Council Regulation (EC) No 682/2009 of 27 July 2009 terminating the partial interim review of the anti-dumping measures applicable to imports of certain plastic sacks and bags originating in the People's Republic of China

COUNCIL REGULATION (EC) No 682/2009

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community[(1)] (the basic Regulation) and in particular Article 11(3) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Measures in force

(1) In September 2006, the Council, by Regulation (EC) No 1425/2006[(2)], imposed a definitive anti-dumping duty on imports of certain plastic sacks and bags originating, inter alia, in the People's Republic of China. The Regulation was last amended by Council Regulation (EC) No 189/2009[(3)]. For the eight companies with individual duties, the duties in force range from 4,3 % to 12,8 %. The duty is 8,4 % for cooperating companies without individual duties and the residual duty is 28,8 %.

2. Request for review

(2) On 25 March 2008, the Commission received a request for a partial interim review pursuant to Article 11(3) of the basic Regulation from one exporting producer of certain plastic sacks and bags originating in the People's Republic of China.

(3) The request was lodged by CeDo Shanghai Limited (CeDo Shanghai or the applicant).

(4) The applicant alleged, inter alia, that its export prices of certain plastic sacks and bags to the Community had increased significantly and substantially more than the constructed normal value based on the applicant's cost of production in the People's Republic of China and that this led to a reduction or elimination of dumping. Therefore, the continued imposition of measures at the existing levels, which were based on the level of dumping previously established, was no longer necessary to offset dumping.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 682/2009. (See end of Document for details)*

3. **Initiation**

(5) Having determined, after consulting the Advisory Committee, that sufficient evidence existed to justify the initiation of a partial interim review, the Commission announced, by a notice published in the *Official Journal of the European Union*[4], the initiation of a partial interim review in accordance with Article 11(3) of the basic Regulation, limited to the examination of dumping insofar as CeDo Shanghai is concerned.

(6) The investigation of dumping covered the period from 1 July 2007 to 30 June 2008.

(7) The Commission officially advised the applicant, as well as the representatives of the Community industry and the representatives of the exporting country, of the initiation of the review. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation.

B. **PRODUCT CONCERNED**

(8) The product concerned was the same as that set out in Regulation (EC) No 1425/2006 as amended, being plastic sacks and bags, containing at least 20 % by weight of polyethylene and of sheeting of a thickness not exceeding 100 micrometres (μm), originating in the People's Republic of China, falling within CN codes ex 3923 21 00, ex 3923 29 10 and ex 3923 29 90 (TARIC codes 3923 21 00 20, 3923 29 10 20 and 3923 29 90 20).

C. **WITHDRAWAL OF THE REQUEST AND TERMINATION OF THE PROCEEDING**

(9) By letter to the Commission dated 24 March 2009, CeDo Shanghai formally withdrew its request for the partial interim review of the anti-dumping measures applicable to imports of certain plastic sacks and bags originating, inter alia, in the People's Republic of China.

(10) It was considered whether it would be warranted to continue the investigation *ex officio*. The Commission considered that the termination of the investigation did not affect the anti-dumping measure already in force and that such termination would not be against the Community interest. On this basis, the investigation should be terminated.

(11) Interested parties were informed of the intention to terminate the investigation and were given the opportunity to comment. However, no comments which could alter this decision were received.

(12) It is therefore concluded that the review concerning imports of certain plastic sacks and bags originating, inter alia, in the People's Republic of China should be terminated without amending the anti-dumping measures in force,

HAS ADOPTED THIS REGULATION: