



2024/2219

9.9.2024

**COMMISSION IMPLEMENTING REGULATION (EU) 2024/2219**

**of 6 September 2024**

**terminating the partial interim review of the anti-dumping measures applicable to imports of certain pneumatic tyres, new or retreaded, of rubber, of a kind used for buses or lorries and with a load index exceeding 121 originating in the People's Republic of China**

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 <sup>(1)</sup> ('the basic anti-dumping Regulation'), and in particular Article 11(3) thereof,

Whereas:

**1. PROCEDURE**

**1.1. Measures in force**

- (1) On 18 October 2018, by Commission Implementing Regulation (EU) 2018/1579 <sup>(2)</sup> ('the original Regulation'), the European Commission ('the Commission') imposed a definitive anti-dumping duty on imports of certain pneumatic tyres, new or retreaded, of rubber, of a kind used for buses or lorries, with a load index exceeding 121 originating in the People's Republic of China ('PRC'). The anti-dumping duty ranged between EUR 42,73 per unit and EUR 61,76 per unit. The investigation that led to the imposition of the original measures will hereinafter be referred to as 'the original investigation'.
- (2) Following a challenge lodged by China Rubber Industry Association and China Chamber of Commerce of Metals, Minerals & Chemicals Importers & Exporters, the General Court of the European Union annulled on 4 May 2022, in its judgement in Cases T-30/19 and T-72/19 <sup>(3)</sup> ('the Court judgement'), the original Regulation as regards several exporting producers.
- (3) Following the Court judgment, the Commission reopened the investigation and on 4 April 2023, the Commission re-imposed a definitive anti-dumping duty on several exporting producers by Commission Implementing Regulation (EU) 2023/737 <sup>(4)</sup> ('the Second Regulation').
- (4) The anti-dumping duties currently in force range between EUR 0 per unit and EUR 35,74 per unit. GITI Tire (Anhui) Company Ltd.; GITI Tire (Fujian) Company Ltd.; GITI Tire (Hualin) Company Ltd. and GITI Tire (Yinchuan) Company Ltd. are currently subject to an anti-dumping duty of EUR 35,74 per unit.

**1.2. Request for a partial interim review limited to dumping**

- (5) On 16 August 2021, the GITI Group ('the applicant') lodged a request for a name change which concerned the exporting producer GITI Tire (Anhui) Company Ltd. The applicant requested to rename GITI Tire (Anhui) Company

<sup>(1)</sup> OJ L 176, 30.6.2016, p. 21.

<sup>(2)</sup> Commission Implementing Regulation (EU) 2018/1579 of 18 October 2018 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain pneumatic tyres, new or retreaded, of rubber, of a kind used for buses or lorries, with a load index exceeding 121 originating in the People's Republic of China and repealing Implementing Regulation (EU) 2018/163 (OJ L 263, 22.10.2018, p. 3).

<sup>(3)</sup> Judgement of the General Court (Tenth Chamber, Extended Composition) of 4 May 2022, China Rubber Industry Association (CRIA) and China Chamber of Commerce of Metals, Minerals & Chemicals Importers & Exporters (CCCMC) v European Commission, T-30/19 and T-72/19, ECLI:EU:T:2022:266.

<sup>(4)</sup> Commission Implementing Regulation (EU) 2023/737 of 4 April 2023 re-imposing a definitive anti-dumping duty on imports of certain pneumatic tyres, new or retreaded, of rubber, of a kind used for buses or lorries, with a load index exceeding 121 originating in the People's Republic of China following the judgment of the General Court in joined cases T-30/19 and T-72/19 (OJ L 96, 5.4.2023, p. 9).

Ltd. into GITI Radial Tire (Anhui) Company Ltd. in the original Regulation as the latter had taken over the operations of the former. The Commission requested the applicant to fill in a questionnaire set for a name change. The applicant submitted the reply to the questionnaire within the deadline set for that purpose.

- (6) The applicant explained that in April 2021 it had decided to restructure some of its operations in China, in particular merging three companies into GITI Radial Tire (Anhui) Company Ltd: GITI Tire (Anhui) Company Ltd.; GITI Radial Tire (Anhui) Company Ltd. and Anhui GITI Tire Retreading Company Ltd.
- (7) Following further exchanges, the Commission informed the applicant that the name change request was not the appropriate procedure to follow in order to assess the restructuring process described by the applicant, where the exporting producer GITI Tire (Anhui) Company Ltd. with a TARIC additional code C332 would be deregistered at the end of the merger process. The Commission explained that an interim review investigation would be necessary to assess the restructuring process.
- (8) On 8 September 2023, the Commission received a request for a partial interim review pursuant to Article 11 of the basic anti-dumping Regulation from the GITI Group ('the applicant'). The request was to examine if the restructuring of the GITI Group should result in the recalculation of the dumping margin for the applicant and to change the name of the exporting producer GITI Tire (Anhui) Company Ltd. for GITI Radial Tire (Anhui) Company Ltd.

