the magnitude of imports from Pakistan has been significantly increasing every year from 2010 to 2014, as no negative trend could be seen through this period. It could however be concluded that in the case of imports of this particular product, the imposition of AD duty is proved to be a vital factor for reduction in imports from Pakistan.

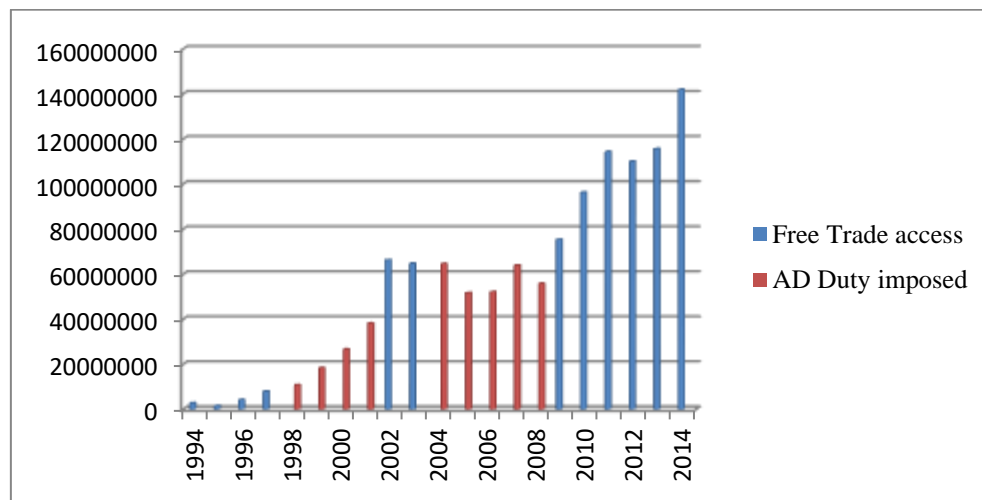


Figure 1.5: Differentiates the magnitude of imports from Pakistan to the EU of bed linen of man-made fibres (CN Code 63023290) with and without the application of anti-dumping duty

Source: Author’s computations based upon Eurostat data

Table 1.4: Indicates the imports of bed linen of man-made fibre from Pakistan to the EU: Value in Euros

Source: Author’s computations based on Eurostat data

Year	Trade	Year	Trade	Year	Trade
1994	2716423	2001	38125389	2008	55791012
1995	1421490	2002	66181055	2009	75251950
1996	4175119	2003	64697438	2010	96224863
1997	7845158	2004	64551469	2011	114321763
1998	10721873	2005	51648244	2012	110036191
1999	18293767	2006	52042684	2013	115602819

2000	26612777	2007	63854562	2014	141915979
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1.1.6 IMPACT OF AD DUTY IMPOSED ON IMPORT OF PRINTED BED LINEN

It could be established that imposition of AD duty on printed bed linen from 1997 to 2002 has not affected the scale of imports, as imports could be seen to be flourishing significantly each year through the duty period. This increase in imports is as normal as in case of free trade access to EU market. Lasagni noted that, size of the anti-dumping duty can have significant impact on flow of trade. Thus, this minimal impact of EU's duty on Pakistan's imports could be originated from lesser duty rates. However, it is noted that the second phase of duty from 2004-2009 seriously affected the flow of imports of printed bed line, as no sufficient improvement in magnitude of trade could be seen through these five years.

The size of imports in 2005, 2007 and 2008 is found to be even lower than in 2000. However, a substantial increase in the imports can be seen after lifting of safeguard measures in 2009, with the highest-ever scale of imports of product concerned in 2014. The size of imports in 2012 and 2013 is yet found to be less than 2004, however, as discussed in the case of bed linen knitted or crocheted; in this case as well it may be due to the reduction in production capacity of Pakistani exporters due to the prevailing energy crises in Pakistan.

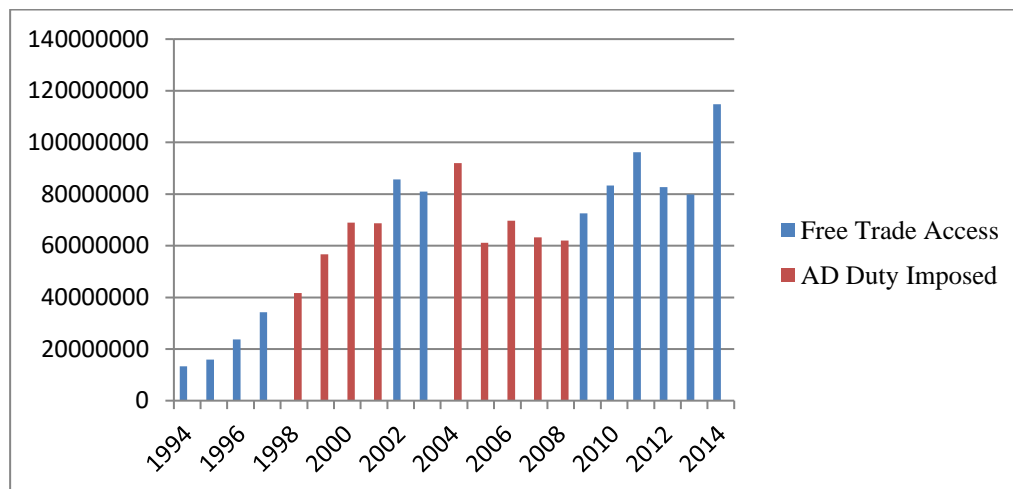


Figure 1.6: Differentiates the magnitude of imports from Pakistan to the EU of printed bed linen of textile materials (CN Code 63022290) with and without application of anti-dumping duty

Source: Author's computations based on Eurostat data

Table 1.5: Illustrates the import of printed bed linen of textile materials from Pakistan to the EU: Value in Euros

Source: Author's computations based on Eurostat data

Year	Trade	Year	Trade	Year	Trade
1994	13272964	2001	68630932	2008	61952094
1995	15935043	2002	85661371	2009	72579571

1996	23650001	2003	80965866	2010	83269033
1997	34223005	2004	92028329	2011	96227707
1998	41675666	2005	61079756	2012	82656976
1999	56686446	2006	69649608	2013	79846140
2000	68987267	2007	63276580	2014	114749296

1.1.7 IMPACT OF AD DUTY IMPOSED ON IMPORTS OF BED LINEN KNITTED

The following data shows that imposition of AD duty on bed linen knitted or crocheted from 1997 to 2002 put a cap on the increase of scale of imports, as comparison of import magnitude from 1994-1997 (when Pakistani imports were eligible for free access to EU market) and imports from 1997-2002 (when AD duty was placed) reveals that the level of imports had been at a constant point through these eight years. However, normally it is observed that the magnitude of import improves on a yearly basis. The second phase of duty on the same product from 2004 to 2009 shows a marginal increase in the imports. After expiry of measure in 2009 a drastic increase can be seen through years 2010, 2011 and 2014. However, loss of imports can be seen through 2012 and 2014, as no AD duty was in place at that time; however, one of the possible reasons may be the loss of production capacity of Pakistani manufacturers due to the prevailing energy crises in Pakistan.

