Commission Implementing Regulation (EU) 2016/1369 of 11 August 2016 amending Implementing Regulation (EU) 2016/388 imposing a definitive anti-dumping duty on imports of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) originating in India

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1369

of 11 August 2016

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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)] ('the basic anti-dumping Regulation'), and in particular Article 9(4) thereof,

Whereas:

(1) On 20 December 2014, the European Commission ('the Commission') initiated an anti-dumping investigation with regard to imports into the Union of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) originating in India. On 11 March 2015, the Commission initiated an anti-subsidy investigation with regard to imports into the Union of the same product originating in India.

(2) On 18 September 2015 the Commission adopted Implementing Regulation (EU) 2015/1559[(2)] ('the provisional anti-dumping Regulation'). The Commission did not impose a provisional countervailing duty on imports of tubes and pipes of ductile cast iron originating in India.

(3) On 17 March 2016 the Commission adopted Implementing Regulation (EU) 2016/388[(3)] ('the definitive anti-dumping Regulation') and Implementing Regulation (EU) 2016/387[(4)] ('the definitive countervailing Regulation').

(4) In line with the basic anti-dumping Regulation and Regulation (EU) 2016/1037 of the European Parliament and of the Council[(5)] ('the basic anti-subsidy Regulation') export subsidies and dumping margins cannot be cumulated as export subsidies cause dumping. Export subsidies reduce export prices and increase dumping margins. Therefore, the Commission took account of the fact that three of the investigated subsidy schemes were export subsidies. The Commission reduced the definitive anti-dumping duties in the anti-dumping investigation by the export subsidy amounts found in the parallel anti-subsidy investigation[(6)].

(5) The definitive anti-dumping duty was determined at 0 % for Electrosteel Castings Ltd ('ECL') and 14,1 % for Jindal Saw Ltd ('Jindal') and all other companies in the definitive anti-dumping Regulation[(7)]. The dumping margin was determined at 4,1 % for

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/1369. (See end of Document for details)*

ECL and 19,0 % for Jindal and all other companies in the same Regulation[8]. Therefore, the imposed definitive anti-dumping duty was below the level of definitive dumping margin found for the two companies.

(6) Article 2 of the definitive anti-dumping Regulation stipulated that the amounts secured in excess of the combined rates of the anti-dumping duties and countervailing duties shall be released. However, a number of national customs authorities have indicated to the Commission that this provision, in its current drafting, creates some confusion in terms of actual implementation in the specific circumstances of the case.

(7) Therefore, Article 2 of the definitive anti-dumping Regulation should be amended, so as to make clear that the amounts secured in excess of only the dumping margin have to be released, as no provisional countervailing duties were imposed.

(8) If the amount of the provisional duties definitively collected under Article 2 of the definitive anti-dumping Regulation exceeds those due under the present regulation, that amount should be repaid or remitted.

(9) With regard to the product concerned, the Commission excluded the tubes and pipes of ductile cast iron without internal and external coating ('bare pipes') from the product concerned in the definitive anti-dumping and countervailing Regulations[9]. The Commission considers it appropriate to monitor the imports of bare pipes in the Union. Therefore, separate TARIC codes will be established for bare pipes.

(10) This amendment was disclosed to the interested parties and they were given the opportunity to comment. No comments were received objecting to the amendment.

(11) 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

Commission Implementing Regulation (EU) 2016/388 is amended as follows:

(1) Article 2 is replaced by the following:

Article 2

The amounts secured by way of the provisional anti-dumping duties pursuant to Implementing Regulation (EU) 2015/1559 shall be definitively collected at the following rates, which equal the definitive dumping margins found:

Company	
Electrosteel Castings Ltd	4,1 %
Jindal Saw Limited	19 %
All other companies	19 %

(2) the following Articles 1a and 1b are inserted: