

## Notice of initiation of an anti-dumping proceeding concerning imports of threaded tube or pipe cast fittings, of malleable cast iron originating in the People's Republic of China, Thailand and Indonesia

(2012/C 44/08)

The European Commission ('the Commission') has received a complaint pursuant to Article 5 of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup> ('the basic Regulation'), alleging that imports of threaded tube or pipe cast fittings, of malleable cast iron, originating in the People's Republic of China, Thailand and Indonesia, are being dumped and are thereby causing material injury to the Union industry.

### 1. Complaint

The complaint was lodged on 3 January 2012 by the Defence Committee of Tube or Pipe Cast Fittings, of Malleable Cast Iron of the European Union ('the complainant') on behalf of producers representing a major proportion, in this case more than 50 %, of the total Union production of threaded tube or pipe cast fittings, of malleable cast iron.

### 2. Product under investigation

The product subject to this investigation is threaded tube or pipe cast fittings, of malleable cast iron ('the product under investigation').

### 3. Allegation of dumping <sup>(2)</sup>

The product allegedly being dumped is the product under investigation, originating in the People's Republic of China, Thailand and Indonesia ('the countries concerned'), currently falling within CN code ex 7307 19 10. This CN code is given for information only.

Since, in view of the provisions of Article 2(7) of the basic Regulation, the People's Republic of China is considered to be a non-market economy country, the complainant established normal value for the imports from the People's Republic of China on the basis of the price in a market economy third country, in the present case Argentina. The allegation of dumping is based on a comparison of the normal value thus established with the export price (at ex-works level) of the product under investigation when sold for export to the Union.

The allegation of dumping for Thailand and Indonesia is based on a comparison of domestic price with the export price (at ex-works level) of the product under investigation when sold for export to the Union.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> Dumping is the practice of selling a product for export ('the product concerned') at a price below its 'normal value'. The normal value is usually taken to be a comparable price for the 'like' product on the domestic market of the country concerned. The term 'like product' is interpreted to mean a product which is alike in all respects to the product concerned or, in the absence of such a product, a product which closely resembles the product.

On this basis, the dumping margins calculated are significant for all the countries concerned.

### 4. Allegation of injury

The complainant has provided evidence that imports of the product under investigation from the countries concerned have increased overall in absolute terms as well as in terms of market share.

The *prima facie* evidence provided by the complainant shows that the volume and the prices of the imported product under investigation have had, among other consequences, a negative impact on the quantities sold and the market share held by the Union industry, resulting in substantial adverse effects on the financial situation and the employment situation of the Union industry.

### 5. Procedure

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Union industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

The investigation will determine whether the product under investigation originating in countries concerned is being dumped and whether the dumped imports have caused injury to the Union industry. If the conclusions are affirmative, the investigation will examine whether the imposition of measures would not be against the Union interest.

#### 5.1. Procedure for the determination of dumping

Exporting producers <sup>(3)</sup> of the product under investigation from the countries concerned are invited to participate in the Commission investigation.

##### 5.1.1. Investigating exporting producers

##### 5.1.1.1. Procedure for selecting exporting producers to be investigated in the People's Republic of China

###### (a) Sampling

In view of the potentially large number of exporting producers in the People's Republic of China involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit

<sup>(3)</sup> An exporting producer is any company in the countries concerned which produces and exports the product under investigation to the Union market, either directly or via third party, including any of its related companies involved in the production, domestic sales or exports of the product concerned.

the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all exporting producers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties have to do so within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with information on their company(ies) as requested in Annex A to this notice.

In order to obtain the information it deems necessary for the selection of the sample of exporting producers, the Commission will also contact the authorities of the People's Republic of China and may contact any known association of exporting producers.

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports to the Union which can reasonably be investigated within the time available. All known exporting producers, the authorities of the country concerned and associations of exporting producers will be notified by the Commission, via the authorities of the country concerned if appropriate, of the companies selected to be in the sample.

