

Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of ammonium nitrate originating in Ukraine

(2006/C 311/14)

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 Open Joint Stock Company (OJSC) Azot Cherkassy ('the applicant'), an exporting producer from Ukraine.

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 solid fertilisers with an ammonium nitrate content exceeding 80 % by weight originating in Ukraine ('the product concerned'), currently classifiable within CN codes 3102 30 90, 3102 40 90, ex 3102 29 00, ex 3102 60 00, ex 3102 90 00, ex 3105 10 00, ex 3105 20 10, ex 3105 51 00, ex 3105 59 00 and ex 3105 90 91. 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 132/2001 ⁽²⁾, as last amended by Council Regulation (EC) No 945/2005. ⁽³⁾ on imports of ammonium nitrate originating in Ukraine.

A notice of initiation of an expiry review of the anti-dumping measures applicable to imports of the product concerned originating in Ukraine was published on 25 January 2006 ⁽⁴⁾. This expiry 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 a comparison between its own costs and export prices 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.

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 from other exporting producers of the product concerned as set out in Article 1 of Regulation (EC) No 132/2001.

(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).

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.

⁽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 23, 25.1.2001, p. 1.

⁽³⁾ OJ L 160, 23.6.2005, p. 1.

⁽⁴⁾ OJ C 18, 25.1.2006, p. 2.

(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 11(5) 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).