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EN

I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾

27 May 2004

(2004/C 144/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,2165	LVL Latvian lats	0,6585
JPY Japanese yen	135,59	MTL Maltese lira	0,4257
DKK Danish krone	7,4391	PLN Polish zloty	4,6553
GBP Pound sterling	0,66620	ROL Romanian leu	40 731
SEK Swedish krona	9,0870	SIT Slovenian tolar	238,8500
CHF Swiss franc	1,5355	SKK Slovak koruna	40,050
ISK Iceland króna	87,28	TRL Turkish lira	1 856 761
NOK Norwegian krone	8,1840	AUD Australian dollar	1,7055
BGN Bulgarian lev	1,9463	CAD Canadian dollar	1,6636
CYP Cyprus pound	0,58500	HKD Hong Kong dollar	9,4808
CZK Czech koruna	31,863	NZD New Zealand dollar	1,9336
EEK Estonian kroon	15,6466	SGD Singapore dollar	2,0741
HUF Hungarian forint	251,17	KRW South Korean won	1 423,12
LTL Lithuanian litas	3,4529	ZAR South African rand	7,9918

⁽¹⁾ Source: reference exchange rate published by the ECB.

Notice of initiation of an anti-dumping proceeding concerning imports of grain oriented flat-rolled products of silicon-electrical steel originating in the United States of America and Russia and of the initiation of an interim review of the anti-dumping duty on imports of certain grain oriented electrical sheets originating in Russia (also known as grain oriented cold-rolled sheets and strips of silicon-electrical steel with a width of more than 500 mm)

(2004/C 144/02)

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 384/96 ⁽¹⁾ ('the basic Regulation'), alleging that imports of grain oriented flat-rolled products of silicon-electrical steel, originating in the United States of America and Russia ('the countries concerned'), are being dumped and are thereby causing material injury to the Community industry.

1. COMPLAINT

The complaint was lodged on 13 April 2004 by the European Confederation of Iron and Steel Industries (Eurofer) ('the complainant') on behalf of producers representing a major proportion, in this case more than 50 %, of the total Community production of grain oriented flat-rolled products of silicon-electrical steel.

2. PRODUCT

The product allegedly being dumped is grain oriented flat-rolled products of silicon-electrical steel originating in the United States of America and Russia ('the product concerned'), normally declared within CN codes 7225 1100 and 7226 1100. The product concerned includes both grain oriented flat-rolled products of silicon-electrical steel with a width of more than 500 mm and grain oriented flat-rolled products of silicon-electrical steel with a width not exceeding 500 mm. These CN codes are only given for information.

3. ALLEGATION OF DUMPING

The allegation of dumping in respect of the United States of America is based on a comparison of normal value established on the basis of domestic prices, with the export prices of the product concerned to the Community.

The allegation of dumping for Russia is based on a comparison of a constructed normal value with the export prices of the product concerned to the Community.

On this basis, the dumping margins calculated are significant for both exporting countries concerned.

4. ALLEGATION OF INJURY

The complainant has provided evidence that imports of the product concerned from the United States of America and

Russia have increased overall in absolute terms and in terms of market share.

It is alleged that the volumes and the prices of the imported product concerned have, among other consequences, had a negative impact on the market share held and the quantities sold by the Community industry, resulting in substantial adverse effects on the overall performance and the financial situation of the Community industry.

5. PROCEDURE

Having determined, after consulting 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 a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

5.1. Procedure for the determination of dumping and injury

The investigation will determine whether the product concerned originating in the United States of America and Russia is being dumped and whether this dumping has caused injury.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the Community industry and to any association of producers in the Community, to the exporters/producers in the United States of America and Russia, to any association of exporters/producers, to the importers, to any association of importers named in the complaint and to the authorities of the exporting countries concerned.

In any event, all parties should contact the Commission forthwith by fax, but not later than the time limit set out in paragraph 6(a) of this notice, in order to find out whether they are listed in the complaint and, if necessary, request a questionnaire, given that the time limit set in paragraph 6(b) of this notice applies to all such interested parties.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1, as last amended by Council Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12.)

