Commission Implementing Regulation (EU) No 489/2014 of 12 May 2014 amending Council Implementing Regulation (EU) No 102/2012 imposing a definitive anti-dumping duty on imports of steel ropes and cables originating, inter alia, in the People's Republic of China, as extended to imports of steel ropes and cables consigned from, inter alia, the Republic of Korea, whether declared as originating in the Republic of Korea or not

COMMISSION IMPLEMENTING REGULATION (EU) No 489/2014

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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 13(4) thereof,

After informing the Member States,

Whereas:

A. **MEASURES IN FORCE**

(1) By Council Regulation (EC) No 1796/1999[(2)], the Council imposed a definitive anti-dumping duty on imports of steel ropes and cables originating, inter alia, in the People's Republic of China. These measures were maintained by Council Regulation (EC) No 1601/2001[(3)] and by Council Regulation (EC) No 1858/2005[(4)].

(2) By Implementing Regulation (EU) No 400/2010[(5)], the Council extended the anti-dumping duty on imports of steel ropes and cables originating, inter alia, in the People's Republic in China to imports of the same product consigned from the Republic of Korea, whether declared as originating in the Republic of Korea or not, following an anti-circumvention investigation under Article 13 of the basic Regulation. By the same Regulation, certain Korean exporting producers were exempted from these extended measures.

(3) The measures currently in force are an anti-dumping duty imposed by Council Implementing Regulation (EU) No 102/2012[(6)] on imports of steel ropes and cables originating, inter alia, in the People's Republic of China as extended, inter alia, to imports of steel ropes and cables consigned from the Republic of Korea whether declared as originating in the Republic of Korea or not following an expiry review under

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 489/2014. (See end of Document for details)*

Article 11(2) of the basic Regulation, as amended by Council Implementing Regulation (EU) No 558/2012[7] ('the measures in force').

B. PROCEDURE

1. Initiation

(4) The Commission received a request for an exemption from the measures in force under Article 13(4) of the basic Regulation. The application was lodged by Line Metal Co. Ltd ('Line Metal'), a producer in the Republic of Korea, and concerned the possibility of exempting Line Metal from the measures in force.

(5) Having examined the evidence submitted by Line Metal and after consultation of the Member States, and after the Union industry had been given the opportunity to comment, the Commission initiated the review investigation on 28 August 2013 by Commission Regulation (EU) No 806/2013[8] ('the initiating Regulation').

(6) The initiating Regulation repealed the anti-dumping duty imposed by Implementing Regulation (EU) No 102/2012 with regard to imports of the product concerned consigned from the Republic of Korea and produced by Line Metal. In addition, Article 3 of the initiating Regulation directed customs authorities to take appropriate steps to register such imports in accordance with Article 14(5) of the basic Regulation.

2. Product under review

(7) The product subject to the review is steel ropes and cables, including locked coil ropes, excluding ropes and cables of stainless steel, with a maximum cross-sectional dimension exceeding 3 mm, originating in the People's Republic of China or consigned from the Republic of Korea, whether declared as originating in the Republic of Korea or not ('the product under review'), currently falling within CN codes ex 7312 10 81, ex 7312 10 83, ex 7312 10 85, ex 7312 10 89 and ex 7312 10 98 (TARIC codes 7312 10 81 13, 7312 10 83 13, 7312 10 85 13, 7312 10 89 13 and 7312 10 98 13).

3. Reporting period

(8) The reporting period covered the period from 1 July 2012 to 30 June 2013. Data was collected from 2008 until the end of the reporting period to investigate any change in the pattern of trade.

4. Investigation

(9) The Commission officially advised Line Metal as well as the representatives of the Republic of Korea of the initiation of the review. Interested parties were invited to make their views known and were informed of the possibility to request a hearing. No such request was received.

(10) The Commission sent a questionnaire to Line Metal and received a reply within the given deadline. The Commission sought and verified all the information

deemed necessary for the purposes of the reviews. Verification visits were carried out at the premises of Line Metal.

C. FINDINGS

(11) The investigation confirmed that Line Metal was not related to any of the Chinese exporters or producers subject to the anti-dumping measures in force and that it had not exported the product under review to the Union during the investigation period of the anti-circumvention investigation that led to the extended measures, i.e. 1 July 2008 to 30 June 2009. Line Metal's first exports of the product under review occurred subsequently to the extension of measures to the Republic of Korea.

(12) The processing activities of Line Metal can be considered as a completion and assembly operation in the sense of Article 13(2) of the basic Regulation. Line Metal purchases domestically produced steel wire rod but also imports steel wire rod from the People's Republic of China, which are subsequently drawn, stranded and closed at its premises in the Republic of Korea. The finished product is sold domestically and exported to the Union.

(13) During the reporting period, the raw materials of Chinese origin constituted more than 60 % of the total value of the parts of the final product. For this reason the added value test under Article 13(2) of the basic Regulation had to be carried out. This test demonstrated that the value added to the parts brought in from the People's Republic of China, during the assembly and completion operation, is greater than 25 % of the manufacturing costs. Therefore, Line Metal's production activities were not found to involve circumvention under Article 13(2) of the basic Regulation.

(14) The investigation confirmed that Line Metal was not purchasing the finished product under review from the People's Republic of China in order to resell or tranship to the Union and that the company can justify all its exports during the reporting period.

(15) In light of the findings described in recitals (11) to (14), the Commission concludes that Line Metal is not circumventing the anti-dumping measures in force on imports of steel ropes and cables originating in, inter alia, the People's Republic of China as extended, inter alia, to imports of steel ropes and cables consigned from the Republic of Korea whether declared as originating in the Republic of Korea or not.

(16) The above findings were disclosed to Line Metal and the Union industry, which were given the opportunity to provide comments. Comments received were taken into account where appropriate.

D. MODIFICATION OF THE LIST OF COMPANIES BENEFITTING FROM AN EXEMPTION TO THE MEASURES IN FORCE

(17) In accordance with the above findings, the company Line Metal should be added to the list of companies that are exempted from the anti-dumping duty imposed by Implementing Regulation (EU) No 102/2012.

(18) As laid down in Article 1(2) of Implementing Regulation (EU) No 400/2010, the application of the exemption is to be conditional upon presentation to the customs