Council Regulation (EC) No 1256/2008 of 16 December 2008 imposing a definitive anti-dumping duty on imports of certain welded tubes and pipes of iron or non-alloy steel originating in Belarus, the People's Republic of China and Russia following a proceeding pursuant to Article 5 of Regulation (EC) No 384/96, originating in Thailand following an expiry review pursuant to Article 11(2) of the same Regulation, originating in Ukraine following an expiry review pursuant to Article 11(2) and an interim review pursuant to Article 11(3) of the same Regulation, and terminating the proceedings in respect of imports of the same product originating in Bosnia and Herzegovina and Turkey

COUNCIL REGULATION (EC) No 1256/2008

of 16 December 2008

imposing a definitive anti-dumping duty on imports of certain welded tubes and pipes of iron or non-alloy steel

— originating in Belarus, the People's Republic of China and Russia following a proceeding pursuant to Article 5 of Regulation (EC) No 384/96,

— originating in Thailand following an expiry review pursuant to Article 11(2) of the same Regulation,

— originating in Ukraine following an expiry review pursuant to Article 11(2) and an interim review pursuant to Article 11(3) of the same Regulation,

— and terminating the proceedings in respect of imports of the same product originating in Bosnia and Herzegovina and Turkey

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community[(1)] ('the basic Regulation'), and in particular Articles 9, 11(2) and 11(3) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. MEASURES IN FORCE

(1) The Council, by Regulation (EC) No 1697/2002 imposed definitive anti-dumping duties on imports of certain welded tubes and pipes, of iron or non-alloy steel originating inter alia in Thailand, Turkey and Ukraine (the 'measures in force')[(2)].

2. PRESENT INVESTIGATION

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 1256/2008. (See end of Document for details)*

2.1. Complaint

(2) A complaint was lodged on 20 August 2007 by the Defence Committee of the Welded Steel Tube Industry of the European Union (the Defence Committee), the complainant, on behalf of producers representing a major proportion, in this case more than 50 %, of the total Community production of certain welded tubes and pipes, of iron or non-alloy steel.

(3) The complaint contained sufficient evidence of dumping of the said product, originating in Belarus, Bosnia and Herzegovina, the People's Republic of China ('PRC') and Russia, and of material injury resulting therefrom to justify, after having consulted the Advisory Committee, the initiation of a proceeding.

2.2. Requests for review

(4) On 25 June 2007, a request for reviews pursuant to Article 11(2) and 11(3) of the basic Regulation was lodged by the Defence Committee of the Welded Steel Tube Industry of the European Union, the complainant, on behalf of producers representing a major proportion, in this case more than 50 %, of the total Community production of certain welded tubes and pipes, of iron or non-alloy steel.

(5) The request contained sufficient evidence for the initiation of an expiry review of the anti-dumping measures applicable to imports of the said product from Thailand, Turkey and Ukraine; and an interim review, covering dumping and injury, as far as imports from Turkey are concerned. After having consulted the Advisory Committee, the Commission initiated reviews in accordance with Article 11(2) and (3) of the basic Regulation.

(6) Regarding Turkey, the request contained sufficient evidence that imports of the product concerned remained at significantly high levels both in absolute terms and in terms of market share. It further stated that the volumes and prices of the imported product concerned from this country had, among other consequences, a negative impact on the market share held and on the level of prices charged by the Community industry, resulting in substantial adverse effects on the overall performance and the financial situation of the Community industry.

(7) A request for a partial interim review pursuant to Article 11(3) of the basic Regulation was lodged on 15 October 2007 by Interpipe Group, an exporter from Ukraine. The request was limited in scope to the examination of dumping.

2.3. Initiation

(8) On 26 September 2007, the Commission announced by a notice ('notice 1') published in the *Official Journal of the European Union*[(3)], the initiation of an anti-dumping proceeding pursuant to Article 5 of the basic Regulation with regard to imports of certain welded tubes and pipes, of iron or non-alloy steel originating in Belarus, Bosnia and Herzegovina, the People's Republic of China and Russia (the 'anti-dumping investigation').

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 1256/2008. (See end of Document for details)*

(9) On the same day, pursuant to Article 11(2) and (3) of the basic Regulation, the Commission announced by a notice ('notice 2') published in the *Official Journal of the European Union*[(4)], the initiation of an expiry review for imports from Thailand, Turkey and Ukraine (the 'expiry review') and an interim review as far as imports from Turkey are concerned with regard to imports of certain welded tubes and pipes, of iron or non-alloy steel (the 'Turkey interim review').

(10) On 24 January 2008, pursuant Article 11(3) of the basic Regulation, the Commission published in the *Official Journal of the European Union*[(5)] a notice of initiation ('notice 3') of an interim review limited to the dumping of one exporter of certain welded tubes and pipes, of iron or non-alloy steel originating in Ukraine, the Interpipe Group (the 'Ukraine interim review').

(11) The abovementioned investigations have been treated jointly since they are obviously interlinked with each other, in particular as regards the determination of injury and likelihood of recurrence of injury. For the sake of good administration, they have been combined in a single Regulation.