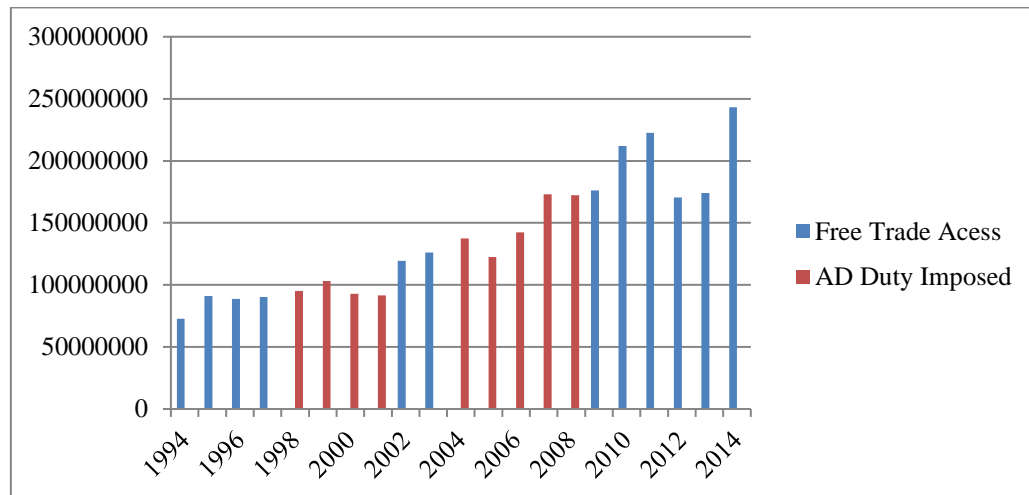


Figure 1.7: Differentiates the magnitude of imports from Pakistan to the EU of bed linen knitted or crocheted (CN Code 63022100) with and without application of anti-dumping duty

Source: Author's computations based upon the Eurostat data

Table 1.6: Demonstrates the import of bed linen knitted or crocheted from Pakistan to the EU: Value in Euros

Source: Author's computations based on Eurostat data

Year	Trade	Year	Trade	Year	Trade
1994	72838134	2001	91559219	2008	172379409

1995	90988056	2002	119371659	2009	176067015
1996	88771196	2003	125999419	2010	211990530
1997	90232194	2004	137349230	2011	222681531
1998	95216796	2005	122583031	2012	170347886
1999	103212225	2006	142367065	2013	174086560
2000	92722985	2007	173000462	2014	243177917

1.2 VOTING IN THE COUNCIL FOR/AGAINST ADOPTION OR TERMINATION OF AD MEASURES RELATED TO PAKISTAN

Figure 1.8: Voting patterns of EU member states for/against imposition of ADD on imports of polyethylene terephthalate (PET) from Pakistan

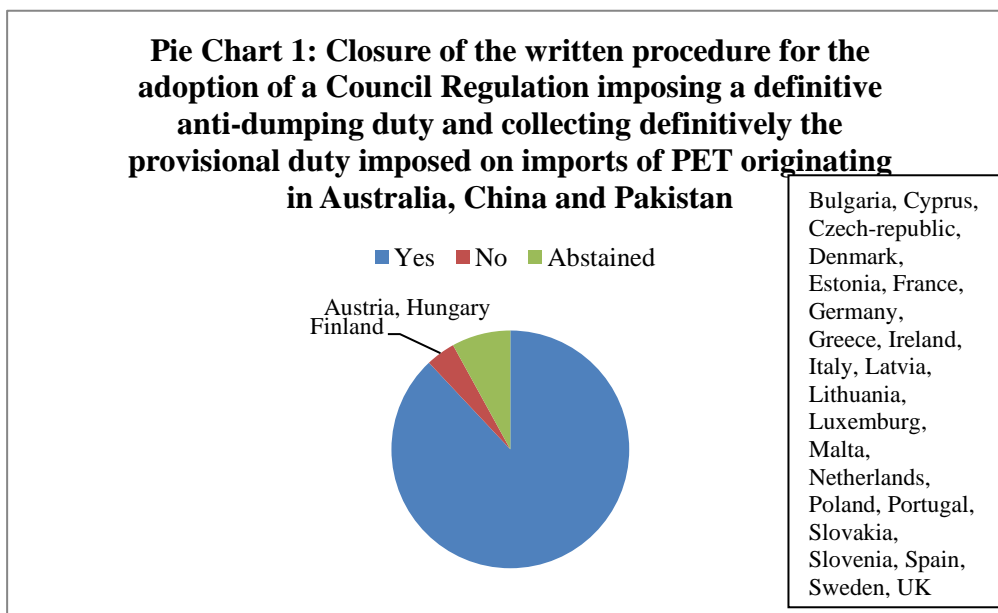


Table 1.7: Closure of the written procedure for the adoption of a Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of polyethylene terephthalate originating in Australia, the People’s Republic of China and terminating the anti-dumping proceeding concerning imports of polyethylene terephthalate originating in Pakistan and releasing the amounts secured by way of the provisional duties imposed

Source: Developed by the author based on data provided by the General Secretariat of the EU Parliament

Delegation	Voting Pattern	Delegation	Voting Pattern	Delegation	Voting Pattern
Bulgaria	Yes	Finnish	No	Austrian	Abstained
Cyprus	Yes			Hungarian	Abstained

Czech-Republic	Yes				
Denmark	Yes				
Estonia	Yes				
France	Yes				
Germany	Yes				
Greece	Yes				
Ireland	Yes				
Italy	Yes				
Latvia	Yes				
Lithuania	Yes				
Luxembourg	Yes				
Malta	Yes				
Netherlands	Yes				
Poland	Yes				
Portugal	Yes				
Slovakia	Yes				
Slovenia	Yes				
Spain	Yes				
Sweden	Yes				
UK	Yes				

The data shows that a significant majority of member states voted in favour of termination of provisional measures imposed by the Commission on Pakistan for imports of polyethylene terephthalate. It includes all big European economies, e.g. UK, France and Germany. However, it is noted that the imports of polyethylene from Pakistan started in 2002, as before that there was no import at all. The member states which abstained from voting or voted against the termination of proceedings against Pakistan were not having any imports from Pakistan before 2004. But there are many other member states, including Germany, Ireland, Poland and Sweden which were not having imports from Pakistan but voted in favour of termination of investigation against Pakistan.

