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(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of reopening the anti-dumping investigation concerning imports of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) originating in India

(2018/C 151/08)

The European Commission ('the Commission') has received a request pursuant to Article 12 of 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'), to investigate whether the anti-dumping measures imposed on tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) originating in India, have had an effect on export prices, resale prices or subsequent selling prices in the Union.

1. Request for an absorption reinvestigation

The request was lodged on 16 March 2018 by Saint-Gobain PAM, Saint-Gobain PAM Deutschland GmbH, Saint-Gobain PAM España S.A. and Duktus (Production) GmbH ('the applicants'), four Union producers representing more than 90 % of the total Union production of tubes and pipes of ductile cast iron.

2. Product under investigation

The product under investigation is defined as tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron), with the exclusion of tubes and pipes of ductile cast iron without internal and external coating ('bare pipes'), currently falling within CN codes ex 7303 00 10 and ex 7303 00 90 (TARIC codes 7303 00 10 10, 7303 00 90 10), originating in India ('the product under investigation').

3. Existing Measures

The measures currently in force are a definitive anti-dumping duty imposed by Commission Implementing Regulation (EU) 2016/388 of 17 March 2016 imposing a definitive anti-dumping duty on imports of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) originating in India ⁽²⁾, as amended ⁽³⁾.

The product under investigation is also subject to a definitive countervailing duty imposed by Commission Implementing Regulation (EU) 2016/387 of 17 March 2016 imposing a definitive countervailing duty on imports of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron), originating in India ⁽⁴⁾.

4. Grounds for an absorption reinvestigation

The applicants have submitted sufficient evidence showing that, after the original investigation period and prior to and following the imposition of the anti-dumping duties on imports of the product under investigation, resale prices to non-related customers in the Union have decreased. This has impeded the intended remedial effects of the measures in force.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 73, 18.3.2016, p. 53.

⁽³⁾ Commission Implementing Regulation (EU) 2016/1369 of 11 August 2016 amending Implementing Regulation (EU) 2016/388 imposing a definitive anti-dumping duty on imports of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) originating in India (OJ L 217, 12.8.2016, p. 4).

⁽⁴⁾ OJ L 73, 18.3.2016, p. 1.

The evidence contained in the request indicates that the decrease in resale prices cannot be explained by other factors such as changes in raw material prices.

5. Procedure

Having determined, after informing the Member States and notifying India, that the request has been lodged by or on behalf of the Union industry and that there is sufficient evidence of absorption, the Commission hereby reopens the investigation pursuant to Article 12 of the basic Regulation. This investigation concerns the current anti-dumping duties of 14,1 % imposed on Jindal Saw Limited ('Jindal'), and its related ⁽⁵⁾ companies, and on all other companies as set out in Article 1 of Regulation (EU) 2016/388.

5.1. Reinvestigating exporting producers

In order to obtain information it deems necessary for its reinvestigation, the Commission will send a questionnaire to Jindal and its related companies. On the basis of information at the disposal of the Commission, Jindal is the only company which currently exports to the Union and is subject to the anti-dumping duty. However, the investigation is not limited to Jindal, and other exporting producers are invited to make themselves known within 15 days from the publication of this Notice and they may also be investigated if warranted.

Within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*, Jindal has to inform the Commission whether it requests a revision of the normal value under Article 12(5) of the basic Regulation. Where the absorption reinvestigation involves a re-examination of normal values, imports may be made subject to registration in accordance with Article 14(5) of the basic Regulation pending the outcome of the reinvestigation.

Jindal will have to submit a completed questionnaire within 37 days, unless otherwise specified. If Jindal requests a revision of the normal value, it will have to provide, within the same deadline, complete information on normal values, duly substantiated by evidence.

5.2. Investigating unrelated importers ⁽⁶⁾

Unrelated importers of the product under investigation to the Union are invited to participate in this reinvestigation.

In view of the potentially large number of unrelated importers involved in this proceeding and in order to complete the reinvestigation within the statutory time limits, the Commission may limit to a reasonable number the unrelated importers that will be reinvestigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission within 15 days of the date of publication of this Notice.

In order to obtain information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified.

⁽⁵⁾ In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 laying down detailed rules for implementing certain provisions of Regulation (EU) 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if one of the following conditions is fulfilled: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns or controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and the Council of 9 October 2013 laying down the Union Customs Code, 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

⁽⁶⁾ Only importers not related to exporting producers can be sampled. See footnote 5.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under investigation in the Union which can reasonably be reinvestigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

In order to obtain information it deems necessary for its reinvestigation, the Commission will send questionnaires to the sampled unrelated importers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified.

5.3. *Other written submissions*

Subject to the provisions of this Notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this Notice in the *Official Journal of the European Union*.

5.4. *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 initial stage 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.

5.5. *Instructions for making written submissions and sending completed questionnaires and correspondence*

Information submitted to the Commission for the purpose of trade defence investigations shall 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 reinvestigation in a form that allows them to exercise their rights of defence.

All written submissions, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled '*Limited*' (⁽⁷⁾). Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

Interested parties providing '*Limited*' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, 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 a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

Interested parties are invited to make all submissions and requests by e-mail 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 e-mail, 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 e-mail address and they should ensure that the provided e-mail address is a functioning official business e-mail which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by e-mail 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 e-mail, interested parties should consult the communication instructions with interested parties referred to above.

(⁷) 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).

Commission address for correspondence:

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

Email: TRADE-DCIT-ABSORPTION@ec.europa.eu

6. Non-cooperation

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the reinvestigation, findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

7. 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 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 initial stage of the reinvestigation the request must be submitted within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*.

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/>

8. Schedule of the reinvestigation

The reinvestigation will be concluded, pursuant to Article 12 of the basic Regulation within 9 months of the date of the publication of this Notice in the *Official Journal of the European Union*.

9. Processing of personal data

Any personal data collected in this reinvestigation 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 ⁽⁸⁾.

⁽⁸⁾ OJ L 8, 12.1.2001, p. 1.