

Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of certain tube or pipe-fittings, of iron or steel, originating in the People's Republic of China and Thailand and an interim review of the anti-dumping measures applicable to the same imports originating in Thailand

(2001/C 103/03)

Following the publication of a notice of impending expiry ⁽¹⁾ of the anti-dumping measures in force on imports of certain tube or pipe-fittings, of iron or steel, originating, *inter alia*, in the People's Republic of China and Thailand ('countries concerned'), the Commission has received a request for a review pursuant to Article 11(2) of Council Regulation (EC) No 384/96 ⁽²⁾, as last amended by Regulation (EC) No 2238/2000 ⁽³⁾ ('the Basic Regulation'). The Commission also has evidence which justifies the initiation of a review under Article 11(3) of the Basic Regulation regarding Thailand.

1. Request for review

The request was lodged on 20 December 2000 by the Defence Committee of EU Steel Butt-welding Fittings Industry ('the applicant') on behalf of producers representing a major proportion, in this case more than 70 %, of the total Community production of certain tube or pipe-fittings, of iron or steel.

2. Product

The product under review is certain tube or pipe-fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, originating in the People's Republic of China and Thailand ('the product concerned'), currently classifiable within CN code ex 7307 93 11 (Taric code 7307 93 11 90), ex 7307 93 19 (Taric code 7307 93 19 90) ex 7307 99 30 (Taric code 7307 99 30 91) and ex 7307 99 90 (Taric code 7307 99 90 91). These CN codes are given only for information.

3. Existing measures

The measures currently in force on the product concerned are a definitive anti-dumping duty imposed by Council Regulation (EC) No 584/96 ⁽⁴⁾, extended by Regulation (EC) No 763/2000 ⁽⁵⁾, as amended by Regulation (EC) No 2314/2000 ⁽⁶⁾, to cover certain imports of the product concerned which are consigned from Taiwan, and amended by Regulation (EC) No 1592/2000 ⁽⁷⁾. It should be noted that with regard to two exporters/producers from Thailand under-

takings have been accepted by Commission Decision 96/252/EC ⁽⁸⁾.

4. Grounds for the review

4.1. Grounds for the expiry review (People's Republic of China and Thailand)

The request is based on the grounds that the expiry of measures would be likely to result in a continuation or recurrence of dumping and injury to the Community industry.

The applicant alleges that the exports from Thailand to the Community have continued to be made at substantial dumping margins.

The allegation of continuation of dumping in respect of Thailand 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.

For the People's Republic of China, given the negligible quantities imported into the Community no continuation of dumping could be established.

With regard to the recurrence of dumping, evidence was presented that the exports worldwide from both countries are made at very low and dumped prices. The applicant further alleges that, should measures be allowed to lapse, the flow of imports at dumped prices to the Community is likely to increase due to the existence of unused production capacity in the countries concerned and to the anti-dumping measures in force in traditional markets other than the EU (i.e. the USA) against these countries. Also, with regard to the People's Republic of China, the fact that measures were circumvented (see below) shows a structural propensity to dump.

Concerning injury aspects, the applicant alleges that the situation of the Community industry is still fragile and that any continuation or recurrence of substantial imports at dumped prices from the countries concerned would likely lead to a continuation or recurrence of further injury of the Community industry.

Furthermore, the applicant points out that during the period of imposition of measures, the exporters/producers of the product concerned from the People's Republic of China tried to undermine the existing measures by circumvention practices, which were counteracted by Council Regulation (EC) No 763/2000.

⁽¹⁾ OJ C 271, 22.9.2000, p. 4. The notice of impending expiry also referred to certain tube or pipe-fittings of iron or steel originating in Croatia, which are not subject to review.

⁽²⁾ OJ L 56, 6.3.1996, p. 1.

⁽³⁾ OJ L 257, 11.10.2000, p. 2.

⁽⁴⁾ OJ L 84, 3.4.1996, p. 1.

⁽⁵⁾ OJ L 94, 14.4.2000, p. 1.

⁽⁶⁾ OJ L 267, 20.10.2000, p. 15.

