

V

(Announcements)

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

**Notice of initiation of an absorption investigation concerning imports of certain stainless steel
wires originating in India**

(2014/C 433/05)

The European Commission ('the Commission') has received a request pursuant to Article 12 of 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'), to investigate whether the anti-dumping measures imposed on imports of *Certain Stainless Steel Wires*, originating in India, have had an effect on export prices, resale prices or subsequent selling prices in the Union.

1. Request for an absorption investigation

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

2. Product under investigation

The product under investigation is 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,

originating in India ('the product under investigation'), currently falling within CN codes 7223 00 19 and 7223 00 99

3. Existing Measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EU) No 1106/2013 ⁽²⁾.

4. Grounds for an absorption investigation

The applicant has submitted sufficient evidence showing that after the original investigation period and prior to and following the imposition of the anti-dumping duties on imports of the product under investigation, export prices have decreased and there has been insufficient movement in resale prices or subsequent selling prices in the Union. This has resulted in an increased dumping margin which has impeded the intended remedial effects of the measures in force. The evidence contained in the request indicates that the decrease in prices cannot be explained by changes in raw material prices, energy costs, labour costs, duty rates or exchange rates.

Furthermore, the applicant has provided evidence showing that imports of the product under investigation have continued to enter the Union in significant volumes.

5. Procedure

Having determined, after informing the Member States, that the request has been lodged by or on behalf of the Union industry and that there is sufficient evidence to justify the initiation of an absorption investigation, the Commission hereby initiates an absorption investigation pursuant to Article 12 of the basic Regulation.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 298, 8.11.2013, p. 1.

5.1. **Investigating exporting producers**

5.1.1. *Procedure for selecting exporting producers to be investigated in India*

(a) Sampling

In view of the potentially large number of exporting producers in India ('the country concerned') involved in this proceeding and in order to complete the absorption investigation within the statutory time limits, the Commission may limit the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all exporting producers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties have to do so within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with information on their company(ies) requested in Annex I to this Notice. Within the same deadline, these parties have to inform the Commission whether they request a revision of the normal value under Article 12(5) of the basic Regulation. Where the absorption investigation involves a re-examination of normal values, imports may be made subject to registration in accordance with Article 14(5) of the basic Regulation pending the outcome of the reinvestigation.

In order to obtain information it deems necessary for the selection of the sample of exporting producers, the Commission will also contact the authorities of the country concerned and may contact any known associations of exporting producers.

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified.

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports to the Union which can reasonably be investigated within the time available, taking into account the sample and the individual examination in the original investigation. All known exporting producers, the authorities of the country concerned and associations of exporting producers will be notified by the Commission, via the authorities of the country concerned if appropriate, of the companies selected to be in the sample.

In order to obtain information it deems necessary for its investigation with regard to exporting producers, the Commission will send questionnaires to the exporting producers selected to be in the sample, to any known association of exporting producers, and to the authorities of the country concerned.

All exporting producers selected to be in the sample will have to submit a completed questionnaire within 37 days from the date of notification of the sample selection, unless otherwise specified. Parties which requested a revision of the normal value and were selected to be in the sample will have to provide, within the same deadline, complete information on normal values, duly substantiated by evidence.

Without prejudice to the possible application of Article 18 of the basic Regulation, companies that have agreed to their possible inclusion in the sample but are not selected to be in the sample will be considered to be cooperating ('non-sampled cooperating exporting producers').

5.2. **Investigating unrelated importers⁽¹⁾**

Unrelated importers of the product under investigation from the country concerned to the Union are invited to participate in this investigation.

⁽¹⁾ Only importers not related to exporting producers can be sampled. Importers that are related to exporting producers have to fill in Annex 1 to the questionnaire for these exporting producers. In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

In view of the potentially large number of unrelated importers involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit to a reasonable number the unrelated importers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, are hereby requested to make themselves known to the Commission. These parties must do so within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified, by providing the Commission with the information on their company(ies) requested in Annex II to this Notice.

In order to obtain information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

All interested parties wishing to submit any other relevant information regarding the selection of the sample, excluding the information requested above, must do so within 21 days of the publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under investigation in the Union which can reasonably be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

In order to obtain information it deems necessary for its investigation, the Commission will send questionnaires to the sampled unrelated importers and to any known association of importers. These parties must submit a completed questionnaire within 37 days from the date of the notification of the sample selection, unless otherwise specified.

5.3. Other written submissions

Subject to the provisions of this Notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this Notice in the *Official Journal of the European Union*.

5.4. Possibility to be heard by the Commission investigation services

All interested parties may request to be heard by the Commission investigation services. Any request to be heard should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with the parties.

5.5. Instructions for making written submissions and sending completed questionnaires and correspondence

All written submissions, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' ⁽¹⁾.

Interested parties providing 'Limited' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such information may be disregarded.

Interested parties are invited to make all submissions and requests by e-mail including scanned powers of attorney and certification sheets, with the exception of voluminous replies which shall be submitted on a CD-ROM or DVD by hand or by registered mail. By using e-mail, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf The interested parties must indicate their name, address, telephone and a valid e-mail

⁽¹⁾ A 'Limited' document is a document which is considered confidential pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343 22.12.2009 p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

address and they should ensure that the provided e-mail address is a functioning official business e-mail which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by e-mail only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by e-mail, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: CHAR 04/039
Rue de la Loi/Wetstraat 170
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

E-mail: TRADE-SSW-R610-ABSORPTION@ec.europa.eu

6. Non-cooperation

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

7. Hearing Officer

Interested parties may request the intervention of the Hearing Officer in trade proceedings. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.

