

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

COMMISSION

Notice regarding the implementation of the Panel report adopted by the WTO Dispute Settlement Body concerning the anti-dumping measure applicable to imports of farmed salmon originating in Norway

(2008/C 127/16)

1. Background

In January 2006, the Council, by Regulation (EC) No 85/2006 ⁽¹⁾, imposed a definitive anti-dumping duty and collected definitively the provisional duty imposed on imports of farmed salmon originating in Norway ('the original measure'). Subsequently, Norway lodged a World Trade Organisation ('WTO') dispute settlement proceeding (case **WT/DS 337**). The report of the Panel, which had been established by the WTO Dispute Settlement Body (DSB), was circulated to WTO members on 16 November 2007. At its meeting on 15 January 2008, the DSB adopted the Panel report ('the report'). The original measure should be brought into conformity with the recommendations and rulings contained in the report.

The report can be consulted on line at the following web address:

http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds337_e.htm

2. Reasonable period of time

The various findings to be implemented are mainly of a factual nature and concern a large number of operators in the EU but also parties in Norway. The implementation process will be finalised within a reasonable period of time defined in accordance with the provisions of Article 21 of the WTO Understanding on Rules and Procedures governing the Settlement of Disputes.

3. Legal basis and implementation

The Council, in accordance with Council Regulation (EC) No 1515/2001 of 23 July 2001 on the measures that may be taken by the Community following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters ('the enabling Regulation') ⁽²⁾, may on a proposal submitted by the Commission after consultation of the Advisory Committee take measures that it considers appropriate

⁽¹⁾ OJ L 15, 20.1.2006, p. 1.

⁽²⁾ OJ L 201, 26.7.2001, p. 10.

to bring the original measure into conformity with the recommendations and rulings contained in the report.

4. Procedure

The Commission, on the basis of Article 1(2) of the enabling Regulation, requests interested parties to provide all necessary information in order to complete the information obtained during the investigation that resulted in the adoption of the original measure.

(a) Investigation period and Period considered

As was the case in the investigation that resulted in the adoption of the original measure, the data to be collected concerning the dumping aspects of the investigation will cover the period from 1 October 2003 to 30 September 2004 ('investigation period' or 'IP'). The examination of trends relevant for the assessment of injury will cover the period from 1 January 2001 to the end of the IP ('period considered').

(b) Questionnaires

In order to obtain the additional information it deems necessary for the implementation, the Commission will send questionnaires to any producer or any association of producers in the Community, to certain exporters/producers in Norway or to associations of exporters/producers, to the authorities of the exporting country concerned and to any other parties known to be concerned.

(c) 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 has to reach the Commission within the time limit set in point 5(b).

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(c).

5. General time limits

(a) For parties to request a questionnaire

All interested parties should request a questionnaire as soon as possible, but not later than 10 days after the publication of this notice in the *Official Journal of the European Union*.

(b) 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 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') depends on the party's making itself known within the aforementioned period.

(c) 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' ⁽²⁾ 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:

European Commission
Directorate General for Trade
Directorate H
Office: J-79 4/23
B-1049 Brussels
Fax (32-2) 295 65 05

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, 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. 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 ⁽³⁾.

9. 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⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁽²⁾ 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).

⁽³⁾ OJ L 8, 12.1.2001, p. 1.