Commission Implementing Regulation (EU) 2020/571 of 24 April 2020 amending Implementing Regulation (EU) 2019/1198 imposing a definitive anti-dumping duty on imports of ceramic tableware and kitchenware originating in the People's Republic of China, as amended by Implementing Regulation (EU) 2019/2131 and repayment of duties collected

COMMISSION IMPLEMENTING REGULATION (EU) 2020/571

of 24 April 2020

amending Implementing Regulation (EU) 2019/1198 imposing a definitive anti-dumping duty on imports of ceramic tableware and kitchenware originating in the People's Republic of China, as amended by Implementing Regulation (EU) 2019/2131 and repayment of duties collected

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)] ('the basic Regulation'), and in particular Article 14(1) thereof,

Whereas:

A. **PROCEDURE**

(1) By Council Implementing Regulation (EU) No 412/2013[(2)] definitive anti-dumping duties were imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China. Following an expiry review investigation pursuant to Article 11(2) of the basic Regulation, the Commission prolonged the measures by Commission Implementing Regulation (EU) 2019/1198[(3)] ('the measures in force'). Subsequently, following an anti-circumvention investigation the Commission decided, by Commission Implementing Regulation (EU) 2019/2131[(4)], to make several companies previously subject to an individual dumping duty rate of 17,9 % subject to the duty rate of 36,1 % applicable to 'all other companies' and repeal their individual TARIC additional code.

(2) By Article 1(2) of Implementing Regulation (EU) 2019/2131 the TARIC additional code B632, which had been attributed to the company Liling Jiaxing Ceramic Industrial Co., Ltd. ('Jiaxing') was replaced with the TARIC additional code B999. The Commission repealed the individual TARIC additional code based on a relationship with another company, having TARIC additional code B610, which had been found to circumvent[(5)]. As a consequence, imports of ceramic tableware and kitchenware produced by Jiaxing became subject to the duty rate of 36,1 % applicable to 'all other companies' as of the entry into force of Implementing Regulation (EU) 2019/2131. Following the publication thereof, Jiaxing alleged that it had not been properly informed on the Commission's intention to change its individual duty rate and make it subject

to the duty rate applicable to all other companies. Jiaxing argued that it had therefore been unable to fully and effectively exercise the right of defence. Moreover, it submitted evidence that it was not anymore related to the company with TARIC additional code B610.

(3) In this respect, the Commission acknowledged that Jiaxing had not been put in a position to effectively exercise its right of defence and that there was no relationships with any other company found to be circumventing. Therefore, the outcome of the investigation vis-à-vis Jiaxing would had been different had it been given the opportunity to fully exercise its rights of defence during the anti-circumvention investigation.

(4) Accordingly, it is appropriate to amend Implementing Regulation (EU) 2019/1198, as amended by Implementing Regulation (EU) 2019/2131, and to reattribute the TARIC additional code B632 to Liling Jiaxing Ceramic Industrial Co., Ltd., whose imports should have kept being subject to a duty rate of 17,9 %.

B. RETROACTIVE APPLICATION

(5) Imports from Jiaxing to the Union have been subject to a duty rate of 36,1 % since the 13 December 2019 when Implementing Regulation (EU) 2019/2131, amending Implementing Regulation (EU) 2019/1198, entered into force. As explained in recitals (3) and (4) above, those imports would have been subject to a duty rate of 17,9 % had Jiaxing been put in a position to effectively exercise its rights. Therefore, it is considered appropriate that TARIC additional code B632, subject to a duty rate of 17,9 %, should be applied to the company Liling Jiaxing Ceramic Industrial Co., Ltd. retroactively as from the date of the entry into force of Implementing Regulation (EU) 2019/2131.

(6) It follows that the amount of definitive duties paid pursuant to Implementing Regulation (EU) 2019/1198, as amended by Implementing Regulation (EU) 2019/2131 for imports from Jiaxing in excess of the duty rate of 17,9 % shall be repaid or remitted.

(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

In Annex I to Implementing Regulation (EU) 2019/1198, as amended by Implementing Regulation (EU) 2019/2131, the following company is reinstated to the list of cooperating Chinese exporting producers not sampled:

Company	**TARICAdditional Code**
‘Liling Jiaxing Ceramic Industrial Co., Ltd.	B632’