

## Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of silicon carbide originating in the Ukraine

(2004/C 3/03)

The Commission has received a request for a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 384/96 <sup>(1)</sup>, as last amended by Council Regulation (EC) No 1972/2002 <sup>(2)</sup> ('the basic Regulation').

### 1. REQUEST FOR REVIEW

The request was lodged by Zaporozhsky Abrasivny Combinat ('the applicant'), an exporter from the Ukraine.

The request is limited in scope to the examination of dumping as far as the applicant is concerned.

### 2. PRODUCT

The product under review is silicon carbide originating in the Ukraine ('the product concerned'), currently classifiable within CN code 2849 20 00. This CN code is given only for information.

### 3. EXISTING MEASURES

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 1100/2000 <sup>(3)</sup> on imports of silicon carbide originating in the Ukraine.

### 4. GROUNDS FOR THE REVIEW

The request pursuant to Article 11(3) is based on the *prima facie* evidence, provided by the applicant, that the circumstances on the basis of which measures were established have changed and that these changes are of lasting nature.

The applicant alleges, *inter alia*, that the circumstances with regard to market economy status have changed significantly. Furthermore, the applicant has provided evidence showing that a comparison of normal value based on its own cost/domestic prices and its export prices to a third country market comparable to the EU, would lead to a reduction of dumping significantly below the level of the current measure. Therefore, the continued imposition of measures at the existing levels, which were based on the level of dumping previously established, is no longer necessary to offset dumping.

### 5. PROCEDURE FOR THE DETERMINATION OF DUMPING

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of a partial

interim review, the Commission hereby initiates a review in accordance with Article 11(3) of the basic Regulation limited in scope to the examination of dumping as far as the applicant is concerned.

The investigation will assess the need for the continuation, removal or amendment of the existing measures in respect of the sole applicant.

#### (a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the applicant and to the authorities of the exporting country concerned. This information and supporting evidence should reach the Commission within the time limit set in point 6(a) of this notice.

#### (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 must reach the Commission within the time limit set in paragraph 6(a)(i) 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(a)(ii) of this notice.

#### (c) Market economy status

In the event that the applicant provides sufficient evidence showing that it operates under market economy conditions, i.e. that it meets 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. For this purpose, a duly substantiated claim must be submitted within the specific time limit set in paragraph 6(c) of this notice. The Commission will send a claim form to the applicant as well as to the authorities of the Ukraine.

#### (d) Selection of the market economy country

In the event that the applicant may not be granted market economy status an appropriate market economy country for the purpose of establishing normal value in respect of the Ukraine will be used. The Commission envisages to use Brazil again for this purpose as was done in the previous investigation. Interested parties are hereby invited to comment on the appropriateness of this country within the specific time limit set in paragraph 6(b) of this notice.

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

<sup>(2)</sup> OJ L 305, 7.11.2002, p. 1.

<sup>(3)</sup> OJ L 125, 26.5.2000, p. 3.

## 6. TIME LIMITS

### (a) General time limits

- (i) 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

- (ii) 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 Brazil which, as mentioned in paragraph 5.1(d) of this notice, is envisaged as a market-economy country for the purpose of establishing normal value in respect of the Ukraine. These comments must reach the Commission within 10 days of the date of publication of this notice in the *Official Journal of the European Union*.

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

Duly substantiated claims for market economy status, as mentioned in paragraph 5.1(c) 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 Union*.

## 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  
Office: J-79 5/16  
B-1049 Brussels  
Fax (32-2) 295 65 05  
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## 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, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate, or cooperates only partially, and use of the best facts available is made, the result may be less favourable than if it had cooperated.