In order to obtain the information it deems necessary for its investigation with regard to exporting producers, the Commission will send questionnaires to the exporting producers selected to be in the sample, to any known association of exporting producers and to the authorities of the country concerned. All exporting producers selected to be in the sample will have to submit a completed questionnaire within 37 days from the date of notification of the sample selection, unless otherwise specified.

The questionnaire will contain information on, inter alia, the structure of the exporting producer's company(ies), the activities of the company(ies) in relation to the product under investigation, the cost of production, the sales of the product under investigation on the domestic market of the country concerned and the sales of the product under investigation to the Union.

The exporting producers that had agreed to their possible inclusion in the sample, but were not selected to be in the sample, shall be considered to be cooperating ('non-sampled cooperating exporting producers'). Without prejudice to Section (b) below, the anti-dumping duty that may be applied to imports from the non-sampled cooperating exporting producers will not exceed the weighted average margin of dumping established for the exporting producers in the sample <sup>(1)</sup>.

(b) Individual dumping margin for exporting producers not included in the sample

Non-sampled cooperating exporting producers may request, pursuant to Article 17(3) of the basic Regulation, that the Commission establish their individual dumping margins. The exporting producers wishing to claim an individual dumping margin must request a questionnaire and other applicable claim forms and return them duly completed within the deadlines specified in the following sentence and in Section 5.1.2.2. below. The completed questionnaire reply must be submitted within 37 days of the date of the notification of the sample selection, unless otherwise specified. It must be underlined that, in order for the Commission to be able to establish individual dumping margins for those exporting producers in the non-market economy country, it must be proven that they fulfil the criteria for being granted market economy treatment ('MET') or at least individual treatment ('IT') as specified in Section 5.1.2.2. below.

However, exporting producers claiming an individual dumping margin should be aware that the Commission may nonetheless decide not to determine their individual dumping margin if, for instance, the number of exporting producers is so large that such determination would be unduly burdensome and would prevent the timely completion of the investigation.

5.1.1.2. Procedure for exporting producers to be investigated in Thailand and Indonesia

All exporting producers and associations of exporting producers in Thailand and Indonesia are invited to contact the Commission, preferably by e-mail, immediately but no later than 15 days after the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, in order to make themselves known and to request a questionnaire. In order to obtain the information it deems necessary for its investigation with regard to exporting producers, the Commission will send questionnaires to the known exporting producers in Thailand and Indonesia, to any known association of exporting producers and to the authorities of Thailand and Indonesia.

<sup>(1)</sup> Pursuant to Article 9(6) of the basic Regulation, any zero and *de minimis* margins, and margins established in accordance with the circumstances described in Article 18 of the basic Regulation, shall be disregarded.

The exporting producers and, where applicable, the associations of exporting producers, must submit the completed questionnaire within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

The questionnaire will contain information on, inter alia, the structure of the exporting producer's company(ies), the activities of the company(ies) in relation to the product under investigation, the cost of production, the sales of the product under investigation on the domestic market of the countries concerned and the sales of the product under investigation to the Union.

#### 5.1.2. Additional procedure with regard to exporting producers in the People's Republic of China

##### 5.1.2.1. Selection of a market economy third country

Subject to the provisions of Section 5.1.2.2. below, in accordance with Article 2(7)(a) of the basic Regulation, in the case of imports from the People's Republic of China normal value shall be determined on the basis of the price or constructed value in a market economy third country. For this purpose the Commission shall select an appropriate market economy third country. The Commission has provisionally chosen Argentina. Interested parties are hereby invited to comment on the appropriateness of this choice within 10 days of the date of publication of this notice in the *Official Journal of the European Union*.