It has been noted that, the voting style of member states significantly depends upon the location of Union industry. The member states having presence of Union industry within their territory will be more inclined towards rigorous protectionism. However, the member states, which do not possess Union industry, will potentially adopt more flexible approach to foreign cheap imports. In the following examples, as the Union industry is concentrated in big European Economies therefore, they have been supporting imposition of ADD on Pakistan.

It is noted that, in this case, Finland abstained from voting. Before March 2004, it was the rule of EU's AD policy that, abstentions from voting were used to be counted as 'NO' vote. However, under the current Policy, abstentions are counted as 'Yes' vote. Thus, any member state which is not supporting the imposition of ADD will have to say 'NO' clearly. They cannot adopt easy and diplomatic route of abstention. Evenett and Vermulst opined that, this practice tends to refrain the small member states from opposing the proposed protective measures, as they cannot oppose the influential bloc of big and pro-duty member states.

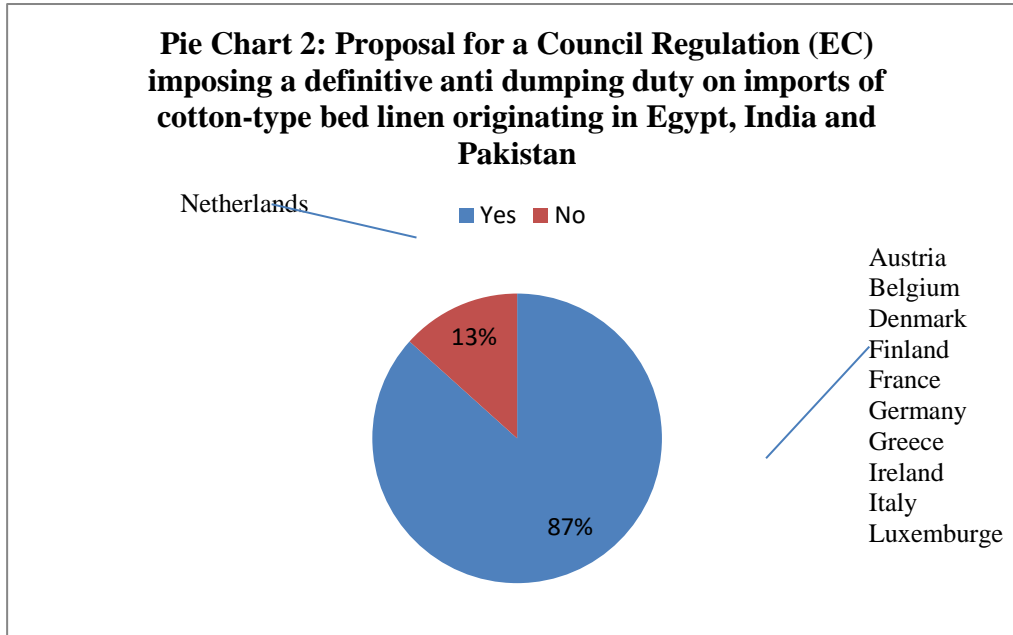


Figure 1.9: Explaining the voting patterns of the EU member states for/against imposition of ADD on cotton-type bed linen of Pakistan

Source: Developed by the author based on data provided by the General Secretariat of the EU Parliament.

Table 1.8: Proposal for a Council Regulation (EC) 2398/97 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan

Source: Developed by the author based on data provided by the General Secretariat of the EU Parliament

Delegation	Voting Pattern	Delegation	Voting Pattern
Austria	Yes	Netherlands	No
Belgium	Yes	Swedish	No
Denmark	Yes		
Finland	Yes		
France	Yes		
Germany	Yes		
Greece	Yes		
Ireland	Yes		
Italy	Yes		
Luxemburg	Yes		
Portugal	Yes		
Spain	Yes		
UK	Yes		

While talking about the voting patterns in the EU Council, Nordström contends that the levying of AD measures on supposedly dumped imports to the European Union is essentially a political choice brought by the Council with simple majority. In the official perspective, AD is a ‘specialized choice’. This may be valid to the extent that the Commission is concerned. In any case, when the proposal reaches the member states, governmental issues take the front seat. Their appraisals recommend that the votes are principally determined by national interest approach and inclinations as communicated in opinion polls and decision declarations. Member states that incline towards protectionism are fundamentally more prone to backing AD recommendations than member states that incline towards unhindered commerce.

This paper agrees with Nordstrom as far as it goes to identify member states tilted towards more protectionism and member states having more flexible approach to AD practices. The current data reveal that, Germany and France (Protectionists), the two largest importers of bed linen originating from Pakistan (Sweden and the Netherlands) voted against the imposition of protective measures on Pakistan’s textile imports. However, some other large trading partners of Pakistan, including the UK, Germany, France, Spain and Italy, voted in favour of imposition of safeguard measures. Therefore, trade partner loyalty could not be considered as an exclusive reason for the voting patterns of member states. Moreover, it is also observed that some member states, e.g. Portugal and Luxembourg, with whom Pakistan was not having any trade of textile products, or some member states (Greece and Ireland) with whom Pakistan was having nominal trade of textile, also voted in favour of imposition of AD duty.

The existing literature suggests that, the Community industry being well associated is proved to be more successful in securing their interests. Moreover, they are best placed to obtain all the important information about activities in the member states and thus to initiate the complaint. The importers and consumers are however, found to be less effective in securing their interests.

