Council Regulation (EC) No 396/2008 of 29 April 2008 amending Regulation (EC) No 397/2004 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Pakistan

COUNCIL REGULATION (EC) No 396/2008

of 29 April 2008

amending Regulation (EC) No 397/2004 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Pakistan

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),

Having regard to Article 1(4) of Council Regulation (EC) No 397/2004 of 2 March 2004 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Pakistan[(2)],

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

Whereas:

A. PREVIOUS PROCEDURE

(1) By Regulation (EC) No 397/2004, the Council imposed a definitive anti-dumping duty on imports into the Community of cotton-type bed linen falling within CN codes ex 6302 21 00 (TARIC codes 6302 21 00 81, 6302 21 00 89), ex 6302 22 90 (TARIC code 6302 22 90 19), ex 6302 31 00 (TARIC code 6302 31 00 90) and ex 6302 32 90 (TARIC code 6302 32 90 19), originating in Pakistan. A country-wide anti-dumping duty of 13,1 % was imposed on all companies exporting the product concerned to the Community.

(2) In May 2006, following an *ex officio* partial interim review pursuant to Article 11(3) of the basic Regulation, the Council, by Regulation (EC) No 695/2006[(3)], amended Regulation (EC) No 397/2004 and established new duty rates ranging from 0 % to 8,5 % based on a new investigation period between 1 April 2003 and 31 March 2004. Given the large number of cooperating exporting producers, a sample was established.

(3) The companies selected in the sample were attributed the individual duty rates established during the review investigation, while other cooperating companies not included in the sample were attributed the weighted average duty rate of 5,8 %. A duty rate of 8,5 % was imposed on companies which either did not make themselves known or did not cooperate in the investigation.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 396/2008. (See end of Document for details)*

(4) Article 1(4) of Regulation (EC) No 397/2004 gives the possibility to Pakistani exporting producers which meet the three criteria set out in the same Article to be granted the same treatment as the cooperating companies not included in the sample (new exporting producer treatment or NEPT).

(5) Regulation (EC) No 925/2007 established the findings concerning 18 Pakistani companies having requested NEPT. Four of these companies were granted NEPT, while the requests of the remaining 14 companies were rejected.

B. NEW EXPORTING PRODUCERS' REQUESTS

(6) 13 additional Pakistani companies have requested to be granted NEPT.

(7) An examination was carried out to determine whether each applicant fulfils the criteria for being granted NEPT as set out in Article 1(4) of Regulation (EC) No 397/2004, by verifying that:

— it did not export to the Community the product described in recital 1 in the period between 1 April 2003 and 31 March 2004,

— it is not related to any of the exporters or producers subject to the measures imposed by that Regulation, and

— it has actually exported to the Community the product concerned after the investigation period on which the measures are based or it has entered into an irrevocable contractual obligation to export a significant quantity to the Community.

(8) A questionnaire was sent to all applicants who were asked to supply evidence to demonstrate that they met the three criteria mentioned above.

(9) Exporting producers fulfilling these three criteria may be granted the duty rate applicable to the cooperating companies not included in the sample, i.e. 5,8 %, pursuant to Article 1(4) of Regulation (EC) No 397/2004.

C. FINDINGS

Companies which have submitted incomplete replies

(10) Three Pakistani companies requesting NEPT did not reply to the initial questionnaire. It was therefore not possible to verify whether these companies fulfilled the criteria set out in Article 1(4) of Regulation (EC) No 397/2004 and their request had to be rejected. These companies were informed that their application would not be considered any further and were given the opportunity to comment. No comments were received.

Companies which have submitted a complete reply

(11) For two Pakistani exporting producers, the examination of the information submitted showed that they had provided sufficient evidence to prove that they meet the three criteria set out in Article 1(4) of Regulation (EC) No 397/2004. Therefore, these two producers can be granted the duty rate applicable to the cooperating companies not included in the sample (i.e. 5,8 %) in accordance with Article 1(4) of Regulation

(EC) No 397/2004 and be added to the list of exporting producers in the Annex to that Regulation.

(12) One Pakistani company was found to be related to a company which had cooperated in the review investigation and which exported the product concerned during the IP. Therefore, this producer did not fulfil the second criterion set out in Article 1(4) of Regulation (EC) No 397/2004, and its request for NEPT was therefore rejected. This company was informed that its application could not be considered any further and was given the opportunity to comment, but it did not submit any additional information that could lead to a change in the findings.

(13) Three Pakistani companies were found to have exported the product concerned during the IP. Therefore, these three producers did not fulfil the first criterion set out in Article 1(4) of Regulation (EC) No 397/2004 and their requests for NEPT were therefore rejected. These companies were informed that their application could not be considered any further and were given the opportunity to comment, but they did not submit any additional information that could lead to a change in the findings.