##### 5.1.2.2. Treatment of exporting producers in the People's Republic of China

In accordance with Article 2(7)(b) of the basic Regulation, individual exporting producers in the People's Republic of China, which consider that market economy conditions prevail for them in respect of the manufacture and sale of the product under investigation, may submit a properly substantiated claim to this effect ('MET claim'). Market economy treatment ('MET') will be granted if the assessment of the MET claim shows that the criteria laid down in Article 2(7)(c) of the basic Regulation<sup>(1)</sup> are fulfilled. The dumping margin of the exporting producers granted MET will be calculated, to the extent possible and without prejudice to the use of facts

<sup>(1)</sup> The exporting producers have to demonstrate in particular that: (i) business decisions and costs are made in response to market conditions and without significant State interference; (ii) firms have one clear set of basic accounting records which are independently audited in line with international accounting standards and are applied for all purposes; (iii) there are no significant distortions carried over from the former non-market economy system; (iv) bankruptcy and property laws guarantee legal certainty and stability, and (v) exchange rate conversions are carried out at market rates.

available pursuant to Article 18 of the basic Regulation, by using their own normal value and export prices in accordance with Article 2(7)(b) of the basic Regulation.

Individual exporting producers in the People's Republic of China may also, or as an alternative, claim individual treatment (IT). To be granted IT these exporting producers must provide evidence that they fulfil the criteria set out in Article 9(5) of the basic Regulation<sup>(2)</sup>. The dumping margin of the exporting producers granted IT will be calculated on the basis of their own export prices. The normal value for exporting producers granted IT will be based on the values established for the market economy third country selected as outlined in Section 5.1.2.1. above.

Additional important information can be found in Section 10 of this notice.

#### (a) Market economy treatment

The Commission will send MET claim forms to all the exporting producers in the People's Republic of China selected to be in the sample and to non-sampled cooperating exporting producers that wish to apply for an individual dumping margin, to any known association of exporting producers, as well as to the authorities of the country concerned.

All exporting producers claiming MET must submit a completed MET claim form within 21 days of the date of the notification of the sample selection, unless otherwise specified.

#### (b) Individual treatment

To apply for IT, exporting producers in the People's Republic of China selected to be in the sample and non-sampled cooperating exporting producers that wish to apply for an individual dumping margin must submit the MET claim form with the sections relevant for IT duly completed within 21 days of the date of the notification of sample selection, unless otherwise specified.

<sup>(2)</sup> The exporting producers have to demonstrate in particular that: (i) in the case of wholly or partly foreign owned firms or joint ventures, exporters are free to repatriate capital and profits; (ii) export prices and quantities and conditions and terms of sale are freely determined; (iii) the majority of the shares belong to private persons. State officials appearing on the Board of Directors or holding key management positions shall either be in a minority or it must be demonstrated that the company is nonetheless sufficiently independent from State interference; (iv) exchange rate conversions are carried out at the market rate, and (v) State interference is not such as to permit circumvention of measures if individual exporters are given different rates of duty.

### 5.1.3. Investigating unrelated importers <sup>(1)</sup> <sup>(2)</sup>

Unrelated importers of the product under investigation from the countries concerned to the Union are invited to participate in this investigation.

In view of the potentially large number of unrelated importers involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit to a reasonable number the unrelated importers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties should do so within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with the information on their company(ies) as requested in Annex B to this notice.

In order to obtain the information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known association of importers.

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

If a sample is necessary, the unrelated importers may be selected based on the largest representative volume of sales of the product under investigation in the Union which can reasonably

<sup>(1)</sup> Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex I to the questionnaire for these exporting producers. In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife; (ii) parent and child; (iii) brother and sister (whether by whole or half blood); (iv) grandparent and grandchild; (v) uncle or aunt and nephew or niece; (vi) parent-in-law and son-in-law or daughter-in-law; (vii) brother-in-law and sister-in-law (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

<sup>(2)</sup> The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled unrelated importers and to any known association of importers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified. The completed questionnaire will contain information on, inter alia, the structure of their company(ies), the activities of the company(ies) in relation to the product under investigation and on the sales of the product under investigation.

### 5.2. Procedure for the determination of injury <sup>(3)</sup> and for Union producers to be investigated

A determination of injury is based on positive evidence and involves an objective examination of the volume of the dumped imports, their effect on prices on the Union market and the consequent impact of those imports on the Union industry. In order to establish whether the Union industry is materially injured, Union producers of the product under investigation are invited to participate in the Commission investigation.

