

**Notice of initiation of a reinvestigation pursuant to Article 12 of Council Regulation (EC) No 384/96 of the anti-dumping measures applicable to imports of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China**

(2002/C 244/02)

The Commission has received a request pursuant to Article 12 of Council Regulation (EC) No 384/96<sup>(1)</sup>, as last amended by Regulation (EC) No 2238/2000<sup>(2)</sup> ('the Basic Regulation'), to investigate whether the anti-dumping measures imposed on imports of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China have had an effect on resale prices or subsequent selling prices in the Community.

### 1. Request for review

The request was lodged on 26 August 2002 by the Establishing Legal Lighting Competition (E 2 L C) Federation ('the applicant'), on behalf of producers in the Community representing a major proportion, in this case more than 90 % of the total Community production of integrated electronic compact fluorescent lamps (CFL-i).

### 2. Product

The product concerned is electronic compact fluorescent discharge lamps with one or more glass tubes, with all lighting elements and electronic components fixed to the lamp foot or integrated in the lamp foot, originating in the People's Republic of China, currently classifiable within CN code ex 8539 31 90. This CN code is given only for information.

### 3. Existing measures

The measures currently in force are definitive anti-dumping duties imposed by Council Regulation (EC) No 1470/2001<sup>(3)</sup>.

### 4. Grounds for the reinvestigation

The applicant has submitted sufficient evidence showing that the anti-dumping duties imposed on integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China have not led to any movement or sufficient movement in resale prices or subsequent selling prices in the Community. In fact, the evidence contained in the request shows that export prices and resale prices in the Community of the product concerned have decreased significantly since the imposition of the anti-dumping measures, resulting in increased dumping which has impeded the intended remedial effects of the measures in force.

### 5. Procedure

Having determined, after consulting the Advisory Committee, that the request has been lodged by or on behalf of the Community industry and that there is sufficient evidence to

justify the initiation of an investigation, the Commission hereby initiates a reinvestigation in respect of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China, pursuant to Article 12 of the Basic Regulation.

#### (a) Sampling for importers

In view of the apparent large number of importers involved in this reinvestigation, the Commission may decide to apply sampling, 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, are hereby requested to make themselves known to the Commission and to provide the following information in confidential and non-confidential form on their company or companies within the time limit set in point 6(b)(i) of this notice:

- name, address, e-mail address, telephone, and fax, and/or telex numbers and contact person,
- the total turnover in euro of the company during the period 1 July 2001 to 30 June 2002,
- the total number of employees,
- the precise activities of the company with regard to the product concerned,
- the volume in units and value in euro of imports into and resales made in the Community market during the period 1 July 2001 to 30 June 2002 of the imported product concerned originating in the People's Republic of China,
- the names and the precise activities of all related companies<sup>(4)</sup> 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.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(2)</sup> OJ L 257, 11.10.2000, p. 2.

<sup>(3)</sup> OJ L 195, 19.7.2001, p. 8.

<sup>(4)</sup> 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).

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 association of importers.

#### 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 point 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.

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

If sufficient cooperation is not forthcoming, the Commission will 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 all the exporting producers in the People's Republic of China, which cooperated in the original investigation leading to the measures subject to the present reinvestigation, to any association of exporters/producers, to the sampled importers, to any association of importers named in the request or which cooperated in the investigation leading to the measures subject to the present reinvestigation, and to the authorities of the exporting country concerned.

Information, where appropriate, will also be sought from Community producers.

In any event, all parties should contact the Commission forthwith by fax, but not later than the time limit set out in point 6(a)(i) of this notice in order to find out whether they are listed in the request and, if necessary, request a questionnaire, given that, with the exception of importers, the time limit set in point 6(a)(ii) of this notice applies to all other 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 point 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 point 6(a)(iii) of this notice.

### 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 Communities*.

##### (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, including any information pursuant to Article 12(5) of the basic Regulation, 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's making itself known within the aforementioned period.

Importers selected in the sample must submit questionnaire replies within the time limit specified in point 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 point 5(a) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Communities*, 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 Communities*.

- (ii) All other information relevant for the selection of the sample as referred to in point 5(a)(i) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Communities*.

- (iii) The questionnaire replies from the sampled importers 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.

Commission address for correspondence:

European Commission  
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 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.

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