Commission Implementing Regulation (EU) 2020/1994 of 4 December 2020 correcting Implementing Regulation (EU) 2020/1156 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) 2018/186 on imports of certain corrosion resistant steels originating in the People's Republic of China to imports of slightly modified certain corrosion resistant steels

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1994

of 4 December 2020

correcting Implementing Regulation (EU) 2020/1156 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) 2018/186 on imports of certain corrosion resistant steels originating in the People's Republic of China to imports of slightly modified certain corrosion resistant steels

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 of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union[(1)], and in particular Articles 13(3), 14(1) and 14(5) thereof,

Whereas:

(1) By Commission Implementing Regulation (EU) 2020/1156[(2)], the Commission extended the anti-dumping measures on certain corrosion resistant steels originating in the People's Republic of China to certain slightly modified corrosion resistant steels originating in the People's Republic of China.

(2) In particular, the Commission concluded that the definitive anti-dumping duties imposed on the product concerned as defined in the original investigation were circumvented by imports of the slightly modified product originating in the People's Republic of China. The investigation showed that there was a change in the pattern of trade between the People's Republic of China and the Union which stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty. The Commission also found that the remedial effects of the duties were being undermined in terms of the prices and/or quantities of the like product. Finally, the Commission found dumping for the slightly modified product in relation to the normal values previously established. Therefore, in accordance with Article 13(1) of Regulation (EU) 2016/1036 ('the basic Regulation'), the Commission concluded that the anti-dumping measures in force on imports of certain corrosion resistant steels originating in the People's Republic of China should be extended to imports of the slightly modified product originating in the People's Republic of China.

(3) Accordingly, Article 1(1) of this Regulation stated that the definitive anti-dumping duty imposed by Commission Implementing Regulation (EU) 2018/186[(3)] was extended to

the slightly modified product. However, such provision omitted an explicit reference to the applicable level of duties.

(4) For the sake of clarity, and in accordance with Article 13(1), second paragraph of the basic Regulation, the extended duty is the one applicable to 'all other companies' in the original measures. Article 13(1) of the basic Regulation was already referred to as the basis to extend the measures in recital 64 of Implementing Regulation (EU) 2020/1156. According to Article 13(1), second paragraph of the basic Regulation, the Commission may extend the duties up to the residual anti-dumping duty imposed for the country subject to measures. Therefore, the reference to this provision as well as the findings made in the anti-circumvention investigation on the basis of facts available clearly indicate that the extended duty should be the one established in Article 1(2) of Implementing Regulation (EU) 2018/186 for 'all other companies', which is a definitive anti-dumping duty of 27,9 %.

(5) Furthermore, Article 1(1) of Implementing Regulation (EU) 2020/1156 included some typographical errors, resulting in an unclear description of the product and CN codes covered by the extended anti-dumping duty, which needed to be corrected. The scope of the product under investigation (compared to the product concerned by Implementing Regulation (EU) 2018/186) was clearly defined in recitals 10 and 11 of Implementing Regulation (EU) 2020/1156.

(6) Therefore, the Commission has decided to correct recital 64 and Article 1(1) of Implementing Regulation (EU) 2020/1156 in order to confirm the applicable level of anti-dumping duties. As set out in recital 65 and Article 1(4) of Implementing Regulation (EU) 2020/1156, the correct level of anti-dumping duty as clarified in the previous recital should also be collected on the imports of the product under investigation originating in the People's Republic of China which entered the Union under registration imposed by the initiating Commission Implementing Regulation (EU) 2019/1948[(4)]. Therefore, the effects of this correction should start from the entry into force of Implementing Regulation (EU) 2020/1156 (namely, 6 August 2020) and includes the collection of the duties on the imports of the product under investigation subject to registration.

(7) 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

1 Recital 64 of Implementing Regulation (EU) 2020/1156 is replaced by the following:

(64) In accordance with Article 13(1) of the basic Regulation, the anti-dumping measures in force on imports of certain corrosion resistant steels originating in the PRC should therefore be extended to imports of the product under investigation originating in the PRC. Pursuant to Article 13(1), second paragraph of the basic Regulation, the measure to be extended should be the one established in Article 1(2) of Implementing Regulation (EU) 2018/186 for "all other companies", which is a definitive anti-dumping duty of 27,9 % applicable to the net, free-at-Union-frontier price, before duty.