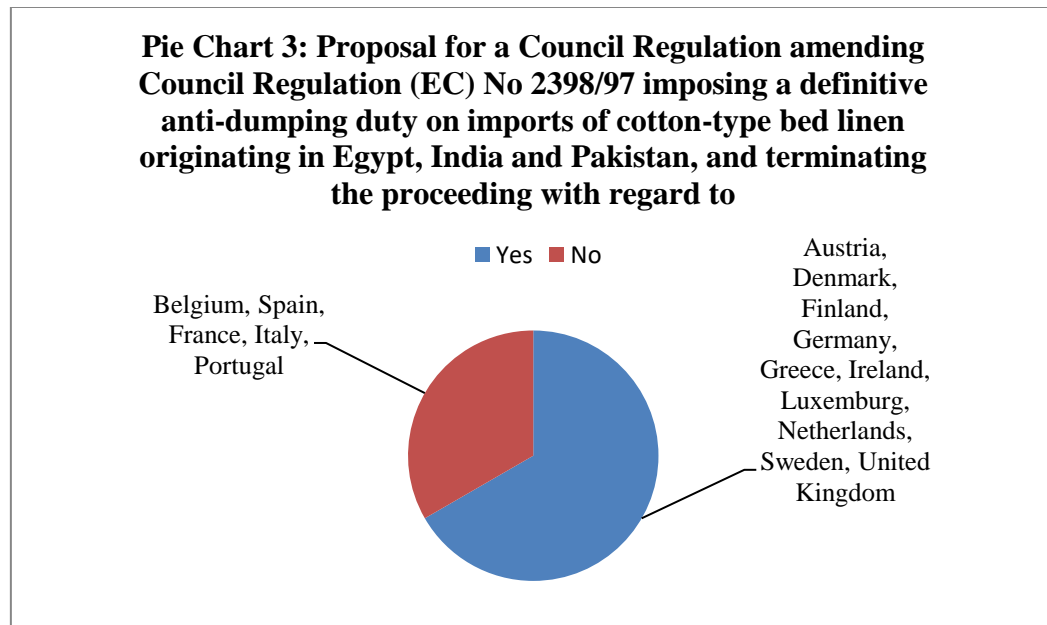


Figure 1.10: Explaining the voting patterns of the EU member states for/against imposition of ADD on cotton-type bed linen of Pakistan in 1997

Source: Developed by the author based on data provided by the General Secretariat of the EU Parliament.

Table 1.9: Proposal for a Council Regulation (EC) 160/2002 amending Council Regulation (EC) No 2398/97 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan, and terminating the proceeding with regard to imports originating in Pakistan

Source: Developed by the author based on data provided by the General Secretariat of the EU Parliament

Delegation	Voting Pattern	Delegation	Voting Pattern
Austria	Yes	Belgian	No
Denmark	Yes	Spanish	No
Finland	Yes	French	No
Germany	Yes	Italian	No
Greece	Yes	Portuguese	No
Ireland	Yes		
Luxemburg	Yes		
Netherlands	Yes		
Sweden	Yes		
United Kingdom	Yes		

It is observed that, around 2000, France was the largest importer of Pakistan made textile products, with an average import magnitude of around 50 million Euro. Despite this fact it opposed the proposal to terminate AD measures levied against Pakistan. However, the second largest trading partner of Pakistan (the UK) favoured such termination. It is also noted that Germany, having quite less import magnitude as compared to the size of its economy, also favoured the termination of AD duty imposed against Pakistan. Similarly, Spain and Italy were also having nominal import magnitude as compared to their economic size, while Portugal was having imports from Pakistan just in few thousand Euros. Some of the member states (the UK, the Netherlands and Sweden) who supported the termination of measures were having large import size from Pakistan, while Luxembourg was not having any imports from Pakistan, but it also supported the termination of definitive ADD.

Evenett et al. have noted that, five member states (France, Spain, Italy, Portugal and Greece) have supported the imposition of ADD with a huge rate of 85%. It seems that, these member states are the core supporter of imposition of ADDs. On the other hand, seven member states (UK, Denmark, Sweden, Finland, Germany, Luxembourg and Netherlands) have less than 16% support ratio. However, it is noted that, the current preceding and forthcoming voting patterns of the member states seems to be in confirmity with Evenett et al's findings. For example, the same five member states bloc found to be core supporter of imposition of ADD on Pakistan's bed linen. Nevertheless, of Germany's below 15% support ratio, it is found that, in case of application of ADDs on Pakistan, Germany is mostly found to be in favour.

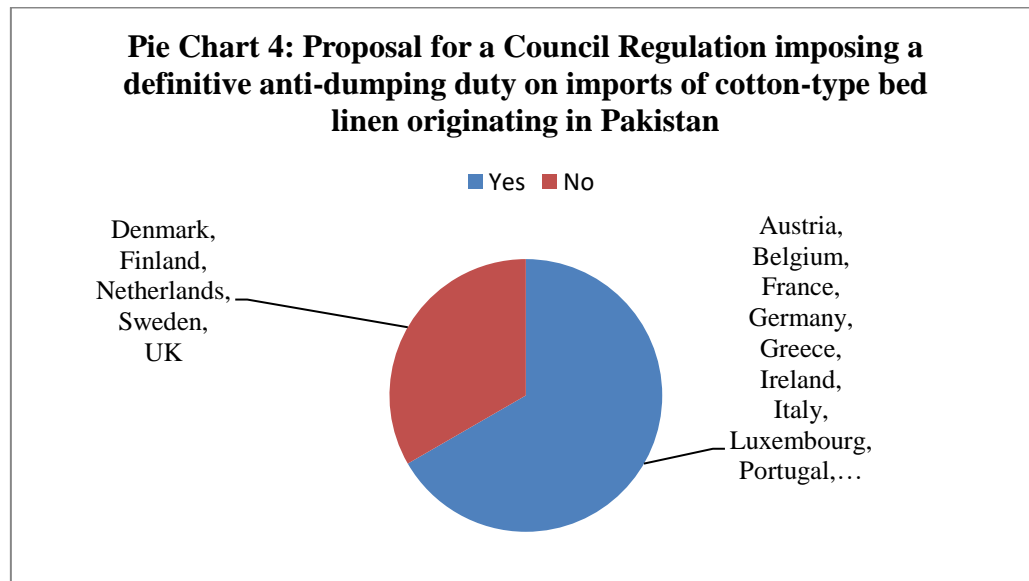


Figure 1.11: Explaining the voting patterns of the EU member states for/against imposition of ADD on cotton-type bed linen of Pakistan in 2004

Source: Developed by the author based on data provided by the General Secretariat of the EU Parliament

Table 1.10: Proposal for a Council Regulation (EC) 397/2004 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Pakistan

Source: Developed by the author based on data provided by the General Secretariat of the EU Parliament

Delegation	Voting Pattern	Delegation	Voting Pattern
Austria	Yes	Danish	No
Belgium	Yes	Finish	No
France	Yes	Netherlands	No
Germany	Yes	Swedish	No
Greece	Yes	United Kingdom	No
Ireland	Yes		
Italy	Yes		
Luxembourg	Yes		
Portugal	Yes		
Spain	Yes		

Bievre et al. argue that, the current anti-dumping framework of the EU came under criticism when several protective measures imposed by the institutions gathered controversy among different stakeholders and member states. One of those cases was bed linen duty imposed on Pakistan, India and Egypt. During 1996 to 2002 several anti-dumping complaints were filed by (Eurocoton) against those countries. Dutta establishes that, these several complaints filed by Eurocoton about the alleged dumping had offered significant controversy among southern producers of the bed linen, supported by the southern member states with such production and importers based in the northern member states. He further found that, in India's case the vote

was tie by (7-7) with Germany lastly casting tie breaking vote. He found the same trend in Pakistan's case.

