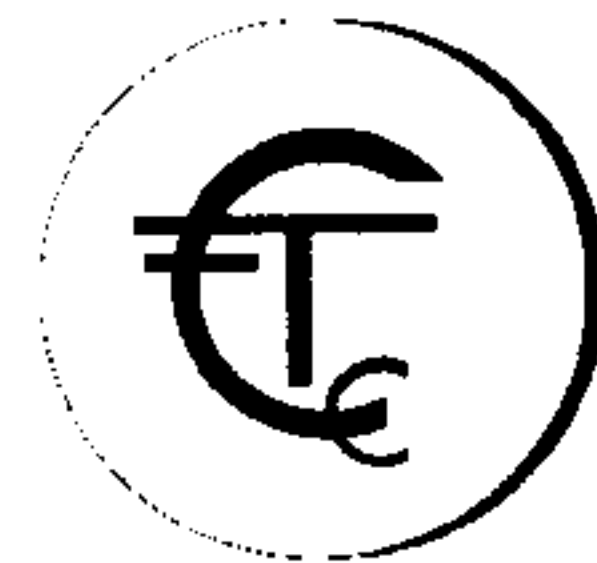




**ΚΥΠΡΙΑΚΗ ΔΗΜΟΚΡΑΤΙΑ
ΥΠΟΥΡΓΕΙΟ ΟΙΚΟΝΟΜΙΚΩΝ**

Φακ.: 4.2.06.14
Τηλ.: 22601662
Φαξ: 22605009



ΤΜΗΜΑ ΤΕΛΩΝΕΙΩΝ

1440 ΛΕΥΚΩΣΙΑ

15 Σεπτεμβρίου 2011

Εγκύκλιος ΕΕ -"ΑΝΤ"(193)

Όλο το τελωνειακό προσωπικό

Επιβολή οριστικού δασμού αντιντάμπινγκ και οριστική είσπραξη του προσωρινού δασμού που επιβλήθηκε στις εισαγωγές κεραμικών πλακιδίων καταγωγής Λαϊκής

Δημοκρατίας της Κίνας

Κανονισμός (ΕΚ) αριθ. 917/2011

- Σας αποστέλλεται ο εκτελεστικός κανονισμός (ΕΚ) αριθ. 917/2011 του Συμβουλίου, που έχει δημοσιευτεί στην Επίσημη Εφημερίδα της Ευρωπαϊκής Ένωσης L 238 ημερομηνίας 15 Σεπτεμβρίου 2011, με τον οποίο επιβάλλεται οριστικός δασμός αντιντάμπινγκ στις εισαγωγές κεραμικών πλακιδίων και πλακών δαπέδου ή επένδυσης, από κεραμευτική ύλη, είτε είναι υαλογανωμένα ή σμαλτωμένα είτε όχι και στις εισαγωγές κύβων, ψηφίδων και παρόμοιων ειδών για μωσαϊκά, από κεραμευτική ύλη, έστω και σε υπόθεμα, είτε είναι υαλογανωμένα ή σμαλτωμένα είτε όχι, καταγωγής Λαϊκής Δημοκρατίας της Κίνας. Τα εν λόγω προϊόντα εμπίπτουν, επί του παρόντος, στους κωδικούς ΣΟ 69071000, 69079020, 69079080, 69081000, 69089011, 69089020, 69089031, 69089051, 69089091, 69089093 και 69089099.

Στο άρθρο 1 παράγραφος 2 του κανονισμού φαίνονται οι συντελεστές του δασμού που επιβάλλονται για διάφορες εταιρείες – παραγωγούς και εφαρμόζονται με τη χρήση των πρόσθετων κωδικών Taric. Σύμφωνα με το άρθρο 1 παράγραφος 3, προϋπόθεση για την εφαρμογή των ατομικών συντελεστών είναι η προσκόμιση στις τελωνειακές αρχές έγκυρου εμπορικού τιμολογίου που να πληροί τις απαιτήσεις που ορίζονται στο παράρτημα II του κανονισμού.

