

Notice concerning the anti-dumping measures in force on imports of potassium permanganate originating in the People's Republic of China

(2005/C 110/04)

The Commission published in August 2004 a Notice⁽¹⁾ ('the Notice') informing interested parties of developments which had occurred to the Community industry of potassium permanganate. Following such publication, these developments have been examined and the following conclusions have been reached.

A. PROCEDURE

1. Product concerned and existing measures

The product concerned is potassium permanganate (with chemical formula $KMnO_4$) originating in the People's Republic of China ('the PRC'), normally declared within CN code 2841 61 00. This CN code is given only for information.

The measures in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 299/2001⁽²⁾.

2. Scope of the Notice

The Notice invited all interested parties to comment on the alleged changes to the Community industry, in particular the close down of the sole producer of potassium permanganate and the possible existence of at least one other producer of potassium permanganate within the new Member States of the Community.

The Commission sent a copy of the Notice to the authorities of the PRC, the producers/exporters in the PRC, the importers in the Community and the association of Community producers known in order to allow them to comment and to provide information for the examination of the abovementioned developments.

3. Questionnaires

Questionnaires were sent to two known producers in the Community. Other interested parties were invited to make themselves known and to provide the Commission with information regarding the existence of a Community industry together with supporting evidence within the prescribed time limits. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings being made on the basis of the facts available.

The Commission received replies from the following interested parties:

Community producers:

- Carus Nalón S.L., Oviedo, Spain,
- Spolek pro chemickou a hutní výrobu a.s., Ústí nad Labem, Czech Republic;

Exporting producer:

- Universal Chemicals & Industries Pvt. Ltd, Mumbai, India;

Importers:

- Przedsiębiorstwo Przemysłowe Handlowe 'STANDARD' Sp. z o.o., Lublin, Poland,
- DECA-CHIMIE S.A., Lyon, France.

4. Examination period

The examination of the developments covered the period from 1 July 2003 to 30 June 2004 ('the EP'). Data from 2001 up to the end of the EP were collected to examine whether the Community industry of potassium permanganate existed or not.

B. FINDINGS

1. Production in Spain

Carus Nalón S.L ('Carus'), a Spanish producer of potassium permanganate, the sole producer of potassium permanganate when the measures currently in force were imposed, cooperated in this investigation. This company was purchased in August 2000 from Industrial Química del Nalón by Carus Chemical Company, a US company also manufacturing potassium permanganate. Carus has informed the Commission that its production in Spain has been temporarily suspended and that the company has the intention to resume production. However, Carus did not specify when exactly this resumption would take place. It stated that such resumption would require a 6 months preparation period. The company claimed that it should be considered as a Community producer. In order to prove its commitment to resume production shortly, it submitted information on overhead costs incurred in the maintenance of the potassium permanganate production facilities.

⁽¹⁾ OJ C 209, 19.8.2004, p. 2.

⁽²⁾ OJ L 44, 15.2.2001, p. 4. Regulation as last amended by Council Regulation (EC) No 152/2003 (OJ L 25, 30.1.2003, p. 21).

It is considered that the fact that the company has continued to incur some overhead costs during the EP may indicate that it wanted to keep the production facilities in order to allow for the possible resumption of the production, should this be decided in the future. However, in the absence of any production during the EP it must be concluded that the company cannot be considered as a Community producer.

2. Production in the Czech Republic

The only other known producer of potassium permanganate in the Community is Spolek pro chemickou a hutní výrobu a.s. ('Spolchemie'). This company produced a significant volume of potassium permanganate during the EP ⁽¹⁾, representing 100 % of the Community production. It was found that the production volume of Spolchemie during the EP was higher than the Community production during the period of investigation which led to the imposition of the existing measures in 2001. In addition, such production volume during the EP was higher than the Community production which existed in the calendar year 2002, which was the most recent period before the EP when Carus still manufactured potassium permanganate.

On the basis of the above, Spolchemie is considered to be the sole remaining producer of potassium permanganate in the Community.

3. Comments of other interested parties

A cooperating Indian producer and two cooperating importers provided additional information on the situation on the Community market. The two importers expressed concerns that the measures currently in force may also protect the USA producer of potassium permanganate who purchased the Spanish production facilities and subsequently suspended production in Spain. However, they did not provide any factual element which would indicate that Spolchemie should not be considered as a Community producer.

C. CONCLUSIONS

On the basis of the above, it is concluded that Spolchemie should be considered as the sole Community producer. This company has expressed its support for the anti-dumping measures in force. It can therefore be deemed to constitute the Community industry.

Consequently, it can be concluded that a Community industry still exists and that there is no reason why the measures currently in force should be repealed.

⁽¹⁾ The real figure is not given for the confidentiality reason.