(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 have to reach the Commission within the time limit set in paragraph 6(b) 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(c) of this notice.

5.2. *Procedure for assessment of Community interest*

In accordance with Article 21 of the basic Regulation and in the event that the allegations of dumping and injury caused thereby are substantiated, a decision will be reached as to whether the adoption of anti-dumping measures would not be against the Community interest. For this reason the Community industry, importers, their representative associations, representative users and representative consumer organisations, provided that they prove that there is an objective link between their activity and the product concerned, may, within the time limits set in paragraph 6(b) of this notice, make themselves known and provide the Commission with information. The parties which have acted in conformity with the precedent sentence may request a hearing setting the particular reasons why they should be heard within the time limit set in paragraph 6(c) of this notice. It should be noted that any information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

6. TIME LIMITS

(a) *For parties to request a questionnaire*

All interested parties should request a questionnaire as soon as possible, but not later than 15 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 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.

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 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 (1)' 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 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.

(1) 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).

9. SCHEDULE OF THE INVESTIGATION

The investigation will be concluded, according to Article 6(9) of the basic Regulation within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*. According to Article 7(1) of the basic Regulation, provisional measures may be imposed no later than 9 months from the publication of this notice in the *Official Journal of the European Union*.

10. REVIEW OF EXISTING MEASURES

By Council Regulation (EC) No 151/2003 ⁽¹⁾ a definitive anti-dumping duty was imposed on imports of certain grain oriented electrical sheets originating in Russia, also known as grain oriented cold-rolled sheets and strips of silicon-electrical steel with a width of more than 500 mm and falling within CN codes 7225 11 00 (sheets of a width of 600 mm or more) and 7226 11 10 (sheets of a width of more than 500 mm but less than 600 mm) ⁽²⁾.

Should it be determined that measures are to be imposed on grain oriented flat-rolled products of silicon-electrical steel originating in Russia in the proceeding initiated by the present notice, and thus cover grain oriented cold-rolled sheets and strips of silicon-electrical steel with a width of more than 500 mm, the continued imposition of the measures imposed by Council Regulation (EC) No 151/2003 will be no longer appropriate, and Regulation (EC) No 151/2003 would have to be amended or repealed accordingly. Therefore, an interim review should be opened as regards Regulation (EC) No 151/2003 in order to allow any amendment or repeal necessary in the light of the investigation initiated by the present notice.

Therefore, the Commission hereby initiates, pursuant to Article 11(3) of the basic Regulation, an interim review of Regulation (EC) No 151/2003. The provisions set out in points 5, 6, 7 and 8 of the notice, apply *mutatis mutandis* to this interim review.

⁽¹⁾ OJ L 25, 30.1.2003, p. 7.

⁽²⁾ As of 1 January 2004, CN code 7226 11 10 has been replaced by CN code ex 7226 11 00.

Notice of initiation of an anti-dumping proceeding concerning imports of styrene-butadiene-styrene thermoplastic rubber originating in the Republic of Korea and Russia

(2004/C 144/03)

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 384/96⁽¹⁾ ('the basic Regulation'), alleging that imports of styrene-butadiene-styrene thermoplastic rubber, originating in the Republic of Korea and Russia ('the countries concerned'), are being dumped and are thereby causing material injury to the Community industry.

1. Complaint

The complaint was lodged on 13 April 2004 by the European Chemical Industry Council (CEFIC) ('the complainant') on behalf of producers representing 100 % of the total Community production of styrene-butadiene-styrene thermoplastic rubber.

2. Product

The product allegedly being dumped is styrene-butadiene-styrene thermoplastic rubber originating in the Republic of Korea and Russia ('the product concerned'), normally declared within CN codes ex 4002 19 00, ex 4002 99 10 and ex 4002 99 90. These CN codes are only given for information.

