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(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

**Notice of initiation of an expiry review of the anti-dumping measures applicable to sodium
cyclamate originating in the People's Republic of China and Indonesia**

(2015/C 189/02)

Following the publication of a Notice of impending expiry⁽¹⁾ of the anti-dumping measures in force on the imports of sodium cyclamate originating in the People's Republic of China ('the PRC') and Indonesia, the European Commission ('the Commission') has received a request for review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community⁽²⁾ ('the basic Regulation').

1. Request for review

The request was lodged on 6 March 2015 by Productos Aditivos S.A. ('the applicant'), the sole producer of sodium cyclamate in the Union, thus representing 100 % of the total Union production.

2. Product under review

The product subject to this review is sodium cyclamate originating in the PRC and Indonesia ('the countries concerned') currently falling within CN code ex 2929 90 00 (TARIC code 2929 90 00 10) ('the product under review').

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 492/2010⁽³⁾, as last amended by Council Implementing Regulation (EU) No 398/2012⁽⁴⁾ ('the existing measures').

4. Grounds for the review

The request is based on the grounds that the expiry of the measures would be likely to result in continuation and recurrence of dumping and injury to the Union industry.

4.1. Allegation of likelihood of continuation and recurrence of dumping

Since, in view of the provisions of Article 2(7) of the basic Regulation, the PRC is considered to be a non-market economy country, the applicant established normal value for the imports from the PRC on the basis of a constructed normal value (manufacturing costs, selling, general and administrative costs (SG&A) and profit) in a market economy third country, namely Indonesia. The allegation of likelihood of continuation of dumping is based on a comparison of the normal value thus established with the export price (at ex-works level) of the product under review when sold for export to the Union. On this basis, the dumping margin found for the PRC is significant.

⁽¹⁾ OJ C 374, 22.10.2014, p. 4.

⁽²⁾ OJ L 343, 22.12.2009, p. 51.

⁽³⁾ Council Implementing Regulation (EU) No 492/2010 of 3 June 2010 imposing a definitive anti-dumping duty on imports of sodium cyclamate originating in the People's Republic of China and Indonesia following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 (OJ L 140, 8.6.2010, p. 2).

⁽⁴⁾ Council Implementing Regulation (EU) No 398/2012 of 7 May 2012 amending Implementing Regulation (EU) No 492/2010 imposing a definitive anti-dumping duty on imports of sodium cyclamate originating in, inter alia, the People's Republic of China (OJ L 124, 11.5.2012, p. 1).

In the absence of reliable data on domestic prices for Indonesia the allegation of likelihood of recurrence of dumping is based on a comparison of a constructed normal value (manufacturing costs, selling, general and administrative costs (SG&A) and profit) in Indonesia with the export price (at ex-works level) of the product under review when sold for export to all third country export markets, in view of the current absence of significant import volumes from Indonesia to the Union.

4.2. *Allegation of likelihood of continuation and recurrence of injury*

The applicant has provided *prima facie* evidence showing that imports of the product under review from the PRC to the Union have increased in absolute terms and in terms of market share.

The *prima facie* evidence provided by the applicant also shows that the volume and the prices of the imported product from the PRC have, among other consequences, had a negative impact on the quantities sold, the market share held and the level of prices charged by the Union industry, resulting in substantial adverse effects on the overall performance of the Union industry. In addition, the applicant alleges that any further substantial increase of imports at dumped prices from the PRC would be likely to cause further injury to the Union industry should measures be allowed to lapse.

On this basis, the applicant alleges continuation of injury.

The applicant also alleges the likelihood of recurrence of injury from Indonesia. In this respect the *prima facie* evidence provided by the applicant, complemented by information available to the Commission, shows that, should measures be allowed to lapse, the current import level of the product under review from Indonesia to the Union is likely to increase due to the existence of unused capacity in Indonesia and the attractiveness of the Union market.

5. **Procedure**

Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence exists to justify the initiation of an expiry review, the Commission hereby initiates a review in accordance with Article 11(2) of the basic Regulation.

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

Exporting producers ⁽¹⁾ of the product under review from the countries concerned, including those that did not cooperate in the investigation(s) leading to the existing measures, are invited to participate in the Commission investigation.

5.1.1. *Investigating exporting producers*

Procedure for selecting exporting producers to be investigated in the countries concerned

All exporting producers and associations of exporting producers in the countries concerned are invited to contact the Commission, preferably by e-mail, immediately but no later than 15 days after the publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified, in order to make themselves known and request a questionnaire.

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

The exporting producers, the associations of exporting producers and the authorities of those countries 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.

5.1.2. *Additional procedure with regard to exporting producers in the non-market economy country concerned*

Selection of a market economy third country

In accordance with Article 2(7)(a) of the basic Regulation, in the case of imports from the PRC normal value will be determined on the basis of the price or constructed value in a market economy third country.

