

COMMISSION IMPLEMENTING REGULATION (EU) 2022/977**of 22 June 2022****accepting two requests for new exporting producer treatment with regard to the definitive anti-dumping measures imposed 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 and amending Commission Implementing Regulation (EU) 2017/325**

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 the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ (the 'basic Regulation'),Having regard to Commission Implementing Regulation (EU) 2017/325 of 24 February 2017 imposing a definitive anti-dumping duty on imports of high tenacity yarns of polyesters originating in the People's Republic of China ⁽²⁾, and, in particular, Article 2 thereof,

Whereas,

A. MEASURES IN FORCE

- (1) On 29 November 2010, the Council imposed a definitive anti-dumping duty on imports of high tenacity yarns of polyesters ('the product concerned') originating in the People's Republic of China (the PRC) by Council Implementing Regulation (EU) No 1105/2010 ⁽³⁾ ('the original Regulation').
- (2) On 26 February 2017, following an expiry review pursuant to Article 11(2) of the basic Regulation, the Commission extended the measures of the original Regulation for another 5 years by Implementing Regulation (EU) 2017/325.
- (3) In the investigation resulting in the imposition of anti-dumping duties ('original investigation'), sampling was applied for investigating the exporting producers in the PRC in accordance with Article 17 of the basic Regulation. The cooperating exporting producers not included in the sample are listed in the Annex to Implementing Regulation (EU) 2017/325.
- (4) The Commission imposed individual anti-dumping duty rates ranging from 0 % to 9,8 % on imports of the product concerned for the sampled exporting producers from PRC. For the cooperating exporting producers that were not included in the sample, a duty rate of 5,3 % was imposed.
- (5) Pursuant to Article 4 of the original Regulation, the Commission may amend the annex to that Regulation, by granting a new exporting producer the duty rate applicable to the cooperating companies not included in the sample, where any new exporting producer in the PRC provides sufficient evidence to the Commission that:
 - (a) it did not export to the Union the product concerned during the period of investigation on which the measures are based, that is from 1 July 2008 to 30 June 2009 ('the original investigation period') ('first NEPT condition');
 - (b) it is not related to any of the exporters or producers in the PRC which are subject to the anti-dumping measures imposed by the original Regulation ('second NEPT condition'); and
 - (c) it has actually exported to the Union the product concerned after the end of the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity to the Union ('third NEPT condition').

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.⁽²⁾ OJ L 49, 25.2.2017, p. 6.⁽³⁾ OJ L 315, 1.12.2010, p. 1.

B. REQUESTS FOR NEW EXPORTING PRODUCER TREATMENT

- (6) The companies Fujian Billion Polymerization Fiber Technology Industrial Co., Ltd. and Zhejiang Sanwei Material Technology Co., Ltd. (the 'applicants') submitted a request to the Commission to be granted new exporting producer treatment ('NEPT') The applicants claimed that they met all three conditions set out in Article 4 of the original Regulation ('the NEPT conditions').
- (7) In order to determine whether the applicants fulfilled the conditions for being granted NEPT, the Commission first sent a questionnaire to the applicants requesting evidence showing that it met the NEPT conditions.
- (8) Following the analysis of the questionnaire replies, the Commission requested further information and supporting evidence, which was submitted by the applicants.
- (9) The Commission sought to verify all information it deemed necessary for the purpose of determining whether the applicants met the NEPT conditions. To this end, the Commission analysed the evidence submitted by the applicants in its questionnaire reply, consulting various online databases including Orbis⁽⁴⁾ and cross-checking company information against publicly available information on the internet. In parallel, the Commission also informed the Union industry about the applicants' request and invited it to provide any comments if deemed necessary. The Union industry did not submit comments with regard to the applicants' compliance with the NEPT conditions.

C. ANALYSIS OF THE REQUESTS

Fujian Billion Polymerization Fiber Technology Industrial Co., Ltd. ('Billion')

- (10) With regard to the first NEPT condition, during the original investigation period Billion had no industrial yarn production capacity and thus did not export to the Union. Billion invested in such production capacity as from 2019⁽⁵⁾. Therefore, and in the absence of any evidence to the contrary, the applicant fulfils this condition.
- (11) With regard to the second NEPT condition, the Commission established that Billion is not related to any of the Chinese exporting producers subject to the original anti-dumping measures. Moreover, the Commission examined Billion's shareholders and none of them are subject to the anti-dumping measures imposed by the original Regulation. Therefore, the applicant fulfils this condition.
- (12) With regard to the third NEPT condition, the Commission established that the applicant exported to the Union in 2021, therefore after the original investigation period. Billion submitted invoices, a packing list, a bill of lading and a receipt of payment for an order placed in 2021 by companies located in Belgium and the Netherlands. Therefore, Billion fulfils this condition.
- (13) Accordingly, Billion fulfils all three conditions to be granted NEPT and the request should be accepted. Consequently, the applicant should be subject to an anti-dumping duty for cooperating companies not included in the sample of the original investigation.

Zhejiang Sanwei Material Technology Co., Ltd. ('Sanwei')

- (14) With regard to the first NEPT condition, the Commission established that the applicant indeed did not export to the Union during the original investigation period as Sanwei was founded in October 2017. Therefore, and in the absence of any evidence to the contrary, the applicant fulfils this condition.
- (15) With regard to the second NEPT condition, the Commission established that Sanwei is not related to any of the Chinese exporting producers which are subject to the original anti-dumping measures. Moreover, the Commission examined Sanwei's shareholders and none of them are subject to the anti-dumping measures imposed by the original Regulation. Therefore, the applicant fulfils this condition.

⁽⁴⁾ Orbis is a global data provider of corporate information covering more than 220 million companies across the globe. It mainly provides standardised information on private companies and corporate structures.

⁽⁵⁾ https://www.oerlikon.com › ecoma › files › 2020-07_OBA_Billion_IDY_en.pdf.

- (16) With regard to the third NEPT condition, the Commission established that the applicant exported to the Union in 2021, after the original investigation period. Sanwei submitted invoices, a packing list, a bill of lading and a receipt of payment for an order placed in 2021 by a German company. Therefore, Sanwei fulfils this condition.
- (17) Accordingly, Sanwei fulfils all three conditions to be granted NEPT and the request should be accepted. Consequently, the applicant should be subject to an anti-dumping duty for cooperating companies not included in the sample of the original investigation.

D. DISCLOSURE

- (18) The applicants and the Union industry were informed of the essential facts and considerations based on which it was considered appropriate to grant the anti-dumping duty rate applicable to the cooperating companies not included in the sample of the original investigation to Fujian Billion Polymerization Fiber Technology Industrial Co., Ltd. and Zhejiang Sanwei Material Technology Co., Ltd.
- (19) The parties were granted the possibility to submit comments. No comments were received.
- (20) The Regulation is in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036.

HAS ADOPTED THIS REGULATION:

Article 1

The following companies shall be added to the list of exporting producers from the People's Republic of China in the Annex to Implementing Regulation (EU) 2017/325:

Company	TARIC additional code
Fujian Billion Polymerization Fiber Technology Industrial Co., Ltd.	A977
Zhejiang Sanwei Material Technology Co., Ltd.	A977

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, 22 June 2022.

For the Commission
The President
Ursula VON DER LEYEN