

COMMISSION IMPLEMENTING REGULATION (EU) 2022/269**of 23 February 2022****accepting a request for new exporting producer treatment with regard to the definitive anti-dumping measures imposed on imports of ceramic tableware and kitchenware originating in People's Republic of China and amending Implementing Regulation (EU) 2019/1198**

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 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) 2019/1198 of 12 July 2019 imposing a definitive anti-dumping duty on imports of ceramic tableware and kitchenware originating in the People's Republic of China ⁽²⁾, and, in particular, Article 2 thereof,

Whereas,

A. MEASURES IN FORCE

- (1) On 13 May 2013, the Council imposed a definitive anti-dumping duty on imports into the Union of ceramic tableware and kitchenware ('the product concerned') originating in the People's Republic of China (the PRC) by Council Implementing Regulation (EU) No 412/2013 ('the original regulation') ⁽³⁾.
- (2) On 12 July 2019, following an expiry review pursuant to Article 11(2) of the basic Regulation, the Commission extended the measures of the original regulation for another five years by Implementing Regulation (EU) 2019/1198.
- (3) On 28 November 2019, following an anti-circumvention investigation pursuant to Articles 13(3) and 14(5) of Regulation (EU) 2016/1036, the Commission amended Implementing Regulation (EU) 2019/1198 by Commission Implementing Regulation (EU) 2019/2131 ⁽⁴⁾.
- (4) In the original investigation, sampling was applied for investigating the exporting producers in the PRC in accordance with Article 17 of the basic Regulation.
- (5) The Commission imposed individual anti-dumping duty rates ranging from 13,1 % to 18,3 % on imports of the product concerned for the sampled exporting producers. For the cooperating exporting producers that were not included in the sample, a duty rate of 17,9 % was imposed. The cooperating exporting producers not included in the sample are listed in Annex I of Implementing Regulation (EU) 2019/1198 as amended by Regulation (EU) 2019/2131. Furthermore, a country-wide duty rate of 36,1 % was imposed on the product concerned from companies in the PRC which either did not make themselves known or did not cooperate with the investigation.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 189, 15.7.2019, p. 8.

⁽³⁾ Council Implementing Regulation (EU) No 412/2013 of 13 May 2013 imposing a definitive antidumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China (OJ L 131, 15.5.2013, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2019/2131 of 28 November 2019 amending Implementing Regulation (EU) 2019/1198 imposing a definitive anti-dumping duty on imports of ceramic tableware and kitchenware 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 (OJ L 321, 12.12.2019, p. 139).

- (6) Pursuant to Article 2 of Implementing Regulation (EU) 2019/1198, 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 17,9 %, where any new exporting producer in the PRC provides sufficient evidence to the Commission that:
- (a) it did not export to the Union the product concerned during the period of investigation on which the measures are based, that is from 1 January 2011 to 31 December 2011 ('the original investigation period');
 - (b) it is not related to any of the exporters or producers in the PRC which are subject to the anti-dumping measures imposed by this Regulation; and
 - (c) it has actually exported to the Union the product concerned after the end of the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity to the Union.

B. REQUEST FOR NEW EXPORTING PRODUCER TREATMENT

- (7) The company Hunan Jewelmoon Ceramics Co., Ltd. ('Jewelmoon' or 'the applicant') submitted a request to the Commission to be granted new exporting producer treatment (NEPT) and hence be subject to the duty rate applicable to the cooperating companies in the PRC not included in the sample, which is 17,9 %. The applicant claimed that it met all three conditions set out in Article 2 of Implementing Regulation (EU) 2019/1198.
- (8) In order to determine whether the applicant fulfilled the conditions for being granted NEPT, as set out in Article 2 of Implementing Regulation (EU) 2019/1198 ('the NEPT conditions'), the Commission first sent a questionnaire to the applicant requesting evidence showing that it met the NEPT conditions.
- (9) Following the analysis of the questionnaire reply, the Commission requested further information and supporting evidence, which was submitted by the applicant.
- (10) The Commission sought to verify all information it deemed necessary for the purpose of determining whether the applicant met the NEPT conditions. To this end, the Commission analysed the evidence submitted by the applicant in its questionnaire reply, consulted various websites including the applicant's website and Qichacha ^(?) and cross-checked company information with information submitted in previous cases. In parallel, the Commission also informed the Union industry about the applicant's request and invited it to provide any comments if needed. The Union industry provided comments on the request.

C. ANALYSIS OF THE REQUEST

- (11) With regard to the condition set out in Article 2(a) of Implementing Regulation (EU) 2019/1198 that the applicant did not export the product concerned to the Union during the original investigation period, during the investigation the Commission established that the applicant fulfilled this condition. The applicant was established on 8 November 2010 and started to manufacture the product concerned in 2011. The first export licence was issued on 4 May 2011. Export sales started in 2012, after the original investigation period. The applicant provided a sales ledger for the original investigation period, indicating that there were only domestic sales during this period. The volume of sales in this sales ledger is matching the operating income indicated in the income statement. Information about invoices during the original investigation period was requested and provided.
- (12) With regard to the condition set out in Article 2(b) of Implementing Regulation (EU) 2019/1198 that the applicant is not related to any exporters or producers which are subject to the anti-dumping measures imposed by Implementing Regulation (EU) 2019/1198, during the investigation the Commission established the applicant had no related company dealing with the production, processing, sale or purchase of the product concerned. Therefore, the applicant fulfils this condition.

^(?) Qichacha is a private, for-profit Chinese-owned database that delivers business data, credit information, and analytics on China-based private and public companies to consumers/professionals.

- (13) With regard to the condition set out in Article 2(c) of Implementing Regulation (EU) 2019/1198, that the applicant has actually exported the product concerned to the Union after the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity to the Union, during the investigation, the Commission established that the applicant had exported to the Union since July 2012 (therefore after the original investigation period) and regularly since then. The applicant submitted invoices, packing lists, bills of lading and receipts of payment for two orders placed in 2017 and 2018 by a company located in the EU. Therefore, the applicant fulfils this condition.
- (14) Accordingly, the applicant fulfils all three conditions to be granted NEPT, as set out in Article 2 of Implementing Regulation (EU) 2019/1198 and the request should therefore be accepted. Consequently, the applicant should be subject to an anti-dumping duty of 17,9 % for cooperating companies not included in the sample of the original investigation.

D. DISCLOSURE

- (15) The applicant and the Union industry were informed of the essential facts and considerations based on which it was considered appropriate to grant the anti-dumping duty rate applicable to the cooperating companies not included in the sample of the original investigation to Jewelmoon.
- (16) The parties were granted the possibility to submit comments. No comments were received.
- (17) The Regulation is in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036 of the European Parliament and the Council,

HAS ADOPTED THIS REGULATION:

Article 1

The following company is added to Annex 1 of Regulation (EU) 2019/2131 listing the cooperating companies not included in the sample:

Company	TARIC additional code
Hunan Jewelmoon Ceramics Co., Ltd.	C764

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, 23 February 2022.

For the Commission
The President
Ursula VON DER LEYEN