This paper supports Dutta's finding as far as it goes to explain the different voting trends of southern and northern member states, as it gives one of the most important voting rationale of the member states. The detailed analysis of trade data related to imports of bed linen from Pakistan to the EU in 2003 reveals that the United Kingdom, being the largest importer of Pakistani bed linen with an approximate import magnitude of around 70 million Euros, and the Netherlands, being the fourth largest importer with an import magnitude of around 28.8 million Euros, voted against the imposition of protective measures against Pakistan's textile imports. However, France, Germany and Belgium, being second, third and fifth largest importers respectively, voted in favour of the application of ADD.

Additionally, Italy and Spain were having relatively less imports as compared to their economic size, but they also voted in favour of safeguard measures. It is also observed that Denmark and Finland, having nominal imports from Pakistan of even less than 0.5 million Euro, voted against the imposition of ADD. Therefore, apart from the UK and the Netherlands, all other member states showed a mixed trend, as trade partner loyalty could not be found to be the reason of their voting trend. However, the UK's and the Netherlands' extensive imports from Pakistan explains their rationale for opposing such measures.

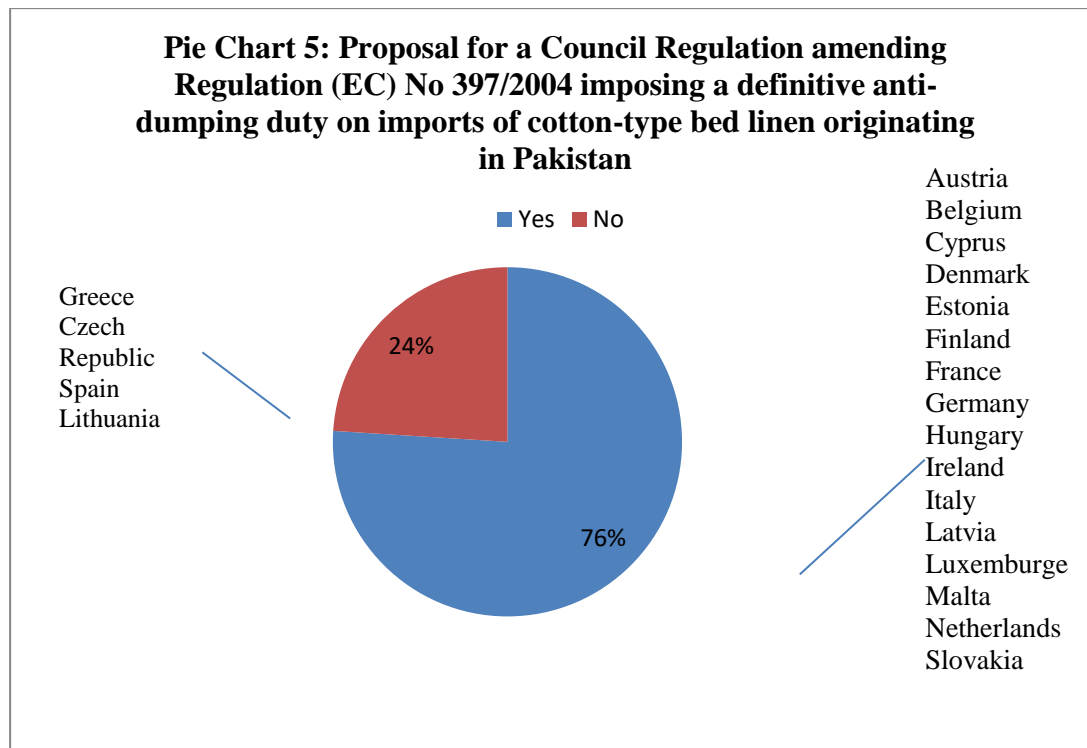


Figure 1.12: Explaining the voting patterns of the EU member states for/against amendment of previously imposed ADD on cotton-type bed linen of Pakistan in 2006
Source: Developed by the author based on data provided by the General Secretariat of the EU Parliament

Table 1.11: Proposal for a Council Regulation (EC) 695/2006 amending Regulation (EC) No 397/2004 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Pakistan

Source: Developed by the author based on data provided by the General Secretariat of the EU Parliament

Delegation	Voting Pattern	Delegation	Voting Pattern
Austria	Yes	Czech Republic	No
Belgium	Yes	Greek	No
Cyprus	Yes	Spanish	No
Denmark	Yes	Lithuanian	No
Estonia	Yes	Polish	No
Finland	Yes	Portuguese	No
France	Yes		
Germany	Yes		
Hungary	Yes		
Ireland	Yes		
Italy	Yes		
Latvia	Yes		
Luxembourg	Yes		
Malta	Yes		
Netherlands	Yes		
Slovakia	Yes		
Slovenia	Yes		
Sweden	Yes		
United Kingdom	Yes		

It is observed that after the imposition of definitive ADD at the rate of 13.1% in 2004 on cotton-type bed linen, the import magnitude in 2005 significantly declined, as imports of Pakistan's largest importer (UK's) imports declined from 71 million Euros to 32.1 million Euros. It is also found that import of one out of four types of the product concerned permanently stopped after 2004. All member states which opposed the reduction of duty rate from 13.1% to 5.6% through above voting were found to be having minimal import from Pakistan (on average less than 1 million Euros).

All large trading partners of Pakistan in the textile sector, including the UK, France, Germany, Belgium, the Netherlands, in 2005 having import capital respectively 32.1, 36.3, 23.4, 26.8 and 20.3 million Euros, supported the reduction of duty rate for Pakistani textile imports. One of the possible reasons for the differing voting pattern of member states may be that those member states (e.g. the UK and the Netherlands) which are significantly dependent on textile imports, and thus do not have a local textile industry, usually oppose the imposition of measures within the Council. On the other hand, the member states having a significant local textile industry mostly tend to support the imposition of ADD on foreign imports.

Evenett and Vermulst established that, accession of ten new member states can potentially have impact on EU's trade defence policy. They analysed ten nations' prior protectionist approach in order to assess their tendency towards EU's trade defence proposals. Only five nations out of ten had invoked AD measures during extended period running from 1995-2003. While, only two (Lithuania and Poland) out of these five countries had invoked more than one anti-dumping

investigation. These statistics show that, none of the newly joined member state will have pro-protectionist tendency. Thus, they are more likely to join pro anti-duty bloc within the EU. However, in case of Pakistan with specific reference to the current voting patterns, for proposed reduction of ADD on Pakistan's bed linen, it is found that, out of ten newly joined member states, seven members supported the reduction of ADD. However, three new members (Lithuania, Poland and Czech Republic) showed pro protectionist tendency. As, majority of them have shown more flexible and liberalised approach in this case, therefore it could be said that this data confirms the findings of Evenett et al.