⁽¹⁾ An exporting producer is any company in the countries concerned which produces and exports the product under review 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 under review.

In the previous investigation, Indonesia was used as a market economy third country for the purpose of establishing normal value in respect of the PRC. For the purpose of the current investigation, the Commission envisages using again Indonesia. Interested parties are hereby invited to comment on the appropriateness of this choice within 10 days of the date of publication of this Notice in the *Official Journal of the European Union*. According to the information available to the Commission, there is only production of the product under review in the Union and in the countries concerned. With the aim of finally selecting the market economy third country, the Commission will examine whether there is production and sales of the product under investigation in those market economy third countries for which there are indications that production of the product under investigation is taking place.

5.1.3. Investigating unrelated importers ⁽¹⁾ ⁽²⁾

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

In view of the potentially large number of unrelated importers involved in this expiry review 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 17 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, including the ones who did not cooperate in the investigation leading to the measures subject to the present review, 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 the Annex to this Notice.

In order to obtain 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.

5.2. Procedure for the determination of a likelihood of a continuation or recurrence of injury

In order to establish whether there is a likelihood of a continuation or recurrence of injury to the Union industry, Union producers of the product under review are invited to participate in the Commission investigation.

Investigating Union producers

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

— Productos Aditivos S.A.

The aforementioned Union producer 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.

⁽¹⁾ Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in the Annex to the questionnaire for these exporting producers. For the definition of a related party see footnote 3 in the Annex.

⁽²⁾ The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

Any Union producer and association of Union producers not listed above is invited to contact the Commission, preferably by e-mail, immediately but no later than 15 days after the publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified, in order to make itself known and request a questionnaire.

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

Should the likelihood of continuation or recurrence of dumping and injury be confirmed, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether maintaining the anti-dumping 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.

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 21 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 must be made in writing and must 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**

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing: a) the Commission to use the information and data for the purpose of this trade defence proceeding, and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

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 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries must 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 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 invited to make all submissions and requests by e-mail including scanned powers of attorney and certification sheets, with the exception of voluminous replies which shall be submitted on a CD-ROM or DVD by hand or by registered mail. By using e-mail, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf The interested parties must indicate their name, address, telephone and a valid e-mail address and they should ensure that the provided e-mail address is a functioning official business e-mail which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by e-mail only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by e-mail, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: CHAR 04/039
1040 Bruxelles/Brussel
BELGIQUE/BELGIË

E-mail for dumping issues: TRADE-SOCY-DUMPING@ec.europa.eu
E-mail for all other issues and the Annex: TRADE-SOCY-INJURY@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, findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 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 shall 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 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

7. Hearing Officer

Interested parties may request the intervention of the Hearing Officer in trade proceedings. 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 regarding 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 other things, to the likelihood of a continuation or recurrence of dumping and injury.

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/trade-policy-and-you/contacts/hearing-officer/>

8. **Schedule of the investigation**

The investigation will be concluded, pursuant to Article 11(5) of the basic Regulation, within 15 months of the date of the publication of this Notice in the *Official Journal of the European Union*.

9. **Possibility to request a review under Article 11(3) of the basic Regulation**

As this expiry review is initiated in accordance with the provisions of Article 11(2) of the basic Regulation, the findings thereof will not lead to the existing measures being amended but will lead to those measures being repealed or maintained in accordance with Article 11(6) of the basic Regulation.

If any interested party considers that a review of the measures is warranted so as to allow for the possibility to amend the measures, that party may request a review pursuant to Article 11(3) 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.

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 of 18 December 2000 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

<input type="checkbox"/>	'Limited' version ⁽¹⁾
<input type="checkbox"/>	Version 'For inspection by interested parties' (tick the appropriate box)

EXPIRY REVIEW INVESTIGATION OF THE ANTI-DUMPING MEASURES CONCERNING IMPORTS OF SODIUM CYCLAMATE ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA AND INDONESIA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the request for sampling information made in point 5.1.3 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 CONTACT DETAILS

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 euros (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 People's Republic of China and/or Indonesia, during the period 1 April 2014-31 March 2015, of sodium cyclamate as defined in the notice of initiation and the corresponding weight or volume. State the unit of weight or volume used.

	Kg	Value in euros (EUR)
Total turnover of your company in euros (EUR)		
Imports of the product under review into the Union		
Resales on the Union market after importation from the People's Republic of China and/or Indonesia 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, the Czech Republic, Denmark, Germany, Estonia, Croatia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom.

3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES ⁽³⁾

Give 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, or processing or trading the product under review.

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 involve 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:

⁽³⁾ 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.