⁽⁷⁾ OJ L 182, 21.7.2000, p. 1.

⁽⁸⁾ OJ L 84, 3.4.1996, p. 46, as amended by Decision 2000/453/EC (OJ L 182, 21.7.2000, p. 25).

4.2. *Grounds for the interim review (Thailand)*

The Commission has decided on its own initiative to initiate an interim review pursuant to Article 11(3) in order to examine the appropriateness of the form of the measure for the product concerned originating in Thailand. In this respect it should be noted that enforcement problems have been encountered in the monitoring of the undertaking, with consequences on the remedial effect of the measures.

5. Procedure

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of an expiry and an interim review, the Commission hereby initiates a review in accordance with Article 11(2) and 11(3) of the Basic Regulation.

5.1. *Procedure for the determination of likelihood of dumping and injury*

The investigation will determine whether the expiry of the measures would be likely, or unlikely, to lead to a continuation or recurrence of dumping and injury. It will also examine the need for the continuation or removal of the existing measures, as well as the need to amend the form of the measures concerning Thailand.

(a) *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 the exporters/producers in the People's Republic of China and Thailand to any association of exporters/producers, to the importers, to any association of importers named in the request or which cooperated in the investigation leading to the measures subject to the present review, and to the authorities of the exporting countries concerned.

In any event, all parties should contact the Commission forthwith by fax in order to find out whether they are listed in the request and if necessary request a questionnaire within the time limit set in point 6(a)(i), given that the time limit set in point 6(a)(ii) of this notice applies to all interested parties.

(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 has to reach the Commission within the time limit set in point 6(a)(ii) 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 point 6(a)(iii) of this notice.

(c) *Selection of the market economy country*

In the previous investigation Thailand was used as an appropriate market economy country for the purpose of establishing normal value in respect of the People's Republic of China. The Commission envisages using Thailand again for this purpose in accordance with Article 2(7) of the Basic Regulation. Interested parties are hereby invited to comment on the appropriateness of this country within the specific time limit set in point 6(b) of this notice.

5.2. *Procedure for the assessment of Community interest*

In accordance with Article 21 of the Basic Regulation and in the event that a likelihood of a continuation or recurrence of dumping and injury is found, as well as a need to change the form of the measures for Thailand, a decision will be reached as to whether the maintenance, repeal or, in respect of Thailand, the amendment of the existing anti-dumping measures would not be against the Community interest. For this reason the Community industry, importers, their representative associations, representative users and representative consumer organisations, provided that they prove that there is an objective link between their activity and the product concerned, may, within the general time limits set in point 6(a)(ii) of this notice, make themselves known and provide the Commission with information. It should be noted that any information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

6. Time limits

(a) *General time limits*

(i) For parties to request a questionnaire

All interested parties who did not cooperate in the investigation leading to the measures subject to the present review should request a questionnaire as soon as possible, but not later than 15 days after the publication of this notice in the *Official Journal of the European Communities*.

(ii) 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 Communities*, unless otherwise specified.

(iii) Hearings

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

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

Parties to the investigation may wish to comment on the appropriateness of Thailand which, as mentioned in point 5.1(c) of this notice, 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 Communities*.

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.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorates B and C
TERV — 0/13
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 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.

Notification of joint ventures

(Case COMP/38.089 — TF6 and Série Club)

(2001/C 103/04)

(Text with EEA relevance)

1. On 19 February 2001 the Commission received notification pursuant to Article 4 of Council Regulation No 17 of agreements between Télévision française 1 and Métropole Télévision on the setting-up of two joint ventures. The joint ventures will be responsible for the joint production of two special interest channels, TF6 and Série Club.
2. On preliminary examination, the Commission finds that the notified agreements could fall within the scope of Regulation No 17.
3. The Commission invites interested third parties to submit any observations they might wish to make on the proposed operation.
4. Observations must reach the Commission not later than 10 days following the date of this publication. They can be sent by fax (No (32-2) 296 98 04) or by post, under reference COMP/38.089, to:

European Commission,
Directorate-General for Competition,
Directorate C,
Media and Music Publishing Unit,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels.
