Official Journal
of the European Union

EN
L series

2024/2392

11.9.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/2392

of 10 September 2024

amending 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 following acceptance of a request for new exporting producer treatment

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'), and in particular Article 9 thereof,

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 into the Union of certain iron or steel fasteners ('the product concerned') originating in the People's Republic of China ('China') by the original Regulation.

(2) In the investigation that led to the original Regulation ('the original investigation'), sampling was applied for investigating the exporting producers in China in accordance with Article 17 of the basic Regulation.

(3) 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 China. 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 China which either did not make themselves known or did not cooperate with the original investigation.

(4) Pursuant to Article 2 of the original Regulation, Article 1(2) of 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 China provides sufficient evidence to the Commission of the following:

(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') ('the first NEPT condition');

(b) it is not related to any of the exporters or producers in China that are subject to the anti-dumping measures imposed by the original Regulation and that has or could have cooperated in the original investigation ('the second NEPT condition');

(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 of the product concerned to the Union ('the third NEPT condition').

([1]) OJ L 176, 30.6.2016, p. 21. ELI: http://data.europa.eu/eli/reg/2016/1036/oj
([2]) OJ L 36, 17.2.2022, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2022/191/oj

2. REQUEST FOR NEW EXPORTING PRODUCER TREATMENT

(5) On 25 September 2023, the company Suzhou DTFLOCK Precision Fastener Co., Ltd. ('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 China not included in the sample, claiming that it met all three conditions set out in Article 2 of the original Regulation ('the request').

(6) 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 NEPT conditions'), the Commission first sent a questionnaire to the applicant requesting evidence showing that it met the NEPT conditions. In parallel, the Commission informed the Union industry about the applicant's request and invited it to provide comments. The Union industry, represented by the European Industrial Fasteners Institute, did not submit any comments with regard to the applicant's compliance with the NEPT conditions.

(7) Following the analysis of the applicant's reply to the questionnaire, the Commission requested additional information and supporting evidence, which was submitted by the applicant. Further to analysing the additional evidence, the Commission consulted the online database Orbis ([3]) along with Chinese databases such as Quichacha ([4]) and Aliyun ([5]) for company information, cross-checking all the available information with publicly available information on the internet.

(8) Finally, the Commission held a remote cross-check ('RCC') with the applicant on 23 and 24 April 2024. The Commission sought to verify all information it deemed necessary for the purpose of determining whether the applicant met the NEPT conditions.

3. ANALYSIS OF THE REQUEST

(9) With regard to the first NEPT condition, the Commission established that the applicant did not export the product concerned to the Union during the original investigation period. The Commission determined that the applicant was founded in 2015 and that it obtained an export licence in the same year and started exporting the product concerned in 2021 to the Union.

(10) The Commission verified all the export transactions during the original investigation period and found no evidence of exports of the product concerned to the Union before 2021. Specifically, the applicant's sales ledger showed no record of export transactions of the product concerned to the Union during the original investigation period, while the applicant's ledgers during that period were in line with the company's financial statements.

(11) With regard to the second NEPT condition, the Commission established that the applicant is not related to any of the exporting producers in China that are subject to the anti-dumping measures imposed by the original Regulation.

(12) With regard to the third NEPT condition, the Commission established that the applicant exported the product concerned to the Union from March 2021, therefore after the original investigation period.

(13) The applicant provided supporting documents for shipments of significant quantities of the product concerned to the Union from February 2021 onwards. The Commission verified those against the applicant's financial statements during the RCC. The Commission therefore concluded that the applicant fulfilled the third NEPT condition.

([3]) 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.

([4]) Qichacha is a private, for-profit Chinese-owned database that delivers business data, credit information, and analytics concerning private and public companies based in China to consumers and professionals.

([5]) Aliyun (also known as Alibaba Cloud) is a subsidiary of Alibaba Group. It provides cloud computing services to online businesses and Alibaba's own e-commerce ecosystem and, among other features, serves as a database that delivers business data, credit information and other types of information on private and public companies based in China to consumers and professionals.

(14) Based on the above, the Commission concluded that the applicant fulfilled all three conditions to be granted NEPT, as set out in Article 2 of original Regulation. 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.

(15) Implementing Regulation (EU) 2022/191 should therefore be amended accordingly.

4. **DISCLOSURE**

(16) 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 the applicant.

(17) All interested parties, namely the Union industry and the applicant, were granted the possibility to submit comments. No comments were received.

(18) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Implementing Regulation (EU) 2022/191, the following row is inserted after the row for Suzhou YNK Fastener Co., Ltd.:

Country	Name	TARIC additional code
'People's Republic of China	Suzhou DTFLOCK Precision Fastener Co., Ltd.	89CE'

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, 10 September 2024.

For the Commission
The President
Ursula VON DER LEYEN