

Notice of initiation of an anti-dumping proceeding concerning imports of polyester staple fibres originating in India

(1999/C 369/04)

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 polyester staple fibres, originating in India, are being dumped and are thereby causing material injury to the Community industry.

1. Complaint

The complaint was lodged on 8 November 1999 by the International Rayon and Synthetic Fibres Committee (hereinafter referred to as 'the complainant') on behalf of producers representing a major proportion, i.e. more than 85 %, of the total Community production of polyester staple fibres (hereinafter referred to as 'the product concerned').

2. Product

The product allegedly being dumped is synthetic staple fibres of polyesters, not carded, combed or otherwise processed for spinning, currently classifiable within CN code 5503 20 00. This CN code is only given for information.

3. Allegation of dumping

The allegation of dumping for India is based on a comparison of a constructed normal value with the export prices of the product concerned to the Community.

On this basis, the dumping margin calculated is significant.

4. Allegation of injury

The complainant has provided evidence that imports of the product concerned from India have increased overall in absolute terms and 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 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.

In view of the apparent large number of exporters of the product concerned in India, the Commission may apply

sampling techniques, in accordance with Article 17 of the Basic Regulation.

(a) Sampling for investigation of dumping

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporting producers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission and to provide the following information on their company or companies within 15 days of the date of publication of this notice:

- name, address, e-mail address, telephone, and fax, and/or telex numbers and contact person,
- the turnover in local currency and the volume in kg of the product concerned sold for export to the Community during the period 1 October 1998 to 30 September 1999,
- the turnover in local currency and the volume in kg of the product concerned sold on the domestic market during the period 1 October 1998 to 30 September 1999,
- the precise activities of the company with regard to the production of the product concerned,
- the names and the precise activities of all related companies whether directly or indirectly related (i.e. companies with which they have an association or a compensatory arrangement) involved in the production and/or selling (export and/or domestic) of the product concerned, including any related importers in the Community,
- any other relevant information that would assist the Commission in the selection of the sample,
- an indication of whether the companies agree to their inclusion in the sample which implies replying to a questionnaire and accepting an on-the-spot investigation of their responses.

In order to obtain the information it deems necessary for the selection of the sample of exporting producers, the Commission will in addition contact the authorities of India, the known exporters and any known associations of exporters.

Any other party concerned which wishes to submit any relevant information regarding the selection of the sample is also requested to make itself known to the Commission and to submit the information within 15 days of the date of publication of this notice.

(b) Final selection of sample

The Commission intends to make the final selection of the sample after having consulted the parties concerned that have expressed their willingness to be included in the sample.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 128, 30.4.1998, p. 18/19.

Companies included in the sample must reply to a questionnaire and co-operate within the framework of the verification visit.

If sufficient cooperation is not forthcoming, the Commission will base its findings, in accordance with Articles 17(4) and 18 of the Basic Regulation, on the facts available.

(c) 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 importers, to any association of exporting producers and importers named in the complaint and to the authorities of India.

However, questionnaires will only be sent to the exporting producers in India once the final selection of the sample has been made.

Exporting producers in India which submit a request for an individual margin, with a view to the application of Articles 17(3) and 9(6) of the Basic Regulation, have to submit a duly completed questionnaire within the general time limit set in paragraph 7(a) of this notice. However, such parties should be aware that if sampling is applied to exporting producers the Commission may decide not to grant them an individual margin if it would be unduly burdensome and would prevent the timely completion of the investigation. Exporting producers, which submit a request for an individual margin, and importers are invited to contact the Commission forthwith in order to be informed 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 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, and fax, and/or telex numbers of the interested party. Alternatively, a request for a questionnaire can be addressed to the national authorities of the exporting countries.

(d) 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.

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 caused thereby are substantiated, the adoption of anti-dumping

measures would be in the Community interest, the Community industry, importers, their representative associations and 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 themselves known to the Commission, present their views in writing and submit information, unless otherwise specified, within 40 days of the date of 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 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 in respect of sampling

All information relevant for the selection of the sample of exporting producers in India should be submitted to the Commission within 15 days of the date of publication of this notice, given that the Commission intends to consult parties concerned that have expressed their willingness to be included therein on the final selection of the sample within a period of 21 days of the publication of this notice.

(c) Commission address for correspondence:

European Commission
Directorate-General for Trade
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.