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COMMISSION IMPLEMENTING REGULATION (EU) 2018/186

of 7 February 2018

imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain corrosion resistant steels 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]), and in particular Article 9(4) thereof,

Whereas:

1. PROCEDURE

1.1. Provisional measures

(1) On 10 August 2017 the European Commission (hereinafter referred to as 'the Commission') imposed a provisional anti-dumping duty on imports into the Union of certain corrosion resistant steels ('CRS') originating in the People's Republic of China ('the PRC' or 'the country concerned') by Commission Implementing Regulation (EU) 2017/1444 ([2]) ('the provisional Regulation') under Article 7 of Regulation (EU) 2016/1036 ('the basic Regulation').

(2) The investigation was initiated on 9 December 2016 ([3]) following a complaint lodged on 25 October 2016 by the European Steel Association ('Eurofer' or 'the complainant') on behalf of producers representing more than 53 % of the total Union production of certain corrosion resistant steels.

(3) As stated in recital 30 of the provisional Regulation the investigation of dumping and injury covered the period from 1 October 2015 to 30 September 2016 ('the investigation period' or 'IP'). The examination of trends relevant for the assessment of injury covered the period from 1 January 2013 to the end of the investigation period ('the period considered').

1.2. Registration

(4) The Commission made imports of the product concerned originating in and consigned from the PRC subject to registration by Commission Implementing Regulation (EU) 2017/1238 ([4]). The registration of imports ceased with the imposition of provisional measures on 11 August 2017.

1.3. Subsequent procedure

(5) Subsequent to the disclosure of the essential facts and considerations on the basis of which a provisional anti-dumping duty was imposed ('the provisional disclosure'), several interested parties made written submissions making known their views on the provisional findings. The parties who so requested were granted an opportunity to be heard.

(6) During the definitive stage of the investigation, hearings took place with the International Steel Trade Association ('ISTA') on 13 November 2017 and the Chinese Iron and Steel Association ('CISA') on 17 November 2017.

([1]) OJ L 176, 30.6.2016, p. 21.
([2]) Commission Implementing Regulation (EU) 2017/1444 of 9 August 2017 imposing a provisional anti-dumping duty on imports of certain corrosion resistant steels originating in the People's Republic of China (C/2017/5512) (OJ L 207, 10.8.2017, p. 1).
([3]) Notice of initiation of an anti-dumping proceeding concerning imports of certain corrosion resistant steels originating in the People's Republic of China (2016/C 459/11) (OJ C 459, 9.12.2016, p. 17).
([4]) Commission Implementing Regulation (EU) 2017/1238 of 7 July 2017 making imports of certain corrosion resistant steels originating in the People's Republic of China subject to registration (C/2017/4629) (OJ L 177, 8.7.2017, p. 39).

Table 6

Definitive margins and duty rates

Group & Company	Definitive dumping margin (%)	Definitive injury margin (%)	Definitive duty rate (%)
HBIS: — Hesteel Co., Ltd Handan Branch — Handan Iron & Steel Group Han-Bao Co., Ltd — Hesteel Co., Ltd Tangshan Branch — Tangshan Iron & Steel Group High Strength Automotive Strip Co., Ltd	62,9	27,8	27,8
Shougang group: — Beijing Shougang Cold Rolling Co., Ltd — Shougang Jingtang United Iron and Steel Co., Ltd	46,2	17,2	17,2
Shagang group: — Zhangjiagang Shagang Dongshin Galvanized Steel Sheet Co., Ltd — Zhangjiagang Yangtze River Cold Rolled Sheet Co., Ltd	56,4	27,9	27,9
Other cooperating companies	58,7	26,1	26,1
All other companies	62,9	27,9	27,9

(134) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during this investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of product concerned originating in the country concerned and produced by the companies and thus by the specific legal entities mentioned. Imported product concerned produced by any other company whose name is not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, should not benefit from these rates and should be subject to the duty rate applicable to 'all other companies'.

