Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of certain grain-oriented electrical sheets originating in Russia

(2002/C 182/03)

The Commission has received a request for a partial interim review pursuant to Article 11(3) of Commission Decision No 2277/96/ECSC [1] which, further to article 1(3) of Council Regulation (EC) No 963/2002 of 3 June 2002 [2], will be treated according to Article 11(3) of Council Regulation (EC) No 384/96 [3] ('the Basic Decision').

1. **Request for review**

The request was lodged by limited liability company 'VIZ-Stal' (OOO VIZ-Stal) ('the applicant'), an exporter from Russia.

The request is limited in scope to the examination of dumping as far as the applicant is concerned.

2. **Product**

The product under review is grain-oriented cold-rolled sheets and strips of silicon electrical steel with a width of more than 500 mm, originating in Russia ('the product concerned'), currently classifiable within CN codes 7225 11 00 and 7226 11 10. These CN codes are given only for information.

3. **Existing measures**

The measures currently in force are a definitive anti-dumping duty imposed by Commission Decision No 303/96/ECSC [4] on imports of certain grain-oriented electrical sheets originating in Russia. Undertakings in connection therewith were accepted by the same Commission Decision. Furthermore, in 2001 an expiry and an interim review have been initiated [5] whose outcomes are still pending.

4. **Grounds for the review**

The applicant provides sufficient evidence that the continued imposition of the measure at its current level is no longer necessary to offset dumping. In particular the applicant, contrary to the original investigation, provides prima facie evidence showing that he meets the criteria for market economy status. Furthermore, he provides a substantiated dumping calculation based on a comparison of normal value and an export price emanating from his own export transactions. On the basis of an appropriate comparison of normal value and export price, the dumping margin appears to be substantially lower than the current level of the country-wide measure.

5. **Procedure for the determination of dumping**

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 Decision.

The investigation will assess the need for the continuation, removal or amendment of the existing measures in respect of the sole applicant.

(a) *Questionnaires*

In order to obtain the information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant and to the authorities of the exporting country concerned. This information and supporting evidence should reach the Commission within the time limit set in point 6(a) of this notice.

(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 6(a)(i) 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)(ii) of this notice.

(c) *Selection of the market economy country*

In the event of information from an analogue country being required, the Commission envisages to use Brazil as an appropriate market economy country for the purpose of establishing normal value in respect of Russia. Interested parties are hereby invited to comment on the appropriateness of this country within the specific time limit set in point 6(b) of this notice.

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[1] OJ L 308, 29.11.1996, p. 11, as last amended by Decision No 435/2001/ECSC (OJ L 63, 3.3.2001, p. 14).

[2] OJ L 149, 7.6.2002, p. 3.

[3] OJ L 56, 6.3.1996, p. 1, as last amended by Council Regulation (EC) No 2238/2000 (OJ L 257, 11.10.2000, p. 2).

[4] OJ L 42, 20.2.1996, p. 7.

[5] The corresponding notice of initiation has been published in the OJ C 53, 20.2.2001, p. 13.

(d) *Market economy status*

In case the applicant claims and provides 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 Decision, normal value will be determined in accordance with Article 2(7)(b) of the Basic Decision. The Commission will send a claim form to the applicant and to the authorities of Russia. If the applicant intends to submit a substantiated claim, he must do so within the specific time limit set in point 6(c) of this notice.

6. **Time limits**

(a) *General time limits*

(i) 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 the questionnaire reply mentioned in point 5(a) or any other information within 40 days of the date of publication of this notice in the *Official Journal of the European Communities*, unless otherwise specified.

(ii) Hearings

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

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

Parties to the investigation may wish to comment on the appropriateness of Brazil which, as mentioned in point 5(c) of this notice, is envisaged as an analogue country. These comments must reach the Commission within 10 days of the date of publication of this notice in the *Official Journal of the European Communities*.

(c) *Specific time for submission of the claim for market economy status*

A duly substantiated claim for market economy status, as mentioned in point 5(d) of this notice, must reach the Commission within 21 days of the date of publication of this notice in the Official Journal of the European Communities.

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
Directorate-General for Trade
Directorate B
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 Decision, 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.