Commission Implementing Regulation (EU) 2019/566 of 9 April 2019 imposing a definitive anti-dumping duty on imports of certain tube and pipe fittings originating in the Russian Federation, the Republic of Korea and Malaysia following an expiry review pursuant to Article 11(2) of the Regulation (EU) 2016/1036 of the European Parliament and of the Council and terminating the investigation concerning the imports of the same product originating in the Republic of Turkey

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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)] ('basic Regulation'), and in particular Article 11(2) thereof,

Whereas:

1. PROCEDURE

1.1. Measures in force

(a) ***The Republic of Korea and Malaysia***

(1) The Council, following an anti-dumping investigation, by Regulation (EC) No 778/2003[(2)] imposed a definitive anti-dumping duty on imports of certain tube and pipe fittings originating in the Republic of Korea ('Korea') and Malaysia ('the original investigation'). Following a first expiry review of the anti-dumping measures pursuant to Article 11(2) of the basic Regulation, the Council, by Implementing Regulation (EC) No 1001/2008[(3)] re-imposed the anti-dumping measures. Following a second expiry review of the anti-dumping measures pursuant to Article 11(2) of the basic Regulation, the Commission, by Implementing Regulation (EU) No 1283/2014[(4)] re-imposed the anti-dumping measures. Following a partial interim review in accordance with Article 11(3) of the basic Regulation, limited in scope to the examination of dumping as far as TK Corporation, a Korean exporting producer, was concerned, the Commission amended Implementing Regulation (EU) No 1283/2014 by Implementing Regulation (EU) 2016/306[(5)].

(2) The anti-dumping measures currently in force on the imports of certain tube and pipe fittings originating in the Republic of Korea took the form of an *ad valorem*

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/566. (See end of Document for details)*

duty rate, which was set at the level of the dumping margin of 32,4 % for imports from an individually named exporter (TK Corporation), with a residual duty rate of 44,0 % set at the level of the injury margin.

(3) The anti-dumping measures currently in force on the imports of certain tube and pipe fittings originating in Malaysia took the form of an *ad valorem* duty rate, which was set at the level of the dumping margin of 49,9 % and 59,2 % for imports from individually named exporters, with a residual duty rate of 75,0 %.

(b) ***The Republic of Turkey and the Russian Federation***

(4) The Council, following an anti-dumping investigation, by Implementing Regulation (EU) No 78/2013[6] imposed a definitive anti-dumping duty against imports of certain tube and pipe fittings originating in the Republic of Turkey ('Turkey') and the Russian Federation ('Russia').

(5) The anti-dumping measures currently in force with respect to Russia took the form of an *ad valorem* residual duty rate set at the level of the dumping margin of 23,8 %. With respect to Turkey, *ad valorem* duty rates were set at the level of the dumping margins of 2,9 %, 9,6 %, 12,1 % for imports from individually named exporters, with a residual duty rate of 16,7 %.

(c) ***Other third countries not subject to this review***

(6) Anti-dumping measures are currently in force on imports of certain tube and pipe fittings originating in the People's Republic of China ('China'), which have been extended to Taiwan, Indonesia, Sri Lanka and the Philippines[7].

1.2. **Request for an expiry review**

(7) Following the publication of a notice of impending expiry[8] of the anti-dumping measures in force on the imports of certain tube and pipe fittings originating in Turkey, Russia, Korea, and Malaysia ('the countries concerned'), the Commission received a request for review pursuant to Article 11(2) of basic Regulation.

(8) The request was lodged by the Defence Committee of the Steel Butt-Welding Fittings Industry ('the applicant') on behalf of Union producers representing approximately 51 % of the total Union production of certain tube and pipe fittings.

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

1.3. **Initiation**

(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 27 January 2018, by a notice published in the *Official Journal of the European Union*[9] ('the Notice of Initiation') the initiation of an expiry review pursuant to Article 11(2) of basic Regulation.

1.4. **Review investigation period and period considered**

(11) The investigation of continuation or recurrence of dumping covered the year 2017 ('the review investigation period' or 'RIP'). 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').

1.5. **Interested parties**

(12) In the Notice of Initiation, the Commission invited all interested parties to participate in the investigation. In addition, the Commission specifically informed the applicant, other known Union producers, exporting producers, importers and users in the Union known to be concerned and the authorities in Turkey, Russia, Korea, and Malaysia of the initiation of the expiry review and invited them to participate.

(13) All interested parties were invited to make their views known, submit information and provide supporting evidence within the time-limits set out in the Notice of Initiation. Interested parties were also granted the opportunity to request in writing a hearing by the Commission investigation services and/or the Hearing Officer in trade proceedings.

