

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 ethanolamines originating in the United States of America

(2012/C 103/06)

The European Commission ('the 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 for review was lodged by The Dow Chemical Company ('the applicant'), an exporting producer from the United States of America ('the country concerned').

The review is limited in scope to the examination of dumping as far as the applicant is concerned.

2. Product under review

The product under review investigation is ethanolamines, originating in the United States of America, currently falling within CN codes ex 2922 11 00, ex 2922 12 00 and 2922 13 10, ('the product under review').

3. Existing measure

The measure currently in force is a definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 54/2010 ⁽²⁾.

On 21 January 2012, the Commission published a notice of initiation of an expiry review of the anti-dumping duty applicable to imports of ethanolamines originating in the United States of America ⁽³⁾. Pending the completion of the expiry review investigation, the measure continues to be in force.

4. Grounds for the review

The request pursuant to Article 11(3) is based on *prima facie* evidence, provided by the applicant, that, as far as the applicant

is concerned, and, as far as dumping is concerned, the circumstances on the basis of which the existing measure was imposed have changed and that these changes are of a lasting nature.

The applicant alleges that circumstances have changed since the last investigation period and that they are of a lasting nature, since they relate to an increase of its export prices which the applicant maintains consistently over a long period of time.

The applicant provided *prima facie* evidence showing that the continued imposition of the measure at its current level is no longer necessary to counteract the injurious dumping. In particular, the applicant alleges namely a long-lasting increase of its export prices. A comparison of the applicant's export prices to the Union with a normal value established on the basis of prices paid or payable in its domestic market indicates that the dumping margin appears to be lower than the current level of the measure.

Therefore, the applicant alleges that the continued imposition of measure at the existing level, which was based on the level of injury previously established, appears to be no longer necessary to offset dumping as previously established.

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 Regulation.

The investigation will assess the need for the continuation, removal or amendment of the existing measures in respect of the applicant in view of applicant's increased export prices.

5.1. Investigating exporting producers

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the applicant, as an exporting producer. This information and supporting evidence must reach the Commission within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 17, 22.1.2010, p. 1.

⁽³⁾ OJ C 18, 21.1.2012, p. 16.

5.2. *Other written submissions*

Subject to the provisions of this notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this notice in the *Official Journal of the European Union*.

5.3. *Possibility to be heard by the Commission investigation services*

All interested parties may request to be heard by the Commission investigation services. Any request to be heard should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the review investigation the request must be submitted within 15 days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with the parties.

5.4. *Instructions for making written submissions and sending completed questionnaires and correspondence*

All written submissions, including the information requested in this notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' ⁽¹⁾.

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries must be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such confidential information may be disregarded.

Interested parties are required to make all submissions and requests in electronic format (the non-confidential submissions via e-mail, the confidential ones on CD-R/DVD), and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. However, any Powers of Attorney, signed certifications, and any updates thereof, accompanying questionnaire replies shall be submitted on paper, i.e. by post or by hand, at the address below. If an interested party cannot provide its submissions and requests in electronic format, it must immediately contact the Commission in

compliance with Article 18(2) of the basic Regulation. For further information concerning correspondence with the Commission, interested parties may consult the relevant web page on the website of Directorate-General for Trade: <http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence>

Commission address for correspondence:

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Directorate-General for Trade
Directorate H
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1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Fax +32 22998104
E-mail: trade-ethanolamine-interim@ec.europa.eu

6. **Non-cooperation**

In cases where 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 on the basis of facts available, in accordance with Article 18 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of 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.

7. **Hearing Officer**

Interested parties may request the intervention of the Hearing Officer of Directorate-General for Trade. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes on the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the review investigation the request must be submitted within 15 days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request

⁽¹⁾ A 'Limited' document is a document which is considered confidential pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009, p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document 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).

to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.

The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered on issues pertaining, among others, to dumping.

For further information and contact details interested parties may consult the Hearing Officer's web pages on Trade DG's website: http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index_en.htm

8. Schedule of the review investigation

The review 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

Any personal data collected in this review investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council 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 ⁽¹⁾.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.