COUNCIL REGULATION (EC) No 496/2002

of 18 March 2002

amending Regulation (EC) No 2604/2000 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating, amongst other countries, in India

THE COUNCIL OF THE EUROPEAN UNION,

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], and in particular Article 11(4) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. MEASURES IN FORCE

(1) By Regulation (EC) No 2603/2000 [2], the Council imposed a definitive countervailing duty in the form of a specific amount per tonne of EUR 41,3/tonne on imports of certain polyethylene terephthalate (hereinafter referred to as 'the product concerned') originating, *inter alia*, in India, with the exception of imports from several Indian companies specifically mentioned, which are subject to a lesser rate of duty. By Regulation (EC) No 2604/2000 [3], the Council imposed a definitive anti-dumping duty in the form of a specific amount per tonne of EUR 181,7/tonne on imports of certain polyethylene terephthalate originating, *inter alia*, in India, with the exception of imports from several Indian companies specifically mentioned, which are subject to different rates of duty. The product is currently classifiable under CN code 3907 60 20.

B. CURRENT INVESTIGATION

(2) The Commission subsequently received a request to initiate a 'new exporter' review of Regulation (EC) No 2604/2000, pursuant to Article 11(4) of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation'), from the Indian producer Futura Polymers Ltd (hereinafter referred to as 'the company concerned'). This company claimed that it was not related to any of the exporting producers in India subject to the anti-dumping measures in force with regard to the product concerned. Furthermore, it claimed that it had not exported the product concerned during the original period of investigation (1 October 1998 to 30 September 1999), but had exported the product concerned to the Community since then.

(3) The product covered by the current review is the same as in the original investigation, i.e. polyethylene terephthalate ('PET') with a coefficient of viscosity of 78 ml/g or higher, according to DIN (Deutsche Industrienorm) 53728.

(4) The Commission examined the evidence submitted by the Indian exporting producer concerned and considered it sufficient to justify the initiation of a review in accordance with the provisions of Article 11(4) of the Basic Regulation. After consultation of the Advisory Committee and after the Community industry concerned had been given the opportunity to comment, the Commission initiated, by Regulation (EC) No 1240/2001 [4], a review of Regulation (EC) No 2604/2000 with regard to the company concerned and commenced its investigation.

(5) By the Regulation initiating the review, the Commission also repealed the anti-dumping duty imposed by Regulation (EC) No 2604/2000 with regard to imports of the product concerned, produced and exported to the Community by the company concerned and directed customs authorities, pursuant to Article 14(5) of the Basic Regulation, to take appropriate steps to register such imports.

(6) The Commission officially advised the company concerned and the representatives of the exporting country of the initiation of the review. Furthermore, it gave other parties directly concerned the opportunity to make their views known in writing and to request a hearing. However, no such request was received by the Commission.

(7) The Commission sent a questionnaire to the company concerned and received a reply within the deadline. The Commission also sought and verified all the information deemed necessary for the determination of dumping. A verification visit was carried out at the premises of the company concerned.

(8) The investigation of dumping covered the period from 1 April 2000 to 31 March 2001 (hereinafter referred to as 'the investigation period').

(9) The same methodology as that used in the original investigation was applied in the current investigation.

[1] OJ L 56, 06.03.1996, p.1. Regulation as last amended by Regulation (EC) No 2238/2000 (OJ L 257, 11.10.2000, p. 2).
[2] OJ L 301, 30.11.2000, p. 1.
[3] OJ L 301, 30.11.2000, p. 21.
[4] OJ L 171, 26.6.2001, p. 3.