3. Allegation of dumping

The allegation of dumping in respect of the Republic of Korea and Russia is based on a comparison of normal value established on the basis of domestic prices, with the export prices of the product concerned when sold for export to the Community.

On this basis, the dumping margins calculated are significant for all exporting countries concerned.

4. Allegation of injury

The complainant has provided evidence that imports of the product concerned from the Republic of Korea and Russia have increased overall both in absolute terms and in terms of market share.

It is alleged that the volumes and the prices of the imported product concerned have, among other consequences, had a

negative impact on the market share held, the quantities sold and the level of prices charged by the Community industry, resulting in substantial adverse effects on the overall performance, the financial situation and the employment situation of the Community industry.

5. Procedure

Having determined, after consulting 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 a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

5.1. Procedure for the determination of dumping and injury

The investigation will determine whether the product concerned originating in the Republic of Korea and Russia is being dumped and whether this dumping has caused injury.

(a) Sampling

In view of the apparent large number of parties involved in this proceeding, the Commission may decide to apply sampling in accordance with Article 17 of the basic Regulation.

(i) Sampling for importers

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all importers, or representatives acting on their behalf, are hereby requested to make themselves known by contacting the Commission and to provide the following information on their company or companies within the time limit set in paragraph 6(b)(i) and in the format indicated in paragraph 7 of this notice:

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. as last amended by Council Regulation (EC) No 461/2004, (OJ L 77, 13.3.2004, p. 12).

— name, address, e-mail address, telephone, and fax, and/or telex numbers and contact person,

- the turnover in euro of the company during the period from 1 April 2003 to 31 March 2004,
- the total number of employees,
- the precise activities of the company with regard to the product concerned,
- the volumes in tonnes and value in euro of imports into and resales made in the Community market during the period from 1 April 2003 to 31 March 2004, of the imported product concerned originating in the Republic of Korea and in Russia,
- the names and the precise activities of all related companies⁽¹⁾ involved in the production and/or selling of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample,
- an indication of whether the company or companies agree to their inclusion in the sample, which implies replying to a questionnaire and accepting an on-the-spot investigation of their response.

In order to obtain the information it deems necessary for the selection of the sample of importers, the Commission will, in addition, contact any known associations of importers.

(ii) Final selection of the samples

All interested parties wishing to submit any relevant information regarding the selection of the sample must do so within the time limit set in paragraph 6(b)(ii) of this notice.

The Commission intends to make the final selection of the sample after having consulted the parties concerned that have expressed their willingness to be included in the sample.

Companies included in the samples must reply to a questionnaire within the time limit set in paragraph 6(b)(iii) of this notice and must cooperate within the framework of the investigation.

If sufficient co-operation is not forthcoming, the Commission may base its findings, in accordance with Articles 17(4) and 18 of the basic Regulation, on the facts available.

(b) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the Community industry and to any association of producers in the Community, to the exporters/producers in the Republic of Korea and Russia, to any association of

exporters/producers, to the sampled importers, to any association of importers named in the complaint, and to the authorities of the exporting countries concerned.

In any event, all interested parties should contact the Commission forthwith by fax in order to find out whether they are listed in the complaint and, if necessary, request a questionnaire within the time limit set in paragraph 6(a)(ii) of this notice, given that the time limit set in paragraph 6(a)(iii) of this notice applies to all interested parties.

(c) 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 has to reach the Commission within the time limit set in paragraph 6(a)(ii) 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(a)(iii) of this notice.

5.2. Procedure for assessment of Community interest

In accordance with Article 21 of the basic Regulation and in the event that the allegations of dumping and injury caused thereby are substantiated, a decision will be reached as to whether the adoption of anti-dumping measures would not be against the Community interest. For this reason the Community industry, importers, their representative associations, representative users and representative consumer organisations, provided that they prove that there is an objective link between their activity and the product concerned, may, within the time limits set in paragraph 6(a)(ii) of this notice, make themselves known and provide the Commission with information. The parties which have acted in conformity with the preceding sentence may request a hearing setting out the particular reasons why they should be heard within the time limit set in paragraph 6(a)(iii) of this notice. It should be noted that any information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

6. Time limits

(a) General time limits

- (i) For parties to request a questionnaire

All interested parties should request a questionnaire as soon as possible, but not later than 15 days after the publication of this notice in the *Official Journal of the European Union*.

