



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.06.1999
COM(1999)297 final

Proposal for a

COUNCIL REGULATION (EC)

**amending Regulation (EC) No 2398/97 imposing a definitive anti-dumping duty
on imports of cotton-type bed linen originating in Egypt, India and Pakistan**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. By Regulation (EC) No 2398/97 the Council imposed a definitive anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan. The investigation, which led to the imposition of the above-mentioned duty, used sampling in accordance with Article 17 of Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community, hereinafter referred to as the basic Regulation.
2. Article 11(4) of the basic Regulation provides that when sampling has been used in the investigation a new exporter's review cannot be initiated. However, in order to ensure equal treatment between any genuine new exporting producer and the co-operating companies not included in the sample used in the above-mentioned investigation, Article 3 of Regulation (EC) No 2398/97 established that where any new exporting producer provides sufficient evidence to the Commission that it meets three basic requirements (i.e. no exports during the investigation period, no relations with exporting producers subject to the measures and actual exports or contractual obligations to export after the investigation period), then the Council may grant to these new exporting producers the weighted average duty applicable to the co-operating companies not included in the sample. This would be done with an amendment of Article 1(3) of Regulation (EC) No 2398/97 by adding the new exporting producers to the list in Annex I to that Regulation.
3. The Commission received several requests from India for new exporter status. The examination of these requests together with the additional evidence provided, where necessary, by the applicant companies showed that four of them fulfilled all the relevant requirements.
4. The Commission accordingly proposes that the Council adopt the attached proposal for a Regulation which amends Article 1(3) of Regulation (EC) No 2398/97 by adding these four new exporting producers to the list in Annex I to that Regulation.

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amending Regulation (EC) No 2398/97 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan

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 Community¹,

Having regard to Article 3 of Council Regulation (EC) No 2398/97 of 28 November 1997 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan²,

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

Whereas:

A. PREVIOUS PROCEDURE

- (1) By Regulation (EC) No 2398/97 the Council imposed a definitive anti-dumping duty on imports into the Community of cotton-type bed linen falling within CN codes ex 6302 21 00, ex 6302 22 90, ex 6302 31 10, ex 6302 31 90 and ex 6302 32 90 originating *inter alia* in India. Sampling was applied to Indian exporting producers and individual duty rates ranging from 2,6% to 24,7% were imposed on the companies in the sample, while other co-operating companies not included in the sample were attributed a weighted average duty rate of 11,6%. A duty rate of 24,7% was imposed on companies which either did not make themselves known or did not co-operate in the investigation.
- (2) Article 3 of Regulation (EC) No 2398/97 stipulates that where any exporting producer provides sufficient evidence that:

¹ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30.4.1998, p. 18).

² OJ L 332, 4.12.1997, p. 1.

- it did not export to the Community the products described in Article 1(1) of that Regulation during the investigation period (1 July 1995 to 30 June 1996),
- it is not related to any of the exporters or producers in the exporting country which are subject to the anti-dumping measures imposed by that Regulation,
- it has actually exported to the Community the products concerned after the investigation period on which the measures are based, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Community,

then Article 1(3) of that Regulation can be amended by granting that exporting producer the duty rate applicable to co-operating producers which were not included in the sample, i.e. 11,6%.

B. NEW EXPORTING PRODUCERS' REQUESTS

- (3) Four new Indian exporting producers, after having applied not to be treated differently from the companies which co-operated in the original investigation but were not included in the sample, have provided, on request, evidence showing that they meet the requirements set out in Article 3 of Regulation (EC) No 2398/97. The evidence provided by these applicant companies is considered sufficient to allow that Regulation to be amended by adding these four new exporting producers to Annex I thereto. Annex I specifies the Indian exporting producers which are subject to the weighted average duty rate of 11,6%,

HAS ADOPTED THIS REGULATION:

Article 1

The following companies shall be added to the list of exporting producers from India listed in Annex I to Regulation (EC) No 2398/97:

- Emm Libas Private Limited, New Delhi,
- Sarna Exports Limited, New Delhi,
- Stitchwell Garments, Ahmedabad,
- Utkarsh Exim Pvt. Ltd. (India), Ahmedabad.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President