In view of the large number of Union producers involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission has decided to limit to a reasonable number the Union producers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling is carried out in accordance with Article 17 of the basic Regulation.

The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties. Interested parties are hereby invited to consult the file (for this they should contact the Commission using the contact details provided in Section 5.6. below). Other Union producers, or representatives acting on their behalf, that consider that there are reasons why they should be included in the sample, should contact the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Union*.

All interested parties wishing to submit any other relevant information regarding the selection of the sample must do so within 21 days of the publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

<sup>(3)</sup> Injury means material injury to the Union industry, or threat of material injury to the industry, or material retardation of the establishment of such an industry.

All known Union producers and/or associations of Union producers will be notified by the Commission of the companies finally selected to be in the sample.

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the sampled Union producers and to any known association of Union producers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified. The questionnaire will contain information on, inter alia, the structure of their company(ies), the financial situation of the company(ies), the activities of the company(ies) in relation to the product under investigation, the cost of production and the sales of the product under investigation.

### 5.3. Procedure for the assessment of Union interest

Should the existence of dumping and injury caused thereby be established, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether the adoption of anti-dumping measures would be against the Union interest. Union producers, importers and their representative associations, users and their representative associations, and representative consumer organisations are invited to make themselves known within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. In order to participate in the investigation, the representative consumer organisations have to demonstrate, within the same deadline, that there is an objective link between their activities and the product under investigation.

Parties that make themselves known within the above deadline may provide the Commission with information on the Union interest within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. In any case, information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

### 5.4. Other written submissions

Subject to the provisions of this notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence should reach the Commission within 37 days of the date of publication of this notice in the *Official Journal of the European Union*.

### 5.5. Possibility to be heard by the Commission investigation services

All interested parties may request to be heard by the Commission investigation services. Any request to be heard should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15

days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request to be heard should be submitted within the specific deadlines set by the Commission in its communication with the parties.

### 5.6. Instructions for making written submissions and sending completed questionnaires and correspondence

All written submissions, including the information requested in this notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' <sup>(1)</sup>.

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such confidential information may be disregarded.

Interested parties are required to make all submissions and requests in electronic format (the non-confidential submissions via e-mail, the confidential ones on CD-R/DVD), and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. However, any Powers of Attorney, signed certifications, and any updates thereof, accompanying MET and IT claim forms or questionnaire replies shall be submitted on paper, i.e. by post or by hand, at the address below. If an interested party cannot provide its submissions and requests in electronic format, it must immediately contact the Commission in compliance with Article 18(2) of the basic Regulation. For further information concerning correspondence with the Commission, interested parties may consult the relevant web page on the website of Directorate-General for Trade: <http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence>

Commission address for correspondence:

European Commission  
Directorate-General for Trade  
Directorate H  
Office: N105 04/092  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

Fax +32 22956505

E-mail: [TRADE-MALLEABLE-FITTINGS-DUMPING@ec.europa.eu](mailto:TRADE-MALLEABLE-FITTINGS-DUMPING@ec.europa.eu)  
[TRADE-MALLEABLE-FITTINGS-INJURY@ec.europa.eu](mailto:TRADE-MALLEABLE-FITTINGS-INJURY@ec.europa.eu)

<sup>(1)</sup> A 'Limited' document is a document which is considered confidential pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009, p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

## 6. Non-cooperation

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

## 7. Hearing Officer

Interested parties may request the intervention of the Hearing Officer of Directorate-General for Trade. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes on the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.

The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered on issues pertaining, among others, to dumping, injury, causal link and Union interest. Such a hearing would, as a rule, take place at the latest at the end of the fourth week following the disclosure of provisional findings.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: [http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index\\_en.htm](http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index_en.htm)

## 8. Schedule of the investigation

The investigation will be concluded, according to Article 6(9) of the basic Regulation, within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*. According to Article 7(1) of the basic Regulation, provisional measures may be imposed no later than nine months from the publication of this notice in the *Official Journal of the European Union*.