Σύμφωνα με το άρθρο 2, εκτός από τις εταιρείες που αντιστοιχούν στον πρόσθετο κωδικό Taric B011, εισπράττονται οριστικά στο ύψος του οριστικού δασμού, τα ποσά που καταβλήθηκαν υπό μορφή προσωρινού δασμού αντιντάμπινγκ, σύμφωνα με τον κανονισμό (ΕΕ) αριθ. 258/2011 ο οποίος σας κοινοποιήθηκε με την εγκύκλιο ΕΕ-«ΑΝΤ»(175). Τα ποσά που προκύπτουν ως διαφορά μεταξύ οριστικού και προσωρινού δασμού επιστρέφονται.

Στην περίπτωση των εταιρειών που αντιστοιχούν στον πρόσθετο κωδικό Taric B011, όπου ο οριστικός δασμός είναι ψηλότερος από τον προσωρινό, οριστικοποιείται ολόκληρο το ποσό που καταβλήθηκε ως προσωρινός δασμός χωρίς είσπραξη της διαφοράς που προκύπτει μεταξύ οριστικού και προσωρινού δασμού.

Ο κανονισμός αρχίζει να ισχύει από τις 16 Σεπτεμβρίου 2011.

- Λόγω σοβαρού λάθους στο ελληνικό κείμενο του κανονισμού, επισυνάπτονται οι κυριότερες σελίδες του αγγλικού κειμένου.

ΡΠ/

(Ρένα Παπαντωνίου)

για Διευθυντή

Τμήματος Τελωνείων

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: κα Μαρία Τσολάκη: mtheophilou@customs.mof.gov.cy για ενημέρωση της ιστοσελίδας

II

(Non-legislative acts)

REGULATIONS

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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'), and in particular Article 9,

Having regard to the proposal submitted by the European Commission after having consulted the Advisory Committee,

Whereas:

A. PROCEDURE

1. Provisional measures

- (1) The Commission, by Regulation (EU) No 258/2011 ⁽²⁾ ('the provisional Regulation'), imposed a provisional anti-dumping duty on imports of ceramic tiles originating in the People's Republic of China ('China').
- (2) A corrigendum ⁽³⁾ was published on 31 May 2011 in order to correct certain typographical errors, in particular the names of certain Chinese exporting producers that were misspelled in Annex I to the provisional Regulation.
- (3) Following the verification of certain claims received after the publication of the corrigendum which were found to be warranted, it was noticed that certain other names were misspelled. The correct names for all companies subject to the weighted average duty are listed in Annex I to this Regulation.
- (4) It is recalled that the proceeding was initiated as a result of a complaint lodged by the European ceramic tiles manufacturer's Association (CET) ('the complainant') on behalf of producers representing a major proportion, in this case more than 30 % of the total Union production of ceramic tiles. As set out in recital 24 of the provisional Regulation, the investigation of dumping and

injury covered the period from 1 April 2009 to 31 March 2010 ('investigation period' or 'IP'). With respect to the trends relevant for the injury assessment, the Commission analysed data covering the period from 1 January 2007 to the end of the IP ('period considered').

2. Subsequent procedure

- (5) Subsequent to the disclosure of the essential facts and considerations on the basis of which it was decided to impose provisional measures ('provisional disclosure'), several interested parties made written submissions making known their views on the provisional findings. The parties who so requested were granted the opportunity to be heard and hearings with the Hearing officer were held upon request of two interested parties.
- (6) The Commission continued to seek information it deemed necessary for its definitive findings.
- (7) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive anti-dumping duty on imports of ceramic tiles originating in China and the definitive collection of the amounts secured by way of the provisional duty. They were also granted a period of time within which they could make representations subsequent to this disclosure.
- (8) The oral and written comments submitted by the interested parties were considered and taken into account where appropriate.

3. Parties concerned by the proceeding

3.1. Sampling of Chinese exporting producers

- (9) When selecting the sample of exporting producers, an applicant 'group' of companies was included due to the fact that the combined export volume of the two producers included in the alleged group made them together the third largest exporter by volume to the Union market. These companies claimed a relationship based on Article 143(1)(b) of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 70, 17.3.2011, p. 5.

⁽³⁾ OJ L 143, 31.5.2011, p. 48.

