

Notice of initiation of an expiry and an interim review of the anti-dumping measures applicable to imports of colour television receivers originating in Malaysia, the People's Republic of China, the Republic of Korea, Singapore and Thailand

(2000/C 94/02)

Following the publication of a notice of impending expiry ⁽¹⁾ of the anti-dumping measures in force on imports of colour television receivers (CTVs) originating in Malaysia, the People's Republic of China, the Republic of Korea, Singapore and Thailand, the Commission has received a request to review pursuant to Article 11(2) of Council Regulation (EC) No 384/96 ⁽²⁾, as last amended by Council Regulation (EC) No 905/98 ⁽³⁾ (hereinafter referred to as 'the basic Regulation').

1. Request for review

The request was lodged on 22 December 1999 by the producers of European televisions in cooperation (Poetic) (hereinafter referred to as 'the applicant') on behalf of producers representing a major proportion of Community production of colour television receivers.

2. Product

The product concerned is colour television receivers with a diagonal screen size of more than 15,5 cm, whether or not combined in the same housing with a radio broadcast receiver and/or clock, currently classified under CN codes ex 8528 12 52, 8528 12 54, 8528 12 56, 8528 12 58, ex 8528 12 62 and 8528 12 66. These codes are only given for information.

3. Existing measures

The measures currently in force are definitive anti-dumping *ad valorem* duties imposed by Council Regulation (EC) No 2584/98 ⁽⁴⁾ amending Regulation (EC) No 710/95 ⁽⁵⁾.

4. Grounds for expiry and interim review

The request is based on the grounds that the expiry of the measures would be likely to result in the continuation or recurrence of dumping and injury to the Community industry, i.e. on the continued existence of current injurious dumping or on the likelihood that injurious dumping would recur if measures were allowed to lapse.

The applicant has based its assessment of normal values on domestic prices or constructed values which have been compared with export prices or likely export prices to the

Community. In the case of the People's Republic of China, normal value has been based on prices or constructed values in Poland, Singapore and Turkey.

On this basis, the applicant claims significant dumping is still taking place, or would be likely to take place, should measures be allowed to lapse.

It is alleged that the volumes and the prices of imports from some of these countries continued to cause injury to the Community industry, in particular in relation to prices which have had a negative impact on the state of the industry.

Moreover, the request alleged that this position would deteriorate sharply should measures be allowed to lapse. It is alleged that further injury would result from a resumption of a significant level of imports at injurious prices, including a further loss of market share for the Community industry and a worsening of its financial situation. It is further claimed that this likelihood of further injury is increased in view of the large capacity available in these countries and the mobile nature of the production of this product.

In addition, the request contains information which shows that the various markets involved and the product, itself, have undergone significant changes over the last few years. This information, together with the allegations on dumping and injury contained in the request, has led the Commission to conclude that an interim review of both dumping and injury should also be carried out pursuant to Article 11(3) of the basic Regulation.

5. Procedure

Having determined, after consulting the Advisory Committee, that sufficient evidence exists for the initiation of an expiry review and an *ex officio* interim review the Commission hereby initiates an investigation pursuant to Article 11(2) and 11(3) of the basic Regulation.

(a) Sampling for investigation of dumping

In view of the apparent large number of exporting producers of the product concerned in these countries, the Commission may apply sampling techniques, in accordance with Article 17 of the basic Regulation.

⁽¹⁾ OJ C 278, 1.10.1999, p. 2.

⁽²⁾ OJ L 56, 6.3.1996, p. 1.

⁽³⁾ OJ L 128, 30.4.1998, p. 18.

⁽⁴⁾ OJ L 324, 2.12.1998, p. 1.

⁽⁵⁾ OJ L 73, 1.4.1995, p. 3.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporting producers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission and to provide the following information on their company or companies within 15 days of the date of publication of this notice:

- name, address, e-mail address, telephone, and fax, and/or telex numbers and contact person,
- the turnover in local currency and the volume in units of the product concerned sold for export to the Community during the period 1 January 1999 to 31 December 1999,
- the turnover in local currency and the volume in units of the product concerned sold on the domestic market during the period 1 January 1999 to 31 December 1999,
- the precise activities of the company with regard to the production of the product concerned,
- the names and the precise activities of all related companies whether directly or indirectly related (i.e. companies with which they have an association or a compensatory arrangement) involved in the production and/or selling (export and/or domestic) of the product concerned, including any related importers in the Community,
- any other relevant information that would assist the Commission in the selection of the sample,
- an indication of whether the companies agree to their inclusion in the sample which implies replying to a questionnaire and accepting an on-the-spot investigation of their responses,
- in the case of exporting producers in the People's Republic of China, confirmation of whether they intend to submit a claim for market economy status in accordance with paragraph 5(f) of this notice.