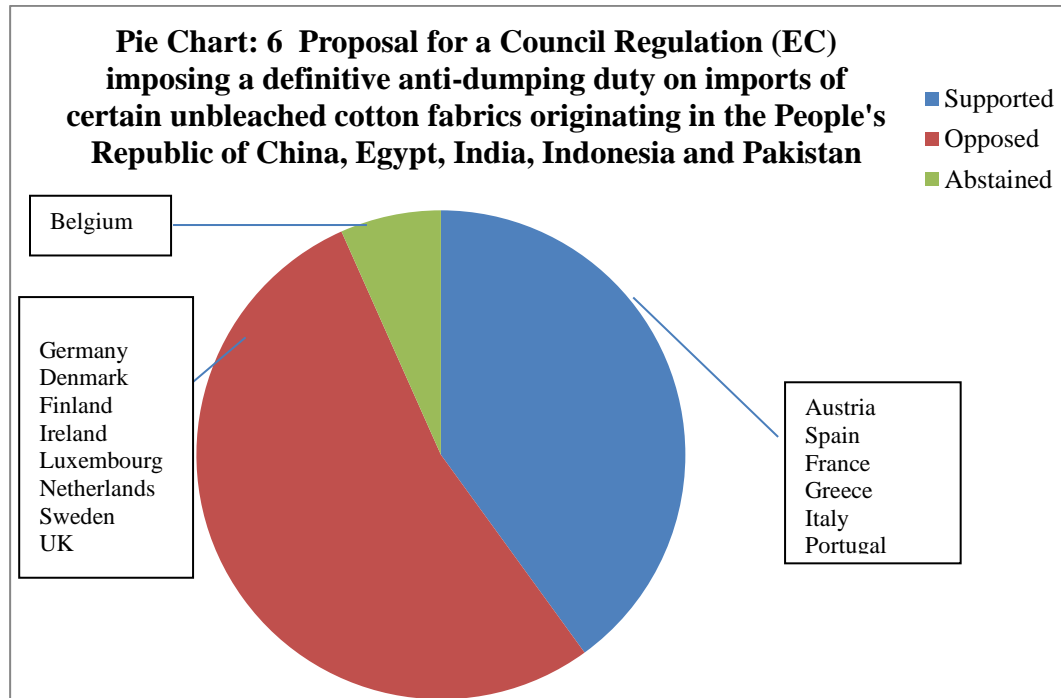


Figure 1.13: Explaining the voting patterns of the EU member states for/against imposition of ADD on unbleached cotton fabrics originated from Pakistan

Source: Developed by the author based upon data provided by the EU Parliament about voting patterns of member states

It is witnessed that Belgium, being the largest importer of unbleached cotton fabric from Pakistan (in 1995 import worth of 27.5 million Euros), abstained from voting. The second and third largest importers, Germany and the UK respectively, voted against the imposition of measures. However, none of the top three largest importer countries were in favour of the imposition of ADD, while France, having nominal imports (2.6 million Euros) as compared to the imports of other economies of almost the same size, voted in favour of such measures. Other small economies of the European Union have shown a mixed trend, as some of them favoured and some opposed the application of ADD on Pakistan's unbleached cotton fabric. It is noted that, in EU unbleached cotton fabric was being produced in France, Italy, Spain and Portugal. However, rest of the member states were depending upon the imports from Pakistan, India, China and Turkey. However, the voting pattern of the member states revealed that, the member states which were relying upon imports, they opposed the imposition of ADD. While, a small bloc of member states which have their own textile industry, they were supporting the imposition of protective measures.

Evenett et al. discuss the politicisation of AD laws and identify two blocs of member states depending on their voting behaviours for levy of AD duties on importing countries. They argue that, especially since 1997, the role of the member states in the EC AD system is substantial. In the late 1990s, a robust anti-AD duties' bloc seems to have developed among member states, and they increasingly challenge proposals for definitive duties made by the EC. This resistance also accorded with a sharp fall in the number of EC AD investigations from 1999. A shift has happened towards a more member-state-dominated or 'politicised' AD system from a Commission controlled one.

They contradicted with the existing literature on political economy of EU's protective measures, which have tried to establish the strong role of the technocrats on the dumping and injury investigations. The findings of Evenett and Vermulst are corroborated by this study, as it is found that in the case of the application of safeguard measures against textile products originating from Pakistan, whether bed linen or staple fibre fabric, two blocs of member states could be found within the Union. One relatively small group includes the UK, the Netherlands and Scandinavian countries, which usually oppose the application of measures; while the other relatively large group, mostly led by France, Germany, Italy and Spain, was often found to be supporting the application of ADD on textiles originating from Pakistan. Moreover, in the analysis of all voting patterns related to the application of ADD on textile products, a similar style of voting has been found throughout.

1.3 THE RATIONALE OF EU MEMBER STATES' VOTING FOR/AGAINST ADOPTION OR TERMINATION OF ANTI-DUMPING MEASURES RELATED TO PAKISTAN: AN EXAMPLE OF DENMARK AND SWEDEN

In this section reference is made to correspondence between the author and the permanent representations to the European Union of Denmark and Sweden.

POLYETHYLENE TEREPHTHALATE

The national economic interest of the member states is one of the most significant rationale or reason for their particular voting pattern and same is documented by the analysis of current data. However, Evenett and Vermulst recorded two types of third-party influences including influence of diplomats of country, whose imports are under investigation and influence of the EC itself. They do not find any evidence of EU's attempt to reduce the level of support of member states in respect of particular anti-dumping investigation. However, Union institution has been found to use varying techniques, to increase the level of support of member states in favour of certain AD measures. These include reduction in the magnitude of proposed duty; narrowing the scope of the investigation; narrowing the definition of product concerned and minimising the duration of definitive measures.

While Engering et al. established that, it is not only national interest of the member states which incline them for their specific voting pattern but it also depends upon that, how they see the world trading system. According to Dutch perspective, it is in the interest of all that; AD measures should be applied in restrictive and transparent way. In the same way, diplomatic action, lobbying and threat of retaliation are also one of the very significant rational of the member states for their certain voting pattern. This diplomatic influence may be exerted in different ways, including: the diplomats of the target country lobby with member countries in EU or through EU ambassadors; secondly, the trading partner agree to restrict or reduce the level of imports; thirdly, the trading partner meet with the Commission officials; lastly, the target country is being benefitted from special tariff arrangements.

