

Notice of initiation of a partial interim review of the antidumping and countervailing measures applicable to imports of polyethylene terephthalate (PET) film originating in India

(2009/C 215/06)

The Commission has received a request for 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 anti-dumping Regulation’) and to Article 19 of Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidized imports from countries not members of the European Community⁽²⁾ (‘the basic anti-subsidy Regulation’). The review is limited to the examination of the product scope as regards the clarification of whether certain product types fall within the scope of the anti-dumping and countervailing measures applicable to imports of polyethylene terephthalate (PET) film.

1. Request for a review

The request was lodged by Polyplex Corporation Limited (‘the applicant’), an exporting producer from India.

2. Product

The product under review is polyethylene terephthalate (PET) film originating in India (‘the product concerned’), currently falling within CN codes ex 3920 62 19 and ex 3920 62 90. These CN codes are given only for information.

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 1292/2007⁽³⁾ and a definitive countervailing duty imposed by Council Regulation (EC) No 367/2006⁽⁴⁾ on imports of polyethylene terephthalate (PET) film originating in India. By Council Regulation (EC) No 1975/2004⁽⁵⁾, the anti-dumping duty was extended to imports of polyethylene terephthalate (PET) film consigned from Brazil and consigned from Israel whether declared as originating in Brazil or Israel or not, with the exception of certain companies specified in Article 1(1) of that Regulation

4. Grounds for the review

The applicant requests the exclusion of so called ‘siliconized polyester release liner’ in so far as it falls within the definition of the product concerned, from the scope of the current anti-dumping and countervailing measures on imports of polyethylene terephthalate (PET) film originating in India.

The applicant provided *prima facie* evidence demonstrating that the basic physical, technical and chemical characteristics of siliconized polyester release liner significantly differ from those of the product concerned.

5. 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 anti-dumping Regulation and Article 19 of the basic anti-subsidy Regulation, limited to the examination of the product scope.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the applicant, to other known exporting producers in India and to the authorities of that country, to the Community industry, to other known producers in the Community, to known importers and to known users. This information and supporting evidence should reach the Commission within the time limit set in point 6(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 6(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 6(b).

6. 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 anti-dumping Regulation and basic anti-subsidy 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.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 188, 18.7.2009, p. 93.

⁽³⁾ OJ L 288, 6.11.2007, p. 1.

⁽⁴⁾ OJ L 68, 8.3.2006, p. 15.

⁽⁵⁾ OJ L 342, 18.11.2004, p. 1.

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 labeled as 'Limited' ⁽¹⁾ and, in accordance with Article 19(2) of the basic anti-dumping Regulation and Article 29(2) of the basic anti-subsidy Regulation, shall be accompanied by a non-confidential version, which will be labeled 'For inspection by interested parties'.

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8. 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 anti-dumping Regulation and/or Article 28 of the basic anti-subsidy 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 anti-dumping Regulation and/or Article 28 of the basic anti-subsidy 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.

9. Schedule of the investigation

The investigation will be concluded, according to Article 11(5) of the basic anti-dumping Regulation and Article 22(1) of the basic anti-subsidy Regulation, within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*.

10. 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⁾.

11. 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 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 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 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 anti-dumping Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement) as well as pursuant to Article 29 of the basic anti-subsidy Regulation and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.