

Notice of initiation of an anti-dumping proceeding concerning imports of certain parts of television camera systems originating in Japan

(1999/C 38/02)

The Commission has decided to initiate a proceeding and open an investigation pursuant to Article 5 of Council Regulation (EC) No 384/96 ⁽¹⁾, as last amended by Council Regulation (EC) No 905/98 ⁽²⁾ (hereinafter referred to as the 'Basic Regulation'), concerning imports of certain parts of television camera systems (TCS), originating in Japan.

1. Product

The products under consideration are certain parts used in television camera systems as defined in Council Regulation (EC) No 1015/94 ⁽³⁾ and amended by Council Regulation (EC) No 2474/95 ⁽⁴⁾.

The parts under consideration are:

- colour splitters with three or more charge-coupled device pick-up devices attached including electronic (sub) assemblies, whether or not including a filter wheel (CCD block), imported either together or separately,
- Application Specific Integrated Circuits (ASICs) of a kind only used for television camera heads, operational control panels, master control panels and television camera base stations,
- printed circuit boards with the above ASICs,

These parts are currently classifiable within CN codes ex 8529 90 72, ex 8538 90 91, ex 8529 90 81, ex 8529 90 88 and ex 8542 13 80. These CN codes are only given for information.

2. Grounds for the initiation of the proceeding

In June 1998, the Commission opened an investigation into the circumvention of definitive anti-dumping duties imposed by Council Regulation (EC) No 1015/94 (as subsequently amended ⁽⁵⁾) on imports of TCS modules, kits, sub-assemblies and parts originating in Japan allegedly used in assembly operations of TCS in the

Community which was terminated without the imposition of measures on the grounds of the withdrawal of the complaint. However, information made available to the Commission in that investigation indicates that there is sufficient evidence of dumping concerning the imports of the above mentioned parts, as described in Article 5(6) of the Basic Regulation. One Community producer, representing a major proportion of the production, supports the initiation of this proceeding and provided sufficient evidence on injury and causality. In these special circumstances the Commission decided to initiate a new anti-dumping proceeding on the basis of Article 5 of the Basic Regulation.

3. Procedure for the determination of dumping and injury

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the Basic Regulation.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the Community producers of TCS and to the Japanese companies known to be concerned by the present proceeding. The authorities of the exporting country will be notified and provided with a copy of the questionnaire.

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence.

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

4. Community interest

In accordance with Article 21 of the Basic Regulation, and in order that a decision may be reached as to whether, in the event that the sufficient evidence of dumping and injury is substantiated, the adoption of anti-dumping measures would be in the Community interest, the Community producers of TCS, importers, their representative associations and the representative

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 128, 30.4.1998, p. 18.

⁽³⁾ OJ L 111, 30.4.1994, p. 106.

⁽⁴⁾ OJ L 255, 25.10.1995, p. 11.

⁽⁵⁾ OJ L 276, 9.10.1997, p. 20.

users may, within the general time limit set in paragraph 5(a) of this notice, make themselves known and provide the Commission with information. It should be noted that any information submitted pursuant to this Article would only be taken into account if supported by factual evidence at the time of submission.

5. 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, unless otherwise specified, within 40 days from the date of the publication of this notice in the *Official Journal of the European Communities*. Interested parties may also apply to be heard by the Commission within the same time limit. This time limit applies to all interested parties and it is consequently in the interest of these parties to contact the Commission without delay.

(b) 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,
DM 24 — 8/37,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels;
Fax (32-2) 295 65 05
Telex COMEU B 21877.

6. 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.

Case No IV/37.179 — BBC & Flextech

(1999/C 38/03)

(Text with EEA relevance)

The notification

- On 5 August 1998, pursuant to Article 4 of Council Regulation No 17⁽¹⁾, Flextech plc (Flextech) and BBC Worldwide Limited (BBCW) submitted to the Commission a number of agreements for the establishment and operation of two joint ventures, UK Channel Management (JV1) and UK Gold Holdings Limited (JV2). The joint ventures operate pay-TV channels, which are sold on to distributors in the United Kingdom and Ireland

The parties

- BBCW is a subsidiary of the British Broadcasting Corporation (BBC), the UK's public service TV and radio broadcaster. BBCW was established to operate the majority of the BBC's commercial services⁽²⁾,

including international television channels, programme sales, publishing and interactive services. Its subsidiary, UK Programme Distribution Limited (Progco), in which Flextech has a minority shareholding, was established to handle programme licensing to the joint ventures.

Flextech is a company which, through its subsidiaries, operates several pay-TV channels distributed by satellite and cable. Flextech is also a shareholder in Scottish Media Group plc, a regional UK free to air channel, and provides marketing and management services to pay TV channels, including through its subsidiary Flextech Television Limited (FTL). Other Flextech subsidiaries Flextech Digital Broadcasting Limited (Flextech Digital) and United Artists Investments (UAI), own a 50 % shareholding in JV1 and JV2 respectively.

⁽¹⁾ OJ 13, 21.2.1962, p. 204/62 (Special Edition 1959-62, p. 87).

⁽²⁾ As required by the charter under which the BBC receives its licence fee funding.

Tele-Communications International, Inc (TINTA), a subsidiary of US cable television system and satellite entertainment operator Tele-Communications Inc