(135) Any claim requesting the application of these individual company anti-dumping duty rates (for example following a change in the name of the entity or following the setting-up of new production or sales entities) should be addressed to the Commission ([1]) with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the present Regulation will be amended accordingly by updating the list of companies benefiting from individual duty rates.

(136) In order to minimise the risks of circumvention, it is considered that special measures are needed in this case to ensure the proper application of the anti-dumping measures. These special measures include the following: the presentation to the customs authorities of the Member States of a valid commercial invoice which shall conform to the requirements set out in Article 1(3) of this Regulation. Imports not accompanied by such an invoice shall be made subject to the duty rate applicable to all other companies.

(137) In view of the recent case-law of the Court of Justice ([2]), it is appropriate to provide for the rate of default interest to be paid in case of reimbursement of definitive duties, because the relevant provisions in force concerning customs duties do not provide for such an interest rate, and the application of national rules would lead to undue distortions between economic operators depending on which Member State is chosen for customs clearance.

([1]) European Commission, Directorate-General for Trade, Directorate H, 1049 Brussels, Belgium.
([2]) Judgment in *Wortmann*, C-365/15, EU:C:2017:19, paragraphs 35 to 39.

7.2. **Definitive collection of the provisional duties**

(138) In view of the dumping margins found and given the level of the injury caused to the Union industry, the amounts secured by way of the provisional anti-dumping duty, imposed by the provisional Regulation, should be definitively collected.

7.3. **Enforceability of the measures**

(139) This regulation is in accordance with the opinion of the Committee established by Article 15(1) of the Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of flat-rolled products of iron or alloy steel or non-alloy steel; aluminium killed; plated or coated by hot dip galvanisation with zinc and/or with aluminium, and no other metal; chemically passivated; containing by weight: 0,015 % or more but not more than 0,170 % of carbon, 0,015 % or more but not more than 0,100 % of aluminium, not more than 0,045 % of niobium, not more than 0,010 % of titanium and not more than 0,010 % of vanadium; presented in coils, cut-to-length sheets and narrow strips.

The following products are excluded:

— of stainless steel, of silicon-electrical steel, and of high-speed steel,

— not further worked than hot-rolled or cold-rolled (cold-reduced).

The product concerned is currently falling within CN codes ex 7210 41 00, ex 7210 49 00, ex 7210 61 00, ex 7210 69 00, ex 7212 30 00, ex 7212 50 61, ex 7212 50 69, ex 7225 92 00, ex 7225 99 00, ex 7226 99 30 and ex 7226 99 70 (TARIC codes: 7210 41 00 20, 7210 49 00 20, 7210 61 00 20, 7210 69 00 20, 7212 30 00 20, 7212 50 61 20, 7212 50 69 20, 7225 92 00 20, 7225 99 00 22, 7225 99 00 92, 7226 99 30 10, 7226 99 70 94) and originating in in the People's Republic of China.

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price before duty, of the product described in paragraph 1 and manufactured by the companies listed below shall be as follows:

Company	Definitive duty rate (%)	TARIC Additional Code
Hesteel Co., Ltd Handan Branch	27,8	C227
Handan Iron & Steel Group Han-Bao Co., Ltd	27,8	C158
Hesteel Co., Ltd Tangshan Branch	27,8	C159
Tangshan Iron & Steel Group High Strength Automotive Strip Co., Ltd	27,8	C228
Beijing Shougang Cold Rolling Co., Ltd	17,2	C229
Shougang Jingtang United Iron and Steel Co., Ltd	17,2	C164
Zhangjiagang Shagang Dongshin Galvanized Steel Sheet Co., Ltd	27,9	C230
Zhangjiagang Yangtze River Cold Rolled Sheet Co., Ltd	27,9	C112
Other cooperating companies listed in the Annex	26,1	C231
All other companies	27,9	C999