

Non-opposition to a notified concentration
(Case COMP/M.2358 — Flextronics/Ericsson)

(2001/C 159/05)

(Text with EEA relevance)

On 6 April 2001 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document No 301M2358. CELEX is the computerised documentation system of European Community law.

For more information concerning subscriptions please contact:

EUR-OP,
Information, Marketing and Public Relations,
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.

Notice of initiation of an anti-dumping proceeding concerning imports of certain tube and pipe-fittings, of iron or steel originating in the Czech Republic, Malaysia, Russia, the Republic of Korea and Slovakia

(2001/C 159/06)

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 2238/2000⁽²⁾ ('the Basic Regulation'), alleging that imports of certain tube and pipe-fittings, of iron or steel, originating in the Czech Republic, Malaysia, Russia, the Republic of Korea and Slovakia ('countries concerned'), are being dumped and are thereby causing material injury to the Community industry.

1. Complaint

The complaint was lodged on 17 April 2001 by the Defence Committee of EU steel butt-welding fittings industry ('the complainant') on behalf of producers representing a major proportion, in this case more than 70 %, of the total Community production of certain tube and pipe fittings, of iron or steel.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 257, 11.10.2000, p. 2.

2. Product

The product allegedly being dumped is certain tube and 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 Czech Republic, Malaysia, Russia, the Republic of Korea and Slovakia ('the product concerned'), which is currently classifiable within CN codes 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 only given for information.

3. Allegation of dumping

The allegation of dumping in respect of the Czech Republic and Slovakia 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.

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

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

In view of the fact that normal value for Russia, will be determined on the basis of the rules set out in Article 2(7) of the Basic Regulation, the complainant has proposed that normal value be established on the basis of the price in a market economy country (see point 5.1(c) of this notice). 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 all exporting countries concerned.

4. Allegation of injury

The complainant has provided evidence that imports of the product concerned from the Czech Republic, Malaysia, Russia, the Republic of Korea and Slovakia 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 held, the quantities sold and the level of prices charged by the Community industry, resulting in substantial adverse effects on the overall performance, the financial situation and the employment situation of the Community industry.

5. Procedure

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.

5.1. Procedure for the determination of dumping and injury

The investigation will determine whether the product concerned originating in the Czech Republic, Malaysia, Russia, the Republic of Korea and Slovakia is being dumped and whether this dumping has caused injury.

(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 Czech Republic, Malaysia, Russia, the Republic of Korea and Slovakia, to any association of exporters/producers, to the importers, to any association of importers named in the complaint, and to the authorities of the exporting countries concerned.

In any event, all parties should contact the Commission forthwith by fax, but not later than the time limit set out in point 6(a)(i) of this notice, in order to find out whether they are listed in the complaint and, if necessary, request a questionnaire, given that the time limit set in point 6(a)(ii) of this notice applies to all such 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).

(c) Selection of the market economy country

In accordance with Article 2(7)(a) of the Basic Regulation, it is envisaged to choose the Czech Republic or Slovakia as an appropriate market economy country for the purpose of establishing normal value in respect of Russia. 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.

(d) Market economy status

For those exporters/producers in Russia which claim and provide sufficient evidence that they operate under market economy conditions, i.e. that they meet 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. Exporters/producers intending to submit duly substantiated claims must do so within the specific time limit set in point 6(c) of this notice. The Commission will send claim forms to all exporters/producers in Russia who have requested an individual margin as well as to the authorities of Russia.

5.2. Procedure for assessment of Community interest

In accordance with Article 21 of the Basic Regulation and in the event that dumping and injury caused thereby is found, a decision will be reached as to whether the adoption of 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 points 6(a)(ii) and 6(a)(iii) of this notice, make themselves known provide the Commission with information and request for a hearing. 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 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 on the market economy country

Parties to the investigation may wish to comment on the appropriateness of Czech Republic or Slovakia 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 Russia. These comments must reach the Commission within 10 days of the date of publi-

cation of this notice in the *Official Journal of the European Communities*.

(c) Specific time limit for submission of claims for market economy status

Duly substantiated claims for market economy status, as mentioned in point 5.1(d) of this notice, must reach the Commission within 21 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 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.

9. Schedule of the investigation

The investigation will be concluded, according to Article 6(9) of the Basic Regulation within 15 months of date of the publication of this notice in the *Official Journal of the European Communities*. According to Article 7(1) of the Basic Regulation, provisional measures may be imposed no later than nine months from the publication of this notice in the *Official Journal of the European Communities*.