

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

COMMISSION

Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of synthetic staple fibres of polyesters (PSF) originating in Belarus, the Republic of Korea, Saudi Arabia and the People's Republic of China

(2007/C 202/04)

The Commission has decided on its own initiative to initiate a partial interim review of the anti-dumping measures applicable to imports of synthetic staple fibres of polyesters (PSF) originating in Belarus, the Republic of Korea, Saudi Arabia and the People's Republic of China pursuant to Article 11(3) of Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ('the basic Regulation')⁽¹⁾. The review is limited to the examination of whether or not the continued imposition of the measures is not against the Community interest.

1. Product

The product under review is synthetic staple fibres of polyesters, not carded, combed or otherwise processed for spinning originating in Belarus, the Republic of Korea, Saudi Arabia and the People's Republic of China ('the product concerned'), currently classifiable within CN code 5503 20 00. This CN code is given only for information.

2. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 2852/2000⁽²⁾ on imports of PSF originating, *inter alia*, in the Republic of Korea, a definitive anti-dumping duty imposed by Council Regulation (EC) No 1799/2002⁽³⁾ on imports of PSF originating in Belarus and a definitive anti-dumping duty imposed by Council Regulation (EC) No 428/2005⁽⁴⁾ on imports of PSF originating in the People's Republic of China and Saudi Arabia.

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

⁽²⁾ OJ L 332, 28.12.2000, p. 17. Regulation as last amended by Regulation (EC) No 428/2005 (OJ L 71, 17.3.2005, p. 1).

⁽³⁾ OJ L 274, 11.10.2002, p. 1.

⁽⁴⁾ OJ L 71, 17.3.2005, p. 1.

3. Grounds for the review

The information at the Commission's disposal indicates that, due to changes in the Community market since the investigation periods used in the investigations that led to the imposition of the existing measures, the continued imposition of the measures may no longer be in the Community interest. In particular, the Commission concluded in its anti-dumping investigation concerning imports of PSF originating in Malaysia and Taiwan, that it would not be in the Community interest to impose measures on imports from those countries⁽⁵⁾.

In these circumstances, it is appropriate to review the need for the continued imposition of the existing measures, with the decision thereon possibly having retroactive effect as of 22 June 2007, i.e. the entry into force of Commission Decision 2007/430/EC terminating the anti-dumping proceeding concerning imports of synthetic staple fibres of polyesters (PSF) originating in Malaysia and Taiwan.

4. Procedure

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 partial interim review of the anti-dumping measures applicable to imports of PSF originating in Belarus, the Republic of Korea, Saudi Arabia and the People's Republic of China in accordance with Article 11(3) of the basic Regulation, limited in scope to the examination of the Community interest.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the Community producers, to the importers and to the users. This information and supporting evidence should reach the Commission within the time limit set in point 5(a) of this notice.

⁽⁵⁾ See recital 41 of Commission Decision 2007/430/EC (OJ L 160, 21.6.2007, p. 30).

(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 5(a) of this notice.

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 5(b) of this notice.

5. 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.

6. 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 labelled 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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7. 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, 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.

8. 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*.

9. Processing of personal data

Please note that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾.

⁽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).

⁽²⁾ OJ L 8, 12.1.2001, p. 1.