

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 certain prepared or preserved sweet corn in kernels originating in Thailand

(2008/C 237/16)

The Commission has decided on its own initiative to initiate a partial interim review 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 ⁽¹⁾ ('the basic Regulation'). The review is limited in scope to the examination of the form of the measure and in particular to the examination of the acceptability and workability of undertakings offered by certain exporting producers in Thailand.

1. Product

The product under review 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. These CN codes are only given for information.

2. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 682/2007 ⁽²⁾ on imports of certain prepared or preserved sweet corn in kernels originating in Thailand. Price undertakings were accepted by Commission Decision 2007/424/EC ⁽³⁾.

3. Grounds for the review

The Commission deems it necessary to reassess the appropriateness of accepting undertakings based on a fixed minimum import price as a form of the measure, particularly in view of the volatility of prices of both the product concerned and of the main raw material used in the production of the product concerned.

This reassessment appears to be necessary, since the price fluctuations mentioned above appear to show an increasing trend over time and in particular since the original investigation period, indicating that the circumstances on the basis of which measures were established have significantly changed and that these changes are of a lasting nature.

Therefore, the initiation of a partial interim review, limited to the form of the measure, is warranted.

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 review in accordance with Article 11(3) of the basic Regulation, limited in scope to the examination of the form of the measure.

(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 exporting producers in Thailand 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 5(a).

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known, submit information, including 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).

⁽¹⁾ OJL 56, 6.3.1996, p. 1.

⁽²⁾ OJL 159, 20.6.2007, p. 14.

⁽³⁾ OJL 159, 20.6.2007, p. 42.

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).

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 labelled '*For inspection by interested parties*'.

Commission address for correspondence:

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7. 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, 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 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

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 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).

⁽²⁾ OJ L 8, 12.1.2001, p. 1.