

**Notice regarding the product scope of the anti-dumping proceeding concerning imports of trichloroisocyanuric acid (TCCA) originating in the People's Republic of China**

(2004/C 283/03)

On 10 July 2004, the Commission published in the *Official Journal of the European Union*, a notice of initiation of an anti-dumping proceeding concerning imports of trichloroisocyanuric acid (TCCA) originating in the People's Republic of China <sup>(1)</sup>(the product concerned).

### 1. Clarification regarding the product scope

The Complainant (the European Chemical Industry Council) has submitted that the questionnaires sent by the Commission services to interested parties do not cover the full product concerned as defined in the notice of initiation of this investigation. Therefore, the Commission considers it prudent to recall that the product scope of the present investigation is, as set out in the notice of initiation, covering both trichloroisocyanuric acid (also referred to as 'symclosene' under the international non-proprietary name) as well as preparations thereof, originating in the People's Republic of China, normally declared within CN codes ex 2933 69 80 and ex 3808 40 20. These CN codes are only given for information.

### 2. Procedure

Given the foregoing and the fact that the questionnaires sent by the Commission services to interested parties in July 2004 covered only part of the product concerned as defined by the notice of initiation, the Commission will, in order to ensure that it obtains the full information it deems necessary for its investigation, send new questionnaires to the Community industry and to any association of producers in the Community, to the sampled exporters/producers in the People's Republic of China, 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 country concerned.

However in view of the above, and for the avoidance of doubt, all interested parties should contact the Commission forthwith by fax not later than the time limit set out in paragraph 4(a) below, 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 paragraph 4(b) below applies to all such interested parties.

#### *Collection of information and holding of hearings*

All interested parties are hereby again 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 paragraph 4(b) below.

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 4(c) below.

### 3. Procedure for assessment of Community interest

The procedure for the assessment of the Community interest in this proceeding is set out in paragraph 5.2 of the notice of initiation which was published on 10 July 2004. This procedure remains unchanged except that parties may make themselves known and provide the Commission with information within the new time limit set in paragraph 4(b) below. The parties which have acted in conformity with the precedent sentence may request a hearing setting the particular reasons why they should be heard within the time limit set in paragraph 4(c) below. It should be noted that any information submitted pursuant to Article 21 of Regulation (EC) No 384/96 <sup>(2)</sup> (the basic Regulation) will only be taken into account if supported by factual evidence at the time of submission.

### 4. Time limits

#### (a) *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 Union*.

#### (b) *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.

<sup>(1)</sup> OL C 178, 10.7.2004, p.2.

<sup>(2)</sup> OJ L 56, 6.3.1996, p.1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

(c) *Hearings*

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

**5. 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. 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' <sup>(1)</sup> 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  
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**6. Non-cooperation**

It is recalled that, 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. If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

**7. Schedule of the investigation**

The investigation will be concluded, according to Article 6(9) of the basic Regulation within 15 months of the date of the publication (i.e. 10 July 2004) of the notice of initiation of the proceeding in the *Official Journal of the European Union*. According to Article 7(1) of the basic Regulation, provisional measures may be imposed no later than nine months from the publication of the notice of initiation of the proceeding in the *Official Journal of the European Union*.

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<sup>(1)</sup> 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).