

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of initiation of a partial interim review of the anti-dumping measures applicable to imports of certain iron or steel fasteners originating in the People's Republic of China, as extended to imports consigned from Malaysia, whether declared as originating in Malaysia or not

(2013/C 134/07)

The European Commission ('the Commission') has received a request for a partial interim review pursuant to Articles 11(3) and 13(4) 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').

1. Request for review

The request for review was lodged by Malaysian Precision Manufacturing SDN BHD ('the applicant'), an exporting producer from Malaysia ('the country concerned').

The review is limited in scope to the examination of the possibility of granting an exemption from the anti-dumping measures originally applicable to imports of certain iron or steel fasteners originating in the People's Republic of China, as extended to imports consigned from Malaysia, whether declared as originating in Malaysia or not, as far as the applicant is concerned.

2. Product under review

The product subject to this review is certain iron or steel fasteners, other than of stainless steel, i.e. wood screws (excluding coach screws), self-tapping screws, other screws and bolts with heads (whether or not with their nuts or washers, but excluding screws turned from bars, rods, profiles or wire, of solid section, of a shank thickness not exceeding 6 mm and excluding screws and bolts for fixing railway track construction material), and washers, originating in the People's Republic of China or consigned from Malaysia, whether declared as originating in Malaysia or not ('the product under review'), currently falling within CN codes ex 7318 12 90, ex 7318 14 91, ex 7318 14 99, ex 7318 15 59, ex 7318 15 69, ex 7318 15 81, ex 7318 15 89, ex 7318 15 90, ex 7318 21 00 and ex 7318 22 00.

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 91/2009 ⁽²⁾ on imports of certain iron or steel fasteners originating in the

People's Republic of China as amended by Council Implementing Regulation (EU) No 924/2012 ⁽³⁾ and extended to imports of certain iron or steel fasteners consigned from Malaysia, whether declared as originating in Malaysia or not, by Council Implementing Regulation (EU) No 723/2011 ⁽⁴⁾.

4. Grounds for the review

The request pursuant to Articles 11(3) and 13(4) is based on *prima facie* evidence, provided by the applicant, demonstrating that the applicant is a genuine producer of the product under review able to produce the entire quantity that it has shipped to the Union since the start of the investigation period of the anti-circumvention investigation leading to the imposition of the existing measures.

Furthermore, the applicant alleges that although it is related to certain producers of certain iron or steel fasteners located in the People's Republic of China, the applicant has been established as a producer of the product under review in Malaysia long before the imposition of the measures on imports of certain iron or steel fasteners originating in the People's Republic of China. In addition, it alleges that its relationships with its related companies in the People's Republic of China have been established before the imposition of the measures on imports of certain iron or steel fasteners originating in the People's Republic of China and that these relationships have not been used to circumvent the measures applicable to certain iron or steel fasteners originating in the People's Republic of China.

5. Procedure

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of a partial interim review limited to the examination of the possibility of granting an exemption, as far as the applicant is

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 29, 31.1.2009, p. 1.

⁽³⁾ OJ L 275, 10.10.2012, p. 1.

⁽⁴⁾ OJ L 194, 26.7.2011, p. 6.

concerned, from the anti-dumping measures applicable to imports of certain iron or steel fasteners originating in the People's Republic of China, as extended to imports consigned from Malaysia, whether declared as originating in Malaysia or not, the Commission hereby initiates a review in accordance with Articles 11(3) and 13(4) of the basic Regulation.

5.1. *Investigating exporting producer*

In order to obtain the information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant as an exporting producer. 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*, unless otherwise specified.

5.2. *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*.

5.3. *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 must be made in writing and must 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.

5.4. *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 must

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 required to make all submissions and requests in electronic format (non-confidential submissions via e-mail, confidential ones on CD-R/DVD), and must indicate their name, address, e-mail address, telephone and fax numbers. However, any powers of attorney, signed certifications, and any updates thereof, accompanying questionnaire replies must be submitted on paper, i.e. by post or by hand, at the address below. If an interested party cannot provide its submissions and requests in electronic format, it must immediately contact the Commission in compliance with Article 18(2) of the basic Regulation. For further information concerning correspondence with the Commission, interested parties may consult the relevant web page on the website of the Directorate-General for Trade: <http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence>

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: N105 08/020
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Fax +32 22956505
E-mail: R575-fasteners-MPM@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.

⁽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).

7. Hearing Officer

Interested parties may request the intervention of the Hearing Officer for the Directorate-General for Trade. 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 possibility of granting the exemption to the applicant.

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/trade/tackling-unfair-trade/hearing-officer/index_en.htm

8. Schedule of the investigation

The investigation will be concluded, pursuant to Article 11(5) of the basic Regulation, within 15 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 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.