

Information about the Request for NEPT 19 - R650 Ceramic tiles

On 12 September 2011 the Council imposed, by means of Implementing Regulation (EU) No 917/2011¹, a definitive anti-dumping duty on imports of ceramic tiles originating in the People's Republic of China ('the PRC' or 'China' or 'country concerned'). Given the large number of cooperating exporting producers in China during the original investigation, a sample of Chinese exporting producers was selected and individual ad-valorem duty rates ranging from 13.9% to 36.5% were imposed on the companies included in the sample, while other cooperating companies not included in the sample were attributed a duty rate of 30.6%². The residual duty for non-cooperating Chinese exporting producers amounted to 69,7 %.

Following an expiry review, on 22 November 2017 the Commission decided, by means of Implementing Regulation (EU) 2017/2179, to maintain the anti-dumping duties in force.

Pursuant to Article 2 of Implementing Regulation (EU) No 2017/2179³, Annex I of the same regulation can be amended by granting a new exporting producer the duty rate applicable to the cooperating companies not included in the sample, namely the weighted average duty rate of 30,6 %, 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 April 2009 to 31 March 2010 ('the original investigation period');
- b) it is not related to any of the exporters or producers in China which are subject to the anti-dumping measures imposed by that Regulation; and
- c) it has actually exported to the Union 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 Union;

In October 2018, the Chinese exporting producer Zhuhai Xuri Ceramics Co. Ltd submitted a request to be granted new exporting producer treatment ('new exporting producer treatment' or 'NEPT'), and hence be subject to the duty rate applicable to the cooperating companies not included in the sample.

The Commission is currently examining the request in order to determine whether the applicant fulfils the criteria for being granted NEPT, as set out in Article 2 of the Implementing Regulation (EU) 2017/2179.

¹ OJ L 238, 15.9.2011, p.1.

² Implementing Regulation (EU) No 917/2011 was subsequently amended by Commission Implementing Regulation (EU) 2015/409 of 11.03.2015.

³ OJ L 307, 22.11.2017, p.25.

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.

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/>