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(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of certain ring binder mechanisms originating in the People's Republic of China and extended to Vietnam and Lao People's Democratic Republic

(2015/C 67/09)

Following the publication of a Notice of impending expiry⁽¹⁾ of the anti-dumping measures in force on the imports of certain ring binder mechanisms originating in the People's Republic of China ('the country concerned') and those consigned from Vietnam and from the Lao People's Democratic Republic whether declared as originating respectively in Vietnam and the Lao People's Democratic Republic or not, the European Commission ('the Commission') has received a request for review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009⁽²⁾ ('the basic Regulation').

1. Request for review

The request was lodged on 26 November 2014 by Ring Alliance Ringbuchtechnik GmbH ('the applicant') representing more than 25 % of the total Union production of ring binder mechanisms.

2. Product under review

The product subject to this review is certain ring binder mechanisms ('the product under review'), currently falling within CN code ex 8305 10 00. It consists of two steel sheets or wires with at least four half-rings made of steel wire fixed on them and which are kept together by a steel cover. They can be opened either by pulling the half rings or with a small steel trigger mechanism fixed to the ring binder mechanism.

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EU) No 157/2010⁽³⁾.

4. Grounds for the review

The request is based on the grounds that the expiry of the measures would be likely to result in a continuation of dumping and injury to the Union industry.

4.1. Allegation of likelihood of a continuation or recurrence of dumping

Since, in view of the provisions of Article 2(7) of the basic Regulation, the country concerned is considered to be a non-market economy country, the applicant established normal value for the imports from the country concerned on the basis of the Union industry prices for the like product, in line with Article 2(7)(a) of the basic Regulation. This methodology is the same as the one applied in the last expiry review investigation. The allegation of likelihood of a continuation of dumping is based on a comparison of the normal value thus established with the export price (at ex-works level) of the product under review when sold for export to the Union and to non EU countries.

⁽¹⁾ Notice of the impending expiry of anti-dumping measures (OJ C 164, 29.5.2014, p. 21).

⁽²⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (codified version) (OJ L 343, 22.12.2009, p. 51).

⁽³⁾ OJ L 49, 26.2.2010, p. 1.

On this basis of the above comparison, which shows dumping, the applicant alleges that there is a likelihood of continuation of dumping from the country concerned.

4.2. **Allegation of likelihood of a continuation or recurrence of injury**

The applicant also provided *prima facie* evidence that imports of the product under review from the country concerned to the Union have remained significant in absolute terms and in terms of market shares.

The applicant alleges that the injury to the Union industry still exists. It provided *prima facie* evidence that imports of the product under review from the country concerned to the Union had, among other consequences, a negative impact on the quantities sold and the level of prices charged by the Union industry, resulting in adverse effects on the overall performance of the Union industry.

The applicant alleges the likelihood of a continuation of injury. In this respect the applicant provided evidence that, should measures be allowed to lapse, the current import level of the product under review from the country concerned to the Union is likely to increase significantly due to the available spare production capacities of the exporting producers in the country concerned and the high undercutting margins found based on Chinese export prices of ring binder mechanisms when sold for export to the Union or to non EU countries.

In addition, the applicant alleges that any substantial increase of imports at dumped prices from the country concerned would be likely to cause further injury to the Union industry should measures be allowed to lapse.

5. **Procedure**

Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence exists to justify the initiation of an expiry review, the Commission hereby initiates a review in accordance with Article 11(2) of the basic Regulation.

5.1. **Procedure for the determination of a likelihood of continuation or recurrence of dumping**

5.1.1. *Investigating exporting producers*

Exporting producers ⁽¹⁾ of the product under review from the country concerned, including those that did not cooperate in the investigation(s) leading to the measures in force, are invited to participate in the Commission investigation.

Procedure for selecting exporting producers to be investigated in the country concerned

Sampling

In view of the potentially large number of exporting producers in the country concerned involved in this expiry review and in order to complete the investigation within the statutory time limits, the Commission may limit the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all exporting producers, or representatives acting on their behalf, including the ones who did not cooperate in the investigation leading to the measures subject to the present review, are hereby requested to make themselves known to the Commission. These parties have to do so within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with the information on their company(ies) requested in Annex I to this Notice.

In order to obtain the information it deems necessary for the selection of the sample of exporting producers, the Commission will also contact the authorities of the country concerned and may contact any known associations of exporting producers.

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

⁽¹⁾ An exporting producer is any company in the country concerned which produces and exports the product under review to the Union market, either directly or via third party, including any of its related companies involved in the production, domestic sales or exports of the product under review.

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports to the Union which can reasonably be investigated within the time available. All known exporting producers, the authorities of the country concerned and associations of exporting producers will be notified by the Commission, via the authorities of the country concerned if appropriate, of the companies selected to be in the sample.

In order to obtain the information it deems necessary for its investigation with regard to exporting producers, the Commission will send questionnaires to the exporting producers selected to be in the sample, to any known association of exporting producers and to the authorities of the country concerned.

All exporting producers selected to be in the sample, any known association of exporting producers and the authorities of the country concerned will have to submit a completed questionnaire within 37 days from the date of notification of the sample selection, unless otherwise specified.

Without prejudice to the possible application of Article 18 of the basic Regulation, companies that have agreed to their possible inclusion in the sample but are not selected to be in the sample will be considered to be cooperating ('non-sampled cooperating exporting producers').

