

Notice of initiation of an accelerated review of Council Regulation (EC) No 2164/98 imposing a definitive countervailing duty on imports of certain broad spectrum antibiotics originating in India

(2003/C 102/03)

The Commission has received an application for an accelerated review pursuant to Article 20 of Council Regulation (EC) No 2026/97⁽¹⁾ ('the basic Regulation'), as amended by Regulation (EC) No 1973/2002⁽²⁾, with regard to imports of certain broad spectrum antibiotics originating in India, subject to a definitive countervailing duty imposed by Council Regulation (EC) No 2164/98⁽³⁾.

1. Request for review

The application was lodged by Nestor Pharmaceuticals Limited ('the applicant'), an exporting producer in India.

2. Product

The product under review is amoxicillin trihydrate, ampicillin trihydrate and cefalexin not put in measured doses or in forms or packings for retail sale originating in India ('the product concerned'), currently classifiable within CN codes ex 2941 10 10, ex 2941 10 20 and ex 2941 90 00. These CN codes are given for information only.

3. Existing measures

The measures currently in force are a definitive countervailing duty imposed by Council Regulation (EC) No 2164/98, under which imports into the Community of certain broad spectrum antibiotics originating in India, including those produced by the applicant, are subject to a definitive countervailing duty of 14,6 %, with the exception of several companies specifically mentioned which are subject to individual duty rates.

4. Grounds for the review

The applicant alleges that it was not investigated during the period of investigation on which the countervailing measures were based, i.e. the period from 1 July 1996 to 30 June 1997 ('the original investigation period') for reasons other than the refusal to cooperate. The applicant alleges that it did not export the product concerned to the Community during the original investigation period, and that it is not related to any of the exporting producers of the product which are subject to the existing measure.

On the basis of the above, it has requested that an individual duty rate be established for it.

5. Procedure

Community producers known to be concerned have been informed of the above application and been given an opportunity to comment. No comments have been received.

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of an accelerated review, the Commission hereby initiates a review in accordance with Article 20 of the basic Regulation.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant and may request relevant information from other interested parties.

(b) Collection of information and holding of hearings

Interested parties, provided they can show that they are likely to be affected by the results of the review, are hereby invited to present their views in writing, and submit the replies to the questionnaire mentioned in paragraph 5(a) of this notice or any other information to be taken into account during the review. This information and supporting evidence must reach the Commission within the time limit set in paragraph 6(a) 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 paragraph 6(b) of this notice.

6. Time limits

(a) 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 Union*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the aforementioned period.

⁽¹⁾ OJ L 288, 21.10.1997, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 4.

⁽³⁾ OJ L 273, 9.10.1998, p. 1.

(b) Hearings

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

J-79 — 05/16
B-1049 Brussels
Fax (32-2) 295 65 05
Telex: COMEU B 21877.

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
Directorate B

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 28 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.

Amendment by France of public service obligations imposed on scheduled air services between Ajaccio, Bastia, Calvi and Figari, on the one hand, and Marseille and Nice, on the other

(2003/C 102/04)

(Text with EEA relevance)

1. France, acting pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 on access for Community air carriers to intra-Community air routes, has decided to amend the public service obligations imposed on scheduled air services between Ajaccio, Bastia, Calvi and Figari, on the one hand, and Marseille and Nice, on the other, as published in the *Official Journal of the European Communities* C 9 of 15 January 2003, page 4.

2. The said public service obligations are amended as follows:

On scheduled flights between Marseille and Nice, on the one hand, and Ajaccio and Bastia, on the other, the maximum fare for the categories of passengers listed in point in 2.2 of the abovementioned publication is EUR 93.
