

Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of ferro-silico-manganese originating in the People's Republic of China and the Ukraine

(2002/C 140/06)

The Commission has decided on its own initiative to initiate a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 384/96 ⁽¹⁾, as last amended by Regulation (EC) No 2238/2000 ⁽²⁾ ('the basic Regulation') limited to the form of the existing measures.

1. Product

The product under review is ferro-silico-manganese originating in the People's Republic of China and the Ukraine currently classifiable within CN code 7202 30 00. This CN code is given only for information.

2. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 495/98 ⁽³⁾ on imports of ferro-silico-manganese originating in the People's Republic of China and the Ukraine. The duty is in the form of a specific duty.

3. Grounds for the review

The Commission has decided on its own initiative to initiate an interim review pursuant to Article 11(3) in order to examine the appropriateness of the measures in force with regard to the following issue.

The current measures in the form of a specific anti-dumping duty do not cater for situations in which imported goods have been damaged before entry into free circulation. In this respect it should be noted that the measures should not go beyond what is necessary for the removal of injury.

4. Procedure

Having determined, after consulting the Advisory Committee, that there are sufficient grounds warranting the initiation of a partial interim review, the Commission hereby initiates a review pursuant to Article 11(3) of the basic Regulation, limited to the examination of this aspect.

(a) Collection of information

In order to have the interested parties' views on the above, the Commission will contact the Community industry, any association of producers in the Community, the exporters/producers in the countries concerned, any association of exporters/producers in the countries concerned, the importers, and any association of importers which cooperated in the investigation leading to the measures subject to the present review, and the relevant authorities of the countries concerned.

All interested parties provided that they are likely to be affected by the results of the examination of the form of the existing measures are hereby invited to make their views known, submit information and to provide supporting evidence. This information and supporting evidence must reach the Commission within the time limit set in point 5 of this notice.

(b) Holding of hearings

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 point 5 of this notice.

5. Time limits

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known to the Commission, present their views and submit information within 40 days of the date of publication of this notice in the *Official Journal of the European Communities*, 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 making itself known within the aforementioned 40 days of publication.

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

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 257, 11.10.2000, p. 2.

⁽³⁾ OJ L 62, 3.3.1998, p. 1.

6. Written submissions and correspondence

All submissions and requests made by interested parties must be made in writing and must indicate the name, address, e-mail address and telephone, fax and/or telex numbers of the interested party.

Commission address for correspondence:

European Commission
Office Terv — 0/13
B-1049 Brussels
Fax (32-2) 295 65 05
Telex: COMEU B 21877.

7. Non-cooperation

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 of the facts available.

Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of certain footwear originating in the People's Republic of China, Indonesia and Thailand

(2002/C 140/07)

The Commission has decided on its own initiative to initiate a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 384/96⁽¹⁾, as last amended by Regulation (EC) No 2238/2000⁽²⁾ (the basic Regulation) limited to the form of the existing measures.

1. Product

The product under review is certain footwear originating in the People's Republic of China, Indonesia and Thailand ('the product concerned'), currently classifiable within CN codes ex 6402 99 98 (TARIC code 6402 99 98 90), ex 6403 99 93 (TARIC code 6403 99 93 90), ex 6403 99 96 (TARIC code 6403 99 96 90) and ex 6403 99 98 (TARIC code 6403 99 98 90). These CN codes are given only for information.

2. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 467/98⁽³⁾ on imports of certain footwear originating in the People's Republic of China, Indonesia and Thailand. The duty is in the form of a minimum import price or an *ad valorem* duty.

3. Grounds for the review

The Commission has decided on its own initiative to initiate an interim review pursuant to Article 11(3) in order to examine the appropriateness of the measures in force with regard to the following issues.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 257, 11.10.2000, p. 2.

⁽³⁾ OJ L 60, 28.2.1998, p. 1.

The current measures in the form of a minimum import price or an *ad-valorem* duty do not differentiate between sales made to related parties and sales made to unrelated parties, or between first sales and successive sales to the Community, and it has become apparent that this can lead to enforcement problems. Consequently, the existing measures do not appear sufficient to counteract the dumping which is causing injury. Furthermore, the current measures do not cater for situations in which imported goods have been damaged before entry into free circulation. In this respect it should be noted that the measures should not go beyond what is necessary for the removal of injury.

4. Procedure

Having determined, after consulting the Advisory Committee, that there are sufficient grounds warranting the initiation of a partial interim review, the Commission hereby initiates a review pursuant to Article 11(3) of the basic Regulation, limited to the examination of this aspect.

(a) Collection of information

In order to have the interested parties views on the above, the Commission will contact the Community industry, any association of producers in the Community, the exporters/producers in the countries concerned, any association of exporters/producers in the countries concerned, the importers, and any association of importers which cooperated in the investigation leading to the measures subject to the present review, and the relevant authorities of the countries concerned.