

Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of certain welded tubes and pipes of iron or non-alloy steel originating in Thailand, Turkey and Ukraine and an interim review of the anti-dumping measures applicable to imports of certain welded tubes and pipes of iron or non-alloy steel originating in Turkey

(2007/C 226/05)

Following the publication of a notice of impending expiry ⁽¹⁾ of the anti-dumping measures in force on imports of certain welded tubes and pipes of iron or non-alloy steel originating in Thailand, Turkey and Ukraine, ('countries concerned'), the Commission has received a request for reviews pursuant to Article 11(2) and (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') ⁽²⁾.

1. Request for review

The request was lodged on 25 June 2007 by the Defence Committee of the welded steel tubes industry of the European Union ('the applicant') on behalf of producers representing a major proportion, in this case more than 50 %, of the total Community production of certain welded tubes and pipes of iron or non-alloy steel.

2. Product

The product under review is welded tubes and pipes, of iron or non-alloy steel, of circular cross-section and of an external diameter not exceeding 168,3 mm, excluding tubes and pipes of a kind used for oil or gas pipelines, of a kind used in drilling for oil or gas, or with attached fittings for use in civil aircraft, other than precision tubes, originating in Thailand, Turkey and Ukraine ('the product concerned'), currently classifiable within CN codes ex 7306 30 41, ex 7306 30 49, ex 7306 30 72 and ex 7306 30 77. These CN codes are given only for information.

3. Existing measures

The measures currently in force are definitive anti-dumping duties imposed by Council Regulation (EC) No 1697/2002 ⁽³⁾.

4. Grounds for the reviews

4.1. Grounds for the expiry review

The request is based on the grounds that the expiry of the measures would be likely to result in a continuation or recurrence of dumping and injury to the Community industry.

⁽¹⁾ OJ C 296, 6.12.2006, p. 25.

⁽²⁾ 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).

⁽³⁾ OJ L 259, 27.9.2002, p. 8.

The allegation of likelihood of continuation of dumping in respect of Turkey is based on a comparison of normal value, established on the basis of domestic prices, with the export prices of the product concerned when sold for export to the Community.

On this basis, the dumping margin calculated for Turkey is significant.

In demonstrating the likelihood of recurrence of dumping for Thailand and Ukraine, export prices to other third countries, i.e. United States of America and Russia respectively, have been used by the applicant given the current absence of significant import volumes from Thailand and Ukraine to the Community. These export prices were compared with normal values based on cost of production.

On this basis, the applicant alleges that there is a likelihood of recurrence of dumping for Thailand and Ukraine.

The applicant further alleges the likelihood of further injurious dumping. In this respect, the applicant presents evidence that, should measures be allowed to lapse, the current import level of the product concerned is likely to increase due to the existence of unused capacity in the countries concerned.

In respect of Turkey, the applicant also alleges that imports of the product concerned from this country have continued to cause injury to the Community industry due to their increased volume and low prices.

In addition, the applicant alleges that the already fragile situation of the Community industry would further deteriorate if measures were allowed to lapse and that any recurrence of substantial imports at dumped prices from the countries concerned would likely lead to a recurrence of further injury of the Community industry.

4.2. Grounds for the interim review

The applicant has provided information that, in regard to imports of the product concerned from Turkey, the level of the measure is no longer sufficient to counteract the injurious dumping, which, calculated as explained above, appears to have significantly increased.

The applicant further alleges that imports of the product concerned from Turkey have remained at significantly high levels both in absolute terms and in terms of market share. As explained above, the volumes and prices of the imported product concerned from this country have, among other consequences, had a negative impact on the market share held and on the level of prices charged by the Community industry, resulting in substantial adverse effects on the overall performance and the financial situation of the Community industry.

5. Procedure

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of an expiry review and an interim review, as far as imports from Turkey is concerned, the Commission hereby initiates reviews in accordance with Article 11(2) and (3) of the basic Regulation.

5.1. Procedure for the determination of dumping, likelihood of dumping and injury

The investigation will determine whether the expiry of the measures would be likely, or unlikely, to lead to a continuation or recurrence of dumping and injury. The interim review will determine whether, with regard to imports of the product concerned from Turkey, the current level of the measure is sufficient to counteract the injurious dumping.

(a) Sampling

In view of the apparent large number of parties involved in this proceeding, the Commission may decide to apply sampling, in accordance with Article 17 of the basic Regulation.

(i) Sampling for exporters/producers in country(ies) concerned

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporters/producers, or representatives acting on their behalf, are hereby requested to make themselves known by contacting the Commission and providing the following information on their company or companies within the time limit set in point 6(b)(i) and in the formats indicated in point 7:

- name, address, e-mail address, telephone and fax numbers and contact person,
- the turnover in local currency and the volume in tonnes of the product concerned sold for export to the Community during the period 1 July 2006-30 June 2007,
- the turnover in local currency and the sales volume in tonnes of the product concerned sold on the domestic market during the period 1 July 2006-30 June 2007,

- the turnover in local currency and the sales volume in tonnes for the product concerned sold to other third countries during the period 1 July 2006-30 June 2007,
- whether the company intends to claim an individual margin ⁽¹⁾ (individual margins can only be claimed by Turkish producers),
- the precise activities of the company with regard to the production of the product concerned and the production volume in tonnes of the product concerned, the production capacity and the investments in production capacity during the period 1 July 2006-30 June 2007,
- the names and the precise activities of all related companies ⁽²⁾ involved in the production and/or selling (export and/or domestic) of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to not have co-operated in the investigation. The consequences of non-cooperation are set out in point 8 below.

