Commission Implementing Regulation (EU) 2015/1483 of 1 September 2015 amending Council Implementing Regulation (EU) No 1106/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India following and absorption reinvestigation pursuant to Article 12 of Council Regulation (EC) No 1225/2009

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1483

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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 of 30 November 2009 on protection against dumped imports from countries not members of the European Community[(1)] ('the basic Regulation'), and in particular Article 12(3) thereof,

Whereas:

A. PROCEDURE

1. Measures in force

(1) By Implementing Regulation (EU) No 1106/2013[(2)] the Council imposed a definitive anti-dumping duty on imports of certain stainless steel wires originating in India (the original investigation). The measures imposed took the form of an ad valorem duty ranging from 0,7 % to 12,5 % for the sampled companies, 5 % for the cooperated non-sampled companies and 12,5 % for the non-cooperating companies.

(2) By Implementing Regulation (EU) No 861/2013[(3)] the Council imposed a definitive countervailing duty on imports of certain stainless steel wires originating in India ranging from 3,0 % to 3,7 %.

2. Request for an absorption reinvestigation

(3) The Commission received a request for the initiation of an absorption reinvestigation of the measures in force pursuant to Article 12 of the basic Regulation.

(4) The request was lodged on 21 October 2014 by the European Confederation of Iron and Steel Industries ('Eurofer' or 'the applicant') on behalf of producers representing more than 25 % of the total Union production of certain stainless steel wire.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2015/1483. (See end of Document for details)*

(5) The request was based on the grounds that following the imposition of the anti-dumping duties on imports of certain stainless steel wires originating in India, export prices have decreased and there has been insufficient movement in resale prices or subsequent selling prices in the Union. This resulted in an increased dumping margin which has impeded the intended remedial effects of the measures in force.

3. **Initiation of an absorption reinvestigation**

(6) Having determined, after informing the Member States, that sufficient evidence existed for the reopening of the investigation, the Commission announced on 3 December 2014, by a notice published in the *Official Journal of the European Union*[4] ('Notice of Initiation'), the initiation of an absorption reinvestigation pursuant to Article 12(1) of the basic Regulation.

4. **Interested parties**

(7) In the Notice of Initiation, the Commission invited interested parties to contact it in order to participate in the investigation. In addition, the Commission specifically informed the applicant, exporting producers and importers known to be concerned and the representatives of India about the initiation of the absorption reinvestigation and invited them to participate.

(8) Interested parties were given the opportunity to make their views known in writing and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings. None of the interested parties came forward and requested a hearing.

5. **Sampling**

(9) In view of the apparent large number of Indian exporting producers and unrelated importers in the Union, sampling was envisaged in the Notice of Initiation in accordance with Article 17 of the basic Regulation.

(10) In order to enable the Commission to decide whether sampling would be necessary and, if so, to select a representative sample, Indian exporting producers and unrelated importers were requested to make themselves known within 15 days of the initiation of the absorption reinvestigation and to provide the Commission with the information requested in the Notice of Initiation.

(11) Seventeen exporting producers in India provided the requested information and agreed to be included in the sample. In accordance with Article 17(1) of the basic Regulation, the Commission selected a sample of six companies or groups of companies on the basis of the largest representative volume of exports to the Union which could reasonably be investigated within the time available. The sampled companies are the same as those selected for sample or for individual examination in the original investigation with the exception of Macro Bars and Wires which was found not to be dumping in the original investigation and was thus not reinvestigated.

(12) In accordance with Article 17(2) of the basic Regulation, all known exporting producers concerned and the authorities of India were consulted on the selection of the

sample. No comments were made. Therefore, the Commission decided to retain the proposed sample of six companies/groups of companies and all interested parties were accordingly informed of the finally selected sample.

(13) The sample of exporting producers of stainless steel wires was therefore the following:

— Garg Inox,

— Nevatia Steel & Alloys,

— Raajratna Metal Industries,

— the Venus Group (Hindustan Inox, Precision Metals, Sieves Manufacturer India and Venus Wire Industries),

— Viraj Profiles.

These companies were sampled in the original investigation.

— KEI Industries,

This company was subject to individual examination in the original investigation.

(14) In total 22 known unrelated importers were contacted and 1 of them came forward and replied to the sampling form. It was therefore not necessary to sample unrelated importers.

6. **Replies to the questionnaires**

(15) The Commission sent questionnaires to the six sampled Indian exporting producers/groups of exporting producers. Questionnaire replies were received from all of them. As regards the cooperating unrelated importer, as it did not import the product concerned to the Union during AIP no questionnaire was sent to it.

