V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of initiation of an expiry review of the countervailing measures applicable to imports of sulphanilic acid originating in India

(2013/C 300/04)

Following the publication of a notice of impending expiry ([1]) of the countervailing measures in force on imports of sulphanilic acid originating in India ('the country concerned'), the European Commission ('the Commission') has received a request for review pursuant to Article 18 of Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community ([2]) ('the basic Regulation').

1. **Request for review**

The request was lodged on 1 July 2013 by CUF — Químicos Industriais ('the applicant'), the sole producer of sulphanilic acid in the Union thus representing 100 % of the Union production.

2. **Product under review**

The product under review is sulphanilic acid originating in India ('the country concerned'), currently falling within CN code ex 2921 42 00.

3. **Existing measures**

The measures currently in force are a definitive countervailing duty imposed by Council Regulation (EC) No 1010/2008 ([3]).

4. **Grounds for the expiry review**

The applicant has provided *prima facie* evidence that the expiry of the measures would lead to continuation of subsidisation and recurrence of injury.

As to the continuation of subsidisation, the applicant alleges that the producers of the product under review in India have benefited and will continue to benefit from a number of subsidies granted by the Government of India. These alleged subsidies consist of benefits for industries located in export processing zones/export oriented units; the duty entitlement passbook scheme; the export promotion capital goods scheme; the income tax exemption scheme; the advance license scheme/advance authorisation scheme; the export credit scheme; the focus market scheme; the focus product scheme; the duty free import authorisation; the status holder incentive scrip; the duty drawback scheme; the package scheme of incentives of the Government of Maharashtra; scheme for assistance to micro, small and medium enterprises of the Government of Gujarat; the Gujarat sales tax incentive scheme and the Gujarat electricity duty exemption scheme. The total subsidy is estimated to be significant.

The applicant alleges that the above schemes are subsidies since they involve a financial contribution from the Government of India or other regional governments and confer a benefit to the recipients, i.e. to exporting producers of sulphanilic acid. They are alleged to be contingent upon export performance and therefore specific and countervailable or to be otherwise specific and countervailable.

As to the likely recurrence of injury, the applicant has provided evidence that, should measures be allowed to lapse, the current import level of the product under review from the country concerned to the Union is likely to increase due to the existence of unused capacity of the exporting producers in India, the existence of trade barriers for the country concerned in the USA and the attractiveness of the EU market. The *prima facie* evidence provided by the applicant

([1]) OJ C 28, 30.1.2013, p. 12.
([2]) OJ L 188, 18.7.2009, p. 93.
([3]) OJ L 276, 17.10.2008, p. 3.

shows that, on the basis of the volumes and the prices of the exports of the like product from India to other countries, such increased imports to the Union are likely to have, among other consequences, a negative impact on the quantities sold, the level of prices charged by the Union industry and the market share held, resulting in substantial adverse effects on the overall performance of the Union industry.

5. **Procedure**

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of an expiry review, the Commission hereby initiates a review in accordance with Article 18 of the basic Regulation.

The investigation will determine whether the expiry of the measures would be likely, or unlikely, to lead to continuation or recurrence of subsidisation and injury.

5.1. ***Procedure for the determination of likelihood of continuation or recurrence of subsidisation***

5.1.1. *Investigating exporting producers*

Exporting producers ([1]) of the product under review from the country concerned are invited to participate in this review investigation.

In view of the potentially large number of exporting producers in India involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 27 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all exporting producers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties have to do so within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with information on their company(ies) as requested in Annex A to this notice.

([1]) An exporting producer is any company in the countries concerned which produces and exports the product under investigation to the Union market, either directly or via third party, including any of its related companies involved in the production, domestic sales or exports of the product concerned.

In order to obtain the information it deems necessary for the selection of the sample of exporting producers, the Commission will also contact the authorities of India and may contact any known association of exporting producers.

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports of the product under review to the Union which can reasonably be investigated within the time available. All known exporting producers, the authorities of the country concerned and associations of exporting producers will be notified by the Commission, via the authorities of the country concerned if appropriate, of the companies selected to be in the sample.

In order to obtain the information it deems necessary for its investigation with regard to exporting producers, the Commission will send questionnaires to the exporting producers selected to be in the sample, to any known association of exporting producers, and to the authorities of the country concerned.

All exporting producers selected to be in the sample will have to submit a completed questionnaire within 37 days from the date of notification of the sample selection, unless otherwise specified.

The questionnaire will contain information on, inter alia, the structure of the exporting producer's company(ies), the activities of the company(ies) in relation to the product under review, the cost of production, the sales of the product under review on the domestic market of the country concerned and the sales of the product under review to the Union.

Companies that had agreed to their possible inclusion in the sample but were not selected to be in the sample shall be considered to be cooperating ('non-sampled cooperating exporting producers').

5.1.2. *Investigating unrelated importers* [1] [2]

Unrelated importers of the product under review from India to the Union are invited to participate in this review investigation.

In view of the potentially large number of unrelated importers involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit to a reasonable number the unrelated importers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 27 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties must do so within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with the information on their company(ies) requested in Annex B to this notice.

In order to obtain the information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under review in the Union which can reasonably be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled unrelated importers and to any known association of importers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified.

The questionnaire will contain information on, inter alia, the structure of their company(ies), the activities of the company(ies) in relation to the product under review and on the sales of the product under review.

5.2. ***Procedure for the determination of likelihood of continuation or recurrence of injury and investigating the Union producer***

In order to obtain the information it deems necessary for its investigation with regard to Union producers, the Commission will send questionnaires to the known Union producer or representative Union producers and to any known association of Union producers.

The Union producer and the associations of Union producers must submit the completed questionnaire within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

The questionnaire will request information on, inter alia, the structure of their company(ies) and the financial and economic situation of the company(ies).

