

V

*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of initiation of a partial interim review of the anti-dumping and countervailing measures applicable to imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt, as extended to imports consigned from Türkiye, whether declared as originating in Türkiye or not

(2023/C 236/04)

1. Ex-officio investigation

The European Commission ('the Commission') decided, on its own initiative, to initiate a partial interim review of the anti-dumping and countervailing measures applicable to imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China ('the PRC') and Egypt, as extended to imports of certain woven and/or stitched glass fibre fabrics consigned from Türkiye, whether declared as originating in Türkiye or not, as far as a Turkish exporting producer Fibroteks Dokuma Sanayi Ve Ticaret AS ('Fibroteks') is concerned, pursuant to Article 11(3) of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 ⁽¹⁾ on protection against dumped imports from countries not members of the European Union and Article 19 of Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 ⁽²⁾ on protection against subsidised imports from countries not members of the European Union.

2. Product under review

The product under review is fabrics of woven, and/or stitched continuous filament glass fibre rovings and/or yarns with or without other elements, excluding products which are impregnated or pre-impregnated (pre-preg), and excluding open mesh fabrics with cells with a size of more than 1,8 mm in both length and width and weighing more than 35 g/m², currently classified under CN codes ex 7019 61 00, ex 7019 62 00, ex 7019 63 00, ex 7019 64 00, ex 7019 65 00, ex 7019 66 00, ex 7019 69 10, ex 7019 69 90 and ex 7019 90 00 (TARIC codes 7019 61 00 81, 7019 61 00 84, 7019 62 00 81, 7019 62 00 84, 7019 63 00 81, 7019 63 00 84, 7019 64 00 81, 7019 64 00 84, 7019 65 00 81, 7019 65 00 84, 7019 66 00 81, 7019 66 00 84, 7019 69 10 81, 7019 69 10 84, 7019 69 90 81, 7019 69 90 84, 7019 90 00 81 and 7019 90 00 84) consigned from Türkiye, whether declared as originating in Türkiye or not (TARIC codes 7019 61 00 83, 7019 62 00 83, 7019 63 00 83, 7019 64 00 83, 7019 65 00 83, 7019 66 00 83, 7019 69 10 83, 7019 69 90 83 and 7019 90 00 83).

3. Existing measures

By Regulations (EU) 2020/492 ⁽³⁾ and (EU) 2020/776 ⁽⁴⁾, the Commission imposed a definitive anti-dumping and countervailing duty, respectively, on imports of certain woven and/or stitched glass fibre fabrics ('GFF') originating in the PRC and Egypt.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 176, 30.6.2016, p. 55.

⁽³⁾ Commission Implementing Regulation (EU) 2020/492 of 1 April 2020 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt (OJ L 108, 6.4.2020, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2020/776 of 12 June 2020 imposing definitive countervailing duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt and amending Commission Implementing Regulation (EU) 2020/492 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt (OJ L 189, 15.6.2020, p. 1).

These measures were extended by Commission Implementing Regulations (EU) 2022/1477 ⁽⁵⁾ and (EU) 2022/1478 ⁽⁶⁾ to imports of certain woven and/or stitched glass fibre fabrics consigned from Türkiye, whether declared as originating in Türkiye or not.

4. Grounds for the review

Fibroteks was not included in the list of exempted companies in Article 1(1) of Regulations (EU) 2022/1477 and (EU) 2022/1478 and thus, it is subject to the extended anti-dumping and countervailing measures. After the publication of the extension of the measures, the Turkish producer Fibroteks contacted the Commission to request an exemption of the measures imposed by Commission Implementing Regulations (EU) 2022/1477 and (EU) 2022/1478, alleging it was a genuine producer of GFF in Türkiye. The company provided sufficient evidence supporting this claim.

5. Procedure

Having determined, after informing Member States, 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 Fibroteks is concerned, from the anti-dumping and countervailing measures applicable to imports of GFF originating in the PRC and Egypt, as extended to imports consigned from Türkiye, whether declared as originating in Türkiye or not, the Commission hereby initiates a review in accordance with Article 11(3) of the basic anti-dumping Regulation and with Article 19 of the basic anti-subsidy Regulation.

In its investigation, the Commission will pay particular attention to Fibroteks' relationship with the companies subject to the existing measures in order to ensure that it is not used to circumvent the measures. The Commission will also consider whether particular monitoring conditions should be imposed in case the investigation will conclude that granting the exemption is warranted.

5.1. Review investigation period

The investigation will cover the period from 1 January 2019 to 30 June 2023 ('review investigation period').

5.2. Comments on the request and the initiation of the investigation

All interested parties wishing to comment on the request or any aspects regarding the initiation of the investigation must do so within 37 days of the date of publication of this Notice in the *Official Journal of the European Union* ⁽⁷⁾.

Any request for a hearing with regard to the initiation of the investigation must be submitted within 15 days of the date of publication of this Notice.

⁽⁵⁾ Commission Implementing Regulation (EU) 2022/1477 of 6 September 2022 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) 2020/492, as amended by Implementing Regulation (EU) 2020/776, on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt to imports of certain woven and/or stitched glass fibre fabrics consigned from Turkey, whether declared as originating in Turkey or not (OJ L 233, 8.9.2022, p. 1).

