

Notice of initiation of a reinvestigation pursuant to Article 12 of Council Regulation (EC) No 384/96 of the antidumping measures applicable to imports of hand pallet trucks and their essential parts originating in People's Republic of China

(2006/C 78/06)

The Commission has received a request pursuant to Article 12 of Council Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community ('the basic Regulation')⁽¹⁾, as last amended by Council Regulation (EC) No 2117/2005⁽²⁾, to investigate whether the anti-dumping measures imposed on imports of hand pallet trucks and their essential parts originating in People's Republic of China have had an effect on export prices, resale prices or subsequent selling prices in the Community.

1. Request for reinvestigation

The request was lodged on 16.2.2006 by four Community producers (BT Products AB, Franz Kahl GmbH, Bolzoni Auramo SpA, Pramac Lifter S.p.A. ('the applicants') representing a major proportion, in this case more than 70 %, of the total Community production of hand pallet trucks and their essential parts.

2. Product

The product concerned is hand pallet trucks and their essential parts, i.e. chassis and hydraulics originating in People's Republic of China ('the product concerned'), currently classifiable within CN codes ex 8427 90 00 and ex 8431 20 00. 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 (EC) No 1174/2005⁽³⁾.

4. Grounds for the reinvestigation

The applicants have submitted sufficient evidence showing that the anti-dumping duty imposed on hand pallet trucks and their essential parts originating in People's Republic of China have not led to any movement or sufficient movement in resale prices or subsequent selling prices in the Community. In fact, the evidence contained in the request shows that resale prices in the Community of the product concerned have remained stable, or dropped in some cases since the imposition of the anti-dumping measures, resulting in increased dumping which has impeded the intended remedial effects of the measures in force.

The applicants have provided evidence that imports of the product concerned from the People's Republic of China have continued to enter in significant quantities.

5. Procedure

Having determined, after consulting the Advisory Committee, that the request has been lodged by or on behalf of the Community industry and that there is sufficient evidence to justify the initiation of an investigation, the Commission hereby initiates a reinvestigation in respect of hand pallet trucks and their essential parts originating in the People's Republic of China, pursuant to Article 12 of the basic Regulation.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the parties named in the request or which co-operated in the investigation leading to the measures subject to the present reinvestigation, in particular to the exporters/producers in the People's Republic of China, to any association of exporters/producers, to the importers, to any association of importers, to the users 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 point 6(a), given that the time limit set in point 6(b) 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 point 6(b).

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 point 6(c).

6. Time limits

(a) For parties to request a questionnaire

All interested parties who did not co-operate 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 Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁽²⁾ OJ L 340, 23.12.2005, p. 17.

⁽³⁾ OJ L 189, 21.7.2005, 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 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.

(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 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 labeled 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 labeled 'FOR INSPECTION BY INTERESTED PARTIES'.

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Directorate General for Trade
Directorate B
Office: J-79 5/16
B-1049 Brussels
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8. Non-co-operation

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, 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 facts available is made, the result may be less favorable 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 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).