(14) Three Pakistani companies were unable to prove that they had sold the product concerned to the Community after the IP or having entered into an irrevocable contractual obligation to export a significant quantity to the Community. Therefore, it could not be established whether these companies had exported the product concerned after the IP as set out in the third criterion in Article 1(4) of Regulation (EC) No 397/2004, and their requests for NEPT were therefore rejected. These companies were informed that their application could not be considered any further and were given the opportunity to comment, but they did not submit any additional information that could lead to a change in the findings.

(15) One Pakistani company was unable to prove that it was a producer of the product concerned and did not supply any supporting evidence of any sales of the product concerned to the Community after the IP or having entered into an irrevocable contractual obligation to export a significant quantity to the Community. This applicant did not therefore meet the basic criterion of being an exporting producer and its application could therefore not be considered any further. This company was informed that its application could not be considered any further and were given the opportunity to comment, but did not submit any additional information that could lead to a change in the findings.

(16) All the applicants and the Community industry were informed of the final findings of the examination and were given the opportunity to submit their comments.

D. CONCLUSION

(17) In consideration of the findings mentioned in recital 11, two Pakistani exporting producers were found to fulfil the criteria set out in Article 1(4) of Regulation (EC) No 397/2004 to be granted NEPT. These companies should therefore be added to the list of cooperating manufacturers in the Annex to Regulation (EC) No 397/2004

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and be subject to the duty rate of 5,8 %. The requests submitted by the remaining 11 Pakistani companies should be rejected for the reasons outlined above,

HAS ADOPTED THIS REGULATION:

Article 1

The list of cooperating manufacturers in the Annex of Regulation (EC) No 397/2004 shall be replaced by the following:

Name	**Address**
'A.B. Exports (PVT) Ltd	Off. No 6, Ground Floor, Business Center, New Civil Lines, Faisalabad
A.S.T. (PVT) Limited	Saba Square 2-C, Saba Commercial Street No 3, Phase V Extension, D.H. Authority, Karachi
Aala Processing Industries (PVT) Ltd	5 KM Satyana Road Faisalabad 38000
Abdur Rahman Corporation (Pvt) Ltd	P-214 Muslim Town #1, Sargodha Road, Faisalabad
Adil Waheed Garments	66-Zubair Colony, Jaranwala Road, Faisalabad
Afroze Textile Industries (Pvt) Ltd	LA 7/1-7, Block 22 F.B. Area, Karachi
Al Musawar Textile (PVT) Ltd	Atlas Street, Maqbool Road, Faisalabad
M/S Al-Ghani International	202 Bhaiwala, Ghona Road, Faisalabad
Al-Karam Textile Mills (PVT) Ltd	3rd floor, K.D.L.B. Building, 58-West Wharf Road, Karachi
Al-Latif	W,S, 24, Block-2, Azizabad, F.B. Area, Karachi-75950
Al-Noor Processing & Textile Mills	Sargodha Road, Near Bava Chak, Faisalabad
Al-Raheem Textile	F/40, Block-6, P.E.C.H.S., Karachi
Ameer Enterprises	3rd floor, Bismillah Centre, Street No 2, Karkhana Bazar, Yanr Market, Faisalabad
Amsons Textile Mills (PVT) Ltd	D-14/B, S.I.T.E., Karachi

Amtex (Private) Limited	1-Km, Khurrianwala-Jaranwala Road, Faisalabad
Anjum Textile Mills (PVT) Ltd	Anjum Street, Nalka Kohala, Sargodha Road, Faisalabad
Ansa Industries	Plot #16, Sector C-2 Karachi Exporting Processing Zone Landhi Industrial Area Karachi 74000
Apex Corporation	1-19, Arkay Square, PO Box 13373, Karachi
M/S Arif Textiles Private Limited	Karim Bibi Street, Bawa Chak, Sargodha Road Faisalabad
Arshad Corporation	1088/2, Jail Road Faisalabad 38000
Arzoo Textile Mills Ltd	2,6 km, Jaranwala Road, Khurrinwala, Faisalabad
Asia Textile Mills	D-156, S.I.T.E. Avenue, Karachi
Aziz Sons	D21/Karach, S.I.T.E., Karachi-75700
B.I.L. Exporters	15/5, Sector 12/C, North Karachi Industrial Area, Karachi
Baak Industries	P-107, Akbarabad, Near Allied Hospital, Faisalabad
Be Be Jan Pakistan Limited	Square No 7, Chak No 204/R.B., Faisalabad
Bela Textiles Ltd	A-29/A, S.I.T.E., Karachi
Bismillah Fabrics (PVT) Ltd	3 Km, Jhumbra Road, Khurrianwala, Faisalabad
Bismillah Textiles (PVT) Ltd	1. KM, Jaranwala Road, Khurrianwala, Faisalabad
Classic Enterprises	B-1/1, Sector 15, Korangi Industrial Area, Karachi
M/S Club Textile	Sargodha Road, Ali Block Faisalabad
Cotton Arts (PVT) Ltd	613/1, Dagrawaan Road, Faisalabad
D.L. Nash (Private) Ltd	11, Timber Pond, Keamari Road, Karachi-75620