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*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice concerning the judgments by the Court of Justice of the European Union in case C-249/10P and C-247/10P in relation to Council Regulation (EC) No 1472/2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain footwear with uppers of leather originating in the People's Republic of China and Vietnam

(2013/C 295/06)

In its judgments of 2 February 2012 in case C-249/10P ⁽¹⁾ *Brosmann et al* and of 15 November 2012 in case C-247/10P ⁽²⁾ *Zhejiang Aokang Shoes Co. Ltd*, the Court of Justice of the European Union ('the Court') partially annulled Council Regulation (EC) No 1472/2006 of 5 October 2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain footwear with uppers of leather originating in the People's Republic of China and Vietnam ('the Regulation') ⁽³⁾. The Regulation was annulled in so far as it relates to *Brosmann Footwear (HK) Ltd*, *Seasonable Footwear (Zhongshan) Ltd*, *Lung Pao Footwear (Guangzhou) Ltd* and *Risen Footwear (HK) Co Ltd* as well as *Zhejiang Aokang Shoes Co. Ltd* ('the exporting producers concerned').

In the respective judgments the Court stated that the Union institutions should have examined and decided upon the requests for market economy treatment ('MET') lodged by the exporting producers concerned.

Article 266 of the Treaty on the functioning of the European Union provides that the institutions must take the necessary measures to comply with the Court's judgments.

In order to comply with that obligation, the Commission decided to resume the procedure for replacing the annulled parts of the Regulation at the very point at which the illegality occurred and to examine whether market economy conditions prevailed for the exporting producers concerned for the period from 1 April 2004 to 31 March 2005.

Depending on the findings of the on-going procedure, it may also be necessary to amend accordingly Council Implementing Regulation (EU) No 1294/2009 of 22 December 2009 imposing a definitive anti-dumping duty on imports of certain footwear with uppers of leather originating in Vietnam and originating in the People's Republic of China, as extended to imports of certain footwear with uppers of leather consigned from the Macao SAR, whether declared as originating in the Macao SAR or not, following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 384/96 ⁽⁴⁾.

⁽¹⁾ OJ C 80, 17.3.2012, p. 3.

⁽²⁾ OJ C 9, 12.1.2013, p. 5.

⁽³⁾ OJ L 275, 6.10.2006, p. 1.

⁽⁴⁾ OJ L 352, 30.12.2009, p. 1.

1. Identification of the interested parties

The Commission is currently analysing the findings concerning the MET assessment carried out in respect of the exporting producers concerned.

The Commission envisages disclosing the findings of its MET assessment as well as the proposed implementation of the Court's judgments to all interested parties in the original investigation if they so request.

Since the original investigation was carried out in 2005-2006 and to ensure that the Commission has the correct contact details of potential interested parties, the Commission hereby invites all the interested parties that came forward in the original investigation to indicate whether they wish to receive the above-mentioned disclosure and, if so, to provide the following information:

- the category of the interested party in the present case (e.g. Union producer, unrelated importer, exporting producer etc.);
- confirmation of the interest to be involved as interested party in the current implementation of the Court's judgments;
- name, address and e-mail address of the interested party;
- supporting documentation demonstrating that the party was an interested party in the original investigation.

2. Time limit

The above information must be received by the Commission **within 15 days** of the publication of this Notice in the *Official Journal of the European Union*.

3. Written responses and correspondence

All relevant information is to be communicated to the Commission in writing and must indicate the name, address, e-mail address and telephone of the interested party.

Commission address for correspondence is:

European Commission
Directorate-General for Trade
Directorate H
Office: N105 08/020
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

E-mail: TRADE-AD499-Footwear-Court@ec.europa.eu

4. Hearing Officer

Interested parties may request the intervention of the Hearing Officer for the Directorate-General for Trade. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted **within 15 days** of the date of publication of this Notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.

The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered. For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website:

http://ec.europa.eu/commission_2010-2014/degucht/contact/hearing-officer/
