Council Implementing Regulation (EU) No 695/2013 of 15 July 2013 imposing a definitive anti-dumping duty on imports of ironing boards originating in the People's Republic of China, and repealing the anti-dumping measures on imports of ironing boards originating in Ukraine following an expiry review pursuant to Article 11(2) and a partial interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009

COUNCIL IMPLEMENTING REGULATION (EU) No 695/2013

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THE COUNCIL OF THE EUROPEAN UNION,

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 Articles 9(4) and 11(2), (3) and (6)thereof,

Having regard to the proposal submitted by the European Commissionafter consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Measures in force

(1) By Regulation (EC) No 452/2007[(2)], the Council imposed definitive anti-dumping duties ranging from 9,9 % to 38,1 % on imports of ironing boards originating in the People's Republic of China (‘PRC’ or ‘China’) and Ukraine; by implementing Regulation (EU) No 1243/2010[(3)], the Council imposed a definitive anti-dumping duty on imports of ironing boards of Since Hardware (Guangzhou) Co, a Chinese exporting producer of ironing boards, following a new investigation pursuant to Article 5 of the basic Regulation (‘the original investigations’).

(2) By implementing Regulation (EU) No 270/2010[(4)], the Council imposed a definitive anti-dumping duty on imports of ironing boards of Guangzhou Power Team Houseware Co. Ltd., a Chinese exporting producer of ironing boards.

(3) By implementing Regulation (EU) No 580/2010[(5)], the Council amended the definitive anti-dumping duty in force with regard to imports of ironing boards originating in Ukraine to 7 %, following a partial interim review limited in scope to dumping pursuant to Article 11(3) of the basic Regulation.

(4) By implementing Regulation (EU) No 77/2010[6], the Council imposed a definitive anti-dumping duty on imports of ironing boards of Greenwood Houseware (Zhuhai) Ltd Co, a Chinese exporting producer of ironing boards, following a new exporter review pursuant to Article 11(4) of the basic Regulation.

(5) By implementing Regulation (EU) No 805/2010[7], the Council re-imposed a definitive anti-dumping duty on import of ironing boards of Foshan Shunde Yongjian Housewares and Hardware Co. Ltd, Foshan, a Chinese exporting producer of ironing boards, as a measure to comply with the judgment of the Court of Justice in case C-141/08 P[8].

(6) By implementing Regulation (EU) No 987/2012[9], the Council re-imposed a definitive anti-dumping duty on imports of ironing boards originating in the People's Republic of China, manufactured by Zhejiang Harmonic Hardware Products Co. Ltd, as a measure to comply with the judgment of the Court of Justice in case T-274/07[10].

(7) The above investigations are hereinafter also referred to as 'the previous investigations'.

2. Requests for review

2.1. *Expiry review of the anti-dumping measures in force against Ukraine and the PRC*

(8) Following the publication of a notice of impending expiry[11] of the anti-dumping measures in force, the Commission received on 25 January 2012 a request for the initiation of an expiry review of these measures pursuant to Article 11(2) of the basic Regulation.

(9) The request was lodged by three Union producers representing a major proportion, in this case more than 40 % of the Union production of ironing boards ('the applicants of the expiry review').

(10) The request for the expiry review related to all countries currently covered by the measures in force, namely the PRC and Ukraine, and was based on the grounds that the expiry of the measures would be likely to result in a continuation of dumping and injury to the Union industry.

(11) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of an expiry review, the Commission announced on 25 April 2012 the initiation of an expiry review pursuant to Article 11(2) of the basic Regulation, by a notice published in the Official Journal of the European Union[12] ('expiry review notice of initiation').

2.2. *Partial interim review of the anti-dumping measures in force against Ukraine as far as the sole exporting producer in Ukraine is concerned*

(12) On 17 March 2012 the Commission received a request for the initiation of a partial interim review, limited in scope to dumping, pursuant to Article 11(3) of the basic

Regulation. The request was lodged by Eurogold Industries Ltd., the only exporting producer of the product concerned from Ukraine ('the applicant of the interim review').

(13) According to the applicant of the interim review, the circumstances on the basis of which the measures have been established had changed and these changes were of lasting nature. On the basis of these changes it was alleged that the existing anti-dumping measures were no longer necessary to offset dumping.

(14) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of a partial interim review, the Commission initiated this review on 12 June 2012[(13)] ('interim review notice of initiation').

3. Investigation

3.1. *Expiry review*

(a) *Investigation period and period considered in the expiry review investigation*

(15) The investigation of dumping and injury for the expiry review covered the period from 1 January 2011 to 31 December 2011 ('the expiry review investigation period' or 'ERIP'). The examination of trends in the context of the analysis of injury covered the period from January 2008 to the end of the ERIP ('the period considered').