In order to obtain the information it deems necessary for the selection of the sample of exporters/producers, the Commission will, in addition, contact the authorities of the exporting countries and any known associations of exporters/producers.

(ii) Sampling for importers

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission and to provide the following information on their company or companies within the time limit set in point 6(b)(i) and in the formats indicated in point 7:

- name, address, e-mail address, telephone and fax numbers and contact person,

⁽¹⁾ Individual margins may be claimed pursuant to Article 17(3) of the basic Regulation for Turkish companies not included in the sample.

⁽²⁾ For guidance on the meaning of related companies, please refer to Article 143 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

- the total turnover in € of the company during the period 1 July 2006-30 June 2007,
- the total number of employees,
- the precise activities of the company with regard to the product concerned,
- the volume in tonnes and value in euro of imports into and resales made in the Community market during the period 1 July 2006-30 June 2007 of the imported product concerned originating in Thailand, Turkey and Ukraine,
- the names and the precise activities of all related companies ⁽¹⁾ involved in the production and/or selling of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to not have co-operated in the investigation. The consequences of non-cooperation are set out in point 8 below.

In order to obtain the information it deems necessary for the selection of the sample of importers, the Commission will, in addition, contact any known associations of importers.

(iii) Sampling for Community producers

In view of the large number of Community producers supporting the request, the Commission intends to investigate injury to the Community industry by applying sampling.

In order to enable the Commission to select a sample, all Community producers are hereby requested to provide the following information on their company or companies within the time limit set in point 6 (b)(i) and in the formats indicated in point 7:

- name, address, e-mail address, telephone and fax numbers and contact person,
- the total turnover in euro of the company during the period 1 July 2006-30 June 2007,
- the precise activities of the company with regard to the production of the product concerned
- the value in euro of sales of the product concerned made in the Community market during the period 1 July 2006-30 June 2007,

- the volume in tonnes of sales of the product concerned made in the Community market during the period 1 July 2006-30 June 2007,
- the volume in tonnes of the production of the product concerned during the period 1 July 2006-30 June 2007,
- the names and the precise activities of all related companies ⁽¹⁾ involved in the production and/or selling of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample.

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to not have co-operated in the investigation. The consequences of non-cooperation are set out in point 8 below.

(iv) Final selection of the sample

All interested parties wishing to submit any relevant information regarding the selection of the sample must do so within the time limit set in point 6(b)(ii).

The Commission intends to make the final selection of the sample after having consulted the parties concerned that have expressed their willingness to be included in the sample.

Companies included in the sample must reply to a questionnaire within the time limit set in point 6 (b)(iii) and must co-operate within the framework of the investigation.

If sufficient co-operation is not forthcoming, the Commission may base its findings, in accordance with Articles 17(4) and 18 of the basic Regulation, on the facts available. A finding based on facts available may be less advantageous to the party concerned, as explained in point 8.

(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)(ii).

⁽¹⁾ For guidance on the meaning of related companies, please refer to Article 143 of Regulation (EEC) No 2454/93.

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(a)(iii).

6 Time limits

(a) General time limits

- (i) For parties to request a questionnaire or other claim forms

All interested parties should request a questionnaire or other claim forms as soon as possible, but not later than 10 days after the publication of this notice in the *Official Journal of the European Union*.

- (ii) 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.

Companies selected in a sample must submit questionnaire replies within the time limits specified in point 6(b)(iii).

- (iii) Hearings

All interested parties may also apply to be heard by the Commission within the same 40 day time limit.

(b) Specific time limit in respect of sampling

- (i) The information specified in points 5.1(a)(i), 5.1(a)(ii) and 5.1(a)(iii) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, given that the Commission intends to consult parties concerned that have expressed their willingness to be included in the sample on its final selection within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

- (ii) All other information relevant for the selection of the sample as referred to in 5.1(a)(iv) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

- (iii) The questionnaire replies from sampled parties must reach the Commission within 37 days from the date of the notification of their inclusion in the sample.

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 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 labelled 'FOR INSPECTION BY INTERESTED PARTIES'.

Commission address for correspondence:

European Commission
Directorate General for Trade
Directorate H
Office: J-79 4/23
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, 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.

⁽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 of 30 May 2001 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).

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*.

10. Possibility to request a review under Article 11(3) of the basic Regulation

As the expiry review is initiated in accordance with the provisions of Article 11(2) of the basic Regulation, the findings thereof will not lead to the level of the existing measures being amended but will lead to those measures being repealed or maintained in accordance with Article 11(6) of the basic Regulation.

If any party to the proceeding considers that a review of the level of the measures is warranted so as to allow for the possibility to amend (i.e. increase or decrease) the level of the measures, that party may request a review in accordance with Article 11(3) of the basic Regulation.

Parties wishing to request such a review, which would be carried out independently of the expiry review mentioned in this notice, may contact the Commission at the address given above.

11. 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 ⁽¹⁾.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.