Commission Implementing Regulation (EU) 2015/1952 of 29 October 2015 extending the definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 511/2010 on imports of molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China to imports of molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm, originating in the People's Republic of China

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1952

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THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009[(1)] of 30 November 2009 on protection against dumped imports from countries not members of the European Community, and in particular Article 13(3) thereof,

Whereas:

1. PROCEDURE

1.1. Existing measures

(1) In June 2010, in accordance with Article 5 of Regulation (EC) No 1225/2009 (‘the basic Regulation’) the Council, imposed a definitive anti-dumping duty of 64,3 % on imports of molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China (‘the PRC’) by Implementing Regulation (EU) No 511/2010[(2)] (‘the measures in force’; ‘the original investigation’).

(2) In January 2012, following an anti-circumvention investigation pursuant to Article 13 of the basic Regulation, the Council extended the measures in force to imports of the same product consigned from Malaysia, whether declared as originating in Malaysia or not by Implementing Regulation (EU) No 14/2012[(3)] (‘the first anti-circumvention investigation’).

(3) In September 2013, following a second anti-circumvention investigation pursuant to Article 13 of the basic Regulation, the Council extended the measures

in force to imports of molybdenum wire, containing by weight 97 % or more but less than 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm originating in the PRC by Implementing Regulation (EU) No 871/2013[4] ('the second anti-circumvention investigation').

1.2. **Request**

(4) On 26 January 2015, the Commission received a request pursuant to Articles 13(3) and 14(5) of the basic Regulation to investigate the possible circumvention of the measures in force and to make imports of molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm, originating in the PRC, subject to registration.

(5) The request was lodged by Plansee SE, a Union producer of certain molybdenum wire ('the applicant').

1.3. **Initiation**

(6) Having determined, after having informed the Member States, that sufficient prima facie evidence existed for the initiation of an investigation pursuant to Articles 13(3) and 14(5) of the basic Regulation, the Commission decided to investigate the possible circumvention of the measures in force and to make imports of molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm, originating in the PRC, subject to registration.

(7) The investigation was initiated by Commission Implementing Regulation (EU) 2015/395 of 10 March 2015[5] ('the initiating Regulation').

1.4. **Investigation**

(8) The Commission officially advised the authorities of the PRC, the exporting producers in this country, the importers in the Union known to be concerned and the Union industry of the initiation of the investigation.

(9) Exemption forms were sent to the exporting producers in the PRC and to the known importers in the Union.

(10) Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings being based on facts available.

(11) One exporting producer in the PRC and its related importer in the Union submitted a reply to the exemption form to the Commission and were granted a hearing.

(12) Two importers submitted a reply to the exemption form to the Commission. Only one of them imported minor quantities of molybdenum wire during the investigation period (see recital 15).

(13) One trader made a submission and was granted a hearing.

(14) The Commission carried out the verification visits at the premises of the following companies:

(a) exporting producer in the PRC

— Luoyang Hi-tech Metals Co., Ltd, West Lichun Road, Jianxi District, Luoyang, P.R.C;

(b) related importer in the Union:

— CM Chemiemetall GmbH, Niels-Bohr-Str. 5, 06749 Bitterfeld, Germany;

(c) Union producer:

— Plansee SE, Metallwerk Plansee Strasse 71, 6600 Reutte, Austria.

1.5. **Investigation period and reporting period**

(15) The investigation period covered the period from 1 January 2010 to 31 December 2014. Data were collected for the investigation period to investigate, inter alia, the alleged change in the pattern of trade following the imposition of measures, their extension first to Malaysia in 2012 (see recital 2) and second to imports of a slightly modified product in 2013 (see recital 3) and the existence of a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty.

(16) More detailed data were collected for the reporting period from 1 January 2014 to 31 December 2014 in order to examine if imports were undermining the remedial effect of the measures in force in terms of prices and/or quantities and the existence of dumping.

2. **RESULTS OF THE INVESTIGATION**

2.1. **General considerations**

(17) In accordance with Article 13(1) of the basic Regulation, the assessment of the existence of possible circumvention was made by analysing successively:

— whether there was a change in the pattern of trade between the PRC, Malaysia and the Union,

— if this change stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty,

— if there was evidence of injury or that remedial effects of the duty were being undermined in terms of the prices and/or quantities of the product under investigation,

— and whether there was evidence of dumping in relation to the normal values previously established, if necessary in accordance with the provisions of Article 2 of the basic Regulation.

2.2. **Product concerned and product under investigation**

(18) The product concerned by the possible circumvention is the product subject to the measures in force, as described above in recital 1. It falls under CN code ex 8102 96 00. As established in the original investigation, the product concerned is mainly used in the automotive sector for metal coating by thermal spraying of motor parts that are subject to heavy wear, such as piston rings, synchroniser rings or transmission components, to increase their abrasion resistance.

(19) The product under investigation is the product defined in Article 1 of the initiating Regulation, namely: (i) molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm and currently falling within CN code ex 8102 96 00 (TARIC code 8102 96 00 20); and (ii) molybdenum wire, containing by weight 97 % or more but less than 99,95 % of molybdenum of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm and currently falling within CN code ex 8102 96 00 (TARIC code 8102 96 00 40). The product under investigation originates in the PRC and it is also referred to as molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm.

2.3. **Degree of cooperation**

(20) Only one Chinese exporting producer, the company Luoyang Hi-tech Metals Co. Ltd ('LHTM') and its related Union importer Chemiemetall ('CM') came forward and requested exemption from any possible extension of the measures in force. Both LHTM and CM fully cooperated with the investigation. Their volume of imports represented around 55 % of the total Chinese imports in the Union during the reporting period.

(21) Around 40 % of the total Chinese imports in the Union come from non-cooperating producers. In particular, Chinese exporting producers which cooperated in the second anti-circumvention investigation but which were not exempted from the measures in force, did not cooperate.

2.4. **Change in the pattern of trade**

(22) The table below compiles data from the second anti-circumvention investigation, from the request, from Comext and the database collected in accordance with 14(6) of the basic Regulation as well as information collected from LHTM.

(23) As only one exporting producer cooperated with the investigation, all figures related to sensitive data had to be indexed or given in a range for reasons of confidentiality.

(24) The total molybdenum wires for spraying reported cumulates:

— the imports of the product concerned,

— the circumventing imports identified in the second anti-circumvention investigation,

— the imports of the product under investigation.

Imports to the Union (in tonnes)	**2010**	**2011**	**2012**	**2013**	**RP = 2014**
Total imports of molybdenum wires for spraying (in tonnes indexed)	100	463	365	273	362
Total imports of molybdenum wires for spraying (in %)	100	100	100	100	100
Product concerned subject to measures in force	8	0	0	1	5
Circumventing imports identified in the second anti-circumvention investigation	92	100	99	1	0
Product under investigation (PUI)	0	0	1	99	95
of which PUI of LHTM	0	0	1	36	55
of which PUI of non-cooperating exporting producers	0	0	0	63	40