COMMISSION REGULATION (EC) No 275/2004

of 17 February 2004

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 1796/1999 on imports of steel ropes and cables originating in the People's Republic of China, by imports of steel ropes and cables consigned from Morocco, whether declared as originating in Morocco 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 1972/2002 [2] (the basic Regulation) and in particular Article 13(3), Article 14(3) and Article 14(5) thereof,

After having consulted the Advisory Committee,

Whereas:

A. REQUEST

(1) The Commission has received a request pursuant to Article 13(3) of Regulation (EC) No 384/96, 'the basic Regulation', to investigate the possible circumvention of the anti-dumping measures imposed on imports of steel ropes and cables originating in the People's Republic of China.

(2) The request was lodged on 5 January 2004 by EWRIS, liaison committee of EU wire rope industries, on behalf of 19 Community producers.

B. PRODUCT

(3) The product concerned by possible circumvention is steel ropes and cables originating in the People's Republic of China, normally declared under CN codes ex 7312 10 82, ex 7312 10 84, ex 7312 10 86, ex 7312 10 88 and ex 7312 10 99 (the product concerned). These codes are given for information only.

(4) The product under investigation is steel ropes and cables consigned from Morocco (the product under investigation) normally declared under the same codes as the product concerned.

C. EXISTING MEASURES

(5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 1796/1999 [3] as last amended by Regulation (EC) No 1674/2003 [4].

D. GROUNDS

(6) The request contains sufficient prima facie evidence that the anti-dumping measures in force on imports of steel ropes and cables originating in the People's Republic of China are being circumvented by means of the transhipment via Morocco of steel ropes and cables.

(7) The evidence submitted is as follows:

A significant change in the pattern of trade involving exports from the People's Republic of China and Morocco to the Community has taken place following the imposition of measures on the product concerned, and there is 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 the transhipment of steel ropes and cables originating in the People's Republic of China via Morocco.

Furthermore, the request contains sufficient evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of steel ropes and cables from Morocco appear to have replaced imports from the People's Republic of China of the product concerned. In addition, there is sufficient evidence that this increase in imports is made at prices well below the non-injurious price established in the investigation that led to the existing measures.

Finally, the request contains sufficient evidence that the prices of steel ropes and cables are dumped in relation to the normal value previously established for the product concerned.

E. PROCEDURE

(8) 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 steel ropes and cables consigned from Morocco, whether declared as originating in Morocco 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 305, 7.11.2002, p. 1.
[3] OJ L 217, 17.8.1999, p. 1.
[4] OJ L 238, 25.9.2003, p. 1.