

REQUEST

Concerning circumvention of anti-dumping measures on imports of certain aluminium foil from China by imports of slightly modified aluminium foil from China and concerning the registration of such imports

under Article 13 of the Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community

EXECUTIVE SUMMARY

15 April 2016

I. INTRODUCTION

1. The present request concerns imports into the EU of aluminium household foil ("AHF") originating in China. It is brought under Article 13 of Regulation (EC) No 1225/2009 ("Basic Regulation")¹ and targets the circumvention, through slight modifications of the product concerned, of the currently applicable antidumping measures on imports of this product originating in China ("Request").
2. Anti-dumping measures ranging between 6,4% and 30% were initially imposed on 24 September 2009, by way of Regulation (EC) No 925/2009.² These measures were subsequently extended for another period of five years, following an expiry review investigation, by way of Regulation (EU) No 2015/2384 ("Expiry Regulation").³
3. The Applicant has collected extensive evidence that the measures currently in force were circumvented by Chinese AHF producers, by slightly modifying the product concerned, as described below.

II. THE PRODUCT CONCERNED AND THE PRODUCT UNDER INVESTIGATION

II.1 The product concerned

4. The measures in force cover aluminium foil of a thickness of not less than 0,008 mm and not more than 0,018 mm, not backed, not further worked than rolled, in rolls of a width not exceeding 650 mm and of a weight exceeding 10 kg ("jumbo rolls") originating in China, currently falling within CN code ex 7607 11 19 (TARIC code 7607 11 19 10) ("the product concerned")⁴.
5. As a result, the current definition of the product concerned does not cover AHF which is thinner than 8 microns, thicker than 18 microns and wider than 650 mm.

II.2 The product under investigation

6. The Applicant considers that the current anti-dumping measures are being circumvented through three types of slight modifications of the product concerned (together, the "Circumvention Practices"):

- (i) Imports from China of AHF with a width above 650 mm, which are further annealed and slitted in the European Union.

¹ 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.

² Council Regulation (EC) No 925/2009 of 24 September 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain aluminium foil originating in Armenia, Brazil and the People's Republic of China, OJ L 262, 6.10.2009, p. 1.

³ Commission Implementing Regulation (EU) No 2015/2384 of 17 December 2015 imposing a definitive anti-dumping duty on imports of certain aluminium foils originating in the People's Republic of China and terminating the proceeding for imports of certain aluminium foils originating in Brazil following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009, OJ L 332, 18.12.2015, p. 63.

⁴ Id., recital (29).

- (ii) Imports from China of AHF with a thickness of 7 microns and more, but below 8 microns.
- (iii) Imports from China of double-layer AHF, with the de-doubling of AHF, through slitting, taking place in the European Union.

7. Therefore, the Request targets slightly modified AHF consigned from China, as follows:

- **Thickness**: not less than 0,007 mm (“7 microns”) and not more than 0,045 mm (“45 microns”);
- **Width**: any, including rolls with a width exceeding 650 mm,
- **Weight**: exceeding 10 kg (“jumbo rolls”).
- **Customs code**: ex 7607 11 19, ex 7607 11 90

II.3 Production process and end-use

- 8. AHF is manufactured by rolling foilstock to the desired thickness. Once rolled, the foil is annealed by a thermal process to make it pliable. Slitting to a width not exceeding 650 mm is typically made before annealing of the reels.
- 9. AHF is used to manufacture small rolls that are sold to end-users. Since small rolls are sold in a width typically from 290 mm to 450 mm for household use and not exceeding 650 mm for professional uses, the product was characterized with a maximum width of 650 mm among other parameters.

III. SUMMARY OF THE REQUEST

10. In accordance with Article 13 of the Basic Regulation, the Applicant has provided extensive evidence demonstrating that, for each of the Circumvention Practices:

- (i) There is a change in the pattern of trade between third countries and the Union;
- (ii) Such change stems from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty;
- (iii) The remedial effects of the duty are being undermined in terms of prices and/or quantities of the like product; and
- (iv) There is evidence of dumping in relation to the normal value previously established for the like product.

11. First, based on Chinese export statistics and Eurostat import statistics, the Applicant determined the evolution of imports of each of the slightly modified products concerned. By comparing the evolution of imports of the product concerned with that of imports of the slightly modified products concerned, the Applicant noted a strong growth of circumventing imports, as well as a parallel disappearance of imports of the product concerned. In so far as the volumes of imports of the slightly modified products were

similar to those of the product concerned prior to the adoption of the initial anti-dumping measures, the Applicant concluded to a change in the pattern of trade.

12. Secondly, for each of the Circumvention Practices, the Applicant provided detailed evidence on the wide-spread existence of such practices and the absent any due cause or economic justification other than the imposition of the duty for such practices.
13. Thirdly, based on the information available to it, the Applicant demonstrated that the export prices of the slightly modified products concerned originating in China, under each of the Circumvention Practices, significantly undercut and undersell prices of the Union industry. Consequently, imports of the slightly modified product concerned originating in China undermine the remedial effects of the antidumping measures in terms of prices, as well as quantities.
14. Finally, based on the information available to it, the Applicant established *prima facie* dumping margin calculations showing that the slight modified products concerned, under each of the Circumvention Practices, enter the Union market at dumped prices.

IV. LIST OF INTERESTED PARTIES

15. The list of interested parties, as annexed to the Request, is reproduced below:

CATEGORY	IDENTITY
EU Producers	AFM AluminiumfolieMerseburg GmbH
	Al Invest Břidličnaa
	Alcoa Europe
	Alcomet AD
	Comital
	Eurofoil Luxembourg S.A.
	Hydro Aluminium Rolled Products GmbH
	Impol d.o.o.
	Inasa Foil Sabinánigo
	Symetal S.A.
TLM-TVP d.o.o. - Rolled products	
EU Producers Association	European Aluminium Foil Association
EU Importers / Users	Aleuro Converting
	ALUFIX
	ALUPACK srl
	CeDo
	Cellofix
	Cofresco
	Cuki Cofresco
	FORA FOLIENFABRIK
	ITS Foil, film and paperproducts
	Macopal Instalaciones Lliça de Vall
	RUL-LET
	SPHERE
Wrap Film Systems	
Wrapex	