In order to obtain the information it deems necessary for the selection of the sample of exporting producers, the Commission will, in addition, contact the authorities of the countries concerned, the known exporters and any known associations of exporters.

Any other Party concerned which wishes to submit any relevant information regarding the selection of the sample is also requested to make itself known to the Commission and to submit the information within 15 days of the date of publication of this notice.

(b) *Final selection of sample*

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 and cooperate within the framework of the verification visit.

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.

(c) *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 importers, to any associations of exporting producers and importers named in the request and to the authorities of the countries concerned.

However, questionnaires will only be sent to the exporting producers in the countries concerned once the final selection of the samples has been made.

Exporting producers in the countries concerned which submit a request for an individual margin, with a view to the application of Articles 17(3) and 9(6) of the basic Regulation, have to submit a duly completed questionnaire within the general time limit set in paragraph 7(a) of this notice. However, such Parties should be aware that if sampling is applied to exporting producers the Commission may decide not to grant them an individual margin if it would be unduly burdensome and would prevent the timely completion of the investigation. Exporting producers, which submit a request for an individual margin, and importers are invited to contact the Commission forthwith in order to be informed whether or not they are listed in the request. In the latter case, they should as soon as possible, but not later than 15 days after publication of this notice in the *Official Journal of the European Communities*, request a copy of the questionnaire, as all questionnaires have to be completed within the time limit set in paragraph 7(a) of this notice. Any request for questionnaires must be made in writing to the address mentioned below and should indicate the name, address, e-mail address, telephone, and fax, and/or telex numbers of the interested Party. Alternatively, a request for a questionnaire can be addressed to the national authorities of the exporting countries.

(d) *Collection of information and holding of hearings*

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence.

Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(e) *Selection of the market economy third country*

In accordance with Article 2(7) of the basic Regulation, it is envisaged to choose Singapore as an appropriate market economy third country for the purpose of establishing normal value in respect of the People's Republic of China. Parties to the investigation are hereby invited to comment on the appropriateness of this choice within the specific time limit set out in paragraph 7(b) below.

(f) *Market economy status*

For those exporting producers in the People's Republic of China which claim and provide sufficient evidence that they operate under market economy conditions, i.e. that they meet the criteria laid down in Article 2(7)(c) of the basic Regulation, normal value will be determined in accordance with Article 2(7)(b) of the basic Regulation. Exporting producers intending to submit duly substantiated claims must do so within the specific time limit set under paragraph 7(d) below. The Commission will send claim forms to exporting producers of the product concerned in the People's Republic of China following the selection of any sample.

6. Community interest

In accordance with Article 21 of the basic Regulation and in order that a decision may be reached as to whether it would be against the Community interest to maintain the anti-dumping measures currently in force, the applicant Community producers, 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 general time limit set in paragraph 7(a) of this notice, make themselves known and provide the Commission with information. It should be noted that any information submitted pursuant to this Article will only be taken into account if supported by factual evidence at the time of submission.

7. Time limits

All submissions and requests made by interested parties within the context of the following paragraphs must be made in writing (not in an electronic format, unless otherwise specified), and must reach the Commission within the time limits set below.

(a) *General time limit*

Interested parties, if their representations are to be taken into account during the investigation, must make themselves known, present their views in writing and submit information, unless otherwise specified, within 40 days from the date of the publication of this notice. Interested parties may also apply to be heard by the Commission within the same time limit. This

time limit also applies to interested parties unknown to the Commission and it is consequently in the interest of these parties to contact the Commission without delay.

(b) *Specific time limit for the selection of the market economy third country*

Parties to the investigation wishing to comment on the appropriateness of Singapore which, as mentioned in paragraph 5(e) above, is envisaged as a market economy third country for the purpose of establishing normal value in respect of the People's Republic of China, should file their comments within 10 days from the publication of this notice.

(c) *Specific time limit in respect of sampling*

All information relevant for the selection of the samples of exporting producers in countries concerned should be submitted to the Commission within 15 days of the date of publication of this notice, given that the Commission intends to consult Parties concerned that have expressed their willingness to be included therein on the final selection of the samples within a period of 21 days of the publication of this notice.

(d) *Specific time limit for submission of claims for market economy status*

Properly substantiated claims for market economy status, as mentioned in paragraph 5(f) above, must be submitted in writing within 21 days from the date of the selection of any sample or as determined by the Commission.

(e) *Commission address for correspondence*

European Commission
Directorate-General for Trade
Directorates C and E
DM 24 — 8/3
Rue de la Loi/Wetstraat 200
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.