#### 1.3. Initiation of a partial interim review limited to dumping

- (9) Having determined, after informing the Member States, that sufficient evidence existed to justify the initiation of a partial interim review limited in scope to the examination of dumping as far as the applicant was concerned, on 15 December 2023, the Commission initiated a partial interim review in accordance with Article 11 of the basic anti-dumping Regulation by a notice published in the *Official Journal of the European Union* <sup>(i)</sup> ('Notice of Initiation').

#### 1.4. Parallel expiry review

- (10) On 20 October 2023, the Commission had initiated an expiry review concerning imports of certain pneumatic tyres, new or retreaded, of rubber, of a kind used for buses or lorries and with a load index exceeding 121, originating, in the PRC pursuant to Article 11 of the basic anti-dumping Regulation. The expiry review was requested by the Coalition Against Unfair Tyres Imports, an ad hoc association of European producers on behalf of the Union industry in the sense of Article 5(4) of the basic anti-dumping Regulation. The investigation under the expiry review is ongoing.

#### 1.5. Investigation

- (11) The investigation related to the partial interim review limited to dumping covered the period from 1 July 2022 to 30 June 2023 ('the review investigation period').
- (12) The Commission informed the applicant, the authorities of the exporting country and the Union industry of the initiation of the partial interim review investigation. Interested parties were given the opportunity to make their views known in writing and to be heard.
- (13) The Commission sent questionnaires to the GITI Group in order to obtain the information necessary for its investigation. To reduce the administrative burden, the Commission agreed with the applicant's proposal to use its replies to the questionnaires submitted under the expiry review investigation. Replies were received within the deadline set for that purpose.

<sup>(i)</sup> Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of certain pneumatic tyres, new or retreaded, of rubber, of a kind used for buses or lorries and with a load index exceeding 121 originating in the People's Republic of China (OJ C, C/2023/1500, 15.12.2023).

## 2. PRODUCT CONCERNED AND LIKE PRODUCT

### 2.1. Product concerned

- (14) The product under review is the same as in the original and second Regulations, namely certain pneumatic tyres, new or retreaded, of rubber, of a kind used for buses or lorries, with a load index exceeding 121, currently falling under CN codes 4011 20 90 and ex 4012 12 00 (TARIC code 4012 12 00 10) and originating in PRC ('the product concerned').

### 2.2. Like product

- (15) As established in the original investigation, the product concerned and the product produced and sold in the Union by the Union industry share the same basic physical characteristics and basic uses.
- (16) The Commission therefore concluded that these products are alike within the meaning of Article 1 of the basic anti-dumping Regulation.

## 3. LASTING NATURE OF CHANGED CIRCUMSTANCES

- (17) In accordance with Article 11 of the basic anti-dumping Regulation, the Commission examined whether the circumstances on the basis of which the current measures were established have changed significantly, and whether such change was of a lasting nature.
- (18) The applicant reported that in June 2023, GITI Radial Tire (Anhui) Company Ltd., located next to GITI Tire (Anhui) Company Ltd., had completed the absorption of three other companies of the GITI Group, namely: i) GITI Tire (Anhui) Company Ltd.; ii) Anhui Prime Cord Fabrics Company Ltd. and iii) Anhui GITI Tire Retreading Company Ltd. In the original investigation the Commission had investigated all these companies except Anhui GITI Tire Retreading Company Ltd. GITI Tire (Anhui) Company Ltd. was one of the exporting producers while GITI Radial Tire (Anhui) Company Ltd. and Anhui Prime Cord Fabrics Company Ltd. provided input materials. On the basis of the evidence submitted by the applicant, the resulting merged company will largely continue carrying out the same production and supply activities as the originally investigated companies. The applicant also reported other corporate changes affecting several companies within the GITI Group. The changes mostly involve i) changes to the level of production activity of exporting producers and input material providers and ii) minor corporate changes.
- (19) In the original investigation, the normal value was calculated on the basis of price and cost information from the selected analogue country and did not depend on domestic Chinese prices or costs. Therefore, there is no indication that the internal restructuring and the other reported corporate changes of the GITI Group within China are of any relevance. In addition, there is no indication that the sales channels have significantly changed, and therefore the export price, since the group is still exporting via its related trader and the direct selling expenses of GITI Radial Tire (Anhui) Company Ltd. and GITI Tire (Anhui) Company Ltd. are the same as they are located next to each other. Therefore, there is no indication that the reported restructuring changes and the other minor corporate changes have changed the circumstances as regards to dumping and, that a modification of the anti-dumping measures would be warranted on that basis.
- (20) In view of the merger described above, the applicant requested to replace the references to GITI Tire (Anhui) Company Ltd. for GITI Radial Tire (Anhui) Company Ltd. in the second Regulation. The evidence submitted by the applicant shows that the absorption of GITI Tire (Anhui) Company Ltd. was finalized as of 6 July 2023, the day when GITI Radial Tire (Anhui) Company Ltd. obtained its new business license, after having filed an application to the relevant authorities on 20 June 2023. Therefore, the Commission considers appropriate to amend Implementing Regulation (EU) 2023/737 to reflect the takeover of the production activities of GITI Tire (Anhui) Company Ltd. by GITI Radial Tire (Anhui) Company Ltd. and to attribute the additional TARIC code C332 to GITI Radial Tire (Anhui) Company Ltd.
- (21) The applicant was given the opportunity to comment on this Regulation. The applicant argued against the termination of the investigation on two grounds.