(196) The injury margins established are as follows:

Company	Injury margin
Group Wonderful	58,5 %
Group Xinruncheng	82,3 %
Shandong Yadi Ceramics Co. Ltd	66,6 %
Heyuan Becarry Ceramic Co. Ltd	58,6 %
All other cooperating producers	65,0 %
Residual	82,3 %

(197) It is noted that the injury margin for 'all other cooperating producers' was determined without using data from the Kito Group, since the Kito Group did not form part of the sample, and in order to be coherent with the way the dumping margin for 'all other cooperating producers' is calculated (see Article 9(6) first sentence of the basic Regulation). For the Kito Group, in view of the application of Article 18 of the basic Regulation as mentioned in recital 54, the residual injury margin will apply.

(198) It is also noted that the underselling margins are higher than the margins of dumping established above in recitals 88 to 93 and therefore the dumping margin should serve as the basis to establish the level of the duty in accordance with the lesser-duty rule.

(199) In order to ensure equal treatment between any new exporting producers and the cooperating companies not included in the sample, mentioned in Annex I to this Regulation, provision should be made for the weighted average duty imposed on the latter companies to be applied to any new producers which would otherwise not be entitled to a review pursuant to Article 11(4) of the basic Regulation, as Article 11(4) does not apply where sampling has been used.

2. Custom declaration

(200) Statistics of the product concerned are frequently expressed in square metres. However, there is no such supplementary unit for the product concerned specified in the Combined Nomenclature laid down in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾. It is therefore necessary to provide that not only the weight in kg or tonnes but also the number of square metres of the product concerned for imports is entered in the declaration for release for free circulation.

3. Definitive collection of provisional duty

(201) In view of the magnitude of the dumping margins found and in the light of the level of the injury caused to the

Union industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty, imposed by the provisional Regulation, be definitively collected.

(202) Where the definitive duties are higher than the provisional duties, only the amounts secured at the level of the provisional duties should be definitively collected, while the amounts secured in excess of the definitive rate of anti-dumping duties should be released.

4. Form of measures

(203) One interested party suggested that measures take the form of minimum import price (MIP) instead of *ad valorem* duties. However, an MIP is not suitable for the product concerned as it exists in a multitude of product types, for which prices vary significantly, thus posing a substantial risk of cross-compensation. In addition, it is expected that the product types will further evolve in design and finishing and the MIP would no longer provide the appropriate basis for the level of the duty. Therefore, the request to impose measures under the form of MIP is rejected.

(204) Another party requested that measures should take the form of import quotas. However, import quotas are neither in line with the basic Regulation nor with the internationally agreed rules. Therefore the request had to be rejected.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of glazed and unglazed ceramic flags and paving, hearth or wall tiles; glazed and unglazed ceramic mosaic cubes and the like, whether or not on a backing, currently falling within CN codes 6907 10 00, 6907 90 20, 6907 90 80, 6908 10 00, 6908 90 11, 6908 90 20, 6908 90 31, 6908 90 51, 6908 90 91, 6908 90 93 and 6908 90 99, and originating 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 products described in paragraph 1 and manufactured by the companies listed below shall be as follows:

Company	Duty	TARIC Additional Code
Dongguan City Wonderful Ceramics Industrial Park Co., Ltd; Guangdong Jiamei Ceramics Co. Ltd; Qingyuan Gani Ceramics Co. Ltd; Foshan Gani Ceramics Co. Ltd	26,3 %	B011

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

Company	Duty	TARIC Additional Code
Guangdong Xinruncheng Ceramics Co. Ltd	29,3 %	B009
Shandong Yadi Ceramics Co. Ltd	36,5 %	B010
Companies listed in Annex I	30,6 %	
All other companies	69,7 %	B999

3. The application of the individual duty rates specified for the companies referred to in paragraph 2 shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall comply with the requirements set out in Annex II. If no such invoice is presented, the duty applicable to all other companies shall apply.

4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

Amounts secured by way of provisional anti-dumping duties pursuant to Commission Regulation (EU) No 258/2011 imposing a provisional anti-dumping duty on imports of ceramic tiles currently falling within CN codes 6907 10 00, 6907 90 20, 6907 90 80, 6908 10 00, 6908 90 11, 6908 90 20, 6908 90 31, 6908 90 51, 6908 90 91, 6908 90 93 and 6908 90 99, and originating in the People's

Republic of China, shall be definitively collected. The amounts secured in excess of the amount of the definitive anti-dumping duties shall be released.