⁽¹⁾ For guidance on the meaning of related companies, please refer to Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

- (ii) 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.

Companies selected in a sample must submit questionnaire replies within the time limits specified in paragraph 6(b)(iii) of this notice.

- (iii) Hearings

All interested parties may also apply to be heard by the Commission within the same 40 day time limit.

(b) Specific time limit in respect of sampling

- (i) The information specified in paragraph 5.1(a)(i) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, given that the Commission intends to consult parties concerned that have expressed their willingness to be included in the sample on its final selection within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.
- (ii) All other information relevant for the selection of the sample as referred to in 5.1(a)(ii) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.
- (iii) The questionnaire replies from sampled parties must reach the Commission within 37 days from the date of the notification of their inclusion in the sample.

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 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 (¹)' 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 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.

9. Schedule of the investigation

The investigation will be concluded, according to Article 6(9) of the basic Regulation within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*. According to Article 7(1) of the basic Regulation, provisional measures may be imposed no later than 9 months from the publication of this notice in the *Official Journal of the European Union*.

⁽¹⁾ 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).

Prior notification of a concentration
(Case No. COMP/M.3429 – Nokia/Metso/Avantone JV)
Candidate case for simplified procedure

(2004/C 144/04)

(Text with EEA relevance)

1. On 19/05/2004, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertakings Nokia Corporation ('Nokia', Finland) and Metso Corporation ('Metso', Finland) acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Avantone Oy ('Avantone', Finland) by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

- for Nokia: mobile communications
- for Metso: supply of process industry machinery and systems, including fiber and paper technology, rock and mineral processing and automation and control technology
- for Avantone: development and provision of innovative technological solutions to consumer packaging, print/hybrid media and marketing communications.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89 ⁽³⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (fax no. +32/2/2964301 or 2967244) or by post, under reference number COMP/M.3429 – Nokia/Metso/Avantone JV, to the following address:

European Commission
Directorate-General for Competition,
Merger Registry
J-70
B-1049 Bruxelles/Brussel

⁽¹⁾ OJ L 395, 30.12.1989 p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9. 7. 1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

⁽³⁾ OJ C 217, 29.7.2000, p. 32.

Notice of initiation of an interim review of the anti-dumping measures applicable to imports of styrene-butadiene-styrene thermoplastic rubber originating in Taiwan

(2004/C 144/05)

The Commission has received a request for a review pursuant to Article 11(3) of Council Regulation (EC) No 384/96 ⁽¹⁾ ('the basic Regulation').

1. Request for review

The request was lodged by the European Chemical Industry Council (CEFIC) ('the applicant') on behalf of producers representing 100 % of the total Community production of styrene-butadiene-styrene thermoplastic rubber.

2. Product

The product under review is styrene-butadiene-styrene thermoplastic rubber originating in Taiwan ('the product concerned'), currently classifiable within CN codes ex 4002 19 00, ex 4002 99 10 and ex 4002 99 90. These CN codes are only given for information.

3. Existing measures

The measures currently in force are definitive anti-dumping duties imposed by Council Regulation (EC) No 1993/2000 ⁽²⁾.

4. Grounds for the review

The applicant alleges that dumping and injury has recurred and that the existing measures are no longer sufficient to counteract the injurious dumping.

The allegation of dumping in respect of Taiwan is based on a comparison of normal value, established on the basis of domestic prices, with the export prices of the product concerned when sold for export to the Community.

On this basis, the dumping margin calculated is significantly higher than the dumping margin found in the previous investigation that led to the existing measures.

The applicant has provided evidence that imports of the product concerned from Taiwan have increased overall both in absolute terms and in terms of market share.