It is noted that, newspaper reports suggest that, Pakistan's diplomats used their influence to lobby with different EU member states, in order to get GSP+ status from the EU. 406 members of the EU Parliament supported, while 186 lawmakers opposed the grant of status. Later it was reported that after grant of GSP plus status imports from Pakistan to EU increased by \$1bln. It is also noted that, Government of Pakistan asked its mission based in Brussels to kick start lobbying in order to secure an extension in GSP-Plus status. However, the analysis of current data reveals that, trade partner loyalty is not found to be the reason for the voting of two-member states. It appears that the revised proposal contained lower duties on imports from Australia and China than otherwise envisaged. Also, it would seem that the Commission had found at a late stage that there was no basis for imposition of measures against Pakistan. Thus, it could be established that member states decision to vote in favour of termination of proceedings regarding alleged dumped imports of polyethylene terephthalate was based on the revised findings of the Commission which later resulted in the form of negative dumping margin for Pakistan.

1.3.1 COMPACT FLUORESCENT LAMPS

1.3.1.1 COUNCIL REGULATION (EC) 866/2005

Vermulst objected the quality of decision-making in the council. He found that in some controversial and important cases e.g. in Eurocoton (Case C-76/01), although commission found material injury caused to the Union industry and Union interest test call for imposition of protective measures; even then measures could not be enforced because, it all depends upon the qualified majority vote of the member states in council, to approve or disapprove the proposed measures. The member states however, may vote 'NO' due to some unknown reasons or due to their national interest. Though, it is good for exporters and end users however, it makes the EU's AD system transparent and arbitrary.

However, from analysis of current data it is found that, two EU member states believe that imports from Pakistan Vietnam and the Philippines were circumvented, as imports from said countries started just after the initiation and later of the AD investigation against China. They further argue that although the magnitude of imports of CFL from Pakistan is small, it can cause undercutting effect on existing safeguard measures imposed on China. In this case as well the outcome of the investigation, as conducted by the Commission (regarding transshipment, and assembly procedures) is found to be the reason behind the voting of the two EU member states. This suggest that, in competition cases, the Commission acts on behalf of member states (principal) whereby the latter delegate powers to be exercised by the Commission on behalf of member states. However, it seems that in European AD framework the agent is more powerful as compared to its principal. The Commission can initiate the proceedings by suo motu but it can also impose provisional measures which may last for a maximum 15 months. This blockage of trade by the Commission (with any significant trading partner of the EU) for 15 months without the apparent consent of member states denotes the extensive powers available to the Commission.

Moreover, the principal being represented by the Council of European Union has to rely extensively on the findings of the Commission, as the Commission carries out the verification visits, thus the Council has to draw its findings on the basis of data generated by the Commission. Likewise, Dur et al. noted that, agent can exploit its principal where the member states have conflicting interests and thus give a vague mandate with equal votes in support and opposition of proposed measures.

1.3.1.2 COUNCIL REGULATION (EC) 1205/2007

Both Denmark and Sweden believe that there were no sufficient grounds to continue the measures, as they believed this to be against Union interest. Denmark claimed to be dealing with a situation where many producers had already out-sourced production to third countries. Secondly, they argue that measures were mainly put in place to offer protection to one European producer at the expense of European consumers, who would have to pay considerably more for the product. Furthermore, it did not appear that other European producers supported the measures. While, discussing the politics of global sourcing particularly with reference to the EU's trade in bicycles with China and Vietnam, Eckhardt states that, amid the most recent two decades, the quantity of makers in the European Union (EU) that have outsourced generation to Asia has expanded massively. In the meantime, there are likewise still a lot of firms that create their items in the EU. In this manner, Eckhardt contends that these two groups of firms for the most part have altogether different trade policy inclinations.

The principal kind of firms would typically incline toward liberal EU trade policies versus Asian Countries as they profit by the inflow of items made in Asia. However, the second kind of firms, anticipated that would support the levying of AD measures against Asian imports are as the net aftereffect of expanded EU trade with Asia in general negative to them. This division regularly prompts exceptional legal and political squabbling between the two contradicting sides. This paper supports and corroborates with Eckhardt's analysis, as in this investigation, it was found that, the manufacturers highly depended (Philips) upon outsourced parts, were against the imposition of ADD. However, the other manufacturers were in support. Therefore, in some cases, the voting of the member states also depends upon strong lobbying of particular group of industry operating within it.

It could be established that throughout this investigation (from initiation of investigation till imposition of definitive measures), not only the EU member states but the Community industry as well seems to be divided in two groups, as members having 56% voting rights abstained from voting, while members having 44% voting rights rejected the proposal. Similarly, complaint for initiation of proceedings could not be considered to be made on behalf of Union industry as, Union industry constituting 48% of total production of the Union supported the initiation of investigation, while Union industry constituting 52% of total Union production opposed the imposition of provisional measures. It could be considered as one of the debatable investigations as conducted by the EU Commission. The healthy majority of members opposing the extensions of measures also reveal that the EU member countries opposing and supporting the measures had significant conflict of interest, and they interpreted the Union (Community) interest differently. The researcher assumes that there were two strong hold within the Union industry, one which was significantly relying on Chinese imports and the other relying completely on home production. The geographical existence of Union industry having varying interests insisted their respective governments speak for them in the Council.

1.3.2 COTTON-TYPE BED LINEN

1.3.2.1 PROPOSAL FOR ADOPTION OF COUNCIL REGULATION (EC) 2398/97

Sweden opposed the actions for three main reasons, which also became the Swedish standpoint. First, the measures against India and Pakistan were subject to quantitative restrictions, which means that the calculation of the dumping and injury margins become uncertain, because the price picture is affected by the restrictions. Compelling reasons were also the principal Swedish objection to this double safeguard. Second, reference was made to the restructuring that took

place in the field, so that the manufacture of basic bed linen was placed to third countries while product development, design and marketing remained in the Community. Thus, it should be in the interest not to hinder such a natural process through the introduction of protective measures. Thirdly, Sweden reasoned that the cost of AD measures would be passed on to consumers, and that the impact of this would not be only minimal, as the Commission claimed.

Assemble and association of specific stakeholders (Union manufacturers) is one of the key reasons for the Member State's support of protective measures. Bievre noted that, it is the local manufacturers who are assembled most appropriately in the form of effective and strong associations, for example European Federation of Cotton and Textile Industries (Eurocoton). It could be said that the big industries like steel, copper and textiles are more associated and united as compared to the small industries. The small industries are found to be fragmented, thus their filing ratio is low. Peter Mandelson's effort to reform EU's basic trade defence instrument was failed because the proposal was blocked by firm lobbying of Union industry. The firm association among industries helps them in two ways: firstly, it is easy for the most associated industry to get the required number for the launch of investigations; secondly, they are in a better position to lobby within the EU institution and secure their interest.