Article 3

Where any producer from the People's Republic of China provides sufficient evidence to the Commission that it did not export the goods described in Article 1(1) originating in the People's Republic of China during the period of investigation (1 April 2009 to 31 March 2010), that it is not related to an exporter or producer subject to the measures imposed by this Regulation and that it has either actually exported the goods concerned or has entered into an irrevocable contractual obligation to export a significant quantity to the Union after the end of the period of investigation, the Council, acting by simple majority on a proposal by the Commission, after consulting the Advisory Committee, may amend Article 1(2) in order to attribute to that producer the duty applicable to cooperating producers not in the sample, i.e. 30,6 %.

Article 4

Where a declaration for release for free circulation is presented in respect of the products referred to in Article 1, the number of square metres of the products imported shall be entered in the relevant field of that declaration.

Article 5

This Regulation shall enter into force on the day following 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, 12 September 2011.

For the Council
The President
M. DOWGIELEWICZ

ANNEX I

CHINESE COOPERATING PRODUCERS NOT SAMPLED OR NOT GRANTED INDIVIDUAL TREATMENT

Name	TARIC additional code
Dongguan He Mei Ceramics Co. Ltd	B132
Dongpeng Ceramic (Qingyuan) Co. Ltd	B133
Eagle Brand Ceramics Industrial (Heyuan) Co. Ltd	B134
Enping City Huachang Ceramic Co. Ltd	B135
Enping Huiying Ceramics Industry Co. Ltd	B136
Enping Yungo Ceramic Co. Ltd	B137
Foshan Aoling Jinggong Ceramics Co. Ltd	B138
Foshan Bailifeng Building Materials Co. Ltd	B139
Foshan Bragi Ceramic Co. Ltd	B140
Foshan City Fangyuan Ceramic Co. Ltd	B141
Foshan Gaoming Shuncheng Ceramic Co. Ltd	B142
Foshan Gaoming Yaju Ceramics Co. Ltd	B143
Foshan Guanzhu Ceramics Co. Ltd	B144
Foshan Huashengchang Ceramic Co. Ltd	B145
Foshan Jiajun Ceramics Co. Ltd	B146
Foshan Mingzhao Technology Development Co. Ltd	B147
Foshan Nanhai Jingye Ceramics Co. Ltd	B148
Foshan Nanhai Shengdige Decoration Material Co. Ltd	B149
Foshan Nanhai Xiaotang Jinzun Border Factory Co. Ltd	B150
Foshan Nanhai Yonghong Ceramic Co. Ltd	B151
Foshan Oceanland Ceramics Co. Ltd	B152
Foshan Oceano Ceramics Co. Ltd	B153
Foshan Sanshui Hongyuan Ceramics Enterprise Co. Ltd	B154
Foshan Sanshui Huiwanjia Ceramics Co. Ltd	B155
Foshan Sanshui New Pearl Construction Ceramics Industrial Co. Ltd	B156
Foshan Shiwan Eagle Brand Ceramic Ltd	B157
Foshan Shiwan Yulong Ceramics Co. Ltd	B158
Foshan Summit Ceramics Co. Ltd	B159
Foshan Tidiy Ceramics Co. Ltd	B160
Foshan VIGORBOOM Ceramic Co. Ltd	B161

