

## V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON  
COMMERCIAL POLICY

EUROPEAN COMMISSION

**Notice of initiation concerning the anti-dumping measures applicable to imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China, as extended to imports consigned from India, whether declared as originating in India or not**

(2018/C 171/05)

By Council Implementing Regulation (EU) No 791/2011 <sup>(1)</sup>, the Council imposed a definitive anti-dumping duty on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China.

The measures were extended to imports consigned from India, whether declared as originating in India or not, on 20 December 2013, by Council Implementing Regulation (EU) No 1371/2013 <sup>(2)</sup>.

On 21 January 2014, Pyrotek Incorporated, a North American company with factories or sales offices in various countries, including EU Member States, requested an exemption from the extended measures pursuant to Article 11(4) of Council Regulation (EU) 2016/1036 of 8 June 2016 on protection against dumped imports from countries not members of the European Community (the basic Regulation) <sup>(3)</sup> in respect of Pyrotek India Pvt. Ltd, an exporting producer from India.

In response to a questionnaire sent by the Commission, Pyrotek India Pvt. Ltd indicated that it had exported the product concerned during the period of the anti-circumvention investigation leading to the extension of the measures to India (from 1 April 2012 to 31 March 2013). Therefore, Pyrotek India Pvt. Ltd did not meet the conditions set in Article 11(4) of the basic Regulation.

However, the request contained sufficient evidence to justify the initiation of a partial interim review of the measures as extended to India pursuant to Articles 11(3) and 13(4) of the basic Regulation.

On 23 September 2014, the Commission initiated a partial interim review and, as a result, Pyrotek India Pvt. Ltd obtained an exemption from the extended measures on 10 September 2015 <sup>(4)</sup> for exports to the EU as of that date.

### 1. Reopening of the exemption investigation

During the partial interim review investigation, it was established that Pyrotek India Pvt. Ltd had been a genuine producer of the product concerned since it started its production in August 2011 and did not engage in circumvention practices.

Therefore, further to Pyrotek India Pvt. Ltd request, the Commission has decided to reopen the exemption investigation. The reopening is limited in scope to assessing whether it would be appropriate to extend the temporal scope of the exemption to the period between 20 December 2013 and 10 September 2015.

<sup>(1)</sup> Council Implementing Regulation (EU) No 791/2011 of 3 August 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China (OJ L 204, 9.8.2011, p. 1).

<sup>(2)</sup> Council Implementing Regulation (EU) No 1371/2013 of 16 December 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China to imports of certain open mesh fabrics of glass fibres consigned from India and Indonesia, whether declared as originating in India and Indonesia or not (OJ L 376, 20.12.2013, p. 20).

<sup>(3)</sup> OJ L 176, 30.6.2016, p. 21.

<sup>(4)</sup> Commission Implementing Regulation (EU) 2015/1507 of 9 September 2015 amending Council Implementing Regulation (EU) No 1371/2013 extending a definitive anti-dumping duty imposed on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China to imports consigned, inter alia, from India, whether declared as originating in India or not (OJ L 236, 10.9.2015, p. 1).

## 2. Procedure

Having determined, after informing the Member States, that a partial reopening of the exemption investigation is justified, the Commission hereby partially reopens the exemption investigation concerning imports of open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m<sup>2</sup>, excluding glass fibre discs, originating in the People's Republic of China or consigned from India, whether declared as originating in India or not, currently falling within CN codes ex 7019 51 00 and ex 7019 59 00, initiated pursuant to Articles 11(3) and 13(4) of the basic Regulation by a notice published in the *Official Journal of the European Union* <sup>(1)</sup>.

The reopening is limited in scope to the examination of whether it would be appropriate to extend the temporal scope of the exemption to the period between 20 December 2013 and 10 September 2015.

### 2.1. 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*.

### 2.2. 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*.

### 2.3. 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 investigation 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' <sup>(2)</sup>. 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 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](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.

<sup>(1)</sup> Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China, as extended to imports consigned from India, whether declared as originating in India or not (OJ C 330, 23.9.2014, p. 8).

<sup>(2)</sup> 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).

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### 3. 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 investigation, provisional or final 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.

### 4. 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 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*.

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/>

### 5. 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 <sup>(1)</sup>.

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<sup>(1)</sup> OJ L 8, 12.1.2001, p. 1.