

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 castings originating in the People's Republic of China

(2009/C 131/12)

The Commission has decided on its own initiative to initiate a partial interim review of the anti-dumping measures applicable to imports of certain castings originating in 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 ⁽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 the People's Republic of China.

1. Product

The product under review is castings of non-malleable cast iron of a kind used to cover and/or to give access to ground or sub-surface systems, and parts thereof, whether or not machined, coated or painted or fitted with other materials, excluding fire hydrants, originating in the People's Republic of China (the product concerned), currently classifiable within CN codes 7325 10 50, 7325 10 92 and ex 7325 10 99. These CN codes are given only for information.

2. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 1212/2005 ⁽²⁾ on imports of certain castings originating in the People's Republic of China, as last amended by Council Regulation (EC) No 282/2009 ⁽³⁾.

3. Grounds for the review

The Commission has received a request by two exporting producers of the product concerned, XianXian Guozhuang Precision Casting Co., Ltd. and Weifang Stable Casting Co., Ltd., to become a part of the joint undertaking accepted by Commission Decision 2006/109/EC ⁽⁴⁾ in connection with the above mentioned proceeding.

The Commission will also examine any requests to become part of the joint undertaking submitted by other exporting producers on the condition that these producers have been granted the 'New Exporting Producer Treatment' (NEPT) in accordance with Article 1(4) of Regulation (EC) No 1212/2005. Interested exporting producers fulfilling the above mentioned condition are invited to submit their undertaking offers within the time limit set in point 5(a).

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.

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 point 5(a).

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 undertaking offers 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 undertaking offers 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 making itself known within the aforementioned period.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 199, 29.7.2005, p. 1.

⁽³⁾ OJ L 94, 8.4.2009, p. 1.

⁽⁴⁾ OJ L 47, 17.2.2006, p. 59.

(b) *Hearings*

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

6. Written submissions, undertaking offers 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, undertaking offers 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*'.

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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

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 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 the Directorate-General for 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 of the website of the Directorate-General for 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 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.