3. PARTIES CONCERNED BY THIS PROCEEDING

(12) The Commission services officially advised the complainant, the Community producers mentioned in the complaint and the request, any other known Community producers, importers, traders, the known exporting producers in Belarus, Bosnia and Herzegovina, the People's Republic of China, Russia, Thailand, Turkey and Ukraine, and the authorities of the countries concerned.

(13) Interested parties were given an opportunity to make their views known in writing and to request a hearing within the time limits set in the notices of initiation. A number of exporting producers and Community producers represented by the complainant made use of this opportunity and submitted claims to be considered during the investigation.

3.1. Sampling

(14) In view of the large number of exporting producers for certain exporting countries, Community producers and importers involved in the investigations, the application of sampling techniques was envisaged wherever relevant in the anti-dumping proceeding, the expiry review and the Turkey interim review, as set out in recitals 8 and 9 above, in accordance with Article 17 of the basic Regulation.

(15) In order to enable the Commission to decide whether sampling would be necessary and, if so, to select a sample, exporting producers and representatives acting on their behalf, Community producers and importers were requested to make themselves known and to provide information as specified in the notices of initiation.

3.1.1. Sampling of the Community producers

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 1256/2008. (See end of Document for details)*

(16) Fifteen parties, 13 complainants and 2 supporting producers, replied to the sampling form, a further 2 companies cooperated by completing a mini-questionnaire. The level of cooperation reached around 95 % of Community production.

(17) In accordance with Article 17 of the basic Regulation, the sample was selected, after consultation with the complainant, based on the largest representative volume of sales. As a result of this exercise, a sample of 9 companies was selected. The sampled companies accounted for 67 % of the total Community production during the IP.

3.1.2. Sampling of the importers

(18) Around 140 importers were contacted based on the information available to the Commission. Out of those 140, 16 declared that they were not importing welded tubes from the countries concerned and 3 companies replied that they were no longer active on the market of the product concerned. Thirteen unrelated importers replied to the questionnaire, but only two submitted a complete response. The cooperating unrelated importers represented less than 5 % of total imports concerned — a very low level of cooperation.

3.1.3. Sampling of the exporters

(19) As mentioned in the notices of initiation, sampling was envisaged for the exporters/producers in the PRC, Russia, Turkey, Ukraine, and Thailand. Detailed information on the sampling exercise per country concerned is set out in the analysis for each country below.

4. VERIFICATION OF INFORMATION RECEIVED

(20) The Commission sought and verified all the information it deemed necessary for the purpose of the determination of dumping, resulting injury and Community interest. Information submitted by the following companies was verified on-spot:

(a) Community industry producers

— Jäkl Karvina, Czech Republik (member of the ArcelorMittal Group)

— ArcelorMittal Poland SA, Poland (member of the ArcelorMittal Group)

— Corus Tubes UK, United Kingdom

— Corus Tubes BV, the Netherlands

— Laminaciones Arregui SL, Spain

— Ruukki Sverige AB, Sweden.

For the remaining 3 sampled companies:

— Mittal steel Iasi, Romania

— Arvedi Tubi Acciaio spa, Italy

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 1256/2008. (See end of Document for details)*

— Zelezarny Veseli a.s., Czech Republik (in this case the verification method entailed a detailed analysis and cross-check of the reply on the basis of supporting documentation provided)

(b) Unrelated importers

— Comercial de Tubos, Spain

— Anastel Ltd, United Kingdom;

(c) Exporting producers and producers in the People's Republic of China

— Jinghua Steel Pipe Group:
  — Hengshui Jinghua Steel Pipe Co. Ltd
  — Tangshan Jinghua Steel Pipe Co. Ltd
  — Laiwu Jinghua Steel Pipe Co. Ltd
  — Jilin Jinghua Steel Pipe Co. Ltd
  — Guangzhou Jinghua Steel Pipe Co. Ltd
  — Chengdu Pengzhou Jinghua Steel Pipe Co. Ltd.
— Zhejian Kingland Group:
  — Zhejian Kingland Pipeline and Technologies Co. Ltd
  — Kingland Group Co. Ltd.
— Fubo Group:
  — Shandong Fubo Group Co. Ltd
  — Zibo Fubo Steel Pipes Factory Co. Ltd.
— Weifang East Steel Pipe Co. Ltd;
— Huludao Group:
  — Huludao City Steel Pipe Industrial Co. Ltd
  — Huludao Seven-Star Steel Pipe Group Co. Ltd
— Jiangsu Guoqiang Zinc-plating Industrial Co. Ltd;

(d) Exporting producers in Russia

— TMK Group (Joint Stock Company Taganrog Metallurgical Works (‘Tagmet’), Taganrog)

— OMK Group (Open Joint Stock Company Vyksa Steel Works (‘VMZ’), Vyksa)

In each of the two groups only the producer with the largest volume of Community exports was verified.

Related traders in Russia

— CJSC Trade House TMK, Moscow, TMK Group

— Closed Joint Stock Company United Metallurgical Company (‘UMC’), Moscow, OMK Group

— OMK Steel, LLC, Moscow, OMK Group

Related importer