A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.

The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered on issues pertaining, among other things, to the absorption of the measures in force.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: http://ec.europa.eu/commission_2010-2014/degucht/contact/hearing-officer/

8. Schedule of the investigation

The investigation will be concluded, pursuant to Article 12 of the basic Regulation within 9 months of the date of the publication of this Notice in the *Official Journal of the European Union*.

9. **Processing of personal data**

Any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

ANNEX I

| | |
|----------------------------|--|
| <input type="checkbox"/> | 'Limited' version ⁽¹⁾ |
| <input type="checkbox"/> | Version 'For inspection by interested parties' |
| (tick the appropriate box) | |

ABSORPTION INVESTIGATION CONCERNING IMPORTS OF CERTAIN STAINLESS STEEL WIRES ORIGINATING IN INDIA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF EXPORTING PRODUCERS IN INDIA

This form is designed to assist exporting producers in India in responding to the request for sampling information mentioned in section 5 of the notice of initiation.

Both the 'Limited' version and the version 'For inspection by interested parties' should be returned to the Commission as set out in the notice of initiation.

1. IDENTITY AND CONTACT DETAILS

Supply the following details about your company:

| | |
|----------------|--|
| Company name | |
| Address | |
| Contact person | |
| E-mail address | |
| Telephone | |
| Fax | |

2. TURNOVER AND SALES VOLUME

Indicate the turnover in the accounting currency of the company during the original investigation period ('IP') (from 1 April 2011 to 31 March 2012) as well as during the absorption investigation period ('AIP') (from 1 October 2013 to 30 September 2014) for sales (export sales to the Union for each of the 28 Member States ⁽²⁾ separately and in total, domestic sales and export sales to countries other than Member States of the Union separately and in total) of stainless steel wires as defined in the notice of initiation and the corresponding weight or volume. State the unit of weight or volume and the currency used.

| | Original Investigation Period | | | Absorption Investigation Period | | |
|---|---|---|--|---|---|--|
| | Tonnes | Value in accounting currency Specify the currency used | | Tonnes | Value in accounting currency Specify the currency used | |
| Export sales to the Union, for each of the 28 Member States separately and in total, of the product under investigation, manufactured by your company | Total: | | | Total: | | |
| | Name each Member State ⁽¹⁾ : | | | Name each Member State ⁽¹⁾ : | | |
| Domestic sales of the product under investigation, manufactured by your company | | | | | | |

⁽¹⁾ This document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343, 22.12.2009 p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement).

⁽²⁾ The 28 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Croatia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom.

| | Original Investigation Period | | Absorption Investigation Period | |
|--|------------------------------------|---|------------------------------------|---|
| | Tonnes | Value in accounting currency Specify the currency used | Tonnes | Value in accounting currency Specify the currency used |
| Export sales to countries other than Member States of the Union (separately and in total) of the product under investigation, manufactured by your company | Total: | | Total: | |
| | Name each country ⁽¹⁾ : | | Name each country ⁽¹⁾ : | |

⁽¹⁾ Add additional rows where necessary.

3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES ⁽¹⁾

Give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under investigation. Such activities could include but are not limited to purchasing the product under investigation or producing it under sub-contracting arrangements, or processing or trading the product under investigation.

| Company name and location | Activities | Relationship |
|---------------------------|------------|--------------|
| | | |
| | | |
| | | |

4. OTHER INFORMATION

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

5. CERTIFICATION

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will involve completing a questionnaire and accepting a visit at its premises in order to verify its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating exporting producers are based on facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

⁽¹⁾ In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

ANNEX II

| | |
|----------------------------|--|
| <input type="checkbox"/> | 'Limited' version ⁽¹⁾ |
| <input type="checkbox"/> | Version 'For inspection by interested parties' |
| (tick the appropriate box) | |

ABSORPTION INVESTIGATION CONCERNING IMPORTS OF CERTAIN STAINLESS STEEL WIRES ORIGINATING IN INDIA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the request for sampling information made in section 5 of the notice of initiation.

Both the 'Limited' version and the version 'For inspection by interested parties' should be returned to the Commission as set out in the notice of initiation.

1. IDENTITY AND CONTACT DETAILS

Supply the following details about your company:

| | |
|----------------|--|
| Company name | |
| Address | |
| Contact person | |
| E-mail address | |
| Telephone | |
| Fax | |

2. TURNOVER AND SALES VOLUME

Indicate the total turnover in euros (EUR) of the company, and the turnover and weight or volume for imports into the Union ⁽²⁾ and resales on the Union market after importation from India, during the original investigation period ('IP') (from 1 April 2011 to 31 March 2012) as well as during the absorption investigation period ('AIP') (from 1 October 2013 to 30 September 2014), of stainless steel wires as defined in the notice of initiation and the corresponding weight or volume. State the unit of weight or volume used.

| | Original investigation period | | Absorption investigation period | |
|---|-------------------------------|----------------------|---------------------------------|----------------------|
| | Tonnes | Value in euros (EUR) | Tonnes | Value in euros (EUR) |
| Total turnover of your company in euros (EUR) | | | | |
| Imports of the product under investigation into the Union | | | | |
| Resales on the Union market after importation from India of the product under investigation | | | | |

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⁽²⁾ The 28 Member States of the European Union are: Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Croatia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom.

