

## COMMISSION IMPLEMENTING REGULATION (EU) 2015/588

of 14 April 2015

**amending Implementing Regulation (EU) No 470/2014 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of solar glass 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 Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup>, and in particular Articles 9(4) and 14(1),

Whereas:

- (1) On 13 May 2014 the Commission adopted Implementing Regulation (EU) No 470/2014 <sup>(2)</sup> ('the Regulation imposing definitive anti-dumping duties') and Implementing Regulation (EU) No 471/2014 <sup>(3)</sup> ('the Regulation imposing definitive countervailing duties').
- (2) Under the Regulation imposing definitive anti-dumping duties, the dumping margin for cooperating non-sampled companies was determined to be 84,7 % <sup>(4)</sup>. The injury elimination level applicable to these companies was determined at 36,5 % <sup>(5)</sup>.
- (3) Three of these companies did not cooperate in the parallel anti-subsidy investigation and for that reason their definitive anti-subsidy duty rate was determined at 17,1 % <sup>(6)</sup>. The companies concerned are:
  - Henan Ancai Hi-Tech Co., Ltd,
  - Henan Succeed Photovoltaic Materials Corporation, and
  - Zibo Jinxing Glass Co. Ltd.
- (4) Pursuant to recital 167 of the Regulation imposing definitive anti-dumping duties, in parallel investigations where the subsidy margins are lower than the injury elimination level, the definitive anti-subsidy duty should be imposed at the level of the established subsidy margins and the definitive anti-dumping duty should be imposed up to the relevant injury elimination level.
- (5) On that basis, for the three companies that cooperated in the anti-dumping investigation but did not cooperate in the parallel anti-subsidy investigation, the rate at which the anti-dumping and the anti-subsidy duties should be imposed should be set as follows:

Company	Subsidy margin	Dumping margin	Injury elimination level	Counter-vailing (anti-subsidy) duty	Anti-dumping duty
Other cooperating companies in the anti-dumping investigation, but not in the parallel anti-subsidy investigation	17,1 %	84,7 %	36,5 %	17,1 %	19,4 %

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 470/2014 of 13 May 2014 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of solar glass originating in the People's Republic of China (OJ L 142, 14.5.2014, p. 1).

<sup>(3)</sup> Commission Implementing Regulation (EU) No 471/2014 of 13 May 2014 imposing definitive countervailing duties on imports of solar glass originating in the People's Republic of China (OJ L 142, 14.5.2014, p. 23).

<sup>(4)</sup> See recitals 60 and 167 of the Regulation imposing definitive anti-dumping duties.

<sup>(5)</sup> See recital 167 of the Regulation imposing definitive anti-dumping duties.

<sup>(6)</sup> See Article 1 of the Regulation imposing definitive countervailing duties.

- (6) It follows that recital 167 of the Regulation imposing definitive anti-dumping duties should also contain the information about the three companies as presented in the preceding recital.
- (7) It also follows that Article 1(2) of the Regulation imposing definitive anti-dumping duties should be amended accordingly.
- (8) If the amount of any duties paid or entered into the accounts in accordance with Article 1(2) of the Regulation imposing definitive anti-dumping duties exceeds those due under the present Regulation, that amount should be repaid or remitted. Similar applies to the provisional duties definitively collected under Article 2 of the same Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EC) No 1225/2009,

HAS ADOPTED THIS REGULATION:

*Article 1*

The table in Article 1(2) of Implementing Regulation (EU) No 470/2014 shall be replaced with the following table:

Company	Anti-dumping duty	TARIC additional code
Xinyi PV Products (Anhui) Holdings Ltd	36,1 %	B943
Zhejiang Hehe Photovoltaic Glass Technology Co., Ltd	9,1 %	B944
Zhejiang Jiafu Glass Co., Ltd; Flat Solar Glass Group Co., Ltd; Shanghai Flat Glass Co., Ltd	29,3 %	B945
Henan Yuhua New Material Co., Ltd	0,4 %	B946
Other cooperating companies listed in Annex I, but not listed in Annex I to Commission Implementing Regulation (EU) No 471/2014 <sup>(1)</sup>	19,4 %	
Other cooperating companies listed in Annex I	24,1 %	
All other companies	25,0 %	B999

<sup>(1)</sup> Commission Implementing Regulation (EU) No 471/2014 of 13 May 2014 imposing definitive countervailing duties on imports of solar glass originating in the People's Republic of China (OJ L 142, 14.5.2014, p. 23).'

*Article 2*

1. The amount of duties paid or entered into the accounts under Article 1 or 2 of Implementing Regulation (EU) No 470/2014 and which exceeds those as established in accordance with Article 1 of this Regulation, shall be repaid or remitted.

2. Repayment and remission shall be requested from national customs authorities in accordance with applicable customs legislation within a period as set out in Article 236(2) of Council Regulation (EEC) No 2913/92 <sup>(1)</sup>.

<sup>(1)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

*Article 3*

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply retroactively as from 15 May 2014.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 April 2015.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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