Commission Implementing Regulation (EU) 2019/1662 of 1 October 2019 imposing a definitive anti-dumping duty on imports of ironing boards originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1662

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council 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)] (hereinafter referred to as 'the basic Regulation'), and in particular Article 11(2) thereof,

Whereas:

1. PROCEDURE

1.1. Measures in force

(1) In April 2007, by Regulation (EC) No 452/2007, the Council imposed definitive anti-dumping duties ranging from 9,9 % to 38,1 % on imports of ironing boards originating in the People's Republic of China ('PRC' or 'China') and Ukraine[(2)]; in December 2010, by Regulation (EU) No 1243/2010[(3)], the Council imposed a definitive anti-dumping duty on imports of ironing boards of Since Hardware (Guangzhou) Co, a Chinese exporting producer of ironing boards, following a new investigation pursuant to Article 5 of the basic Regulation ('the original investigations').

(2) In January 2010, the measures were amended by Implementing Regulation (EU) No 77/2010 following a new exporter review pursuant to Article 11(4) of the basic Regulation[(4)].

(3) In March 2010, the measures were amended by Implementing Regulation (EU) No 270/2010 following an interim review pursuant to Article 11(3) of the basic Regulation[(5)].

(4) In September 2010, by Implementing Regulation (EU) No 805/2010, the Council re-imposed a definitive anti-dumping duty on imports of ironing boards of Foshan Shunde Yongjian Housewares and Hardware Co. Ltd, Foshan, a Chinese exporting producer of ironing boards[(6)], as a measure to comply with the judgment of the Court of Justice in case C-141/08 P[(7)].

(5) In October 2012, by Implementing Regulation (EU) No 987/2012, the Council re-imposed a definitive anti-dumping duty on imports of ironing boards originating in China, manufactured by Zhejiang Harmonic Hardware Products Co. Ltd[8], as a measure to comply with the judgment of the Court of justice in case T-274/07[9].

(6) In July 2013, following an expiry review in accordance with Article 11(2) and an interim review in accordance with Article 11(3) of the basic Regulation, the Council, by Implementing Regulation (EU) No 695/2013, extended the measures for a further five years with regard to imports of ironing boards originating in China and repealed the measures on imports of ironing boards originating in Ukraine[10].

1.2. **Requests for review**

(7) Following the publication of a notice of impending expiry[11], the Commission received a request for an expiry review pursuant to Article 11(2) of the basic Regulation ('request for review').

(8) The request was lodged on 20 April 2018 by three Union producers (Colombo New Scal SpA, Rörets Polska Sp. z o.o. and Vale Mill (Rochdale) Ltd), representing more than 50 % of the total Union production of ironing boards ('the applicants').

(9) The request for review was based on the grounds that the expiry of the measures would be likely to result in continuation or recurrence of dumping and injury to the Union industry.

1.3. **Initiation of an expiry review**

(10) Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence existed for the initiation of an expiry review, the Commission announced on 19 July 2018 the initiation of an expiry review pursuant to Article 11(2) of the basic Regulation, by a notice published in the *Official Journal of the European Union*[12] ('Notice of initiation').

1.4. **Investigation**

1.4.1. *Review investigation period and period considered*

(11) The investigation of a continuation or recurrence of dumping covered the period from 1 January 2017 to 31 December 2017 ('the review investigation period'). The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2014 to the end of the investigation period ('the period considered').

1.4.2. *Interested parties*

(12) The Commission officially informed the applicants, other known Union producers, exporting producers, importers, users in the EU known to be concerned and the representatives of the exporting country concerned of the initiation of the expiry review.

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(13) Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the Notice of initiation.

1.4.3. *Sampling*

(14) In the Notice of Initiation, the Commission stated that it might sample the interested parties in accordance with Article 17 of the basic Regulation.

1.4.3.1. *Sampling of Union producers*

(15) In the Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers in accordance with Article 17 of the basic Regulation. The sample consisted of four Union producers having the largest representative sales and production volume in the EU during the review investigation period which could reasonably be investigated within the time available. These four companies represented over 55 % of the Union industry's production and sales volume in the review investigation period. Interested parties were invited to comment on the provisional sample.

(16) One Union producer which was not included in the provisional sample expressed its support to the provisional sampling. No further comments were submitted. Therefore, the provisional sample was confirmed. The sample was considered representative for the Union industry.

(17) One of the sampled Union producers subsequently did not provide a questionnaire reply and was therefore excluded from the sample of Union producers. The remaining Union producers represented over 50 % of the total Union production and sales volume and the sample was therefore still considered as representative for the Union industry.

1.4.3.2. *Sampling of importers*

(18) In order to decide whether sampling was necessary and, if so, to select a sample, all unrelated importers were invited to participate in this investigation. Those parties were requested to make themselves known by providing the Commission with the information requested in Annex II of the Notice of initiation.

(19) No unrelated importers in the EU cooperated.

