

Notice of initiation of a partial interim review of the anti-dumping measures concerning imports of synthetic staple fibres of polyesters originating in the People's Republic of China, Saudi Arabia, Belarus, Australia, Indonesia, Thailand, the Republic of Korea and India

(2005/C 325/10)

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 on protection against dumped imports from countries not members of the European Community ('the basic Regulation')⁽¹⁾. The review is limited to the examination of the product scope as regards the exclusion of low melt polyester staple fibres ('LMP').

1. Product

The product under review is synthetic staple fibres of polyesters, not carded, combed or otherwise processed for spinning originating in the People's Republic of China, Saudi Arabia, Belarus, Australia, Indonesia, Thailand, the Republic of Korea and India ('the product concerned') and is currently classifiable within CN code 5503 20 00. It is commonly referred to as polyester staple fibres or PSF. This CN code is given only for information.

2. Existing measures

The measures currently in force are definitive anti-dumping duties imposed by Council Regulation (EC) No 1522/2000⁽²⁾ concerning imports originating in Australia, Indonesia and Thailand, by Regulation (EC) No 2852/2000⁽³⁾ concerning imports originating in the Republic of Korea and India, by Council Regulation (EC) No 1799/2002⁽⁴⁾ concerning imports originating in Belarus and by Council Regulation (EC) No 428/2005⁽⁵⁾ concerning imports originating in the People's Republic of China and Saudi Arabia. On 14 July 2005⁽⁶⁾, a review of the existing measures concerning imports originating in Australia, Indonesia and Thailand was initiated on the basis of Article 11(2) of the basic Regulation.

3. Grounds for the review

The information at the Commission's disposal indicates that LMP, should be excluded from the scope of the product concerned, as it appears to have different basic physical and chemical characteristics and end uses in comparison to other types of polyester staple fibres. In particular, LMP appears to have inherent binding properties which differentiate it from other polyester staple fibres.

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

⁽²⁾ OJ L 175, 14.7.2000, p. 10.

⁽³⁾ OJ L 332, 28.12.2000, p. 17. Regulation as amended by Council Regulation (EC) No 428/2005 (OJ L 71, 17.3.2005, p. 1).

⁽⁴⁾ OJ L 274, 11.10.2002, p. 1.

⁽⁵⁾ OJ L 71, 17.3.2005, p. 1. Regulation as amended by Council Regulation (EC) No 1333/2005 (OJ L 211, 13.8.2005, p. 1).

⁽⁶⁾ OJ C 174, 14.7.2005, p. 15.

4. Procedure

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of a partial interim review, the Commission hereby initiates a review in accordance with Article 11(3) of the basic Regulation, limited in scope to the definition of the product concerned. The investigation will assess the need for the amendment of the scope of the existing measures.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the importers, to the users, to the Community industry, to exporting producers in the People's Republic of China, Saudi Arabia, Belarus, Australia, Indonesia, Thailand, the Republic of Korea and India and to the authorities of all the countries concerned. This information and supporting evidence should reach the Commission within the time limit set in point 5(a).

(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 must reach the Commission within the time limit set in point 5(a).

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(b).

5. Time limits

(a) 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.

(b) Hearings

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

6. 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 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'.

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7. 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, 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).