## 9. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(1)</sup>.

## 10. Important information for exporting producers in the People's Republic of China: implications of the WTO Appellate Body Report EC — Anti-dumping measures on fasteners (WT/DS397) on the way in which the Commission will conduct this investigation

The Commission encourages all exporting producers from the People's Republic of China, which is considered to be a non-market economy country in view of the provisions of Article 2(7) of the basic Regulation, to make themselves known within 15 days of the date of publication of this notice in the *Official Journal of the European Union*, if they are interested in obtaining an individual anti-dumping duty, even if they consider that they do not comply with the criteria for obtaining IT. The Commission draws their attention to the following <sup>(2)</sup>.

In EC — Certain iron or steel fasteners from China (WT/DS397), the WTO Appellate Body found, inter alia, that Article 9(5) of the basic Regulation is inconsistent with certain provisions of the WTO Anti-Dumping Agreement and with Article XVI:4 of the WTO Agreement.

Article 2 of Council Regulation (EC) No 1515/2001 of 23 July 2001 on the measures that may be taken by the Community following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters <sup>(3)</sup> ('the enabling Regulation') provides that the Council of the European Union may, inter alia, amend Union measures taken pursuant to the basic Regulation in order to take into account the legal interpretations made in a report adopted by the WTO Dispute Settlement Body with regard to a non-disputed measure, if it considers this appropriate.

Therefore, should the investigation which is initiated by the present Notice of initiation result in the adoption of final anti-dumping measures, in the Commission's view the aforementioned Article 2 would constitute a legal basis for complying with the legal interpretations developed by the Appellate Body in the abovementioned dispute. This would imply, in more practical terms, that if an exporting producer came forward within the deadline set out above and fully cooperated by furnishing all relevant information but did not apply for IT, or applied but was found not to fulfil the criteria, the aforementioned Article 2 of the enabling Regulation could serve, in duly justified cases, as a legal basis for awarding that exporting producer an individual duty at the time of the imposition of definitive anti-dumping measures. In examining

<sup>(1)</sup> OJ L 8, 12.1.2001, p. 1.

<sup>(2)</sup> Should sampling for exporting producers be deemed necessary, an individual anti-dumping duty will only be determined for those exporting producers either: (i) selected to be in the sample; or (ii) for which an individual dumping margin has been determined pursuant to Article 17(3) of the basic Regulation.

<sup>(3)</sup> OJ L 201, 26.7.2001, p. 10.

this question, the Commission will take account of the reasoning of the Appellate Body in the abovementioned dispute, and in particular of the elements discussed in paragraphs 371-384 of its report.

Operators obtaining an individual duty on the basis of this part of this Notice of Initiation should be aware that the findings may result in an increase in the duty compared to the one that would apply if no individual duty had been determined.

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## ANNEX A

<input type="checkbox"/>	Limited version <sup>(1)</sup>
<input type="checkbox"/>	Version for inspection by interested parties
(tick the appropriate box)	

**AD 585 — ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF THREADED TUBE OR PIPE CAST FITTINGS, OF MALLEABLE CAST IRON ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA, THAILAND AND INDONESIA**

**INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN THE PEOPLE'S REPUBLIC OF CHINA**

This form is designed to assist exporting producers in the People's Republic of China in responding to the sampling information requested in point 5.1.1 of the Notice of Initiation.

Both the Limited version and the Version for inspection by interested parties should be returned to the Commission as set out in the Notice of Initiation.

**1. IDENTITY AND COMMUNICATION**

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	
Fax	

**2. TURNOVER AND SALES VOLUME**

Please indicate the turnover in the accounting currency of the company during the period of 1 January 2011-31 December 2011 for sales (export sales to the Union for each of the 27 Member States <sup>(2)</sup> applicable separately and in total and domestic sales) of threaded tube or pipe cast fittings, of malleable cast iron as defined in the Notice of Initiation and the corresponding volume.