It is also alleged that the volumes and the prices of the imported product concerned have continued, among other consequences, to have a negative impact on the market share held, the quantities sold and the level of prices charged by the Community industry, resulting in substantial adverse effects on the overall performance, the financial situation and the employment situation of the Community industry.

5. Procedure

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of an interim review, the Commission hereby initiates a review in accordance with Article 11(3) of the basic Regulation.

5.1. Procedure for the determination of dumping and injury

The investigation will determine whether or not there is dumping and injury and if there is a need for the continuation, removal or amendment of the existing measures.

(a) Sampling

In view of the apparent large number of parties involved in this proceeding, the Commission may decide to apply sampling in accordance with Article 17 of the basic Regulation.

(i) Sampling for importers

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all importers, or representatives acting on their behalf, are hereby requested to make themselves known by contacting the Commission and to provide the following information on their company or companies within the time limit set in paragraph 6(b)(i) and in the format indicated in paragraph 7 of this notice:

- name, address, e-mail address, telephone, and fax, and/or telex numbers and contact person,
- the turnover in euro of the company during the period from 1 April 2003 to 31 March 2004,
- the total number of employees,
- the precise activities of the company with regard to the product concerned,
- the volumes in tonnes and value in euro of imports into and resales made in the Community market during the period from 1 April 2003 to 31 March 2004, of the imported product concerned originating in Taiwan,

⁽¹⁾ OJ L 56, 6.3.96, p. 1, as last amended by Council Regulation (EC) No 461/2004, (OJ L 77, 13.3.2004, p. 12).

⁽²⁾ OJ L 238, 22.9.2000, p. 4.

- the names and the precise activities of all related companies ⁽¹⁾ involved in the production and/or selling of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample,
- an indication of whether the company or companies agree to their inclusion in the sample, which implies replying to a questionnaire and accepting an on-the-spot investigation of their response.

In order to obtain the information it deems necessary for the selection of the sample of importers, the Commission will, in addition, contact any known associations of importers.

(ii) Final selection of the sample

All interested parties wishing to submit any relevant information regarding the selection of the sample must do so within the time limit set in paragraph 6(b)(ii) of this notice.

The Commission intends to make the final selection of the sample after having consulted the parties concerned that have expressed their willingness to be included in the sample.

Companies included in the sample must reply to a questionnaire within the time limit set in paragraph 6(b)(iii) of this notice and must cooperate within the framework of the investigation.

If sufficient co-operation is not forthcoming, the Commission may base its findings, in accordance with Articles 17(4) and 18 of the basic Regulation, on the facts available.

(b) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the Community industry and to any association of producers in the Community, to the exporters/producers in Taiwan, to any association of exporters/producers, to the sampled importers, to any association of importers named in the request or which co-operated in the investigation leading to the measures subject to the present review, and to the authorities of the exporting country concerned.

In any event, all interested parties should contact the Commission forthwith by fax in order to find out whether they are listed in the request and, if necessary, request a

questionnaire within the time limit set in paragraph 6(a)(i) of this notice, given that the time limit set in paragraph 6(a)(ii) of this notice applies to all interested parties.

(c) 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)(ii) 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(a)(iii) of this notice.

5.2. Procedure for the assessment of Community interest

In accordance with Article 21 of the basic Regulation and in the event that the likelihood of a continuation of dumping and injury is confirmed, a determination will be made as to whether to maintain, amend or repeal the anti-dumping measures would not be against the Community interest. For this reason the Community industry, importers, their representative associations, representative users and representative consumer organisations, provided that they prove that there is an objective link between their activity and the product concerned, may, within the time limits set in paragraph 6(a)(ii) of this notice, make themselves known and provide the Commission with information. The parties which have acted in conformity with the previous sentence may request a hearing, setting the particular reasons why they should be heard, within the time limit set in paragraph 6(a)(iii) of this notice. It should be noted that any information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

6. Time limits

(a) General time limits

(i) For parties to request a questionnaire

All interested parties who did not co-operate in the investigation leading to the measures subject to the present review should request a questionnaire as soon as possible, but not later than 15 days after the publication of this notice in the *Official Journal of the European Union*.

