

**Notice of initiation of an anti-dumping proceeding concerning imports of certain seamless pipes and tubes originating in Croatia and the Ukraine**

(98/C 353/08)

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 384/96 <sup>(1)</sup>, as last amended by Council Regulation (EC) 905/98 <sup>(2)</sup> (hereinafter referred to as the 'Basic Regulation'), alleging that imports of certain seamless pipes and tubes, originating in Croatia and the Ukraine, are being dumped and are thereby causing material injury to the Community industry.

### 1. Complaint

The complaint was lodged on 5 October 1998 by the Defence Committee of the Seamless Steel Tube Industry of the European Union (hereinafter referred to as the 'complainant') on behalf of producers representing 100% of the total Community production of the seamless pipes and tubes that are the subject of the complaint.

### 2. Product

The products allegedly being dumped are

- (a) seamless pipes, of iron or non-alloy steel, of a kind used for oil or gas pipelines, of an external diameter not exceeding 406,4 mm,
- (b) seamless tubes of circular cross-section, of iron or non-alloy steel, cold-drawn or cold-rolled (cold-reduced), other than precision tubes, and
- (c) other seamless tubes of circular cross-section, of iron or non-alloy steel, other than hollows and threaded or threadable gas pipes, of an external diameter not exceeding 406,4 mm,

currently classifiable within CN codes 7304 10 10, 7304 10 30, 7304 31 99, 7304 39 91 and 7304 39 93. These CN codes are only given for information.

### 3. Allegation of dumping

The allegation of dumping in respect of Croatia is based on a comparison of normal value, established on the basis of domestic prices, with the export prices of the product concerned to the Community.

In view of the fact that the Ukraine is considered a non-market economy country, the complainant has proposed that normal value be established on the basis of the price in a market economy non-member 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 both exporting countries concerned.

### 4. Allegation of injury

The complainant alleges and has provided evidence that imports of the product concerned from Croatia and the Ukraine have increased overall in absolute terms and in terms of market share.

It is further alleged that the volumes and the prices of the imported product concerned have, among other consequences, had a negative impact on the quantities sold and the level of prices charged by the Community producers, resulting in substantial adverse effects on the overall performance 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 complainant Community producers and to the associations of producers in the Community, to importers, to any representative association of exporting producers and importers named in the complaint and to the authorities of Croatia and the Ukraine.

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,

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(2)</sup> OJ L 128, 30.4.1998, p. 18.

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 out 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, telephone, fax and/or telex numbers of the interested party.

(b) *Collection of information and holding of hearings*

All interested parties, provided that they can show that they are likely to be affected by the results of the investigation, 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 non-member country*

In accordance with Article 2(7) of the Basic Regulation, it is envisaged to choose the United States of America or Brazil as an appropriate market economy non-member country for the purpose of establishing normal value in respect of the Ukraine. 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).

## 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 complainants, 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 non-member country*

Parties to the investigation wishing to comment on the appropriateness of the United States or Brazil, one of which, as mentioned in paragraph 5(c), is envisaged as a market-economy non-member country for the purpose of establishing normal value in respect of the Ukraine, should file their comments within 10 days of the publication of this notice.

(c) *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 — 8/38  
Rue de la Loi/Wetstraat 200  
B-1049 Brussels  
Fax (32-2) 295 65 05  
Telex COMEUB 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.