	Volume (units and tons)		Value in accounting currency
State the currency used in this table			
Export sales to the Union, for each of the 27 Member States <sup>(3)</sup> separately and in total of the product under investigation, manufactured by your company	Total:		
	Name each Member State <sup>(4)</sup> :		
Domestic sales of the product under investigation, manufactured by your company			

<sup>(1)</sup> This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009, p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

<sup>(2)</sup> The 27 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and the United Kingdom.

<sup>(3)</sup> See footnote 2 above.

<sup>(4)</sup> Add additional rows where necessary.

### 3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES <sup>(5)</sup>

Please give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under investigation. Such activities could include but are not limited to purchasing the product under investigation or producing it under subcontracting arrangements, as well as processing or trading the product under investigation etc.

Company name and location	Activities	Relationship

### 4. OTHER INFORMATION

Please provide any other relevant information which you consider useful to assist the Commission in the selection of the sample.

### 5. INDIVIDUAL DUMPING MARGIN

The company declares that, in the event that it is not selected to be in the sample, it would like to receive a questionnaire and other claim forms in order to fill these in and thus claim an individual dumping margin in accordance with section 5.1.2.2 (b) of the Notice of Initiation.

Yes

No

### 6. CERTIFICATION

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will imply completing a questionnaire and accepting a visit at its premises in order to verify its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating exporting producers are based on facts available and the result may be less favourable to that party than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

\_\_\_\_\_

<sup>(5)</sup> In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5% or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife; (ii) parent and child; (iii) brother and sister (whether by whole or half blood); (iv) grandparent and grandchild; (v) uncle or aunt and nephew or niece; (vi) parent-in-law and son-in-law or daughter-in-law; (vii) brother-in-law and sister-in-law (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

## ANNEX B

<input type="checkbox"/>	Limited version <sup>(1)</sup>
<input type="checkbox"/>	Version for inspection by interested parties
(tick the appropriate box)	

**AD 585 — ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF THREADED TUBE OR PIPE CAST FITTINGS, OF MALLEABLE CAST IRON ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA, THAILAND AND INDONESIA**

**INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS**

This form is designed to assist unrelated importers in responding to the sampling information requested in point 5.1.3 of the Notice of Initiation.

Both the Limited version and the Version for inspection by interested parties should be returned to the Commission as set out in the Notice of Initiation.

**1. IDENTITY AND COMMUNICATION**

Supply the following details about your company:

Company name	
Address	
Contact person	
E-mail address	
Telephone	
Fax	

**2. TURNOVER AND SALES VOLUME**

Please indicate the total turnover in euros (EUR) of the company and the turnover and volume (in units and tons) for imports into the Union <sup>(2)</sup> and resales on the Union market after importation from the People's Republic of China, Thailand and Indonesia, during the period of 1 January 2011-31 December 2011 of threaded tube or pipe cast fittings, of malleable cast iron as defined in the Notice of Initiation and the corresponding volume (in units and tons).

	Volume (units and tons)	Value in euros (EUR)
Total turnover of your company in euros (EUR)		
Imports of the product under investigation into the Union		
Resales on the Union market after importation from the countries concerned of the product under investigation		

<sup>(1)</sup> This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009, p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

<sup>(2)</sup> The 27 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and the United Kingdom.

### 3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES <sup>(1)</sup>

Please give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under investigation. Such activities could include but are not limited to purchasing the product under investigation or producing it under subcontracting arrangements as well as processing or trading the product under investigation, etc.

Company name and location	Activities	Relationship

### 4. OTHER INFORMATION

Please provide any other relevant information which you consider useful to assist the Commission in the selection of the sample.

### 5. CERTIFICATION

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will imply completing a questionnaire and accepting a visit at its premises in order to verify its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating exporting producers are based on facts available and the result may be less favourable to that party than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

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<sup>(1)</sup> In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife; (ii) parent and child; (iii) brother and sister (whether by whole or half blood); (iv) grandparent and grandchild; (v) uncle or aunt and nephew or niece; (vi) parent-in-law and son-in-law or daughter-in-law; (vii) brother-in-law and sister-in-law (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.