

Notice of initiation of a reinvestigation pursuant to Article 12 of Council Regulation (EC) No 384/96 of the antidumping measures applicable to imports of certain finished polyester filament fabrics originating in the People's Republic of China

(2006/C 320/06)

The Commission has received a request pursuant to Article 12 of Council Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community ('the basic Regulation')⁽¹⁾ to investigate whether the anti-dumping measures imposed on imports of certain finished polyester filament fabrics originating in the People's Republic of China have had an effect on export prices, resale prices or subsequent selling prices in the Community

In fact, the evidence contained in the request shows that all of the above-mentioned prices 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.

The applicant has provided evidence that imports of the product concerned from the People's Republic of China have continued to enter in significant quantities.

1. Request for review

The request was lodged on 13 November 2006 by AIUFFASS ('the applicant') on behalf of producers representing a major proportion, in this case more than 30 %, of the total Community production of certain finished polyester filament fabrics.

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 certain finished polyester filament fabrics originating in the People's Republic of China, pursuant to Article 12 of the basic Regulation.

2. Product

The product concerned is woven fabrics of synthetic filament yarn containing 85 % or more by weight of textured and/or non-textured polyester filament, dyed (including dyed white) or printed originating in the People's Republic of China ('the product concerned'), currently classifiable within CN codes ex 5407 51 00, 5407 52 00, 5407 54 00, ex 5407 61 10, 5407 61 30, 5407 61 90 and ex 5407 69 10 and ex 5407 69 90.

(a) Sampling

In view of the apparent number of parties involved in this proceeding, the Commission may decide to apply sampling, in accordance with Article 17 of the basic Regulation.

These CN codes are given only for information.

(i) Sampling for exporters/producers in the People's Republic of China

3. Existing measures

The measures currently in force are definitive anti-dumping duties imposed by Council Regulation (EC) No 1487/2005⁽²⁾ on imports of certain finished polyester filament fabrics originating in the People's Republic of China.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporters producers, or representatives acting on their behalf, are hereby requested to make themselves known by contacting the Commission and providing the following information on their company or companies within the time limit set in point 6(b)(i) and in the formats indicated in point 7:

4. Grounds for the reinvestigation

The applicant has submitted sufficient evidence showing that following the imposition of the anti-dumping duties i on certain finished polyester filament fabrics originating in the People's Republic of China, export prices have decreased and there has been insufficient movement in resale prices or subsequent selling prices in the Community.

— name, address, e-mail address, telephone and fax numbers and contact person,

— the turnover in local currency and the volume in running meters of the product concerned sold for export to the Community during the period 1 October 2005 — 30 September 2006,

— the turnover in local currency and the sales volume in running meters for the product concerned on the domestic market during the period 1 October 2005 — 30 September 2006,

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17.).

⁽²⁾ OJ L 240, 16.09.2005, p. 1

- the precise activities of the company with regard to the production of the product concerned and the production volume in running meters of the product concerned, the production capacity and the investments in production capacity during the period 1 October 2005 — 30 September 2006,
- the names and the precise activities of all related companies ⁽¹⁾ involved in the production and/or selling (export and/or domestic) of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample,
- by providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to not have co-operated in the investigation. The consequences of non-cooperation are set out in point 8 below.

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

(ii) Sampling for importers

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all importers, 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 the time limit set in point 6(b)(i) and in the formats indicated in point 7:

- name, address, e-mail address, telephone and fax numbers and contact person,
- the total turnover in EUR of the company during the period 1 October 2005 — 30 September 2006,
- the total number of employees,
- the precise activities of the company with regard to the product concerned,
- the volume in running meters and value in EUR of imports into and resales made in the Community market during the period 1 October 2005 — 30 September 2006 of the imported product concerned originating in the People's Republic of China,

- the names and the precise activities of all related companies ⁽¹⁾ 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,
- by providing the above information, the company agrees to its possible inclusion in the sample. If the company is chosen to be part of the sample, this will imply replying to a questionnaire and accepting an on-the-spot investigation of its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed to not have co-operated in the investigation. The consequences of non-cooperation are set out in point 8 below.

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 associations of importers.

(iii) Final selection of the samples

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).

The Commission wishes to inform parties that, in selecting the sample, preference will be given, to the extent possible, to limiting the sample to the parties selected in the sample in the investigation that lead to the imposition of the existing measures.

The Commission intends to make the final selection of the samples after having consulted the parties concerned that have expressed their willingness to be included in the sample.

Companies included in the samples must reply to a questionnaire within the time limit set in point 6 (b)(iii) and must co-operate within the framework of the investigation.

If sufficient co-operation is not forthcoming, the Commission may base its findings, in accordance with Articles 17(4) and 18 of the basic Regulation, on the facts available. A finding based on facts available may be less advantageous to the party concerned, as explained in point 8.

(b) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled exporters/producers in the People's Republic of China, to any association of exporters/producers, to the sampled importers, to any association of importers named in the request or which co-operated in the investigation leading to the measures subject to the present review, and to the authorities of the exporting country concerned.

⁽¹⁾ For guidance on the meaning of related companies, please refer to Article 143 of Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (O) L 253, 11.10.1993, p. 1).

In any event, all interested parties should contact the Commission forthwith by fax in order to find out whether they are listed in the request and, if necessary, request a questionnaire within the time limit set in point 6(a)(i), given that the time limit set in point 6(a)(ii) applies to all 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).

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).

6 Time limits

(a) *General time limits*

(i) For parties to request a questionnaire

All interested parties who did not co-operate in the investigation leading to the imposition of the measures subject to the present review 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 Union*.

(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 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

(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)(i) and 5(a)(ii) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, 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 Union*.
- (ii) All other information relevant for the selection of the sample as referred to in 5(a)(iii) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Union*.
- (iii) The questionnaire replies from sampled parties 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 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' (!) 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'.

Commission address for correspondence:

European Commission
Directorate General for Trade
Directorate B
Office: J-79 5/16
B-1049 Brussels
Fax (32-2) 295 65 05

8. Non-co-operation

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.

(!) 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 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate or cooperates only partially, and use of facts available is made, the result may be less favourable to that party than if it had cooperated.

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

If any party to the proceeding considers that a review of the level of the measures is warranted so as to allow for the possibility to amend (i.e. increase or decrease) the level of the measures,

that party may request a review in accordance with Article 11 (3) of the basic Regulation.

Parties wishing to request such a review, which would be carried out independently of the absorption review mentioned in this notice, may contact the Commission at the address given above.

10. Schedule of the reinvestigation

The reinvestigation will be concluded, according to Article 12(4) of the basic Regulation within 9 months of the date of the publication of this notice in the *Official Journal of the European Union*.