⁽⁶⁾ Commission Implementing Regulation (EU) 2022/1478 of 6 September 2022 extending the definitive countervailing duty imposed by Implementing Regulation (EU) 2020/776, on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt to imports of certain woven and/or stitched glass fibre fabrics consigned from Turkey, whether declared as originating in Turkey or not (OJ L 233, 8.9.2022, p. 18).

⁽⁷⁾ All references to the publication of this Notice will be references to publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified.

5.3. Procedure for investigating Fibroteks

In order to obtain information it deems necessary for its investigation, the Commission will send a questionnaire to Fibroteks. The company must submit the completed questionnaire within 37 days of the date of publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified.

5.4. Interested parties

In order to participate in the investigation, interested parties, such as exporting producers, Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations first have to demonstrate that there is an objective link between their activities and the product under review.

Other parties will only be able to participate in the investigation as interested party from the moment they make themselves known, and provided that there is an objective link between their activities and the product under review. Being considered as an interested party is without prejudice to the application of Article 18 of the basic anti-dumping Regulation and Article 28 of the basic anti-subsidy Regulation.

Access to the file available for inspection for interested parties is made via Tron.tdi at the following address: <https://tron.trade.ec.europa.eu/tron/TDI>. Please follow the instructions on that page to get access ⁽⁸⁾.

5.5. Other written submissions

Subject to the provisions of this Notice, all interested parties are 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*.

5.6. 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. The hearing will be limited to the issues set out by the interested parties in writing beforehand. For hearings on issues pertaining to the initiation 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.

In principle, hearings will not be used to present factual information which is not yet on file. Nevertheless, in the interest of good administration and to enable Commission services to progress with the investigation, interested parties may be directed to provide new factual information after a hearing.

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

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data that is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing the Commission a) to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

⁽⁸⁾ In case of technical problems please contact the Trade Service Desk by Email: trade-service-desk@ec.europa.eu or by tel. +32 22979797.

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 'Sensitive' ⁽⁹⁾. Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

Parties providing 'Sensitive' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic anti-dumping Regulation and Article 29(2) of the basic anti-subsidy Regulation, which will be labelled 'For inspection by interested parties'. Those summaries must be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence.

If a party providing 'Sensitive' information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

Interested parties are invited to make all submissions and requests via TRON.tdi (<https://tron.trade.ec.europa.eu/tron/TDI>) including requests to be registered as interested parties, scanned powers of attorney and certification sheets. By using TRON.tdi or email, 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: <https://europa.eu/!7tHpY3>. The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email, which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email 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 TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate G
Office: CHAR 04/039
1040 Bruxelles/Brussel
BELGIQUE/BELGIË

Email: TRADE-R796-DUMPING@ec.europa.eu

6. Submission of information

As a rule, interested parties may only submit information in the timeframes specified in section 5 of this Notice. In order to complete the investigation within the mandatory deadlines, the Commission will not accept submissions from interested parties after the deadline to provide comments on the final disclosure or, if applicable, after the deadline to provide comments on the additional final disclosure

7. Possibility to comment on other parties' submissions

In order to guarantee the rights of defence, interested parties should have the possibility to comment on information submitted by other interested parties. When doing so, interested parties may only address issues raised in the other interested parties' submissions and may not raise new issues.

⁽⁹⁾ A 'Sensitive' document is a document which is considered confidential pursuant to Article 19 of the basic Regulation 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).

Comments on the information provided by other interested parties in reaction to the disclosure of the definitive findings should be submitted within 5 days from the deadline to comment on the definitive findings, unless otherwise specified. If there is an additional final disclosure, comments filed by other interested parties in reaction to this further disclosure should be made within 1 day from the deadline to comment on this further disclosure, unless otherwise specified.

The outlined timeframe is without prejudice to the Commission's right to request additional information from interested parties in duly justified cases.

8. Extension to time limits specified in this Notice

Any extension to the time limits provided for in this Notice should only be requested in exceptional circumstances and will only be granted if duly justified upon good cause being shown.

In any event, any extension to the deadline to reply to questionnaires will be limited normally to 3 days, and as a rule will not exceed 7 days.

Regarding time limits for the submission of other information specified in the Notice, extensions will be limited to 3 days unless exceptional circumstances are demonstrated.

9. 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 anti-dumping Regulation and Article 28 of the basic anti-subsidy 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 anti-dumping Regulation and Article 28 of the basic anti-subsidy Regulation, the result may be less favourable to that party than if it had cooperated.

Failure to give a computerised response will 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.

10. Hearing officer

Interested parties may request the intervention of the Hearing Officer in trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties 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. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in due course.

Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. Where hearing requests are submitted outside the relevant timeframes, the Hearing Officer will also examine the reasons for such late requests, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.

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/trade-policy-and-you/contacts/hearing-officer/>

11. Schedule of the investigation

The investigation shall normally be concluded within 12 months and in any event no later than 15 months of the date of publication of this Notice in the *Official Journal of the European Union*, pursuant to Article 11(5) of the basic anti-dumping Regulation and to Article 22(1) of the basic anti-subsidy Regulation.

12. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹⁰⁾.

A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG TRADE's website: <http://ec.europa.eu/trade/policy/accessing-markets/trade-defence/>

⁽¹⁰⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).