5.1.2. *Additional procedure with regard to exporting producers in the non-market economy country concerned*

Selection of a market economy third country

In accordance with Article 2(7)(a) of the basic Regulation, in the case of imports from the country concerned normal value will be determined on the basis of the price or constructed value in a market economy third country.

In the previous investigation the Union industry prices were used for the purpose of establishing normal value in respect of the country concerned. According to the information available to the Commission, other market economy suppliers of the Union may be located *inter alia* in Thailand, India and Cambodia. The Commission will examine whether there is production and sales of the product under review in those market economy third countries for which there are indications that production of the product under review is taking place. Should establishing normal value for the purpose of the current investigation not be possible on this basis, the Commission envisages using the prices paid or payable in the Union. Interested parties are hereby invited to comment on the appropriateness of the aforementioned options within 10 days of the date of publication of this Notice in the *Official Journal of the European Union*.

5.1.3. *Investigating unrelated importers* ⁽¹⁾ ⁽²⁾

Unrelated importers of the product under review from the country concerned to the Union are invited to participate in this investigation.

In view of the potentially large number of unrelated importers involved in this expiry review and in order to complete the investigation within the statutory time limits, the Commission may limit to a reasonable number the unrelated importers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, including the ones who did not cooperate in the investigation leading to the measures subject to the present review, are hereby requested to make themselves known to the Commission. These parties must do so within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with the information on their company(ies) requested in Annex II to this Notice.

In order to obtain information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

⁽¹⁾ Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex I to the questionnaire for these exporting producers. For the definition of a related party see point 3 in Annex I.

⁽²⁾ The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under review in the Union which can reasonably be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled unrelated importers and to any known association of importers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified.

5.2. Procedure for the determination of a likelihood of a continuation or recurrence of injury – Investigating Union producers

In order to establish whether there is a likelihood of a continuation or recurrence of injury to the Union industry, Union producers of the product under review are invited to participate in the Commission investigation.

In order to obtain the information it deems necessary for its investigation with regard to Union producers the Commission will send questionnaires to known Union producers or representative Union producers and to any known association of Union producers, including the ones who did not cooperate in the investigation leading to the measures subject to the present review, namely to:

- Ring Alliance Ringbuchtechnik GmbH;
- IML Industria Meccanica Lombarda srl

The aforementioned Union producers and the associations of Union producers must submit the completed questionnaire within 37 days of the date of publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified.

Any Union producer and association of Union producers not listed above is invited to contact the Commission, preferably by e-mail, immediately but no later than 15 days after the publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified, in order to make itself known and request a questionnaire.

5.3. Procedure for the assessment of Union interest

Should the likelihood of continuation or recurrence of dumping and injury be confirmed, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether maintaining the anti-dumping measures would not be against the Union interest. Union producers, importers and their representative associations, users and their representative associations, and representative consumer organisations are invited to make themselves known within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified. In order to participate in the investigation, the representative consumer organisations have to demonstrate, within the same deadline, that there is an objective link between their activities and the product under review.

Parties that make themselves known within the above deadline may provide the Commission with information on the Union interest within 37 days of the date of publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. In any case, information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

5.4. Other written submissions

Subject to the provisions of this Notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this Notice in the *Official Journal of the European Union*.

5.5. Possibility to be heard by the Commission investigation services

All interested parties may request to be heard by the Commission investigation services. Any request to be heard must be made in writing and must 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 the specific deadlines set by the Commission in its communication with the parties.

5.6. *Instructions for making written submissions and sending completed questionnaires and correspondence*

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing a) the Commission to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their right of defence.

All written submissions, including the information requested in this notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' ⁽¹⁾.

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries must be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such information may be disregarded.

Interested parties are invited to make all submissions and requests by e-mail including scanned powers of attorney and certification sheets, with the exception of voluminous replies which shall be submitted on a CD-ROM or DVD by hand or by registered mail. By using e-mail, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf The interested parties must indicate their name, address, telephone and a valid e-mail address and they should ensure that the provided e-mail address is a functioning official business e-mail which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by e-mail only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by e-mail, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: CHAR 04/039
1040 Bruxelles/Brussel
BELGIQUE/BELGIË

E-mail: trade-rbm-review-dumping@ec.europa.eu
trade-rbm-review-injury@ec.europa.eu

6. **Non-cooperation**

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

⁽¹⁾ A 'Limited' document is a document which is considered confidential pursuant to Article 19 of Regulation (EC) No 1225/2009 and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

7. Hearing Officer

Interested parties may request the intervention of the Hearing Officer in trade proceedings. 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 on issues pertaining, among other things, to the likelihood of a continuation or recurrence of dumping and injury.

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/trade/trade-policy-and-you/contacts/hearing-officer/>

8. Schedule of the investigation

The investigation will be concluded, pursuant to Article 11(5) of the basic Regulation within 15 months of the date of the publication of this Notice in the *Official Journal of the European Union*.

9. Possibility to request a review under Article 11(3) of the basic Regulation

As this expiry review is initiated in accordance with the provisions of Article 11(2) of the basic Regulation, the findings thereof will not lead to the existing measures being amended but will lead to those measures being repealed or maintained in accordance with Article 11(6) of the basic Regulation.

If any interested party considers that a review of the measures is warranted so as to allow for the possibility to amend the measures, that party may request a review pursuant to Article 11(3) of the basic Regulation.

Parties wishing to request such a review, which would be carried out independently of the expiry review mentioned in this Notice, may contact the Commission at the address given above.

10. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

ANNEX I





ANNEX II



