

Information about request for NEPT11-15

On 13 May 2013, the Council imposed a definitive anti-dumping duty on imports into the Union of ceramic tableware and kitchenware ('tableware', 'the product concerned') originating in the People's Republic of China ('the PRC') by Implementing Regulation (EU) No 412/2013¹ ('the original Regulation').

Given the large number of Chinese exporting producers, the Commission selected a sample to be investigated in accordance with Article 17 of Regulation (EU) 2016/1036 ('the basic Regulation')².

The Council imposed individual duty rates on imports of tableware ranging from 13,1 % to 23,4 % on the sampled companies, and a weighted average duty of 17,9 % on other cooperating companies not included in the sample. In addition, a duty rate of 36,1 % was imposed on imports of tableware from all other Chinese companies.

The list of cooperating exporting producers in Annex I of Regulation (EU) No 412/2013 was amended by Commission Implementing Regulation (EU) No 803/2014³ and Commission Implementing Regulation (EU) No 2017/2207⁴.

Pursuant to Article 3 of Implementing Regulation (EU) No 412/2013, Article 1(2) of the same Regulation can be amended by granting the new exporting producer the duty rate applicable to the cooperating companies not included in the sample, namely the weighted average duty rate of 17,9 %, where any new exporting producer of tableware in the PRC provides sufficient evidence to the Commission that:

- (a) it did not export to the Union the product concerned originating in the PRC during the period of investigation on which the measures are based, that is from 1 January 2011 to 31 December 2011 ('the original investigation period');
- (b) it is not related to an exporter or producer in the PRC which are subject to the anti-dumping measures imposed; and
- (c) it has either actually exported the goods concerned to the Union or has entered into an irrevocable contractual obligation to export a significant quantity to the Union after the original investigation period,

¹ Council Implementing Regulation (EU) No 412/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China (OJ L 131, 15.5.2013, p.1).

² Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union (OJ L 176, 30.6.2016, p.21).

³ Commission Implementing Regulation (EU) No 803/2014 of 24 July 2014 amending Council Implementing Regulation (EU) No 412/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China (OJ L 219, 25.7.2014, p. 33).

⁴ Commission Implementing Regulation (EU) 2017/2207 of 29 November 2017 amending Council Implementing Regulation (EU) No 412/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China (OJ L 314, 30.11.2017, p. 31).

The Commission has received a request to be granted new exporting producer treatment ('NEPT') and hence be subject to the duty rate applicable to the cooperating companies not included in the sample by one Chinese exporting producer; Zhangjiakou Happiness Co., Ltd.

The Commission is currently examining this request in order to determine whether the applicants fulfil the criteria for being granted NEPT, as set out in Article 3 of the original Regulation.

In order to participate in the investigation interested parties, such as exporting producers, Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations have to make themselves known and to demonstrate that there is an objective link between their activities and the product under investigation. Interested parties have the possibility to provide comments concerning the request for NEPT or request hearings. Only interested parties have access to the non-confidential file of the case. ¶All interested parties wishing to comment on the request for NEPT must do so within 37 days of the publication of this Notice.

Interested parties are invited to make all submissions and requests by email including scanned powers of attorney and certification sheets, with the exception of voluminous submissions which shall be submitted on a CD-ROM or DVD by hand or by registered mail. By using email, 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 email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by email 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 email, interested parties should consult the communication instructions with interested parties referred to above.

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The hearing officer acts as an interface between the interested parties and the Commission investigation services. The hearing officer may, upon request by any interested party organise a hearing and mediate to ensure the full exercise of the interested parties' rights of defence. The hearing officer also reviews requests for access to the file, disputes on the confidentiality of documents, requests for extension of time limits and requests of third persons to be heard.

For more information go to the hearing officer's web site accessible through this link:
<http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/>