⁽¹⁾ For guidance on the meaning of related companies, please refer to Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

- (ii) 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.

- (iii) Hearings

All interested parties may also apply to be heard by the Commission within the same 40-day time limit.

- (b) *Specific time limit in respect of sampling*

- (i) The information specified in paragraph 5.1(a)(i) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, given that the Commission intends to consult parties concerned that have expressed their willingness to be included in the sample on its final selection within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

- (ii) All other information relevant for the selection of the sample as referred to in 5.1(a)(ii) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.

- (iii) The questionnaire replies from sampled parties must reach the Commission within 37 days from the date of the notification of their inclusion in the sample.

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 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' ⁽¹⁾ 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 co-operation**

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, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not co-operate, or co-operates only partially, and findings are therefore based on fact available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had co-operated.

⁽¹⁾ 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).

III

(Notices)

COMMISSION

Notice of invitation to tender for the refund for the export of oat exported from Finland and Sweden

(2004/C 144/06)

I. Subject

1. Tenders are invited for the refund for the export to all third countries of oat falling within CN code 1004 00 00, except Rumania and Bulgaria.
2. The invitation to tender will be conducted in accordance with the provisions of:
 - Council Regulation (EEC) No 1766/92 ⁽¹⁾,
 - Regulation (EC) No 1501/95 ⁽²⁾,
 - Commission Regulation (EC) No 1005/2004 ⁽³⁾.

II. Time limits

1. The period for the receipt of tenders for the first of the weekly awards will begin on 28.5.2004 and will expire at 10 a.m. on 3.6.2004.
2. For the subsequent weekly awards, the period for the receipt of tenders will expire at 10 a.m. on the Thursday of each week.

For the second and subsequent weekly awards, the period for the receipt of tenders will begin on the first working day following the expiry of the preceding period.
3. This notice is published only for the purposes of the present invitation to tender. Until such time as it is amended or replaced, its terms will apply to each weekly award held during the period of validity of this invitation.

III. Tenders

1. Tenders must be submitted in writing and may be delivered personally against a receipt or sent by registered post or by telex, fax or telegram, but must in any event arrive not later than the time and date indicated in heading II above at one of the following addresses:
 - Statens Jordbruksverk,
Vallgatan 8,
S-55182 Jönköping
(telex: 70991 SJV-S, telefax: 36 19 05 46),
 - Maa- ja metsätalousministeriö, interventioyksikkö,
PL 232, FIN-00171 Helsinki
(fax: 09-16052772, 09-16052778).

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation last modified by Regulation (EC) No 1104/2003

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation last modified by Regulation (EC) No 1431/2003

⁽³⁾ OJ L 183, 20.5.2004, p. 28.

Tenders not submitted by telex, fax or telegram must be enclosed in a sealed envelope marked: 'Tender under invitation to tender for the refund for the export of oat to all third countries except Romania and Bulgaria — Regulation (EC) No 1005/2004 — Confidential', itself enclosed in a further sealed envelope addressed as above.

Once submitted, no tender may be withdrawn before the Member State concerned has informed the tenderer of the result of the tender.

2. Every tender and the accompanying proof and undertaking mentioned in Article 5(3) of Regulation (EC) No 1501/95 and in Article 3 of Regulation (EC) No 1005/2004 must be in the official language, or in one of the official languages, of the Member State of the competent authority to which it is submitted.

IV. Security for tender

The security for tender must be made out in favour of the competent authority concerned.

V. Award of contracts

The award will:

- (a) give the party concerned the right to be issued, in the Member State in which the tender was submitted, with an export licence for the quantity in question indicating the export refund specified in the tender;
 - (b) oblige the party concerned to apply in the Member State mentioned in (a), for an export licence for that quantity.
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