



2024/1450

24.5.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/1450

of 23 May 2024

making imports of mobile access equipment originating in the People's Republic of China subject to registration

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 of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'), and in particular Article 14(5) thereof,

After informing the Member States,

Whereas:

- (1) On 13 November 2023, the Commission announced, by a notice published in the *Official Journal of the European Union* ⁽²⁾ ('the notice of initiation'), the initiation of an anti-dumping investigation ('the anti-dumping investigation') with regard to imports into the Union of mobile access equipment ('MAE'), originating in the People's Republic of China ('the PRC'), following a complaint lodged on by Coalition to Restore a Level Playing Field in the EU Mobile Access Equipment Sector ('the complainant'), made up of EU equipment makers.

1. Product subject to registration

- (2) The product subject to registration is mobile access equipment designed for the lifting of persons, self-propelled, with a maximum working height of 6 metres or more, and pre-assembled or ready-to-assemble sections thereof, excluding individual components when presented separately, and excluding person lifting equipment mounted on vehicles of Chapter 86 and Chapter 87 of the Harmonised System originating in the People's Republic of China ('the product concerned').
- (3) The product is currently classified, for the MAE, under CN codes ex 8427 10 10, ex 8427 20 19, ex 8428 90 90 and, for the pre-assembled or ready-to-assemble sections of MAE, under ex 8431 20 00 and ex 8431 39 00 (TARIC codes: 8427101010, 8427201910, 8428909020, 8431200060 and 8431390010). The CN and TARIC codes are given for information only and without prejudice to a subsequent change in the tariff classification.

2. Request

- (4) On 15 January 2024 and on 12 March 2024, the complainant submitted registration requests pursuant to Article 14(5) of the basic Regulation. The complainant requested that imports of the product concerned be made subject to registration, so that measures may subsequently be applied against those imports from the date of registration.
- (5) On 22 January 2024, the China Chamber of Commerce for Import and Export of Machinery and Electronic products ('CCCME'), submitted comments on the first request for registration of 15 January 2024, arguing that this request did not contain sufficient evidence of increase of imports, especially regarding post initiation imports from China, the seasonality of the demand is not taken into account and that the demand-driven MAE market does not permit unexpected additional imports or stock piling, undermining the remedial effect of the duty. The Commission rejected these comments of the CCCME since the second registration request submitted by the complainant on 12 March 2024 contained sufficient evidence regarding the increase of imports post initiation, including when taking into account the seasonality of demand.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Notice of initiation of an anti-dumping proceeding concerning imports of mobile access equipment ('MAE'), originating in the People's Republic of China (OJ C, C/2023/783, 13.11.2023, ELI: <http://data.europa.eu/eli/C/2023/783/oj>).

3. Grounds for the registration

- (6) According to Article 14(5) of the basic Regulation, the Commission may direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration. Imports may be made subject to registration following a request from the Union industry, which contains sufficient evidence to justify such action.
- (7) According to the complainant, registration is justified as the product concerned is being dumped and the low-priced imports cause significant injury to the Union industry.
- (8) The Commission examined the request in light of Article 10(4) of the basic anti-dumping Regulation.
- (9) The Commission verified whether the importers were aware, or should have been aware, of the dumping as regards the extent of the dumping and the injury alleged or found. It also analysed whether there was a further substantial rise in imports which, in light of its timing and volume and other circumstances, is likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be applied.

3.1. *Awareness of the importers of the dumping, the extent thereof and the alleged injury*

- (10) As regards dumping, in the complaint the complainant provided evidence that imports from the PRC were being dumped. The complaint also provided sufficient evidence of alleged injury.
- (11) The notice of initiation for this proceeding, published on 13 November 2023, contained a summary of the evidence provided. By its publication in the *Official Journal of the European Union*, that information was made publicly available, and the complaint accessible to all importers. Therefore, the Commission considered that the importers were aware, or should have been aware, of the alleged dumping practices, the extent thereof and the alleged injury at the latest at that moment.

