

## Notice of initiation of an anti-dumping proceeding concerning imports of certain manganese dioxides originating in South Africa

(2006/C 314/08)

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community ('the basic Regulation')<sup>(1)</sup>, as last amended by Regulation (EC) No 2117/2005<sup>(2)</sup>, alleging that imports of certain manganese dioxides, originating in South Africa ('the country concerned'), are being dumped and are thereby causing material injury to the Community industry.

### 1. Complaint

The complaint was lodged on 10 November 2006 by Tosoh Hellas AIC ('the complainant') representing a major proportion, in this case more than 25 %, of the total Community production of certain manganese dioxides.

### 2. Product

The product allegedly being dumped is certain electrolytic manganese dioxides (high purity manganese dioxides which have been manufactured in an electrolytic process) and have not been heat treated which is normally done to make it suitable for application in lithium batteries, originating in South Africa ('the product concerned'), normally declared within CN code ex 2820 10 00. This CN code is only given for information.

### 3. Allegation of dumping

The allegation of dumping for South Africa is based, in the absence of sufficient sales in the domestic market, on a comparison of a constructed normal value with the export prices of the product concerned to the Community.

On this basis, the dumping margin calculated is significant.

### 4. Allegation of injury

The complainant has provided evidence that imports of the product concerned from South Africa have increased overall in absolute terms and in terms of market share.

It is alleged that the volumes and the prices of the imported product concerned have, among other consequences, had a negative impact on the level of prices charged by the Community industry, resulting in substantial adverse effects on its financial situation and employment situation of the Community industry.

### 5. Procedure

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Community industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

#### 5.1. Procedure for the determination of dumping and injury

The investigation will determine whether the product concerned originating in South Africa is being dumped and whether this dumping has caused injury.

##### (a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the Community industry and to any association of producers in the Community, to the exporters/producers in South Africa to any association of exporters/producers, to the importers, to any association of importers named in the complaint, and to the authorities of the exporting countries concerned.

In any event, all parties should contact the Commission forthwith by fax, but not later than the time limit set out in point 6(a), in order to find out whether they are listed in the complaint and, if necessary, request a questionnaire, given that the time limit set in point 6(b) applies to all such 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 has to 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).

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1, as last amended by Council Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

<sup>(2)</sup> OJ L 340, 23.12.2005, p. 17.

## 5.2. Procedure for assessment of Community interest

In accordance with Article 21 of the basic Regulation and in the event that the allegations of dumping and injury caused thereby are substantiated, a decision will be reached as to whether the adoption of anti-dumping measures would not be against the Community interest. For this reason the Community industry, importers, their representative associations, representative users and representative consumer organisations, provided that they prove that there is an objective link between their activity and the product concerned, may, within the time limits set in point 6(b), make themselves known and provide the Commission with information. The parties which have acted in conformity with the precedent sentence may request a hearing setting the particular reasons why they should be heard within the time limit set in point 6(c). It should be noted that any information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

## 6. Time limits

### (a) For parties to request a questionnaire

All interested parties should request a questionnaire or other claim forms as soon as possible, but not later than 15 days after the publication of this notice in the *Official Journal of the European Union*.

### (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).

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.

## 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*. According to Article 7(1) of the basic Regulation, provisional measures may be imposed no later than 9 months from the publication of this notice in the *Official Journal of the European Union*.