On the other hand, it could be said that these are the consumers who are less united and thus very weak to protect their interest, as they are not assembled as are other stakeholders. Therefore, in the absence of equal footing of all stakeholders it is very difficult to ensure the Community interest before imposition of a duty, as the importers, consumers and small industries are not as united and strong as are the big industries like steel, iron and textiles. Interest groups lobby more politicians as compared to the executives and protectionists lobby more effectively as compared to the free trade-oriented ones. Denmark, however, supported the proposal to adopt definitive AD measures with respect to all three countries. The permanent representative of Denmark cannot explain why Denmark supported the proposal, as they cannot locate any record of this regulation, which is 18 years old.

1.3.2.2 PROPOSAL FOR COUNCIL REGULATION (EC) 160/20

Nordstrom recorded that, vote trading can also be one of the possible reasons of specific voting of member states. In this case, member states lobby to get each other's reciprocal support for certain measures. The member states may compromise their lesser interest in a specific case to get other member state's support in another particular case, where its higher interest is involved. In these cases, sometimes, the EU Commission, strategically present two proposals simultaneously. Bown and Blonigen hypothesised that; threat of retaliation from the target country may also be one of the possible rationales of member states' voting style. Although, there is lack of significant data to prove these hypotheses, but at least in case of Pakistan, it may be presumed that, threat of retaliation may not be possible reason; because, EU may be threatened of retaliation by its large trading partners e.g. China or USA, however, the small economies like Pakistan may not have significant implications in this regard.

However, the analysis of current data reveals that, the amendments concerning imports from Egypt and termination of measures on imports from Pakistan followed from an appellate body report and a panel report which had resulted in suspension of measures on imports of bed linen from India. The council had considered it appropriate to recalculate the dumping margins for Egypt and Pakistan without use of the "zeroing" methodology. This resulted in no dumping being found on imports from Pakistan. Furthermore, measures on imports from Egypt were suspended. Evidently, measures cannot be in place when no dumping is found. Denmark

therefore supported the amendments, including termination of measures against imports of bed linen from Pakistan.

1.3.2.3 PROPOSAL FOR COUNCIL REGULATION (EC) 397/2004

One of the possible rationales of voting style of the member states may base upon the geographical existence of the Union industry. If cotton industries do not have presence in a certain member state, it will preferably say no to proposed imposition of ADD. Pollack argues that the big industries are strategically concentrated in large countries, as half of AD complaints get support from Germany and one third of them are supported by French-origin companies. Similarly, the big industrial groups can strategically spread their network in most of the member states instead of being concentrated in a few states, as it will help them to get support from most of the members: wherever the big industries have presence in the Union.

However, the analysis of the current data reveals the Danish reasoned that, according to the Commission's own investigation, producers from Pakistan exported the product concerned to the EU with an average profit of 3.5%, and their increase in market share was relatively modest. Furthermore, EU industry had a healthy profit, and was able to increase its sales (although market share declined somewhat). Turnover, sales and prices showed a positive trend. Also, European producers could not satisfy demand in the EU for bed linen. Injury is therefore limited, and may be caused by other factors, in addition to which it may not be in the Union's industry.

Therefore, significant doubts arise as to the appropriateness of measures imposed to protect an industry which appeared relatively healthy at the time. Similarly, Sweden opposes the Commission's proposal for definitive AD duties on imports of bed linen from Pakistan due to the questioning of serious injury to the Community industry and on causation with respect to imports from Pakistan. Both Sweden and Denmark, however, think that the alleged injury was not material within the meaning of the basic regulation. They also doubt the efficacy of non-attribution analysis (segregation of other known factors from alleged dumped imports) as conducted by the EU Commission.

1.3.2.4 PROPOSAL FOR COUNCIL REGULATION (EC) 1205/2007

Denmark had not supported the imposition of AD measures against bed linen from Pakistan in 2004, and therefore welcomed the interim review and proposal to lower the duties on the products. Although it was not in favour of the measures, however, the lower duty of 0-8.5% constituted a significant improvement. Sweden was heavily dependent on imports of bed linen from Pakistan, and has also opposed the imposition of definitive measures against Pakistan. Sweden supported the Commission's proposal to temporarily suspend the bulk of the duty to not over-compensate the protection of the Community industry introduced by the Council, and also to take account of the changed market conditions as the earthquake disaster in Pakistan caused.

1.4 CONCLUSION

To conclude, it could be said that a mixed trend is found about impact of imposition of duties on the flow of imports from Pakistan. Sometimes the imports of concerned products were found to be increasing through the duty period although; the ratio of increase is noted to be marginal. In the majority of cases it is established that imposition of duty kept the level of imports at a constant point (import magnitude is found to be same as it was five years before). However, in

some cases it is found that the imposition of AD duty significantly deteriorated the scale of imports from Pakistan to the EU. Therefore, it could be established that imposition of AD duty on imports of concerned products originating from Pakistan has mostly affected the scale of imports from Pakistan, although there are some exceptions.

It could also be said that trade partner loyalty is not found to be the reason for specific voting trends of the EU members. Their voting trends, however, were found to be associated with their consent or dissent with the findings of the Commission. Sometimes the member states are found to be unsatisfied with the calculation of material injury caused to the Union industry, similarly they were also found to be challenging the non-attribution analysis (segregating injury caused by other known factors from injury caused by alleged dumped imports) as conducted by the Commission.

The most common and significant reasons to vote 'NO' for the Commission's proposal to adopt definitive measures is found to be the varying Community (Union) interest calculation by the Commission and the member states. The two members (Denmark and Sweden), however, were found to be opposing measures, arguing that imposition of measures will cause unreasonable expense for consumers. The geographical existence of Union industry complaining about alleged dumped imports is also a significant decisive factor for voting of members. If textile industry being totally absent in states D, E and F, dominantly exists in states A, B and C, it is more likely that states A, B and C will vote in favour of imposition of measures, while states D, E and F may have a lack of interest for such measures.

Moreover, it is found that in the event of use of protection measures against textile products originating from Pakistan, whether bed cloth or staple fibre fabric, two alliances of member states could be found inside the Union. One moderately little group incorporates the UK, the Netherlands and Scandinavian nations, which normally contradict the use of measures, while the other generally huge group, for the most part led by France, Germany, Italy and Spain, is frequently observed to be supporting the utilisation of ADD on materials originating from Pakistan.

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