

Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of polyethylene terephthalate (PET) film originating, *inter alia*, in India

(2003/C 281/03)

The Commission has received a request for a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 384/96 ⁽¹⁾, as last amended by Council Regulation (EC) No 1972/2002 ⁽²⁾ (the basic Regulation).

1. Request for review

The request was lodged by the following Community producers: Du Pont Teijin Films, Mitsubishi Polyester Film GmbH, Toray Plastics Europe SA, Nuroll SpA (the applicants).

2. Product

The product under review is polyethylene terephthalate (PET) film originating in India (the product concerned), normally declared within CN codes ex 3920 62 19 and ex 3920 62 90. These CN codes are given only for information.

3. Existing measures

The anti-dumping measures currently in force are a definitive duty imposed by Council Regulation (EC) No 1676/2001 ⁽³⁾ on imports of polyethylene terephthalate (PET) film originating, *inter alia*, in India and undertakings accepted by Commission Decision 2001/645/EC ⁽⁴⁾.

4. Grounds for the review

The applicants have provided information that the form of the measures, is no longer effective in removing the injurious dumping.

The applicants allege that, since the acceptance of the undertakings, based on minimum import prices, the range of products sold by the exporters concerned has developed, notably to include more technically sophisticated film, so that the minimum prices under which some products may be categorized no longer reflect their true value, and thus the mechanism of the measures is no longer adequate in view of the new technological developments. Consequently, the undertakings are said to be no longer adequate to eliminate the injurious effects of dumping. The applicants therefore request a review of the form of the measures.

5. Procedure

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of a partial interim review, the Commission hereby initiates a review in accordance with Article 11(3) of the basic Regulation, limited in scope to the form of the measures.

The investigation will assess the need for the amendment of the form of the existing measures.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to exporting producers in India and to the Indian authorities. This information and supporting evidence should reach the Commission within the time limit set in point 6(a) of this notice.

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known, submit information other than questionnaire replies and to provide supporting evidence. This information and supporting evidence must reach the Commission within the time limit set in paragraph 6(a) of this notice.

Furthermore, the Commission may hear interested parties, provided that they make a request showing that there are particular reasons why they should be heard. This request must be made within the time limit set in paragraph 6(b) of this notice.

6. Time limits

(a) For parties to make themselves known, to submit questionnaire replies and any other information

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit questionnaire replies or any other information within 40 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party making itself known within the aforementioned period.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 1.

⁽³⁾ OJ L 227, 23.8.2001, p. 1.

⁽⁴⁾ OJ L 227, 23.8.2001, p. 56.

(b) Hearings

All interested parties may also apply to be heard by the Commission within the same 40-day time limit.

7. Written submissions, questionnaire replies and correspondence

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified and must indicate the name, address, e-mail address, telephone and fax, and/or telex numbers of the interested party). All written submissions, including the information requested in this notice, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labeled as 'Limited' ⁽¹⁾ and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labeled 'For inspection by interested Parties'.

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 384/96 (OJ L 56, 6.3.1996, p. 1) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

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8. Non-cooperation

In cases in which any interested party refuses access to or otherwise does not provide the necessary information within the time limits, or significantly impedes the investigation, 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. If an interested party does not cooperate or cooperates only partially, and findings are therefore based on facts available in accordance with Article 18, the result may be less favorable to the party than if it had cooperated.

Prior notification of a concentration

(Case COMP/M.3306 — E.ON/Midlands Electricity)

(2003/C 281/04)

(Text with EEA relevance)

1. On 17 November 2003 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the German undertaking E.ON AG ('E.ON') acquires within the meaning of Article 3(1)(b) of the Regulation joint control of the whole of the British undertaking Midlands Electricity plc ('Midlands') by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— E.ON: generation, distribution and supply of electricity, gas, water, chemical products and oil; provision of telecommunications services and real estate management,

— Midlands Electricity: generation, distribution and supply of electricity and gas.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.