COMMISSION REGULATION (EC) No 1733/2003

of 30 September 2003

initiating an investigation concerning the alleged 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 Vietnam, whether declared as originating in Vietnam 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 Regulation (EC) No 1972/2002 [2], (the basic Regulation) and in particular Article 13(3) and Article 14(3) and (5) thereof,

After having consulted the Advisory Committee,

Whereas:

A. **REQUEST**

(1) The Commission has received a request pursuant to Article 13(3) of the basic Regulation to investigate the alleged circumvention of the anti-dumping measures imposed on imports of certain ring binder mechanisms originating in the People's Republic of China.

(2) The request was lodged on 18 August 2003 by SX Bürowaren and Ringbuchtechnik Handelsgesellschaft GmbH on behalf of producers representing 100 % of the Community production of certain ring binder mechanisms.

B. **PRODUCT**

(3) The product concerned by the allegation of circumvention are certain ring binder mechanisms originating in the People's Republic of China (the product concerned) normally declared under CN code ex 8305 10 00. These ring binder mechanisms consist of two rectangular steel sheets or wires with at least four half-rings made of steel wire fixed on it and which are kept together by a steel cover. They can be opened either by pulling the half-rings or by using a small steel-made trigger mechanism fixed to the product concerned ('certain ring binder mechanisms').

(4) The product under investigation is certain ring binder mechanisms consigned from Vietnam (the product under investigation), normally declared under the same codes as the product concerned.

(5) The CN codes are given for information only.

C. **EXISTING MEASURES**

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

D. **GROUNDS**

(7) The request contains sufficient evidence, that the anti-dumping measures in force on imports of certain ring binder mechanisms originating in the People's Republic of China are being circumvented by means of transhipment via Vietnam of certain ring binder mechanisms.

(8) The request shows that a significant change in the pattern of trade involving exports from the People's Republic of China and Vietnam to the Community has taken place following the imposition of measures on the product concerned, and that 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 a transhipment of certain ring binder mechanisms originating in the People's Republic of China via Vietnam.

(9) 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 certain ring binder mechanisms from Vietnam appear to have replaced imports 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.

(10) Finally, the request contains sufficient evidence that the prices of certain ring binder mechanisms consigned from Vietnam are dumped in relation to the normal value previously established for the product concerned.

E. **PROCEDURE**

(11) 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 ring binder mechanisms consigned from Vietnam, whether declared as originating in Vietnam 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 22, 24.1.1997, p. 1.
[4] OJ L 250, 5.10.2000, p. 1.