

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

COMMISSION

**Notice of initiation of a partial reopening of the anti-dumping investigation concerning imports of
certain prepared or preserved sweet corn in kernels originating in Thailand**

(2008/C 7/12)

The Commission has decided on its own initiative to initiate a partial reopening of the anti-dumping investigation concerning imports of sweet corn originating in Thailand initiated pursuant to Article 5 of Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Communities ⁽¹⁾ ('the basic Regulation'). The reopening is limited in scope to the examination of dumping as far as one exporting producer, Kuiburi Fruit Canning Co., Limited ('Kuiburi' or 'the company'), is concerned.

1. Product

The product concerned is sweet corn (*Zea mays* var. *saccharata*) in kernels, prepared or preserved by vinegar or acetic acid, not frozen, normally declared within CN code ex 2001 90 30, and sweet corn (*Zea mays* var. *saccharata*) in kernels prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006, normally declared within CN code ex 2005 80 00, originating in Thailand.

2. Existing measures

The measures currently in force for Kuiburi are a definitive anti-dumping duty imposed by Council Regulation (EC) No 682/2007 ⁽²⁾ on imports of the product concerned originating in Thailand.

3. Grounds for the review

The Commission deems it necessary to reassess the factors which have given rise to the duties on imports on the product concerned by Regulation (EC) No 682/2007 with regard to the

company, in view of the company's application to the Court of First Instance lodged on 30 August 2007 in Case T-330/07.

Without prejudice to the position which the Community institutions will take should that case be pursued by the applicant, the Commission notes that during the proceeding, the applicant was the only non-sampled exporting producer who supplied a fully completed questionnaire and thus all necessary information in the sense of Article 17 paragraph 3 of the basic Regulation.

4. Procedure

Having determined, after consulting the Advisory Committee, that the initiation of a partial reopening of the anti-dumping investigation is justified, the Commission hereby initiates a partial reopening of the anti-dumping investigation concerning imports of certain prepared or preserved sweet corn in kernels originating in Thailand initiated under Article 5 of the basic Regulation by a notice published in the *Official Journal of the European Union* ⁽³⁾.

The Commission will examine the information submitted by Kuiburi during the original anti-dumping proceeding.

All interested parties are hereby invited to make their views known, submit information and provide supporting evidence. This information and supporting evidence must reach the Commission within the time limit set in paragraph 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 paragraph 5(b) of this notice.

⁽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 159, 20.6.2007, p. 14.

⁽³⁾ OJ C 75, 28.3.2006, p. 6.

5. Time limits

(a) For parties to make themselves known and to submit 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 any 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 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, and/or telex 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

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, 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.

8. Schedule of the investigation

The investigation will be concluded, according to Article 6(9) of the basic Regulation, within, in principle, 12 months, but at the most 15 months, of the date of the publication of this notice in the *Official Journal of the European Union*.

9. Processing of personal data

It is noted 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⁾.

10. Hearing Officer

It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer of DG Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this proceeding, in particular, with regard to issues concerning access to the file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details, interested parties may consult the Hearing Officer's web pages on the website of DG Trade (<http://ec.europa.eu/trade>).

⁽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 (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 29 of Council Regulation (EC) No 2026/97 (OJ L 288, 21.10.1997, p. 1) and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.