(b) *Parties concerned by the investigation and sampling*

(16) The Commission officially advised the applicants, other known Union producers, exporting producers, importers, users in the Union known to be concerned and their associations, and the representatives of the exporting countries concerned of the initiation of the expiry review. 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 expiry notice of initiation. All interested parties, who so requested and showed that there were particular reasons why they should be heard, were granted a hearing.

(17) In view of the apparent large number of Chinese exporting producers and Union producers, sampling was envisaged in the expiry review notice of initiation in accordance with Article 17 of the basic Regulation.

(18) In order to enable the Commission to decide whether sampling would be necessary and, if so, to select a representative sample, Chinese exporting producers were requested to make themselves known to the Commission and to provide the information specified in the expiry notice of initiation. Only two exporting producer in the PRC made themselves known and provided the Commission with the information requested in the expiry review notice of initiation. Therefore, sampling was not considered necessary.

(19) The sole Ukrainian exporting producer cooperated in the parallel partial interim review and requested that the data verified and collected in the context of the interim review are used for the purpose of this expiry review (see recital (31) below).

Changes to legislation: *There are currently no known outstanding effects for the Council Implementing Regulation (EU) No 695/2013. (See end of Document for details)*

(20) The Commission announced in the expiry review notice of initiation that it had provisionally selected a sample of Union producers. This sample consisted of three companies, out of the estimated 20-30 Union producers that were known prior to the initiation of the investigation to produce the like product. The three sampled companies were selected on the basis of their sales and production volume of the like product in 2011 as well as their geographic location in the Union. The sample represented over 40 % of the total estimated Union production and sales during the ERIP and was therefore considered representative. Interested parties were invited to consult the file and to comment on the appropriateness of this choice within 15 days of the date of publication of the notice of initiation. No interested party commented on the proposed sample.

(21) No unrelated importers in the Union made themselves known and cooperated in the expiry review investigation.

(c) *Questionnaires and verification*

(22) The Commission sought and verified all the information it deemed necessary for the determination of the likelihood of a continuation or recurrence of dumping and resulting injury and for the determination of the Union interest.

(23) Questionnaires were sent to both Chinese exporting producers that came forward in the sampling exercise. Only one of these Chinese exporting producers cooperated and provided a questionnaire reply.

(24) Questionnaire replies were received from the three sampled Union producers. In addition, four cooperating Union producers provided general data for the injury analysis.

(25) Verification visits were carried out at the premises of the following companies:

— PRC
  — Greenwood Houseware (Zhuhai) Limited, Guangdong, the PRC
  — Brabantia S&S, Hong Kong
— Union producers
  — Colombo New Scal SpA, Italy
  — Rörets Polska Spółka z.o.o., Poland
  — Vale Mill (Rochdale) Ltd, United Kingdom

(26) In light of the need to establish a normal value for exporting producers in the PRC to which MET was not granted in the original investigations, a verification visit to establish normal value on the basis of data from an analogue country took place at the premises of the following company:

— Ukraine
  — Eurogold Industries Ltd., Zhytomyr, Ukraine

(d) *Disclosure*

(27) All interested parties were informed of the essential facts and considerations on the basis of which it was intended to recommend imposing a definitive anti-dumping duty on imports of the product concerned originating in the PRC and to terminate the investigation concerning the anti-dumping measures applicable to imports of the product concerned originating in Ukraine. The parties were also granted a period within which they could make representations subsequent to this disclosure. No comments were received.

3.2. *Partial interim review*

(a) *Investigation period in the interim review investigation*

(28) The investigation period for the partial interim review pursuant to Article 11(3) of the basic Regulation concerning imports originating in Ukraine covered the period from 1 April 2011 to 31 March 2012 ('the interim review investigation period'). A less recent investigation period, such as the one used for the expiry review, would not have been consistent with the requirements of Article 6(1) of the basic Regulation. Furthermore, a similar investigation period has been used in a parallel refund proceeding.

(b) *Parties concerned by the investigation*

(29) The Commission officially advised the applicant of the interim review and the representatives of the exporting country concerned of the initiation of the partial interim review. 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 interim review notice of initiation. All interested parties, who so requested and showed that there were particular reasons why they should be heard, were granted a hearing.

(c) *Questionnaires and verification*

(30) The Commission sought and verified all the information it deemed necessary for a determination of dumping of the applicant of the interim review and the need of continued imposition of the measures.

(31) The applicant of the interim review represented all the imports of the product concerned from Ukraine. A questionnaire was sent to this company that cooperated and provided a questionnaire reply. A verification visit was carried out at the following premises:

— Ukraine

— Eurogold Industries Ltd., Zhytomyr, Ukraine

(d) *Disclosure*

(32) All interested parties were informed of the essential facts and considerations on the basis of which it was intended to terminate the investigation concerning the anti-dumping measures applicable to imports of the product concerned originating in Ukraine. The parties were also granted a period within which they could make representations subsequent to this disclosure. No comments were received.