

Notice of initiation of a partial interim review of the antidumping measures applicable to imports of potassium chloride originating in Russia

(2004/C 93/02)

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

1. Request for review

The request was lodged by JSC Silvinit ('the applicant'), an exporter from Russia.

2. Product

The product under review is potassium chloride either not containing any additional fertilising elements or containing additional fertilising elements in special mixtures, originating in Russia ('the product concerned'), currently classifiable within CN codes 3104 20 10, 3104 20 50, 3104 20 90, ex 3105 20 10, ex 3105 20 90, ex 3105 60 90, ex 3105 90 91, ex 3105 90 99. These CN codes are given only for information.

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EEC) No 3068/92⁽³⁾ as last amended by Regulation (EC) No 969/2000⁽⁴⁾, on imports of potassium chloride originating in Russia.

4. Grounds for the review

The request pursuant to Article 11(3) of the basic Regulation 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 and provides evidence showing that a comparison of normal value based on its own cost/domestic prices and its export prices to the EU, would lead to a removal of dumping. 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 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) 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.

(b) Hearings

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

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).

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 1.

⁽³⁾ OJ L 308, 24.10.1992, p. 41.

⁽⁴⁾ OJ L 112, 11.5.2000, p. 4.

All written submissions, including the information requested in this notice, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' ⁽¹⁾ and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled 'For inspection by interested parties'.

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
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.

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 384/96 (OJ L 56, 6.3.1996 p. 1) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

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 co-operate, or co-operates only partially, and use of the best facts available is made, the result may be less favourable to the party than if it had cooperated.

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