

**Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of polyethylene terephthalate (PET) film originating, *inter alia*, in India**

(2004/C 43/11)

The Commission has received a request for a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 384/96 <sup>(1)</sup>, as last amended by Council Regulation (EC) No 1972/2002 <sup>(2)</sup>, (‘the basic Regulation’).

**1. Request for review**

The request was lodged by the following Community producers: DuPont Teijin Films, Mitsubishi Polyester Film GmbH, Nuroll SpA (‘the applicants’).

The request is limited in scope to the examination of dumping as far as Jindal Polyester Limited is concerned.

**2. Product**

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

**3. Existing measures**

The measure currently in force for Jindal Polyester Limited is a definitive anti-dumping duty imposed by Council Regulation (EC) No 1676/2001 <sup>(3)</sup> on imports of PET film originating, *inter alia*, in India.

**4. Grounds for the review**

The request pursuant to Article 11(3) is based on the *prima facie* evidence, provided by the applicants, that, as far as Jindal Polyester Limited is concerned, the circumstances with regard to dumping have changed significantly.

The applicants allege that the existing measure on imports of the product under review from Jindal Polyester Limited is no longer sufficient to counteract the dumping which is causing injury. The allegation of increased dumping is based on a comparison of Jindal Polyester Limited's domestic prices and constructed normal value with its export prices of the product concerned to the Community. On this basis, the dumping margin calculated would be significantly higher than the dumping found in the previous investigation that led to the existing duty rate.

**5. Procedure for the determination of dumping**

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.

**(a) Questionnaires**

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to Jindal Polyester Limited and to the Indian authorities. This information and supporting evidence should reach the Commission within the time limit set in point 6(a) of this notice.

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

All interested parties are hereby invited to make their views known, submit 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 paragraph 6(a) of this notice.

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 paragraph 6(b) of this notice.

**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 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.

**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, and/or telex numbers of the interested

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(2)</sup> OJ L 305, 7.11.2002, p. 1.

<sup>(3)</sup> OJ L 227, 23.8.2001, p. 1.

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' <sup>(1)</sup> 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 B  
Office: J-79, 5/16  
B-1049 Brussels  
Fax (32-2) 295 65 05  
Telex COMEU B 21877.

## 8. Non-cooperation

In cases in which any interested party refuses access to or otherwise 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 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, the result may be less favourable to the party than if it had cooperated.

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<sup>(1)</sup> 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 (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 384/96 (OJ L 56, 6.3.1996, p. 1) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).