3.2. *Further substantial rise of imports and risk to undermine the remedial effects of the definitive anti-dumping duties*

- (12) In its requests for registration, the complainant provided the available market information according to which, after the initiation of the proceedings, the imports into the Union of the product concerned increased by 10 % to 90 % depending on the product type.
- (13) The Commission verified statistics (Surveillance) for the imports of the product concerned, based on the information available for the three TARIC codes identified in the Notice of Initiation for MAE (see recital 3) ⁽⁹⁾. Based on the volumes imported under the specific TARIC codes created at initiation for the product under investigation, it first established the volume of imports of MAE for a period after initiation (December 2023 to March 2024). Since the imports under the CN codes existing during the investigation period (1 October 2022 to 30 September 2023) also contained other products, the Commission adjusted the volumes by the percentage share of the product concerned within the imports under the CN codes, based on the proportion found of the product under investigation out of the total CN code in the post-initiation data. The Commission then compared these volumes with the volumes of imports of MAE for the same period (December 2022 to March 2023) which was part of the investigation period.
- (14) On this basis, the Commission established that in the period after the initiation (December 2023 to March 2024), the volume of imports increased by 16,2 % when compared to the volume of imports during the same period the year before.

⁽⁹⁾ The complainant submitted that imports under one of the codes (CN 8428 90 90) should not be used since the code is not used any longer for the product concerned because of a change in the customs classification after the entry into force of the Commission Implementing Regulation (EU) 2022/1610 of 13 September 2022 amending Regulation (EC) No 738/2000 as regards the classification of a vehicle equipped with a hydraulic lifting device fitted with a working platform in the Combined Nomenclature (OJ L 241, 19.9.2022, p. 3). However, as shown by the imports under TARIC codes in the period after the initiation, imports of the product under investigation under the code at issue continued.

Table 1

Imports from the PRC December to March Year-over-Year

	December 2022 – March 2023	December 2023 – March 2024	Change	Monthly average December 2022 – March 2023	Monthly average December 2023 – March 2024
Imports from the PRC to the Union (tonnes) ⁽⁴⁾	31 296	36 359	16,2 %	7 824	9 090
Source: Surveillance (adjusted).					

- (15) The Commission considered such an increase in imports to be substantial. Although, during the same period of comparison, the average price slightly increased, it was still below the average price during the investigation period.
- (16) In light of the timing, the volume of the dumped imports and other circumstances (such as the decline in the Union industry's sales, turnover, employment and profit evidenced in the complaint and in the requests for registration) are likely to seriously undermine the remedial effect of any definitive duties. In addition, given the initiation of the current proceedings, it is reasonable to assume that the imports of the product concerned may further increase prior to the adoption of provisional measures, if any, and importers could rapidly build up stocks.

4. Procedure

- (17) Therefore, the Commission has concluded that there is sufficient evidence to justify making the imports of the product concerned subject to registration in accordance with Article 14(5) of the basic Regulation.
- (18) All interested parties are invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

5. Registration

- (19) Pursuant to Article 14(5) of the basic Regulation, imports of the product concerned should be made subject to registration for the purpose of ensuring that, should the investigation result in findings leading to the imposition of anti-dumping duties, those duties can, if the necessary conditions are fulfilled, be levied retroactively on the registered imports in accordance with the applicable legal provisions.
- (20) Any future liability would emanate from the findings of the anti-dumping investigation.
- (21) The allegations in the complaint requesting the initiation of an anti-dumping investigation estimate an average dumping margin ranging from 178 % to 275,9 % and an average underselling margin of 57,5 % for the product concerned. The amount of possible future liability is set at the level of underselling estimated on the basis of the complaint, namely 57,5 % *ad valorem* on the CIF import value of the product concerned.

⁽⁴⁾ For the purposes of registration, comparison is done for the TARIC codes that relate to imports of the units (machines) and not the sections (parts of the machine). In the IP and after the IP, the sections constituted only a minor volume of imports and the share of the sections falling under the TARIC codes to be analysed was negligible. Therefore, they were not taken into account for the analysis.

6. Processing of personal data

- (22) Any personal data collected in the context of this registration will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs authorities are hereby directed, pursuant to Article 14(5) of Regulation (EU) 2016/1036, to take the appropriate steps to register imports of mobile access equipment designed for the lifting of persons, self-propelled, with a maximum working height of 6 meters or more, and imports of pre-assembled or ready-to-assemble sections thereof, excluding individual components when presented separately, and excluding person lifting equipment mounted on vehicles of Chapter 86 and Chapter 87 of the Harmonised System, currently falling under CN codes ex 8427 10 10, ex 8427 20 19, ex 8428 90 90, ex 8431 20 00 and ex 8431 39 00 (TARIC codes: 8427101010, 8427201910, 8428909020, 8431200060 and 8431390010), and originating in the People's Republic of China.

2. Registration shall expire 9 months following the date of entry into force of this Regulation.

3. All interested parties are invited to make their views known in writing, to provide supporting evidence or to request to be heard within 21 days from the date of publication of this Regulation.

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, 23 May 2024.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).