5.3. ***Procedure for the assessment of Union interest***

Should the continuation of subsidisation and the continuation of injury be confirmed, a decision will be reached, pursuant to Article 31 of the basic Regulation, as to whether the maintenance the anti-subsidy measures would not be against the Union interest. Union producers, importers and their representative associations, users and their representative associations, and representative consumer organisations are invited to make themselves known within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. In order to participate in the investigation, the representative consumer organisations have to demonstrate, within the same deadline, that there is an objective link between their activities and the product under review.

[1] Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex I to the questionnaire for these exporting producers. In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife; (ii) parent and child; (iii) brother and sister (whether by whole or half blood); (iv) grandparent and grandchild; (v) uncle or aunt and nephew or niece; (vi) parent-in-law and son-in-law or daughter-in-law; (vii) brother-in-law and sister-in-law (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

[2] The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of subsidisation.

Parties that make themselves known within the above deadline may provide the Commission with information on the Union interest within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. In any case, information submitted pursuant to Article 31 will only be taken into account if supported by factual evidence at the time of submission.

5.4. *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*.

5.5. *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 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.

5.6. *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 29(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries should 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.

([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).

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 28(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:

European Commission
Directorate-General for Trade
Directorate H
Office: N105 08/20
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Fax +32 22962219
E-mail: TRADE-SA-ACID-SUBSIDY@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, provisional or final findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 28 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 28 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 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 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 the likelihood of continuance of subsidisation and of recurrence of injury and Union interest.

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

8. **Possibility to request a review under Article 19 of the basic Regulation**

As this expiry review is initiated in accordance with the provisions of Article 18 of the basic Regulation, the findings thereof will not lead to the level of the existing measures being amended but will lead to those measures being repealed or maintained in accordance with Article 22(3) of the basic Regulation.

If any interested party considers that a review of the level of the measures is warranted so as to allow for the possibility to amend (i.e. increase or decrease) the level of the measures, that party may request a review pursuant to Article 19 of the basic Regulation.

Parties wishing to request such a review, which would be carried out independently of the expiry review mentioned in this notice, may contact the Commission at the address given above.

9. **Schedule of the investigation**

The investigation will be concluded, according to Article 22(1) 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**

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 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.

ANNEX A

☐	'Limited' version ([1])
☐	Version 'For inspection by interested parties'
	(tick the appropriate box)

ANTI-SUBSIDY PROCEEDING CONCERNING IMPORTS OF SULPHANILIC ACID ORIGINATING IN INDIA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN INDIA

This form is designed to assist exporting producers in the India in responding to the sampling information requested in point 5.1.1 of the notice of initiation.

Both the 'Limited' version and the version 'For inspection by interested parties' should be returned to the Commission as set out in the notice of initiation.

1. IDENTITY AND COMMUNICATION

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	
Fax	

2. TURNOVER AND SALES VOLUME

Indicate the turnover in the accounting currency of the company during the period from 1 October 2012 to 30 September 2013 for sales (export sales to the Union for each of the 28 Member States ([2]) applicable separately and in total and domestic sales) of sulphanilic acid as defined in the notice of initiation and the corresponding weight or volume. State the unit of weight or volume and the currency used.

	Metric Ton		Value in accounting currency
State the unit of measurement and currency used in this table			
Export sales to the Union, for each of the 28 Member States separately and in total, of the product under review, manufactured by your company	Total		
	Name each Member State ([3])		
Domestic sales of the product under review, manufactured by your company			

([1]) This 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 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).

([2]) The 28 Member States of the European Union are:, Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and United Kingdom.

([3]) Add additional rows where necessary.

3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES [1]

Please provide details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and /or domestic) of the product under review. Such activities could include but are not limited to purchasing the product under review or producing it under sub-contracting arrangements, as well as processing or trading product under review etc.

Company name and location	Activities	Relationship

4. OTHER INFORMATION

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

5. CERTIFICATION

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will imply completing a questionnaire and accepting a visit at its premises in order to verify its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to have not cooperated in the investigation. The Commission's findings for non-cooperating exporting producers are based on facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

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[1] In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognized partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

ANNEX B

☐	'Limited' version ([1])
☐	Version 'For inspection by interested parties'
	(tick the appropriate box)

ANTI-SUBSIDY PROCEEDING CONCERNING IMPORTS OF SULPHANILIC ACID ORIGINATING IN INDIA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the sampling information requested in point 5.1.2 of the notice of initiation.

Both the 'Limited' version and the version 'For inspection by interested parties' should be returned to the Commission as set out in the notice of initiation.

1. IDENTITY AND COMMUNICATION

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	
Fax	

2. TURNOVER AND SALES VOLUME

Indicate the total turnover in Euro (EUR) of the company, and the turnover and weight or volume for imports into the Union ([2]) and resales on the Union market after importation from the India, during the period from 1 October 2012 to 30 September 2013, of sulphanilic acid as defined in the notice of initiation and the corresponding weight or volume. State the unit of weight or volume used.

	Weight or volume	Value in Euro (EUR)
State the unit of measurement used in this table		
Total turnover of your company in Euro (EUR)		
Imports of the product under review into the Union		
Resales on the Union market after importation from India of the product under review		

([1]) This 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 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).

([2]) The 28 Member States of the European Union are: Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and United Kingdom.

3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES [1]

Please provide details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under review. Such activities could include but are not limited to purchasing the product under review or producing it under sub-contracting arrangements, as well as processing or trading the product under review etc.

Company name and location	Activities	Relationship

4. OTHER INFORMATION

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

5. CERTIFICATION

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will imply completing a questionnaire and accepting a visit at its premises in order to verify its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating importers are based on the facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

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[1] In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognized partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.