COMMISSION IMPLEMENTING REGULATION (EU) 2019/1687

of 8 October 2019

amending Annex 1 to Implementing Regulation (EU) 2017/2179 imposing a definitive anti-dumping duty on imports of ceramic tiles originating in the People's Republic of China

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],

Having regard to Commission Implementing Regulation (EU) 2017/2179 of 22 November 2017 imposing a definitive anti-dumping duty on imports of ceramic tiles originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council [2], and in particular Article 2 thereof,

Whereas:

A. **MEASURES IN FORCE**

(1) On 12 September 2011 the Council imposed, by means of Implementing Regulation (EU) No 917/2011 [3] ('the original investigation'), a definitive anti-dumping duty on imports of ceramic tiles (the 'product concerned ') originating in the People's Republic of China ('the PRC'). Given the large number of cooperating exporting producers in China during the original investigation, a sample of Chinese exporting producers was selected and individual ad-valorem duty rates ranging from 13,9 % [4] to 36,5 % were imposed on the companies included in the sample, while other cooperating companies not included in the sample were attributed a duty rate of 30,6 %. The residual duty imposed on non-cooperating Chinese exporting producers amounted to 69,7 %.

(2) On 22 November 2017, following an expiry review, the Commission decided, by means of Implementing Regulation (EU) 2017/2179, to maintain the anti-dumping duties in force.

(3) Pursuant to Article 2 of Implementing Regulation (EU) 2017/2179, the Commission may amend Annex I of that Regulation by granting a new exporting producer the duty rate applicable to the cooperating companies not sampled or not granted individual treatment, namely the weighted average duty rate of 30,6 %, where any new exporting producer in the PRC provides sufficient evidence to the Commission.

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[1] OJ L 176, 30.6.2016, p. 21.
[2] OJ L 307, 23.11.2017, p. 25.
[3] Council Implementing Regulation (EU) No 917/2011 of 12 September 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tiles originating in the People's Republic of China (OJ L 238, 15.9.2011, p. 1).
[4] Implementing Regulation (EU) No 917/2011 was subsequently amended by Commission Implementing Regulation (EU) 2015/409 of 11 March 2015.

B. **REQUEST FOR NEW EXPORTING PRODUCER TREATMENT**

(4) In October 2018, the company Zhuhai Xuri Ceramics Co., Ltd ('the applicant') came forward, after the publication of the Implementing Regulation (EU) 2017/2179 and submitted a request to be granted new exporting producer treatment and hence be subject to the duty rate applicable to the cooperating companies in the PRC not included in the sample or not granted individual treatment, namely 30,6 %. The applicant claimed that it met all three criteria set out in Article 2 of Implementing Regulation (EU) 2017/2179.

(5) In order to determine whether the applicant fulfilled those criteria the Commission asked the applicant to complete a questionnaire. Following the analysis of the questionnaire response, the Commission considered that the applicant had provided sufficient information and did not request further supporting evidence.

(6) The Commission notified the Union industry about the request for new exporting producer treatment and gave it the opportunity to comment. The Commission did not receive any comments.

C. **ANALYSIS OF THE REQUEST**

(7) With regard to the condition set out in point (a) of Article 2 of Implementing Regulation (EU) 2017/2179, the first criterion, the Commission thoroughly examined the applicant's sales ledger covering the investigation period. The ledger reflected only domestic sales.

(8) Upon further verification of other sales data, EU customs statistics and documentation no evidence was found suggesting that the applicant exported the product concerned to the Union prior or during the investigation period. Therefore, in light of the available information, the Commission concluded that the applicant met the first criterion.

(9) With regard to the condition set out in point (b) of Article 2 of Implementing Regulation (EU) 2017/2179, the second criterion, the Commission noted that the corporate structure of the applicant comprises ten related companies. Two of those related companies were involved in the manufacturing of the product concerned during the investigation period but operated only domestically. Based on the evidence provided no further commercial or operational links with exporters or producers from the PRC subject to the anti-dumping measures in force were identified. Five of those related companies were founded after the investigation period and the remaining three were not involved in any commercial activity concerning the product concerned. Thus, the Commission concluded that the applicant met the second criterion.

(10) Regarding the condition set out in point (c) of Article 2 of Implementing Regulation (EU) 2017/2179, the third criterion, based on the documentary evidence provided, the Commission established that the applicant had not exported the product concerned to the Union following the investigation period. Failing that, the applicant provided evidence of irrevocable contractual agreements of sales of significant quantities of the product concerned to the Union. Therefore, the Commission concluded that the applicant met the third criterion.

(11) The Union industry did not provide any evidence/information indicating that any of the three criteria were not met by the applicant.

D. **CONCLUSION**

(12) The Commission concluded that the applicant fulfilled the three criteria required in order to be granted new exporting producer treatment. Therefore, the applicant's name should be added to the list of cooperating producers not sampled or not granted individual treatment listed in Annex I of Implementing Regulation (EU) 2017/2179.

E. **DISCLOSURE**

(13) The applicant and the Union industry were informed of the essential facts and considerations on the basis of which it was considered appropriate to grant the anti-dumping duty rate applicable to the non-sampled cooperating Chinese exporting producers to Zhuhai Xuri Ceramics Co., Ltd.

(14) The parties were granted the possibility to submit comment which were duly taken into consideration where warranted.

(15) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The following company is added to the list of Chinese cooperating producers not sampled or not granted individual treatment in Annex I of Implementing Regulation (EU) 2017/2179:

Name	TARIC additional code
Zhuhai Xuri Ceramics Co., Ltd	C505

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 October 2019.

For the Commission
The President
Jean-Claude JUNCKER