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(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

**Notice of initiation of a partial interim review of the countervailing measures applicable to imports
of certain stainless steel bars and rods originating in India**

(2012/C 239/02)

The European Commission (the Commission) has received a request for a partial interim review pursuant to Article 19 of Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community ⁽¹⁾ (the basic Regulation).

1. Request for review

The request for review was lodged by Viraj Profiles Vpl. Ltd (the applicant), an exporting producer from India (the country concerned).

The review is limited in scope to the examination of subsidisation as far as the applicant is concerned.

2. Product under review

The product subject to this review is stainless steel bars and rods, not further worked than cold-formed or cold-finished, other than bars and rods of circular cross-section of a diameter of 80 mm or more, originating in India, currently falling within CN codes 7222 20 21, 7222 20 29, 7222 20 31, 7222 20 39, 7222 20 81 and 7222 20 89 (the product under review).

3. Existing measure

The measure currently in force is a definitive countervailing duty imposed by Council Implementing Regulation (EU) No 405/2011 ⁽²⁾.

4. Grounds for the review

The request pursuant to Article 19 is based on prima facie evidence, provided by the applicant, that, as far as the

applicant is concerned, and, as far as subsidisation is concerned, the circumstances on the basis of which the existing measure was imposed have changed and that these changes are of a lasting nature.

The applicant alleges that circumstances have changed since the last investigation period and that they are of a lasting nature, since they relate to changes by the Government of India to the applicable *ad valorem* customs tariffs on stainless steel scrap and ferro-nickel, two main raw materials for the production of the product under review.

The applicant provided prima facie evidence showing that the continued imposition of the measure at its current level is no longer necessary to offset the countervailable subsidisation. The applicant has provided sufficient evidence that its subsidy amount has decreased well below the duty rate currently applicable to it. This reduction in the overall subsidy level is mainly due to a significant drop in the benefits availed of under the Export Oriented Units Scheme (EOUS).

Therefore, the continued imposition of measure at the existing level, which was based on the level of subsidisation previously established, appears to no longer be necessary to offset subsidisation as previously established.

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 19 of the basic Regulation.

The investigation will assess the need for the continuation, removal or amendment of the existing measures in respect of the applicant in view of the applicant's changed level of

⁽¹⁾ OJ L 188, 18.7.2009, p. 93.

⁽²⁾ OJ L 108, 28.4.2011, p. 3.

subsidisation because of changes by the Government of India in the applicable *ad valorem* customs tariffs on stainless steel scrap and ferro-nickel as well as the drop in the benefits availed of under the EOUS.

5.1. Investigating exporting producer

In order to obtain the information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant, as an exporting producer and to the authorities of the exporting country concerned. This information and supporting evidence must reach the Commission within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

5.2. Other written submissions

Subject to the provisions of this notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this notice in the *Official Journal of the European Union*.

5.3. Possibility to be heard by the Commission investigation services

All interested parties may request to be heard by the Commission investigation services. Any request to be heard should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the review investigation the request must be submitted within 15 days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with the parties.

5.4. Instructions for making written submissions and sending completed questionnaires and correspondence

All written submissions, including the information requested in this notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' ⁽¹⁾.

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 29(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries must be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does

not furnish a non-confidential summary of it in the requested format and quality, such confidential information may be disregarded.

Interested parties are required to make all submissions and requests in electronic format (the non-confidential submissions via e-mail, the confidential ones on CD-R/DVD), and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. However, any Powers of Attorney, signed certifications, and any updates thereof, accompanying questionnaire replies shall be submitted on paper, i.e. by post or by hand, at the address below. If an interested party cannot provide its submissions and requests in electronic format, it must immediately contact the Commission in compliance with Article 28(2) of the basic Regulation. For further information concerning correspondence with the Commission, interested parties may consult the relevant web page on the website of Directorate-General for Trade (<http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence>).

Commission address for correspondence:

European Commission
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Directorate H
Office: N105 04/092
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Fax +32 22981767
E-mail: trade-ssb-subsidy@ec.europa.eu

6. Non-cooperation

In cases where 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 on the basis of facts available, in accordance with Article 28 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of 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 28 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

7. Hearing Officer

Interested parties may request the intervention of the Hearing Officer for the Directorate-General for Trade. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes on the confidentiality of documents, requests for extension of time limits and

⁽¹⁾ A 'Limited' document is a document which is considered confidential pursuant to Article 29 of the basic Regulation and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures. It is also a document 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).

requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the review investigation the request must be submitted within 15 days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.

The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered on issues pertaining, among others, to subsidisation.

For further information and contact details interested parties may consult the Hearing Officer's web pages on the Directorate-General for Trade's website (http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index_en.htm).

8. Schedule of the review investigation

The review investigation will be concluded, according to Article 22(1) of the basic Regulation, within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*.

9. Processing of personal data

Any personal data collected in this review investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.