



Brussels, 13.11.2018  
C(2018) ~~XXXX~~ final

**COMMISSION IMPLEMENTING DECISION**

**of 13.11.2018**

**concerning reimbursement requests pursuant to Article 11(8) of 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 of anti-dumping duties paid on imports of certain stainless steel wires originating in India and produced and exported by Viraj Profiles Limited**

**(only the Dutch text is authentic)**

*This is the non-confidential version of the Commission Implementing Decision C(2018) 7429 final of 13 November 2018. The Decision has been expunged of personal data pursuant to Article 4(2) of Regulation (EC) 1049/2001. The information withheld under Article 4(2) first indent concerns the identity of the undertaking that is the addressee of the Commission Decision and other commercially sensitive details. The disclosure of this information could confer an undue advantage to its competitors which could exploit this information to the detriment of the undertaking concerned, thereby undermining its commercial interests.*

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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<sup>1</sup>, and in particular Article 11(8),

After informing the Member States,

Whereas:

## 1. MEASURES IN FORCE AND JUDGMENT OF THE COURT

- (1) In 2013, by Council Implementing Regulation (EU) No 1106/2013<sup>2</sup> ('the contested Regulation'), the Council imposed a definitive anti-dumping duty on imports of certain stainless steel wires originating in India following an investigation pursuant to Article 5 of Council Regulation (EC) No 1225/2009<sup>3</sup>, and collected definitively the provisional duty imposed.
- (2) In the course of 2014 and 2015, [*omissis*], importer of products produced and exported by Viraj Profiles Limited, submitted to the Commission several requests for reimbursement of anti-dumping duties collected (also known as refund applications), pursuant to Article 11(8) of Regulation (EU) 2016/1036. The reimbursement requests were submitted in good time pursuant to point 2.3(b) of the Commission Notice concerning the reimbursement of anti-dumping duties<sup>4</sup>.
- (3) On 1 February 2014, Viraj Profiles Limited lodged an application at the General Court of the European Union ('the General Court') seeking the annulment of the contested Regulation in so far as it applied to it. The assessment of the requests for reimbursement was suspended pending the ruling by the General Court in case T-67/14 *Viraj Profiles Limited v Council*.

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<sup>1</sup> OJ L 176, 30.6.2016, p. 21.

<sup>2</sup> Council Implementing Regulation (EU) No 1106/2013 of 5 November 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India, OJ L 298, 8.11.2013, p. 1.

<sup>3</sup> Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community, OJ L 343, 22.12.2009, p. 51.

<sup>4</sup> OJ C 164, 29.5.2014, p. 9.

- (4) On 11 July 2017, the General Court rendered its judgment in case T-67/14 *Viraj Profiles Ltd v Council*<sup>5</sup>. By that judgment, the General Court annulled the contested Regulation to the extent that it applies to the Indian exporting producer Viraj Profiles Limited. In accordance with Article 266 TFEU, the Union's institutions should take the necessary steps to comply with the judgment.

## 2. CONSEQUENCES OF THE JUDGMENT

- (5) Following the judgment, the Commission published a Notice<sup>6</sup> concerning the reopening of the anti-dumping investigation that led to the adoption of the contested Regulation. The reopening was limited in scope to the implementation of the judgment with regard to Viraj Profiles Limited.
- (6) In that context, the Commission also resumed the assessment of the reimbursement requests, which was suspended pending the procedure before the General Court.
- (7) The assessment of the reimbursement requests entails the calculation of the dumping margin for the periods for which reimbursement is requested. The specific amounts reimbursed are based on the negative difference, if any, between the dumping margin calculated for the periods for which reimbursement is requested and the dumping margin determined and published in the contested Regulation.
- (8) The reopening of the anti-dumping investigation mentioned in recital (5) led to the determination of a revised dumping margin of 1.6%, which is a *de minimis* dumping margin. It was therefore concluded that the investigation should be terminated without the re-imposition of anti-dumping measures with regard to imports of certain stainless steel wires originating in India produced by Viraj Profiles Limited. A Commission Implementing Decision terminating the anti-dumping proceeding was published in this respect<sup>7</sup>.
- (9) Given that by its judgment in case T-67/14 the General Court annulled the anti-dumping duties in so far as Viraj Profiles Limited is concerned and that the Commission terminated the reopening of the anti-dumping investigation limited in scope to the implementation of the judgment without re-imposing anti-dumping duties on Viraj Profiles Limited, the Commission concludes that the reimbursement requests made by [omissis], which were made in good time but were suspended pending the judicial proceedings in case T-67/14 before the General Court, should be granted,

HAS ADOPTED THIS DECISION:

### *Article 1*

The refund applications submitted by [omissis] in respect of anti-dumping duties imposed pursuant to Council Implementing Regulation (EU) No 1106/2013 and paid on imports of stainless steel wires originating in India, manufactured by Viraj Profiles Limited (TARIC additional code B780), are granted in the amount of [omissis].

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<sup>5</sup> Judgment of the General Court (Seventh Chamber) of 11 July 2017, *Viraj Profiles Ltd v Council*, Case T-67/14, ECLI:EU:T:2017:481.

<sup>6</sup> Notice concerning the judgment of 11 July 2017 in case T-67/14 in relation to Council Implementing Regulation (EU) No 1106/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India, C/2017/6670, OJ C 334, 6.10.2017, p. 3.

<sup>7</sup> OJ L 244, 28.9.2018, p. 111.

*Article 2*

This Decision is addressed to *[omissis]* Netherlands and to the Kingdom of the Netherlands.

Done at Brussels, 13.11.2018

*For the Commission*  
*Cecilia MALMSTRÖM*  
*Member of the Commission*