

COMMISSION IMPLEMENTING REGULATION (EU) 2022/934**of 16 June 2022****making imports of certain aluminium road wheels originating in Morocco subject to registration**

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⁾ ('the basic Regulation'), and in particular Article 14(5a) thereof,

After informing the Member States,

Whereas:

- (1) On 17 November 2021, the European Commission ('the Commission') announced, by a notice published in the *Official Journal of the European Union* ⁽²⁾ ('the Notice of initiation'), the initiation of an anti-dumping proceeding with regard to imports of certain aluminium road wheels originating in Morocco, following a complaint by the Association of European Wheel Manufacturers ('the complainant') on behalf of producers representing more than 25 % of the total Union production of certain aluminium road wheels.

1. PRODUCT SUBJECT TO REGISTRATION

- (2) The product subject to registration is aluminium road wheels of the motor vehicles of headings 8701 to 8705, whether or not with their accessories and whether or not fitted with tyres, originating in Morocco ('the product concerned').
- (3) The product concerned is currently classified under CN codes ex 8708 70 10 and ex 8708 70 50 (TARIC codes: 8708 70 10 15, 8708 70 10 50, 8708 70 50 15 and 8708 70 50 50). The CN and TARIC codes are given for information only. The scope of this investigation is subject to the definition of the product under investigation as mentioned above.

2. GROUNDS FOR REGISTRATION

- (4) According to Article 14(5a) of the basic Regulation, the Commission shall register imports during the period of pre-disclosure under Article 19a of the basic Regulation, so that measures may subsequently be applied against those imports from the date of such registration, unless it has sufficient evidence that the requirements either under Article 10(4)(c) or Article 10(4)(d) of the basic Regulation are not met.
- (5) The Commission verified whether the importers were aware, or should have been aware, of the dumping as regards the extent of the dumping and the injury alleged or found. It also analysed whether there was a further substantial rise in imports which, in the light of its timing and volume and other circumstances, was likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be applied.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ C 464, 17.11.2021, p. 19.

- (6) The Commission thus examined the evidence at its disposal in light of Article 10(4) of the basic Regulation. For this analysis, the Commission relied, amongst others, on imports data as indicated in Table 1.

2.1. Awareness of the importers of the dumping, the extent thereof and the alleged injury

- (7) The Commission has at its disposal sufficient evidence that imports of the product concerned from Morocco are being dumped.
- (8) The notice of initiation for this proceeding published on 17 November 2021 highlighted that the dumping margin calculated is significant, i.e. 14 %. The evidence in the complaint provided sufficient support at that stage that the exporting producers practice dumping.
- (9) The complaint also provided sufficient evidence of alleged injury to the Union industry, including a decline in market share and a negative development of other key performance indicators of the Union industry.
- (10) By its publication in the *Official Journal of the European Union*, the notice of initiation is a public document accessible to all importers. Furthermore, as interested parties in the investigation, importers have access to the non-confidential version of the complaint and the non-confidential file. Therefore, the Commission considered that, on this basis, the importers were aware, or should have been aware, of the alleged dumping practices, the extent thereof and the alleged injury.
- (11) On the basis of the above, the Commission concluded that there is no evidence that the requirement of Article 10(4)(c) of the basic Regulation was not met.

2.2. Further substantial rise in imports

- (12) On the basis of statistical data summarised in table 1 below, the Commission found that the number of aluminium road wheels imported from Morocco into the Union increased by 43 % during the period from 1 December 2021 to 30 April 2022, i.e. after initiation of the case, when compared to the period from 1 December 2020 to 30 April 2021, i.e. the same period of the previous year and part of the investigation period (the investigation period is from 1 October 2020 to 30 September 2021). In addition, the average monthly volume of imports from Morocco into the Union in the period from 1 December 2021 to 30 April 2022 was 92 300 units higher than the average monthly volume of imports to the Union during the investigation period.
- (13) Therefore, in view of this further substantial rise in imports from the country concerned, the Commission concluded that there is no evidence that this requirement was not met.

Table 1

	1 December 2020 -30 April 2021	1 December 2021 – 30 April 2022	Δ	Monthly average 1 December 2020- 30 April 2021	Monthly average 1 December 2021 – 30 April 2022
Import volumes (in pieces)	1 068 018	1 529 755	+ 43 %	213 604	305 951

Source: Commission surveillance database for April 2022 and Eurostat Comext database for other months. Conversion ratio between kg and unit: 11,3 kg/unit.

2.3. Undermining of the remedial effect of the duty

- (14) As concluded in section 2.2, there was a further substantial increase in imports of the product concerned since the initiation of the current investigation. This increase represents around 92 300 additional aluminium wheels on a monthly basis as compared with the number of aluminium wheels imported from Morocco during the investigation period. This increase alone represents around 2 % of Union consumption during the investigation period.
- (15) According to the import data summarised in table 2 below, the average import price of the product concerned per wheel during the period from 1 December 2021 to 30 April 2022 was 14,8 % higher than the average import price from Morocco observed during the investigation period. However, it needs to be taken into account that primary aluminium constitutes around 50 % of the cost of production of ARW and that the selling price is indexed to the London Metal Exchange aluminium price. The Commission noted that the average aluminium price increased by 50 % in the investigation period when compared to the period December 2021 - April 2022. Therefore, it appears that the price increase of 14,8 % reflected only partially the increase in cost of production and, thus, imports are still capable of putting pressure on the Union industry's sales.

Table 2

	Investigation period	December 2021 – April 2022	Δ
Monthly average import prices (EUR/piece)	44,7	51,3	+ 14,8 %

Source: Commission surveillance database for April 2022 and Eurostat Comext database for other months.

- (16) On that basis, the Commission established that the evidence on file did not show that this requirement was not met.

2.4. Conclusion

- (17) In light of the above, the Commission found that there is no conclusive evidence showing that the registration of imports of the product concerned during the period of the pre-disclosure was not warranted in this case. Since the publication of the notice of initiation, when exporting producers were aware or should have been aware of the alleged dumping and injury, imports of the product concerned have further increased in a manner which may seriously undermine the remedial effect of the anti-dumping duties also during the pre-disclosure period.
- (18) Thus, in accordance with Article 14(5a) of the basic Regulation, the Commission shall register imports of the product concerned during the period of pre-disclosure.

3. PROCEDURE

- (19) All interested parties are invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

4. REGISTRATION

- (20) Under Article 14(5a) of the basic Regulation, the Commission shall register the imports of the product concerned during the period of pre-disclosure pursuant Article 19a of the basic Regulation, unless there is sufficient evidence that the requirements of Article 10(4)(c) and (d) are not met.

- (21) Any future liability would emanate from the definitive findings of this anti-dumping investigation. The allegations in the complaint requesting the initiation of the investigation estimate dumping margins around 14 % and an average injury elimination level of up to 43 % for the product concerned. The amount of possible future liability is estimated at those levels on the basis of the complaint, namely 14 % as a proportion of the CIF import value of the product concerned.

5. PROCESSING OF PERSONAL DATA

- (22) 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 ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs authorities are hereby directed, pursuant to Article 14(5a) of Regulation (EU) 2016/1036, to take the appropriate steps to register imports of certain aluminium road wheels of the motor vehicles of headings 8701 to 8705, whether or not with their accessories and whether or not fitted with tyres, currently falling under CN codes ex 8708 70 10 and ex 8708 70 50 (TARIC codes: 8708 70 10 15, 8708 70 10 50, 8708 70 50 15 and 8708 70 50 50) and originating in Morocco.

2. Registration shall expire 4 weeks following the date of entry into force of this Regulation.

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, 16 June 2022.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ 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.