1.5.1. *Sampling*

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

1.5.2. *Sampling of Union producers*

(15) In its Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers. In accordance with Article 17(1) of the basic Regulation the Commission selected the sample on the basis of the largest representative volume of production which could reasonably be investigated within the time available, considering also the geographical location. This sample consisted of four Union producers. The sampled Union producers accounted for around 54 % of the total Union production. The Commission invited interested parties to comment on the provisional sample. No comments were received within the deadline and the sample was thus confirmed. The sample was considered representative of the Union industry.

1.5.3. *Sampling of unrelated importers*

(16) In order to enable the Commission to decide whether sampling was necessary and, if so, to select a sample, all unrelated importers/users were invited to participate in this investigation. Those parties were requested to make themselves known by providing the Commission with the information on their companies requested in Annex II of the Notice of Initiation. Two importers came forward. They were invited to cooperate by filling-in the questionnaire. However, neither of the two replied.

1.5.4. *Sampling of exporting producers*

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(17) In view of the apparent large number of exporting producers in the four countries concerned by this expiry review, sampling was envisaged in the Notice of Initiation.

(18) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked all known exporting producers in the countries concerned to provide the information specified in the Notice of Initiation. The information requested included sales volume and value, production volume and production capacity. In addition, the Commission requested the Mission of the countries concerned to the European Union to identify and/or contact other exporting producers, if any, that could be interested in participating in the investigation.

(19) Sampling questionnaires were sent to forty known potential exporting producers: eleven in Turkey, five in Malaysia, ten in South Korea and fourteen in Russia. Three Turkish companies replied to the sampling questionnaire, one of them subsequently withdrew its cooperation. One company in Russia replied to the sampling questionnaire but then withdrew its cooperation. None of the Malaysian or Korean producers that were contacted or any other Malaysian/Korean producer came forward and provided the information requested.

1.5.5. *Questionnaires and verification visits*

(20) The Commission sent questionnaires to the four sampled Union producers, four exporting producers as mentioned in recital (18) and two importers that came forward after initiation.

(21) Questionnaire replies were received from the four sampled Union producers and two exporting producers in Turkey. No replies were received from importers.

(22) The Commission sought and verified all the information it deemed necessary for the determination of the likelihood of continuation or recurrence of dumping and injury and for the determination of the Union interest. Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following companies:

(a) Union producers:
- Erne Fittings GmbH Group, Austria
- Lindemann, Germany
- Vallourec Fittings S.A., France
- Virgilio CENA& Figli S.p.A., Italy

(b) Exporting producers:
- Sardogan Industry and Trade — Mehmet Sardogan, Turkey
- RSA Tesisat Malzemeleri San. Tic. A.S., Turkey

2. PRODUCT UNDER REVIEW AND LIKE PRODUCT

2.1. Product under review

(23) The product under review is the same as in the original investigation, namely tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, currently falling within CN codes ex 7307 93 11, ex 7307 93 19 and ex 7307 99 80 (TARIC codes 7307 93 11 91, 7307 93 11 93, 7307 93 11 94, 7307 93 11 95, 7307 93 11 99, 7307 93 19 91, 7307 93 19 93, 7307 93 19 94, 7307 93 19 95, 7307 93 19 99, 7307 99 80 92, 7307 99 80 93, 7307 99 80 94, 7307 99 80 95 and 7307 99 80 98) ('TPF' or 'the product under review').

2.2. **Like product**

(24) It was considered that the product under review produced in the four countries concerned and exported to the Union and the product produced and sold in the Union by the Union industry have the same basic physical and chemical characteristics, and the same basic uses. They were therefore considered to be like products within the meaning of Article 1(4) of the basic Regulation.

3. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF DUMPING

(25) In accordance with Article 11(2) of the basic Regulation, the Commission examined whether the expiry of the measures in force would be likely to lead to continuation or recurrence of dumping from the countries concerned.

3.1. **Preliminary remarks**

(26) None of the producers in Russia, Malaysia and Korea cooperated in the investigation. Furthermore, the two cooperating Turkish exporting producers represented around 50 % of the total Turkish exports of TPF to the Union during the review investigation period. They represented around 40 % of the total production established for Turkey during the review investigation period. The level of cooperation from Turkey was therefore considered low.

(27) The Commission informed the authorities of all four countries concerned that, due to the absence of cooperation, the Commission might apply Article 18 of the basic Regulation concerning the findings with regard to Turkey, Russia, Malaysia and Korea. The Commission did not receive any comments or requests for an intervention of the Hearing Officer from the authorities of the four countries in this regard.

(28) Consequently, in accordance with Article 18(1) of the basic Regulation, the findings in relation to the likelihood of continuation or recurrence of dumping were based on facts available, in particular publicly available information such as official company websites, information in the request for review, and information obtained from cooperating parties in the course of the review investigation (namely, the applicant, the sampled Union producers and the two cooperating exporting producers). The Commission also used various import statistics, including import statistics collected pursuant to Article 14(6) of the basic Regulation ('Article 14(6) database'). Global Trade Atlas ('GTA')[10], and the United States of America ('US') import database were also used.