(16) In view of various exceptional circumstances, some of the sampled exporting producers also requested extensions to submit their replies. These extensions were granted when duly justified. For these reasons, the absorption reinvestigation exceeded the normal period of six months provided for in Article 12(4) of the basic Regulation.

7. **Verification visits**

(17) The Commission sought and verified all the information deemed necessary for the purpose of this reinvestigation. Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of all the sampled Indian exporting producers.

8. **Relevant periods covered by the absorption reinvestigation**

(18) The absorption reinvestigation covered the period from 1 October 2013 to 30 September 2014 (the ‘AIP’). The original investigation period covered the period from 1 April 2011 to 31 March 2012 (‘OIP’).

B. PRODUCT CONCERNED AND LIKE PRODUCT

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2015/1483. (See end of Document for details)*

(19) The product subject to this absorption reinvestigation is the same as that covered by the original investigation, defined as stainless steel wires containing by weight:

— 2,5 % or more of nickel, other than wire containing by weight 28 % or more but not more than 31 % of nickel and 20 % or more but not more than 22 % of chromium,

— less than 2,5 % of nickel, other than wire containing by weight 13 % or more but not more than 25 % of chromium and 3,5 % or more but not more than 6 % of aluminium,

currently falling within CN codes 7223 00 19 and 7223 00 99, originating in India.

(20) The investigation showed that the product concerned, the product produced and sold on the domestic market of India, and the product produced and sold in the Union by the Union industry have the same basic physical, chemical and technical characteristics as well as the same basic uses. They are therefore considered to be like products within the meaning of Article 1(4) of the basic Regulation.

C. FINDINGS OF THE ABSORPTION REINVESTIGATION

(21) In general, an absorption reinvestigation pursuant to Article 12 of the basic Regulation aims at establishing whether or not export prices have decreased or whether there has been insufficient movement in resale prices or subsequent selling prices in the Union of the product concerned since the imposition of the original measures. As a second step, where it is concluded that absorption took place, a new dumping margin should be calculated.

1. Decrease of export prices

(22) When establishing whether there was a decrease in export prices the Commission established for each examined company its cost, insurance and freight (CIF) export prices at the Union custom border during the AIP and compared these prices to the corresponding export prices determined in the OIP.

(23) The sampled exporting producers exported to the Union either directly to independent customers or through related companies.

(24) Where the exporting producers exported the product concerned directly to independent customers in the Union, the export price was the price actually paid or payable for the product concerned when sold for export to the Union, in accordance with Article 2(8) of the basic Regulation.

(25) Where the exporting producers exported the product concerned to the Union through a related company acting as an importer, the export price was established on the basis of the price at which the imported product was first resold to independent customers in the Union, in accordance with Article 2(9) of the basic Regulation. In this case, adjustments to the price were made for all costs incurred between importation and resale, including SG&A expenses, and for profits accruing.

(26) The Commission compared for all sampled companies/groups of companies the prices of the product types sold in the AIP with the same product types sold in the OIP and calculated for them a weighted average level of absorption.

(27) The above comparison was made in euro. In the case of sales via a related importer, resale prices expressed in euro (or USD, or GBP) were converted into INR in order to be able to deduct all costs between importation and resale and, in the case of direct sales by an Indian exporting producer, all costs between the Indian border and the Union border expressed in INR were added to the FOB prices expressed in INR. Consequently, the CIF values obtained were converted into euro.

(28) The comparison of the export prices to the Union showed that for all of the sampled companies/group of companies the export prices decreased, indicating prima facie that absorption of the measures in force was taking place. For the sampled exporting producers the decrease in export prices expressed in euro was as follows:

	GARG Inox	**KEI Industries**	**Nevatia Steel & Alloys**	**Venus group**	**Viraj Profiles**	**Raajratna Metal Industries**
Evolution of export prices from OIP to AIP (EUR)	– 23,91 %	– 21,26 %	– 22,77 %	– 26,31 %	– 27,44 %	– 25,52 %

2. **Dumping**

(29) After having established possible absorption for all the sampled exporting producers, dumping margins were recalculated, according to Article 2 of the basic Regulation. In point 5.1.1(a) of the Notice of Initiation, the exporting producers were asked to inform the Commission within 15 days of the date of publication of the Notice of Initiation whether they request a revision of the normal value under Article 12(5) of the basic Regulation. With the exception of Venus group all other sampled exporting producers requested the revision of their normal values based on Article 12(5) of the basic Regulation and provided Commission with complete information duly substantiated by evidence for the recalculation of their dumping margins. For Venus group which did not request for revision of its normal values, normal values as they were established in the original investigation were used for the calculation of dumping margins during the AIP.

(a) *Normal value*