COMMISSION REGULATION (EC) No 844/2004

of 28 April 2004

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 119/97 on imports of certain ring binder mechanisms originating in the People's Republic of China by imports of certain ring binder mechanisms consigned from Thailand, whether declared as originating in Thailand or not and making such imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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], as last amended by Council Regulation (EC) No 461/2004 [2] ('the basic Regulation'), and in particular Articles 13(3) and 14(5) thereof,

After having consulted the Advisory Committee,

Whereas:

The Commission has decided, pursuant to Article 13(3) of the basic Regulation to investigate on its own initiative the possible circumvention of the anti-dumping measures imposed on imports of certain ring binder mechanisms originating in the People's Republic of China ('China').

A. PRODUCT

The product concerned by the possible circumvention is certain ring binder mechanisms, normally declared under CN code ex 8305 10 00 ('the product concerned') originating in China. This CN code is given for information only.

The product under investigation is certain ring binder mechanisms consigned from Thailand (the product under investigation) normally declared under the same codes as the product concerned originating in China.

B. EXISTING MEASURES

The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 119/97 [3] as last amended by Regulation (EC) No 2100/2000 [4].

C. GROUNDS

The Commission has at its disposal sufficient prima facie evidence that the anti-dumping measures on imports of certain ring binder mechanisms originating in China are being circumvented by means of transhipment via Thailand of certain ring binder mechanisms.

The evidence available is as follows:

A significant change in the pattern of trade involving exports from China and Thailand to the Community has taken place following the imposition of measures on imports of certain ring binder mechanisms originating in China. Imports of the product under investigation have increased substantially, whereas imports of certain ring binder mechanisms originating in China have decreased following the imposition of measures, and there appears to be insufficient due cause or justification other than the imposition of the duty for such a change. This change in the pattern of trade appears to stem from a transhipment via Thailand of certain ring binder mechanisms originating in China.

Furthermore, the evidence points to the fact that the remedial effects of the existing anti-dumping measures on imports of certain ring binder mechanisms originating in China are being undermined in terms of quantity. Significant volumes of imports of the product concerned from Thailand appear to have replaced imports of certain ring binder mechanisms originating in China.

Finally, the Commission has sufficient prima facie evidence at its disposal that the prices of the product under investigation are dumped in relation to the normal value previously established for certain ring binder mechanisms originating in China.

Should circumvention practices via Thailand covered by Article 13 of the basic Regulation other than transhipment be identified in the course of the investigation, the investigation may cover these practices also.

D. PROCEDURE

In the light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13 of the basic Regulation and to make imports of certain ring binder mechanisms consigned from Thailand, whether declared as originating in Thailand or not, subject to registration, in accordance with Article 14(5) of the basic Regulation.

[1] OJ L 56, 6.3.1996, p. 1.
[2] OJ L 77, 13.3.2004, p. 12.
[3] OJ L 22, 24.1.1997, p. 1.
[4] OJ L 250, 5.10.2000, p. 1.