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(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

**Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports
of potassium chloride originating, inter alia, in Russia**

(2011/C 170/07)

The European Commission ('Commission') has received a request for a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation').

1. Request for review

The request was lodged by two exporting producers of potassium chloride originating in Russia, JSC Uralkali and JSC Silvinit ('the applicants').

The review is limited in scope to the examination of the form and level of the measures for the applicants under their new corporate structure.

2. Product

The product under review is potassium chloride currently falling within CN codes 3104 20 10, 3104 20 50, 3104 20 90, and special mixtures (i.e. potassium chloride containing additional fertilising elements, with a potassium content evaluated as K₂O, by weight, equal to or exceeding 35 % but not exceeding 62 % on the dry anhydrous product) currently falling within CN codes ex 3105 20 00, ex 3105 60 00, ex 3105 90 91, ex 3105 90 99, originating in Russia ('the product concerned').

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 1050/2006 ⁽²⁾ on imports of potassium chloride originating, inter alia, in Russia,

and undertakings accepted from JSC Silvinit and JSC Uralkali by Commission Decision 2005/802/EC ⁽³⁾, as amended by Commission Decision 2006/557/EC of 8 August 2006 ⁽⁴⁾.

4. Grounds for the review

The request pursuant to Article 11(3) is based on *prima facie* evidence, provided by the applicants, that, as far as the dumping is concerned, the circumstances on the basis of which the existing measures were imposed have changed and that these changes are of lasting nature.

The applicants provided *prima facie* evidence showing that on 17 May 2011 Uralkali JSC has absorbed Silvinit JSC, which ceased to exist as a separate legal entity. On this basis, it appears that the individual measures in force for Silvinit JSC and Uralkali JSC are no longer appropriate, and that a review should be initiated in order to establish one single measure for the new joint company.

5. Procedure for the determination of dumping**(a) General**

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.

The investigation will assess the need for the continuation, removal or amendment of the existing measures in respect

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 191, 12.7.2006, p. 1.

⁽³⁾ OJ L 302, 19.11.2005, p. 79.

⁽⁴⁾ OJ L 218, 9.8.2006, p. 22.

of Silvinit JSC and Uralkali JSC under the new corporate structure. This assessment will be made on the basis of data collected during the investigation that led to the imposition of the existing measures.

If it is determined that measures should be removed or amended for the companies concerned by this review under the new corporate structure, it may be necessary to amend the rate of duty currently applicable to imports from other exporting producers of the product concerned as set out in Article 3(2) of Council Regulation (EC) No 1050/2006.

(b) *Collection of information and holding of hearings*

All interested parties are hereby invited to make their views known, submit information 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 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 information within 37 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 37-day time limit.

7. 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 numbers of the interested party. All written submissions 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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Directorate H
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8. Non-cooperation

In cases in which any interested party refuses access to or does not provide 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.

9. Schedule of the investigation

The investigation shall 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. 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⁾.

⁽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.

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 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 Directorate-General for Trade (<http://ec.europa.eu/trade>).
