



2023/2159

18.10.2023

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2159

of 17 October 2023

accepting a request for new exporting producer treatment with regard to the definitive anti-dumping measures imposed on imports of certain iron or steel fasteners originating in the People's Republic of China and amending Implementing Regulation (EU) 2022/191

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) 2022/191 of 16 February 2022 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China ⁽²⁾ ('the original Regulation'), and in particular, Article 2 thereof,

Whereas:

1. MEASURES IN FORCE

- (1) On 16 February 2022, the Commission imposed a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China ('the product concerned') by the original Regulation.
- (2) On 23 May 2022, the Commission amended the original Regulation by Commission Implementing Regulation (EU) 2022/807 ⁽³⁾.
- (3) In the original investigation, sampling was applied for investigating the exporting producers in the People's Republic of China ('the PRC') in accordance with Article 17 of the basic Regulation.
- (4) The Commission imposed individual anti-dumping duty rates ranging from 22,1 % to 48,8 % on imports of the product concerned for the sampled exporting producers from the PRC. For the cooperating exporting producers that were not included in the sample, a duty rate of 39,6 % was imposed. The cooperating exporting producers not included in the sample are listed in the Annex to the original Regulation. Furthermore, a country-wide duty rate of 86,5 % was imposed on the product concerned produced by companies in the PRC which either did not make themselves known or did not cooperate with the investigation.
- (5) Pursuant to Article 2 of the original Regulation, the Annex to that Regulation can be amended by granting a new exporting producer the duty rate applicable to the cooperating companies not included in the sample, namely the duty rate of 39,6 %, where that 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 2019 to 30 June 2020 ('the original investigation period');
 - (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 that has or could have cooperated in the original investigation; 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.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 36, 17.2.2022, p. 1.

⁽³⁾ Commission Implementing Regulation (EU) 2022/807 of 23 May 2022 correcting Implementing Regulation (EU) 2022/191 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China (OJ L 145, 24.5.2022, p. 31).

2. REQUEST FOR NEW EXPORTING PRODUCER TREATMENT

- (6) On 27 July 2022, the company Ningbo Londex Industrial Co., Ltd. ('Londex' or 'the applicant') submitted a request to the Commission to be granted new exporting producer treatment ('NEPT') and hence be subject to the duty rate applicable to the cooperating companies in the PRC not included in the sample, which is 39,6 %, claiming that it met all three conditions set out in Article 2 of the original Regulation ('the NEPT conditions').
- (7) In order to determine whether the applicant fulfilled the conditions for being granted NEPT, as set out in Article 2 of the original Regulation, the Commission first sent a questionnaire to the applicant requesting evidence showing that it met the NEPT conditions.
- (8) Following the analysis of the questionnaire reply, the Commission requested further information and supporting evidence, which was submitted by the applicant.
- (9) The Commission sought to verify all information it deemed necessary for the purpose of determining whether the applicant met the NEPT conditions. To this end, the Commission analysed the evidence submitted by the applicant, consulted the online database Orbis⁽⁴⁾ and held a remote cross-check with the applicant. In parallel, the Commission informed the Union industry about the applicant's request and invited it to provide any comments, if needed. The Union industry submitted comments with regard to the applicant's compliance with the condition set out in Article 2, point (a) of the original Regulation.

3. ANALYSIS OF THE REQUEST

- (10) With regard to the first NEPT condition, that the applicant did not export the product concerned to the Union during the original investigation period, the Commission established that the applicant indeed did not export the product concerned to the Union during that period. Londex was founded in December 2005 and exported since its establishment other products than the product concerned. All the exports during the original investigation period were verified and no evidence was found that would point to possible exports of the product concerned to the Union. More precisely, the company's sales ledger showed no record of export transactions of the product concerned to the Union during the original investigation period. Moreover, Londex's ledgers during that period were in line with the company's financial statements. Furthermore, there was no further evidence suggesting that the applicant exported the product concerned to the Union before July 2020, that is before the end of the original investigation period.
- (11) The Union industry stressed in its initial comments the fact that the applicant had been involved in export activities since its establishment in 2005 and, since the applicant requested the exclusion of concrete anchor screws in the course of the original investigation, it is likely that the applicant did export such fasteners during the original investigation period. However, the Union industry did not provide any evidence showing that Londex was not in compliance with the first NEPT condition.
- (12) Indeed, Londex did request the exclusion of concrete anchor screws in the course of the original investigation. Section 2.3.5 of the original Regulation assessed the product exclusion requests on, among others, concrete anchor screws and concluded that concrete anchor screws were covered by the product scope. The Commission considered them to fall within the product definition, since they share the same physical characteristics as screws with heads. However, it was found that Londex started to export concrete anchor screws to the Union only after the original investigation period.
- (13) The Commission found that before and during the original investigation period, the applicant exported only other products than the product concerned to the Union, among which anchors. However, anchors have not been covered by the product definition throughout the original investigation. The Notice that initiated the original investigation⁽⁵⁾ defined the product under investigation as 'certain fasteners of iron or steel, other than of stainless

⁽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⁾ Notice of initiation of an anti-dumping proceeding concerning imports of certain iron and steel fasteners originating in the People's Republic of China (OJ C 442, 21.12.2020, p. 6).

steel, i.e. wood screws (excluding coach screws), self-tapping screws, other screws and bolts with heads (whether or not with their nuts or washers, but excluding screws and bolts for fixing railway track construction material), and washers'. Such anchors of iron or steel, covered by CN code 7318 19 00, are not screws or bolts with heads and cannot be considered to fall within the definition of the product concerned, as can be understood from recitals 148 to 155 of the original Regulation.

- (14) Therefore, the Commission concluded that the applicant did not export to the Union the product concerned during the original investigation period.
- (15) With regard to the condition set out in Article 2, point (b) of the original Regulation that the applicant is not related to any exporters or producers which are subject to the anti-dumping measures imposed by the original Regulation, the Commission established that Londex is not related to any of the Chinese exporting producers which are subject to the anti-dumping measures. According to Orbis, Londex's shareholder holds shares in several companies other than Londex itself, none of which are located in the PRC and therefore not subject to the anti-dumping measures imposed by the original Regulation. Therefore, the applicant fulfilled this condition.
- (16) With regard to the condition set out in Article 2, point (c) of the original Regulation, that the applicant has actually exported the product concerned to the Union after the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity to the Union, during the investigation the Commission established that the applicant exported the product concerned to the Union from July 2020, therefore after the original investigation period. The applicant provided supporting documents for shipments of significant quantities of the product concerned to the Union between July 2020 and July 2022. Therefore, the applicant fulfilled this condition.
- (17) Accordingly, the applicant fulfils all three conditions to be granted NEPT, as set out in Article 2 of the original Regulation and the request should therefore be accepted. Consequently, the applicant should be subject to an anti-dumping duty of 39,6 % for cooperating companies not included in the sample of the original investigation.

4. DISCLOSURE

- (18) The applicant 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 Londex.
- (19) The parties were granted the possibility to submit comments. No comments were received.
- (20) The present Regulation is in accordance with the opinion of the Committee established by Article 15, point (1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

The following company is added to the Annex to Implementing Regulation (EU) 2022/191 as modified by Implementing Regulation (EU) 2022/807 containing the list of cooperating companies not included in the sample:

Company	TARIC additional code
Ningbo Londex Industrial Co., Ltd.	899L

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, 17 October 2023.

For the Commission
The President
Ursula VON DER LEYEN
