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(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice concerning the judgments in Joined cases C-186/14 P and C-193/14 P in relation to Council Regulation (EC) No 926/2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China and Commission Implementing Regulation (EU) 2015/2272 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009

(2016/C 331/03)

Judgments

In its judgment of 7 April 2016 in Joined cases C-186/14 P and C-193/14 P the Court of Justice of the European Union dismissed the appeals brought by ArcelorMittal Tubular Products Ostrava a.s., ArcelorMittal Tubular Products Roman SA, Benteler Deutschland GmbH, formerly Benteler Stahl/Rohr GmbH, Ovako Tube & Ring AB, Rohrwerk Maxhütte GmbH, Dalmine SpA, Silcotub SA, TMK-Artrom SA, Tubos Reunidos SA, Vallourec Oil and Gas France SAS, formerly Vallourec Mannesmann Oil & Gas France SAS, Vallourec Tubes France SAS, formerly V & M France SAS, Vallourec Deutschland GmbH, formerly V & M Deutschland GmbH, Voestalpine Tubulars GmbH & Co. KG, Železiarne Podbrezová a.s. ('ArcelorMittal and Others') and the Council of the European Union to set aside the judgment of the General Court of 29 January 2014 in *Hubei Xinyegang Steel v Council* (T-528/09), whereby the General Court upheld the application of Hubei Xinyegang Steel Co. Ltd for annulment of Council Regulation (EC) No 926/2009 of 24 September 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China ⁽¹⁾.

Consequences

As a direct consequence of the judgments, imports into the European Union of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China, produced by Hubei Xinyegang Steel Co., Ltd, are deemed to have never been subject to anti-dumping measures, and anti-dumping duties collected so far must therefore be reimbursed in accordance with the applicable customs legislation.

Another consequence of the judgments relates to all the other Chinese exporting producers of seamless pipes and tubes, whose imports are currently subject to anti-dumping duties under Commission Implementing Regulation (EU) 2015/2272 ⁽²⁾. That consequence is the subject of this notice.

Reopening

Given that the illegalities identified in the judgments concern the substance of the findings on threat of injury made by the Union institutions, the Commission has decided to reopen the anti-dumping investigation concerning imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China which led to the adoption of Implementing Regulation (EU) 2015/2272.

The reopening is limited in scope to the repeal of the extended anti-dumping duties on imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China pursuant to Implementing Regulation (EU) 2015/2272, in so far as those duties are imposed on the Chinese exporting producers named in that Regulation other than Hubei Xinyegang Steel Co., Ltd. The investigation will examine whether it is appropriate to repeal that Regulation in light of the judgments of the Court of Justice and the General Court at stake.

⁽¹⁾ OJ L 262, 6.10.2009, p. 19.

⁽²⁾ Commission Implementing Regulation (EU) 2015/2272 of 7 December 2015 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 (OJ L 322, 8.12.2015, p. 21).

Written submissions

All interested parties are invited to make their views known, submit information and provide supporting evidence on issues pertaining to the reopening of the investigation. Unless otherwise specified, this information and supporting evidence must reach the Commission within 20 days of the date of publication of this Notice in the *Official Journal of the European Union*.

Possibility to be heard by the Commission investigation services

All interested parties may request to be heard by the Commission investigation services. Any request to be heard should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the reopening of the investigation the request must be submitted within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with the parties.

Instructions for making written submissions and sending correspondence

Information submitted to the Commission for the purpose of trade defence investigations should be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing a) the Commission to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

All written submissions and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' ⁽¹⁾.

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation ⁽²⁾, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such information may be disregarded.

Interested parties are invited to make all submissions and requests by email including scanned powers of attorney and certification sheets, with the exception of voluminous replies which shall be submitted on a CD-ROM or DVD by hand or by registered mail. By using email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: CHAR 04/039
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Email: TRADE-SPT-COURT@ec.europa.eu

Hearing Officer

Interested parties may request the intervention of the Hearing Officer in trade proceedings. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews

⁽¹⁾ A 'Limited' document is a document which is considered confidential pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

⁽²⁾ Council Regulation (EC) No 1225/2009 ('the basic Regulation') was repealed and replaced by 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 (OJ L 176, 30.6.2016, p. 21).

requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the reopening of the investigation the request must be submitted within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.

The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered on issues pertaining, among other things, to the implementation of the judgments.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: <http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/>

Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

Disclosure

All interested parties, including the exporting producers in the PRC and the Union industry, will be informed of the essential facts and considerations on the basis of which it is intended to implement the judgments and will be given an opportunity to comment.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.