

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/2368  
of 18 December 2017**

**amending Implementing Regulation (EU) 2017/325 imposing a definitive anti-dumping duty on imports of high tenacity yarns of polyesters originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council**

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 9(4) thereof,

Whereas:

- (1) By Implementing Regulation (EU) 2017/325 <sup>(2)</sup>, the Commission imposed a definitive anti-dumping duty on imports of high tenacity yarns of polyesters originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036.
- (2) However, Implementing Regulation (EU) 2017/325 did not provide for the possibility of companies who did not export the high tenacity yarns of polyesters during the original investigation period to request a review to determine whether they could also be made subject to the duty rate imposed on the cooperating companies not part of the sample.
- (3) Such a review could be carried out if sufficient evidence is brought to the Commission by a new exporter or producer in the exporting country in question that it (1) has not exported the product during the period of investigation on which the measures were based; (2) is not related to an exporter or producer subject to the measures imposed; and (3) has either actually exported the goods concerned or has entered into an irrevocable contractual obligation to export a significant quantity to the Union after the end of the period of investigation.
- (4) It is therefore appropriate to amend Implementing Regulation (EU) 2017/325 accordingly to allow new exporters the possibility to request such review.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036.
- (6) In view of the above, Article 1 of Implementing Regulation (EU) 2017/325 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of Implementing Regulation (EU) 2017/325 the following paragraph 5 is added:

- ‘5. Where any party from the People's Republic of China provides sufficient evidence to the Commission that:
- (a) it did not export the goods described in paragraph 1 originating in the People's Republic of China during the period of the original investigation (1 July 2008 – 30 June 2009);
  - (b) it is not related to an exporter or producer subject to the measures imposed by this Regulation; and

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

<sup>(2)</sup> Commission Implementing Regulation (EU) 2017/325 of 24 February 2017 imposing definitive anti-dumping duties on imports of high tenacity yarns of polyesters originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 49, 25.2.2017, p. 6).

- (c) it has either actually exported the goods described in paragraph 1 or has entered into an irrevocable contractual obligation to export a significant quantity to the Union after the end of the period of the original investigation;

the Commission may amend Annex I in order to attribute to that party the duty applicable to cooperating producers not included in the sample, i.e. 5,3 %.'

*Article 2*

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 December 2017.

*For the Commission*

*The President*

Jean-Claude JUNCKER

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