Commission Implementing Decision (EU) 2020/1202 of 14 August 2020 terminating the anti-dumping proceeding concerning imports of pins and staples originating in the People's Republic of China and subjecting imports of pins and staples originating in the People's Republic of China to surveillance

COMMISSION IMPLEMENTING DECISION (EU) 2020/1202

of 14 August 2020

terminating the anti-dumping proceeding concerning imports of pins and staples originating in the People's Republic of China and subjecting imports of pins and staples originating in the People's Republic of China to surveillance

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union[(1)], and in particular Article 9(1) thereof,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code[(2)], and in particular Article 56(5) thereof,

Whereas:

1. PROCEDURE

(1) On 18 December 2019, the European Commission initiated an anti-dumping proceeding concerning imports of pins and staples originating in the People's Republic of China by publishing a notice of initiation in the *Official Journal of the European Union*[(3)].

(2) The investigation was initiated following a complaint lodged by six EU producers: Atrom Impex srl (Romania), Bizon Int. Sp. z.o.o. (Poland), Ergo Staples (Croatia), Grupodesa (Spain), Omer SpA (Italy) and Velo srl (Italy), ('the complainants'), representing more than 50 % of the total Union production of pins and staples. The complaint contained evidence of dumping and of resulting material injury that was considered sufficient to justify the initiation of the investigation.

(3) 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 complainants, other known Union producers, the known exporting producers and the Chinese authorities, known importers, suppliers and users, traders, as well as associations known to be concerned about the initiation of the investigation and invited them to participate.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1202. (See end of Document for details)*

(4) All interested parties had an opportunity to comment on the initiation of the investigation and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings within the time limit set in the notice of initiation.

2. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING

(5) On 24 June 2020, the complainants informed the Commission that they withdrew the complaint.

(6) Under Article 9(1) of Regulation (EU) 2016/1036, proceedings may be terminated where the complaint is withdrawn, unless such termination would not be in the Union interest.

(7) The investigation had not brought to light any considerations showing that a continuation of the case would be in the Union interest. However, the Commission also took note of a determination of 26 May 2020 by the U.S. Department of Commerce in an anti-dumping and anti-subsidy investigation on imports of certain collated steel staples from the People's Republic of China, which are product types of the product concerned. Given the potential risk of future trade diversions, the Commission will consider the statistical trends of Chinese imports of the product concerned for a period of 24 months as from the publication of this Decision. This will enable the Commission to assess the potential need to initiate a new investigation in accordance with the requirements of the basic Regulation.

(8) The Commission therefore concluded that the anti-dumping proceeding concerning imports into the Union of pins and staples originating in the People's Republic of China should be terminated without the imposition of measures.

(9) Interested parties were informed accordingly and were given an opportunity to comment. No interested party objected to the termination.

(10) The Decision is in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036 and the Customs Code Committee established by Article 285 of Regulation (EU) No 952/2013,

HAS ADOPTED THIS DECISION:

Article 1

The anti-dumping proceeding concerning imports of pins and staples currently falling under CN codes ex 7317 00 20, ex 7317 00 60, ex 7317 00 80, ex 7326 20 00, ex 7616 10 00, 8305 20 00 and ex 8308 10 00 (TARIC codes 7317 00 20 40, 7317 00 60 40, 7317 00 80 40, 7326 20 00 40, 7616 10 00 40 and 8308 10 00 40), originating in the People's Republic of China, is terminated.

Article 2

The TARIC codes mentioned in Article 1 or any corresponding future codes shall remain open for a period of 24 months as from the publication of this Decision to allow the