

Notice of initiation of a reinvestigation pursuant to Article 12 of Council Regulation (EC) No 384/96 of the anti-dumping measures applicable to imports of sodium cyclamate originating in the People's Republic of China

(2005/C 101/11)

The Commission has received a request pursuant to Article 12 of Council Regulation (EC) No 384/96 ⁽¹⁾ ('the basic Regulation'), to investigate whether the anti-dumping measures imposed on imports of sodium cyclamate originating in the People's Republic of China have had an effect on export prices, resale prices or subsequent selling prices in the Community.

1. Request for review

The request was lodged on 14 March 2005 by Productos Aditivos S.A. ('the applicant'), the sole producer in the Community of sodium cyclamate.

2. Product

The product concerned is sodium cyclamate originating, *inter alia*, in the People's Republic of China ('the product concerned'), currently classifiable within CN code ex 2929 90 00. This CN code is given only for information.

3. Existing measures

The measures currently in force are definitive anti-dumping duties imposed by Council Regulation (EC) No 435/2004 ⁽²⁾ on imports of sodium cyclamate originating, *inter alia*, in the People's Republic of China.

4. Grounds for the reinvestigation

The applicant has submitted sufficient evidence showing that, following the imposition of the anti-dumping duties on imports of sodium cyclamate originating in the People's Republic of China, export prices have decreased and there has been insufficient movement in resale prices or subsequent selling prices in the Community.

The applicant has provided evidence indicating that export prices and resale prices have dropped after the imposition of measures, even though the prices of raw materials increased significantly and the anti-dumping duties were imposed at the beginning of 2004.

The applicant also has examined other factors that might have had an impact on export prices of the product concerned in the Community, i.e. exchange rates, raw material cost, etc. No other factors appear to explain the aforementioned price evolution.

5. Procedure

Having determined, after consulting the Advisory Committee, that the request has been lodged by the Community industry and that there is sufficient evidence to justify the initiation of an investigation, the Commission hereby initiates a reinvestigation, pursuant to Article 12 of the basic Regulation, of the measures applicable to imports of sodium cyclamate originating in the People's Republic of China to examine whether the measures have had effects on the export prices, resale prices and subsequent selling prices in the Community.

(a) Questionnaires

In order to obtain the information it deems necessary for the reinvestigation, the Commission will send questionnaires to the exporters/producers in the People's Republic of China, to the importers and to the authorities of the exporting country concerned.

In any event, all interested parties should contact the Commission forthwith by fax in order to find out whether they are listed in the request and, if necessary, request a questionnaire within the time limit set in paragraph 6(a) of this notice, given that the time limit set in paragraph 6(b) of this notice applies to all 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 must reach the Commission within the time limit set in paragraph 6(b) 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(c) of this notice.

6. Time limits

(a) For parties to request a questionnaire

All interested parties who did not cooperate in the investigation leading to the measures subject to the present reinvestigation 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*.

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

⁽²⁾ OJ L 72, 11.3.2004, p. 1.

- (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 reinvestigation, 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.

- (c) *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 of the interested party. All written submissions, including the 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

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. 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.

⁽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).