COMMISSION REGULATION (EC) No 1225/2003

of 9 July 2003

initiating a 'new exporter' review of Council Regulation (EC) No 1600/1999 imposing definitive anti-dumping duties on imports of stainless steel wires with a diameter of 1 mm or more originating in India, repealing the duty with regard to imports from one exporter in this country and making these 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 [1] of 22 December 1995 on protection against dumped imports from countries not members of the European Community (the basic Regulation), as last amended by Regulation (EC) No 1972/2002 [2], and in particular Article 11(3) and (4),

After consulting the Advisory Committee,

Whereas:

A. REQUEST FOR A REVIEW

(1) The Commission has received an application for a 'new exporter' review pursuant to Article 11(4) of the basic Regulation. The application was lodged by VSL Wires Limited (the applicant), an exporting producer in India (the country concerned).

B. PRODUCT

(2) The product under review is stainless steel wire with a diameter of 1 mm or more, containing by weight 2,5 % or more of nickel, excluding wire containing by weight 28 % or more but no more than 31 % of nickel and 20 % or more but no more than 22 % of chromium originating in India (the product concerned), currently classifiable within CN code ex 7223 00 19. This CN code is given only for information.

C. EXISTING MEASURES

(3) The measures currently in force are definitive anti-dumping duties imposed by Council Regulation (EC) No 1600/1999 [3] under which imports into the Community of the product concerned originating in India, and produced by the applicant, are subject to definitive anti-dumping duties of 55,6 %, with the exception of several companies specifically mentioned which are subject to individual duty rates.

D. GROUNDS FOR THE REVIEW

(4) The applicant alleges that it did not export the product concerned to the Community during the period of investigation on which the anti-dumping measures were based, i.e. the period from 1 April 1997 to 31 March 1998 (the original investigation period).

The applicant further alleges that it has begun exporting the product concerned to the Community after the end of the investigation period, and that it is not related to any of the exporting producers of the product concerned, which are subject to the abovementioned anti-dumping measures.

E. PROCEDURE

(5) Community producers known to be concerned have been informed of the above application and have been given an opportunity to comment. No comments have been received.

Having examined the evidence available, the Commission concludes that there is sufficient evidence to justify the initiation of a 'new exporter' review, pursuant to Article 11(4) of the basic Regulation, with a view to determine the applicant's individual margin of dumping and, should dumping be found, the level of the duty to which their imports of the product concerned into the Community should be subject.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant.

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing showing that there are particular reasons why they should be heard.

F. REPEAL OF THE DUTY IN FORCE AND REGISTRATION OF IMPORTS

(6) Pursuant to Article 11(4) of the basic Regulation, the anti-dumping duties in force should be repealed with regard to imports of the product concerned which are produced and sold for export to the Community by the applicant. At the same time, such imports should be made subject to registration in accordance with Article 14(5) of the basic Regulation, in order to ensure that, should the review result in a finding of dumping in respect of the applicant, anti-dumping duties can be levied retroactively from the date of the initiation of this review. The amount of the applicant's possible future liabilities cannot be estimated at this stage of the proceeding.

[1] OJ L 56, 6.3.1996, p. 1.
[2] OJ L 305, 7.11.2002, p. 1.
[3] OJ L 189, 22.7.1999, p. 19.