

Notice of initiation of a partial interim review of the antidumping measures applicable to imports of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China

(2006/C 217/02)

The Commission has received a request for a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community ('the basic Regulation')⁽¹⁾, as last amended by Council Regulation (EC) No 2117/2005⁽²⁾.

1. Request for review

The request was lodged by the Community Federation of Lighting Industry of Compact Fluorescent Lamps Integrated (2 CFLI) ('the applicant').

The review is limited in scope to the examination of dumping as far as one exporting producer, Lisheng Electronic & Lighting (Xiamen) Co., Ltd ('the company') is concerned.

2. Product

The product under review is electronic compact fluorescent discharge lamps functioning on alternating current (including electronic compact fluorescent discharge lamps functioning on both alternating and direct current), with one or more glass tubes, with all lighting elements and electronic components fixed to the lamp foot, or integrated in the lamp foot originating in the People's Republic of China ('the product concerned'), currently classifiable within CN code ex 8539 31 90. This CN code is only given for information.

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 1470/2001⁽³⁾ on imports of CFL-i imported from the People's Republic of China, as last amended by Council Regulation (EC) No 1322/2006⁽⁴⁾.

4. Grounds for the review

The applicant has provided sufficient *prima facie* evidence that the circumstances with regard to dumping on the basis of which measures were established for the company have changed and that these changes are of a lasting nature.

The allegation of increased dumping for the company is based on a comparison of a constructed normal value with the export

prices of the product concerned when sold for export to the Community.

On this basis, the dumping margin calculated would be significantly higher than the dumping found in the previous investigation that led to the existing duty rate. Therefore, the continued imposition of measures at the existing level is no longer sufficient to offset dumping.

5. Procedure for the determination of dumping

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of a partial interim review, limited to dumping aspects as far as Lisheng Electronic & Lighting (Xiamen) Co., Ltd is concerned, the Commission hereby initiates a review in accordance with Article 11 (3) of the basic Regulation.

The investigation will assess the need for the continuation, removal or amendment of the existing measures in respect of the company mentioned above.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the company and to the authorities of the People's Republic of China. This information and supporting evidence should reach the Commission within the time limit set in point 6(a).

(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 point 6(a).

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 point 6(b).

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 340, 23.12.2005, p. 17.

⁽³⁾ OJ L 195, 19.7.2001, p. 8.

⁽⁴⁾ OJ L 244, 7.9.2006, p. 1.

(c) *Market economy status*

If Lisheng Electronic & Lighting (Xiamen) Co., Ltd claims and provides sufficient evidence that it operates under market economy conditions, i.e. that it meets 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. If Lisheng Electronic & Lighting (Xiamen) Co., Ltd intends to submit a duly substantiated claim, it must do so within the specific time limit set in point 6(d). The Commission will send a claim form to Lisheng Electronic & Lighting (Xiamen) Co., Ltd.

(d) *Selection of the market economy country*

In the event that Lisheng Electronic & Lighting (Xiamen) Co., Ltd is not granted market economy status but fulfils the requirements to have an individual duty established in accordance with Article 9(5) of the basic Regulation, an appropriate market economy country will be used for the purpose of establishing normal value in respect of the People's Republic of China in accordance with Article 2(7) (a) of the basic Regulation. The Commission envisages using Mexico again for this purpose as was done in the investigation which led to the imposition of measures on imports of the product concerned from the People's Republic of China. Interested parties are hereby invited to comment on the appropriateness of this choice within the specific time limit set in paragraph 6(b) of this notice.

Furthermore, in the event that Lisheng Electronic & Lighting (Xiamen) Co., Ltd is granted market economy status, the Commission may, if necessary, also use findings concerning the normal value established in an appropriate market economy country, e.g. for the purpose of replacing any unreliable cost or price elements in the People's Republic of China which are needed in establishing the normal value, if reliable required data are not available in the People's Republic of China. The Commission envisages using Mexico also for this purpose.

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's making itself known within the aforementioned period.

(b) *Hearings*

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

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

Parties to the investigation may wish to comment on the appropriateness of Mexico which, as mentioned in point 5(d), is envisaged as a market-economy country for the purpose of establishing normal value in respect of the People's Republic of China. These comments must reach the Commission within 10 days of the date of publication of this notice in the *Official Journal of the European Union*.

(d) *Specific time limit for submission of claims for market economy status and/or for individual treatment*

A duly substantiated claim for market economy status (as mentioned in point 5(c)) and/or for individual treatment pursuant to Article 9(5) of the basic Regulation, must reach the Commission within 21 days of the date of publication of this notice in the *Official Journal of the European Union*.

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 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 labelled 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 labelled '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 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation 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-co-operation

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, 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, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate or cooperates only partially, and use of facts available is made, the result may be less favorable to that party than if it had cooperated.

9. Schedule of the investigation

The investigation will be concluded, according to Article 11(5) of the basic Regulation within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*.