Name	TARIC additional code
Foshan Xingtai Ceramics Co. Ltd	B162
Foshan Zhuyangyang Ceramics Co. Ltd	B163
Fujian Fuzhou Zhongxin Ceramics Co. Ltd	B164
Fujian Jinjiang Lianxing Building Material Co. Ltd	B165
Fujian Mingqing Jiali Ceramics Co. Ltd	B166
Fujian Mingqing Ruimei Ceramics Co. Ltd	B167
Fujian Mingqing Shuangxing Ceramics Co. Ltd	B168
Gaoyao Yushan Ceramics Industry Co. Ltd	B169
Guangdong Bode Fine Building Materials Co. Ltd	B170
Guangdong Foshan Redpearl Building Material Co. Ltd	B171
Guangdong Gold Medal Ceramics Co. Ltd	B172
Guangdong Grifine Ceramics Co. Ltd	B173
Guangdong Homeway Ceramics Industry Co. Ltd	B174
Guangdong Huiya Ceramics Co. Ltd	B175
Guangdong Juimsi Ceramics Co. Ltd	B176
Guangdong Kaiping Tilee's Building Materials Co. Ltd	B177
Guangdong Kingdom Ceramics Co. Ltd	B178
Guangdong Monalisa Ceramics Co. Ltd	B179
Guangdong New Zhong Yuan Ceramics Co. Ltd Shunde Yuezhong Branch	B180
Guangdong Ouya Ceramics Co. Ltd	B181
Guangdong Overland Ceramics Co. Ltd	B182
Guangdong Qianghui (QHTC) Ceramics Co. Ltd	B183
Guangdong Sihui Kedi Ceramics Co. Ltd	B184
Guangdong Summit Ceramics Co. Ltd	B185
Guangdong Tianbi Ceramics Co. Ltd	B186
Guangdong Winto Ceramics Co. Ltd	B187
Guangdong Xinghui Ceramics Group Co. Ltd	B188
Guangning County Oudian Art Ceramic Co. Ltd	B189
Guangzhou Cowin Ceramics Co. Ltd	B190
Hangzhou Nabel Ceramics Co. Ltd	B191
Hangzhou Nabel Group Co. Ltd	B192
Hangzhou Venice Ceramics Co. Ltd	B193
Heyuan Becarry Ceramics Co. Ltd	B194

Name	TARIC additional code
Heyuan Wanfeng Ceramics Co. Ltd	B195
Hitom Ceramics Co. Ltd	B196
Huiyang Kingtile Ceramics Co. Ltd	B197
Jiangxi Ouya Ceramics Co. Ltd	B198
Jingdezhen Tidiy Ceramics Co. Ltd	B199
Kim Hin Ceramics (Shanghai) Co. Ltd	B200
Lixian Xinpeng Ceramic Co. Ltd	B201
Louis Valentino (Inner Mongolia) Ceramic Co. Ltd	B202
Louvrenike (Foshan) Ceramics Co. Ltd	B203
Nabel Ceramics (Jiujiang City) Co. Ltd	B204
Ordos Xinghui Ceramics Co. Ltd	B205
Qingdao Diya Ceramics Co. Ltd	B206
Qingyuan Guanxingwang Ceramics Co. Ltd	B207
Qingyuan Oudian Art Ceramic Co. Ltd	B208
Qingyuan Ouya Ceramics Co. Ltd	B209
RAK (Gaoyao) Ceramics Co. Ltd	B210
Shandong ASA Ceramic Co. Ltd	B211
Shandong Dongpeng Ceramic Co. Ltd	B212
Shandong Jialiya Ceramic Co. Ltd	B213
Shanghai Cimic Tile Co. Ltd	B214
Sinyih Ceramic (China) Co. Ltd	B215
Sinyih Ceramic (Penglai) Co. Ltd	B216
Southern Building Materials and Sanitary Co. Ltd of Qingyuan	B217
Tangshan Huida Ceramic Group Co. Ltd	B218
Tangshan Huida Ceramic Group Huiquin Co. Ltd	B219
Tegaote Ceramics Co. Ltd	B220
Tianjin (TEDA) Honghui Industry & Trade Co. Ltd	B221
Topbro Ceramics Co. Ltd	B222
Xingning Christ Craftworks Co. Ltd	B223
Zhao Qing City Shenghui Ceramics Co. Ltd	B224
Zhaoqing Jin Ouya Ceramics Company Limited	B225
Zhaoqing Zhongheng Ceramics Co. Ltd	B226
Zibo Hualiansheng Ceramics Co. Ltd	B227

Name	TARIC additional code
Zibo Huaruino Ceramic Co. Ltd	B228
Shandong Tongyi Ceramic Co. Ltd	B229

ANNEX II

A declaration signed by an official of the entity issuing the commercial invoice, in the following format, must appear on the valid commercial invoice referred to in Article 1(3):

1. The name and function of the official of the entity issuing the commercial invoice.
2. The following declaration:

I, the undersigned, certify that the (volume) of ceramic tiles sold for export to the European Union covered by this invoice was manufactured by (company name and registered seat) (TARIC additional code) in (country concerned). I declare that the information provided in this invoice is complete and correct.

(Date and signature)'.
