

Notice of initiation of anti-dumping proceedings concerning imports of potassium permanganate originating in India and the Ukraine

(97/C 130/04)

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 384/96⁽¹⁾, alleging that imports of potassium permanganate originating in India and the Ukraine are being dumped and are thereby causing material injury to the Community industry.

1. Complaint

The complaint was lodged on 14 March 1997 by the European Chemical Industry Council (Cefic).

2. Product

The product allegedly being dumped is potassium permanganate, currently classifiable within CN code 2841 61 00. This CN code is only given for information and has no binding effect on the classification of the product.

3. Allegation of dumping

(a) *India*

The allegation of dumping is based on a comparison of normal value established on the basis of constructed value with the export prices of the product concerned to the Community. On this basis the dumping margins calculated are substantial.

(b) *The Ukraine*

In view of the fact that the Ukraine is a non-market economy country, the complainant has proposed that normal value be established on the basis of the constructed normal value in India or the domestic price in the USA. The allegation of dumping is based on a comparison of normal values as set out above, with the export prices of the product concerned when sold for export to the Community. On this basis, the dumping margins calculated are substantial.

4. Allegation of injury

The complainant alleges and has provided evidence that imports from India and the Ukraine have increased significantly both in absolute terms and in terms of market share.

It is further alleged that, among other consequences, and taking into account the fact that past dumping practices by other countries had already injured the Community industry, the volume and prices of the imported products have had a negative impact on the quantities sold, the market share and the prices charged by the Community producers, resulting in a substantial adverse effect on the financial situation of the Community industry.

5. Procedure for determination of dumping and injury

Having determined, after consultation within the Advisory Committee, that the complaint has been lodged by or on behalf of the Community industry and that there is sufficient evidence to justify the initiation of proceedings, the Commission has commenced an investigation pursuant to Article 5 of Regulation (EC) No 384/96.

(a) *Questionnaires*

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the complainants, exporters and importers named in the complaint. At the same time a copy of the questionnaire will be sent to any known representative association of exporters or importers.

Exporters, importers and other interested parties are invited to contact the Commission forthwith in order to find out whether or not they are known to the Commission. The authorities of the exporting countries will be notified of the exporters named in the complaint. The exporters and importers which are not named in the complaint, because they were not known, should request a copy of the questionnaire as soon as possible, as they are also subject to the time limit set out in paragraph 7. Any request for questionnaires must be made in writing to the address mentioned below and should indicate the name, address, telephone, fax and/or telex numbers of the interested party.

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

All interested parties, provided that they can show that they are likely to be affected by the results of the investigation, are hereby invited to make their views known in writing and to provide supporting evidence.

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

Furthermore, the Commission may hear the parties mentioned under (a) and other interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) *Selection of the market economy third country*

Based on the information provided by the complainant, India or the USA are envisaged as an appropriate market economy third country for the purpose of establishing normal value for the Ukraine, in accordance with Article 2 (7) of Regulation (EC) No 384/96. Parties to the investigation are hereby invited to comment on the appropriateness of this choice within the specific time limit set under paragraph 7.

6. Community interest

In accordance with Article 21 of Regulation (EC) No 384/96, and in order that an informed decision may be reached as to whether, in the event that the allegations of dumping and injury are substantiated, the adoption of anti-dumping measures would be in the Community interest, the complainants, importers and their representative associations, representative users and representative consumer organizations may, within the time limit specified in this notice, make themselves known and provide the Commission with information. It should be noted that any information submitted pursuant to this Article will only be taken into account if supported by factual evidence at the time of submission.

7. Time limits

(a) *General time limit*

Interested parties, if their representations are to be taken into account during the investigation, must make themselves known, present their views in

writing and submit information within 40 days from the date of the publication of this notice. Interested parties may also apply to be heard by the Commission within the same time limit. This time limit also applies to all other interested parties, including the parties not named in the complaint, and it is consequently in the interest of these parties to contact the Commission without delay at the address indicated below.

(b) *Specific time limit for selection of the market-economy third country*

Parties to the investigation who wish to comment on the appropriateness of India or the USA, envisaged as an appropriate market-economy third country for the purpose of establishing normal value for the Ukraine shall submit their observations within 10 days from the publication of this notice of initiation.

(c) *Commission address for correspondence*

European Commission
Directorate-General I,
External Relations: Commercial Policy and Relations
with North America, the Far East, Australia and
New Zealand,
Directorates C and E,
(Cort 100 4/30),
Rue de la Loi/Wetstraat 200,
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 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 Regulation (EC) No 384/96, on the basis of the facts available.