COMMISSION REGULATION (EC) No 1693/2002

of 25 September 2002

initiating an investigation concerning the alleged circumvention of anti-dumping measures imposed by Council Regulation (EC) No 1784/2000 on imports of certain malleable cast iron tube or pipe fittings originating in Brazil by imports of certain malleable cast iron tube or pipe fittings consigned from Argentina, 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 2238/2000 [2], and in particular Article 13(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 alleged circumvention of the anti-dumping measures imposed on imports of threaded malleable cast iron tube or pipe fittings originating in Brazil.

(2) The request has been lodged on 12 August 2002 by the Defence Committee of Malleable Cast Iron pipe Fittings Industry of the European Union on behalf of producers representing a major proportion of the Community production of certain malleable cast iron tube or pipe fittings.

B. PRODUCT

(3) The product concerned by the allegation of circumvention is threaded malleable cast iron tube or pipe fittings, currently classifiable within CN code ex 7307 19 10. This code is given for information only.

C. EXISTING MEASURES

(4) The measures currently in force and allegedly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 1784/2000 [3].

D. GROUNDS

(5) The request contains sufficient prima facie evidence, that the anti-dumping measures on imports of certain malleable cast iron tube or pipe fittings originating in Brazil are being circumvented by means of transhipment via Argentina of certain malleable cast iron tube or pipe fittings.

(6) The evidence submitted is as follows:

(a) the request shows that a significant change in the pattern of trade involving exports from Brazil and Argentina to the Community has taken place following the imposition of measures on the product concerned and for which there is insufficient due cause or justification other than the imposition of the duty.

This change in the pattern of trade appears to stem from a transhipment of certain malleable cast iron tube or pipe fittings originating in Brazil via Argentina;

(b) furthermore, the request contains sufficient evidence that the remedial effects of the existing anti-dumping measures on imports of the product concerned originating in Brazil are being undermined both in terms of quantity and price. Significant volumes of imports of certain malleable cast iron tube or pipe fittings consigned from Argentina appear to have replaced imports of the product concerned from Brazil. 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;

(c) finally, the request contains sufficient evidence that the prices of certain malleable cast iron tube or pipe fittings are dumped in relation to the normal values previously established for the certain malleable cast iron tube or pipe fittings originating in Brazil.

E. PROCEDURE

(7) 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 consigned from Argentina, whether declared as originating in Argentina or not, of certain malleable cast iron tube or pipe fittings 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 257, 11.10.2000, p. 2.
[3] OJ L 208, 18.8.2000, p. 8.