1.4.3.3. *Sampling of exporting producers in the PRC*

(20) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked all known exporters/producers in the PRC to provide the information specified in the Notice of Initiation. In addition, it asked the Mission of the PRC to the European Union to identify and/or contact other exporting producers, if any, that could be interested in participating in the investigation.

(21) No exporter/producer in the PRC provided the requested information nor cooperated in the investigation within the time limits set out in the Notice of initiation.

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(22) The Commission notified the Mission of the People's Republic of China that due to the absence of any cooperation from exporters/producers in the PRC, it intended to apply Article 18 of the basic Regulation and therefore base its findings on continuation or recurrence of dumping and injury in respect of exporters/producers in the PRC on the facts available.

1.4.4. *Questionnaires and verification visits*

(23) The Commission sent questionnaires to the government of the PRC ('GOC') and to the four sampled Union producers. The GOC did not provide any reply to the questionnaire. Three sampled Union producers provided questionnaire replies.

(24) The Commission sought and verified all the information it deemed necessary for a determination of the likelihood of continuation or recurrence of dumping and injury and for the determination of Union interest. Verification visits were carried out at the premises of the following interested parties:

Union producers:

— Colombo New Scal SpA, Italy

— Rörets Polska Spółka z o.o., Poland and AB Rörets Industrier, Sweden

— Vale Mill (Rochdale) Ltd, United Kingdom.

1.4.5. *Procedure for the determination of the normal value under Article 2(6a) of the basic Regulation*

(25) Given the sufficient evidence available at the initiation of the investigation pointing to the existence of significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation, the Commission initiated the investigation on the basis of Article 2(6a) of the basic Regulation. In order to obtain information it deems necessary for its investigation with regard to the alleged significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation, the Commission sent a questionnaire to the GOC. In addition, in point 5.3.2 of the Notice of Initiation, the Commission invited all interested parties to make their views known, submit information and provide supporting evidence regarding the application of Article 2(6a) of the basic Regulation within 37 days of the date of publication of the Notice of Initiation in the *Official Journal of the European Union*. With regard to the relevant sources, the Commission invited all producers in the country concerned to provide the information requested in Annex III to the Notice of Initiation within 15 days of the date of publication of the Notice of Initiation.

(26) No questionnaire reply was received from the GOC. No submission of the information requested in Annex III to the Notice of Initiation, nor on appropriateness of the use of Article 2(6a) of the basic Regulation was made either, within the foreseen deadlines.

(27) In point 5.3.2 of the Notice of Initiation the Commission also specified that, in view of the evidence available, it may need to select an appropriate representative

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country pursuant to Article 2(6a)(a) of the basic Regulation for the purpose of determining the normal value based on undistorted prices or benchmarks.

(28) On 6 September 2018, the Commission by a note ('the Note of 6 September') informed the interested parties on the relevant sources it intended to use for the determination of the normal value. In that note, the Commission provided a list of all factors of production such as raw materials, labour and energy used in the production of ironing boards by the exporting producers. In addition, based on the criteria guiding the choice of undistorted prices or benchmarks, the Commission identified three potential representative countries: Brazil, Serbia and Turkey.

(29) The Commission gave the opportunity to all interested parties to comment. The Commission received comments from one of the applicants.

(30) The Commission, as explained in recitals (105)-(106), addressed the comments received by the applicant in a second note on the sources for the determination of the normal value dated 26 October 2018 ('the Note of 26 October'). In the Note of 26 October, the Commission established the list of factors of production and concluded that, at that stage, Turkey was the most appropriate representative country under Article 2(6a)(a), first indent of the basic Regulation. The Commission invited interested parties to comment. No comments were received.

1.4.6. *Subsequent procedure*

(31) On 4 July 2019, the Commission disclosed the essential facts and considerations on the basis of which it intended to maintain the anti-dumping duties ('final disclosure'). All parties were granted a period within which they could make comments on the disclosure.

(32) No comments contesting the Commission's findings were received.

2. PRODUCT UNDER REVIEW AND LIKE PRODUCT

2.1. Product under review

(33) The product subject to this expiry review is ironing boards, whether or not free-standing, with or without a steam-soaking and/or heating top and/or blowing top, including sleeve boards, and essential parts thereof, i.e. the legs, the top and the iron rest ('the product under review'), currently falling under CN codes ex 3924 90 00, ex 4421 99 99, ex 7323 93 00, ex 7323 99 00, ex 8516 79 70 and ex 8516 90 00 (TARIC codes 3924 90 00 10, 4421 99 99 10, 7323 93 00 10, 7323 99 00 10, 8516 79 70 10 and 8516 90 00 51), and originating in the People's Republic of China.

2.2. Like product

(34) The current review investigation confirmed that, as established in the original investigations, the ironing boards produced and sold on the domestic market in China and in the representative country Turkey, and the ironing boards produced and sold by the Union industry on the EU market have the same basic physical and technical characteristics and the same basic uses.