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(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

**Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports
of certain stainless steel fasteners and parts thereof originating in the People's Republic of China
and Taiwan**

(2013/C 160/03)

The European Commission ('the Commission') has decided to initiate a partial interim review pursuant to Article 11(3) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation').

The review is limited to the examination of the product scope as regards the clarification of whether certain product types fall within the scope of the anti-dumping measures applicable to imports of certain stainless steel fasteners and parts thereof originating in the People's Republic of China and Taiwan.

1. Request for review and *ex-officio* initiation

A request for review was lodged by Sheh Kai Precision Co., Ltd ('the applicant'), an exporting producer from Taiwan, for imports originating in Taiwan.

As the measures also apply to imports originating in the People's Republic of China, the Commission has decided on its own initiative to initiate the review for imports originating in the People's Republic of China.

2. Product

The product subject to this review is certain stainless steel fasteners and parts thereof, currently falling within CN codes 7318 12 10, 7318 14 10, 7318 15 30, 7318 15 51, 7318 15 61 and 7318 15 70 ('the product under review').

3. Existing measure

The measure currently in force is a definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 2/2012 ⁽²⁾.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 5, 7.1.2012, p. 1.

4. Grounds for the review

The applicant requests the exclusion of certain stainless steel fasteners from the scope of the current anti-dumping measure. The product alleged to be excluded is bi-metal self-tapping and self-drilling screws, having a shank and head of stainless steel and a point of carbon steel which allows the screw to self-drill its own pilot hole and cut its own thread into hard steel metal, currently falling within CN code ex 7318 14 10.

The request pursuant to Article 11(3) is based on *prima facie* evidence demonstrating that the basic physical, technical and chemical characteristics of the product to be excluded significantly differ from those of the product under review.

Therefore, it is appropriate to review the case as far as the scope of the product under review is concerned. Any regulation which may result from this review might possibly have a retroactive effect as of the date of imposition of the relevant measures, or possibly from a later date, for instance the date after publication of this notice. All operators, and in particular importers, are invited to make their views known on this issue, and submit any evidence supporting those views.

5. Procedure

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of a partial interim review, the Commission hereby initiates a review in accordance with Article 11(3) of the basic Regulation, limited to the examination of the product scope.

5.1. Questionnaires

In order to obtain information it deems necessary for its investigation, the Commission will send questionnaires to the applicant, as an exporting producer, to the known exporting

producers in the People's Republic of China and Taiwan and to the authorities of those countries, to the Union industry, to other known producers in the Union, to known importers and users. This information and supporting evidence must reach the Commission within 37 days of the date of publication of this notice in the *Official Journal of the European Union*, unless otherwise specified.

5.2. **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 must reach the Commission within 37 days of the date of publication of this notice in the *Official Journal of the European Union*.

5.3. **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 review 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 the specific deadlines set by the Commission in its communication with the parties.

5.4. **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' ⁽¹⁾.

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 must 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 (non-confidential submissions via e-mail, confidential ones on CD-R/DVD), and must indicate

their name, address, e-mail address, telephone and fax numbers. However, any powers of attorney, signed certifications, and any updates thereof, accompanying 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 the 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 08/020
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Fax +32 22962219
E-mail: TRADE-FASTENERS-PRODUCT-SCOPE@ec.europa.eu

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, 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

⁽¹⁾ 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).

of the review 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 and rebuttal arguments to be presented.

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

8. Schedule of the review investigation

The review investigation will be concluded, according to Article 11(5) of the basic Regulation, within 15 months of the date of the publication of this notice in the *Official Journal of the European Union*.

9. Processing of personal data

Any personal data collected in this review 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 ⁽¹⁾.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.