

## V

*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON  
COMMERCIAL POLICY

## EUROPEAN COMMISSION

**Notice of initiation of a review of the anti-dumping measures in force on imports of certain iron or steel fasteners originating in the People's Republic of China, following the recommendations and rulings adopted by the Dispute Settlement Body of the World Trade Organisation on 28 July 2011 in the EC-Fasteners dispute (DS 397)**

(2012/C 160/07)

The European Commission ('Commission') has received a request for a review pursuant to Article 1(3) 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>(1)</sup> ('the WTO enabling Regulation').

**1. Request for review**

A request was lodged by Bulten Fasteners (China) Co., Ltd. following the publication of a Notice by the Commission <sup>(2)</sup> ('the fasteners implementation notice') requesting exporting producers of fasteners in the People's Republic of China to come forward and request a review if they felt that the conditions contained in point 1(a) of the fasteners implementation notice applied to them.

**2. Product under investigation**

The product subject to this investigation is certain iron or steel fasteners originating in the People's Republic of China ('the product under investigation') as defined in Council Regulation (EC) No 91/2009 of 26 January 2009 <sup>(3)</sup> ('the original Regulation').

**3. Existing measures**

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 91/2009 on imports of certain iron or steel fasteners originating in the People's Republic of China.

**4. Grounds for the review**

The request pursuant to Article 1(3) of the WTO enabling Regulation is based on the grounds that the applicant listed

in point 1 was discouraged from cooperating and requesting individual treatment because of the administrative burden entailed by Article 9(5) of Council Regulation (EC) No 1225/2009 <sup>(4)</sup> ('the basic anti-dumping Regulation').

The applicant has also provided information on their export prices and quantities during the original investigation period as required under point 1(b)(ii) of the fasteners implementation notice.

The applicant has further claimed that, had they cooperated with the original investigation, they would have claimed individual examination under Article 17(3) of the basic anti-dumping Regulation and they therefore claim this treatment at this time.

**5. Procedure for the determination of dumping**

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of a review, the Commission hereby initiates a review in accordance with Article 1(3) of the WTO enabling Regulation with a view to determine whether the applicant fulfils the requirements to have an individual duty established in accordance with Article 9(5) and Article 17(3) of the basic anti-dumping Regulation.

If the applicant fulfils the requirements to have an individual duty, then their individual margin of dumping and the level of the duty, if any, to which their imports of the product concerned into the Union should be subject will be determined. The investigation will determine this individual dumping margin

<sup>(1)</sup> OJ L 201, 26.7.2001, p. 10.

<sup>(2)</sup> OJ C 66, 6.3.2012, p. 29.

<sup>(3)</sup> OJ L 29, 31.1.2009, p. 1.

<sup>(4)</sup> OJ L 343, 22.12.2009, p. 51.

using the applicant's export prices from the original investigation period and the analogue country normal value already determined during that original investigation.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant. This information and supporting evidence should reach the Commission within the time limit set in point 6(a)(i).

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known, submit information other than questionnaire replies and to provide supporting evidence. This information and supporting evidence must reach the Commission within the time limit set in point 6(a)(i).

Furthermore, the Commission may hear interested parties, provided that they make a request showing that there are particular reasons why they should be heard. This request must be made within the time limit set in point 6(a)(ii).

## 6. Time limits

### General time limits

- (i) For parties to make themselves known, to submit questionnaire replies and any other information

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit questionnaire replies or any other information within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the aforementioned period.

- (ii) Hearings

All interested parties may also apply to be heard by the Commission within the same 37 day time limit.

## 7. 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>.

<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).

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic anti-dumping 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 requested to make all submissions and requests in electronic format (the non-confidential submissions via email, the confidential ones on CD-R/DVD), and must indicate the name, address, email address, telephone and fax numbers of the interested party. However, any Powers of Attorney and signed certifications accompanying questionnaire replies or any updates thereof shall be submitted on paper, i.e. by post or by hand, at the address below. Pursuant to Article 18(2) of the basic anti-dumping Regulation if an interested party cannot provide its submissions and requests in electronic format, it must immediately inform the Commission. 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:

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Directorate-General for Trade  
Directorate H  
Office: N105 04/092  
1049 Bruxelles/Brussel  
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Fax +32 22993704

E-mail: TRADE-AD-FASTENERS-DSB@ec.europa.eu

## 8. Non-cooperation

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

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate or cooperates only partially, and use of facts available is made, the result may be less favourable to that party than if it had cooperated.

## 9. Processing of personal data

It is noted that 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 of 18 December 2000 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. 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.

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))

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