

Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of solutions of urea and ammonium nitrate originating in Russia

(2006/C 311/10)

The Commission has received a request for a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community ('the basic Regulation') ⁽¹⁾.

1. Request for review

The request was lodged by Novomoskovskiy Azot and Nevinno-myssky Azot, members of Joint Stock Company 'Mineral and Chemical Company Eurochem' ('the applicant'), exporting producers from Russia.

The request is limited in scope to the examination of dumping as far as the applicant is concerned.

2. Product

The product under review is mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution originating in Russia ('the product concerned'), currently classifiable within CN code 3102 80 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 1995/2000 ⁽²⁾, as last amended by Council Regulation (EC) No 1675/2003 ⁽³⁾, on imports of solutions of urea and ammonium nitrate originating in Russia.

A notice of initiation of an expiry review of the anti-dumping measures applicable to imports of the product concerned originating in Russia was published on 22 September 2005 ⁽⁴⁾. This review is still on-going.

4. Grounds for the review

The request pursuant to Article 11(3) 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 *prima facie* evidence showing that the comparison of its own normal value and, in the absence of exports to the European Community, export prices to an appropriate third country, in this case, the United States of America, would lead to a reduction of dumping significantly below the level of the current measures. 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.

In the context of the investigation, it will be determined, *inter alia*, to what extent export prices to a third country or countries should be used in deciding whether the basis on which the existing measures were established have changed and whether these changes are of lasting nature.

The investigation will assess the need for the continuation, removal or amendment of the existing measures in respect of the sole applicant.

If it is determined that measures should be removed or amended for the applicant, it may be necessary to amend the rate of duty currently applicable to imports of the product concerned from other exporting producers in Russia as set out in Article 1(2) of Regulation (EC) No 1995/2000.

(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).

(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(a).

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(b).

⁽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 238, 22.9.2000, p. 15.

⁽³⁾ OJ L 238, 25.9.2003, p. 4.

⁽⁴⁾ OJ C 233, 22.9.2005, p. 14.

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 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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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 favourable to that party than if it had cooperated.

9. 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 of this notice in the *Official Journal of the European Union*.

⁽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).