

Notice of initiation of an anti-dumping proceeding concerning imports of certain electronic weighing scales originating in the People's Republic of China, the Republic of Korea and Taiwan

(1999/C 262/07)

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 384/96 ⁽¹⁾, as last amended by Council Regulation (EC) No 905/98 ⁽²⁾ (hereinafter referred to as 'the basic Regulation'), alleging that imports of certain electronic weighing scales, originating in the People's Republic of China, the Republic of Korea and Taiwan, are being dumped and are thereby causing material injury to the Community industry.

1. Complaint

The complaint was lodged on 2 August 1999 by Community producers representing a major proportion, i.e. more than 50 % of the total Community production of certain electronic weighing scales (hereinafter referred to as 'the product concerned').

2. Product

The product allegedly being dumped is retail electronic weighing shop-scales (hereinafter referred to as 'REWS'), currently classifiable within CN code 8423 81 50. This CN code is only given for information.

3. Allegation of dumping

The allegation of dumping for the Republic of Korea and Taiwan is based, in the absence of sufficient sales in the domestic market, on a comparison of a constructed normal value with the export prices of the product concerned to the Community.

In view of the fact that normal value for the People's Republic of China will be established on the basis of the rules set out in Article 2(7)(a) of the Basic Regulation for those exporting producers which cannot meet the conditions set out in Articles 2(7)(b) and (c) of the basic Regulation, the complainant has proposed that normal value be established on the basis of a constructed normal value in a market economy third country. The allegation of dumping is based on a comparison of normal value, as set out above, with the export prices of the product concerned when sold for export to the Community.

On this basis, the dumping margins calculated are significant for all exporting countries concerned.

4. Allegation of injury

The complainant has provided evidence that imports of the product concerned from the People's Republic of China, the Republic of Korea and Taiwan have increased overall in terms of market share.

It is alleged that the volumes and the prices of the imported product concerned have, among other consequences, had a negative impact on the market share and the level of prices charged by the Community producers, resulting in substantial adverse effects on the financial situation of the Community industry.

5. Procedure for the determination of dumping and injury

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Community industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the Community industry and to any association of producers in the Community, to the exporting producers and importers, to any association of exporting producers and importers named in the complaint and to the authorities of the People's Republic of China, the Republic of Korea and Taiwan.

Exporting producers and importers are invited to contact the Commission forthwith in order to find out whether or not they are listed in the complaint. In the latter case, they should as soon as possible, but not later than 15 days after publication of this notice in the *Official Journal of the European Communities*, request a copy of the questionnaire, as all questionnaires have to be completed within the time limit set in paragraph 7(a) of this notice. Any request for questionnaires must be made in writing to the address mentioned below and should indicate the name, address, e-mail address, telephone, fax and/or telex numbers of the interested party.

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence.

Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Selection of the market economy third country

In accordance with Article 2(7) of the basic Regulation, it is envisaged to choose Indonesia as an appropriate market economy third country for the purpose of establishing normal value in respect of the People's Republic of China. Parties to the investigation are hereby invited to comment on the appropriateness of this choice within the specific time limit set out in paragraph 7(b) below.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 128, 30.4.1998, p. 18/19.

(d) *Market economy status*

For those exporting producers in the People's Republic of China which claim and provide sufficient evidence that they operate under market economy conditions, i.e. that they meet the criteria laid down in Article 2(7)(c) of the Basic Regulation, normal value will be determined in accordance with Article 2(7)(b) of the Basic Regulation. Exporting producers intending to submit duly substantiated claims must do so within the specific time limit set under paragraph 7(c) below. The Commission will send claim forms to all known exporting producers of the product concerned in the People's Republic of China.

6. Community interest

In accordance with Article 21 of the Basic Regulation and in order that a decision may be reached as to whether, in the event that the allegations of dumping and injury are substantiated, the adoption of anti-dumping measures would be in the Community interest, the Community industry, importers, their representative associations and the representative users may, within the general time limit set in paragraph 7(a) of this notice, make themselves known and provide the Commission with information. It should be noted that any information submitted pursuant to this Article will only be taken into account if supported by factual evidence at the time of submission.

7. Time limits

(a) *General time limit*

Interested parties, if their representations are to be taken into account during the investigation, must make themselves known, present their views in writing and submit information, unless otherwise specified, within 40 days of the date of the publication of this notice in the *Official Journal of the European Communities*. Interested parties may also apply to be heard by the Commission within the same time limit. This time limit applies to all interested parties, including the parties not named in the complaint, and it is consequently in the interest of these parties to contact the Commission without delay.

(b) *Specific time limit for the selection of the market economy third country*

Parties to the investigation wishing to comment on the appropriateness of Indonesia which, as mentioned in paragraph 5(c) is envisaged as a market economy third country for the purpose of establishing normal value in respect of the People's Republic of China, should file their comments within 10 days of the publication of this notice.

(c) *Specific time limit for submission of claims for market economy status*

Properly substantiated claims for market economy status, as mentioned in paragraph 5(d), must be submitted in writing within 21 days from the date of publication of this notice of initiation.

(d) *Commission address for correspondence:*

European Commission
Directorate-General I — External Relations: Commercial Policy and Relations with North America, The Far East, Australia and New Zealand
Directorates C and E
DM 24 — 8/37
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Fax (32-2) 295 65 05
Telex COMEU B 21877.

8. Non-cooperation

In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of the facts available.