- (22) The applicant’s first argument was that the Commission had asked the applicant to request an interim review so that the Commission could recalculate the dumping margin in view of the corporate changes that GITI Group intended to carry out. As regards this claim, the Commission had informed the GITI Group that, on the basis of the information received at that stage, the name change procedure initially requested did not appear to be suitable to analyse the intended corporate changes. The Commission had informed the applicant that it would be necessary to request an interim review once the corporate changes were effectively implemented. The Commission did not, however, indicate that recalculating the dumping margin would be necessary. The purpose of the interim review was to assess if the corporate changes were giving ground for a recalculation of the dumping margin. The Commission concluded that those changes did not warrant the recalculation of the dumping margin, so the Commission granted the original name change request.
- (23) The applicant’s second argument was that the sales channels had changed, as the GITI Group was no longer using the related importers established in the original investigation. Therefore, in the applicant’s view, the Commission should no longer resort to a constructed export price, in accordance with Article 2(9) of the basic anti-dumping Regulation, for the determination of the level of dumping. As regards the second argument, the Commission notes that one of the reported changes referred to a related importer outside the Union and, thus, such a data is no longer relevant for the determination of the level of dumping in the Union. Furthermore, as regards the argument that the GITI Group no longer sells the product concerned via a related trader in the Union, the Commission noted that in the original investigation most of the export sales to the Union were made by the same sales channels. The percentage of sales made by the related importer in the Union was not significant. Moreover, the Commission further confirmed, on the basis of the information provided by the applicant, that the related importer is still active and provides marketing services to the GITI Group. Since the GITI Group can still use this related importer as sales channels at any time, the fact that it is not being used at present would not be deemed a significant change having a lasting nature.

4. TERMINATION OF THE INVESTIGATION

- (24) Interested parties were informed of the essential facts and considerations on the basis of which it was intended to terminate this investigation and were given the opportunity to comment.
- (25) For the reasons stated above, the Commission therefore concludes that the partial interim review of the anti-dumping measures on imports of the product concerned originating in China, limited to the applicant, should be terminated.
- (26) This 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

1. Article 1(3) of Implementing Regulation (EU) 2023/737 is amended as follows:

‘GITI Tire (Anhui) Company Ltd; GITI Tire (Fujian) Company Ltd; GITI Tire (Hualin) Company Ltd; GITI Tire (Yinchuan) Company Ltd	35,74	C332’
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is replaced by

‘GITI Radial Tire (Anhui) Company Ltd.; GITI Tire (Fujian) Company Ltd.; GITI Tire (Hualin) Company Ltd.; GITI Tire (Yinchuan) Company Ltd.	35,74	C332’
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2. TARIC additional code C332 previously attributed to GITI Tire (Anhui) Company Ltd. shall apply to GITI Radial Tire (Anhui) Company Ltd. as of 6 July 2023. As of this date, any definitive duty paid on imports of products manufactured by GITI Radial Tire (Anhui) Company Ltd. in excess of the anti-dumping duty established in Article 1(3) of Implementing Regulation (EU) 2023/737 as regards GITI Tire (Anhui) Company Ltd. shall be repaid or remitted in accordance with the applicable customs legislation.

#### *Article 2*

The partial interim review limited in scope to dumping to the GITI Group as regards the anti-dumping duty applicable to imports of certain pneumatic tyres, new or retreaded, of rubber, of a kind used for buses or lorries, with a load index exceeding 121, currently falling under CN codes 4011 20 90 and ex 4012 12 00 (TARIC code 4012 12 00 10) and originating in the People's Republic of China is terminated.

#### *Article 3*

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, 6 September 2024.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN