

COMMISSION IMPLEMENTING DECISION (EU) 2023/617**of 17 March 2023****terminating the anti-subsidy proceeding concerning imports of fatty acid originating in Indonesia**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ⁽¹⁾, and in particular Article 14(1) thereof,

Whereas:

1. PROCEDURE**1.1. Initiation of an anti-subsidy proceeding**

- (1) On 31 March 2022, the European Commission ('the Commission') received a complaint pursuant to Article 10 of Regulation (EU) 2016/1037 ('the basic Regulation') lodged by the Coalition against Unfair Trade in Fatty Acid ('the complainant').
- (2) On 13 May 2022, after holding consultations with the Government of Indonesia on 12 May 2022, the Commission initiated an anti-subsidy proceeding concerning imports of fatty acid originating in Indonesia. It published a Notice of Initiation in the *Official Journal of the European Union* (the 'Notice of Initiation') ⁽²⁾.

1.2. Anti-dumping proceeding

- (3) On 30 November 2021, the Commission initiated an anti-dumping proceeding concerning imports of fatty acid originating in Indonesia. It published a Notice of Initiation in the *Official Journal of the European Union* ⁽³⁾.
- (4) On 19 January 2023, by Regulation (EU) 2023/111 ⁽⁴⁾, the Commission imposed anti-dumping duties on imports of fatty acid originating in Indonesia ranging from 15.2 % to 46.4 %.

1.3. Investigation period and period considered

- (5) The investigation of subsidisation and injury covered the period from 1 October 2020 to 30 September 2021 ('the investigation period'). The examination of trends relevant for the assessment of injury covered the period from 1 January 2018 to the end of the investigation period ('the period considered').

1.4. Interested parties

- (6) In the Notice of Initiation, the Commission invited interested parties to contact it in order to participate in the investigation. In addition, the Commission specifically informed the complainant, the known Union producers, the known exporting producers, the authorities of Indonesia, known importers and users about the initiation of the investigation and invited them to participate.
- (7) Interested parties had an opportunity to comment on the initiation of the investigation and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

⁽¹⁾ OJ L 176, 30.6.2016, p. 55.

⁽²⁾ Notice of initiation of an anti-subsidy proceeding concerning imports of fatty acid originating in Indonesia (OJ C 195, 13.5.2022, p. 11).

⁽³⁾ Notice of initiation of an anti-dumping proceeding concerning imports of fatty acid originating in Indonesia (OJ C 482, 30.11.2021, p. 5).

⁽⁴⁾ Commission Implementing Regulation (EU) 2023/111 of 18 January 2023 imposing a definitive anti-dumping duty on imports of fatty acid originating in Indonesia (OJ L 18, 19.1.2023, p. 1).

2. PRODUCT UNDER INVESTIGATION

- (8) The product subject to this investigation is fatty acids with a carbon chain length of C6, C8, C10, C12, C14, C16 or C18 with an iodine value below 105g/100g and with a ratio of free fatty acids to triglycerides (degree of split – DoS) of at least 97 %, including:
- single fatty acid (also referred to as ‘pure cut’); and
 - blends containing a combination of two or more carbon chain lengths (‘the product under investigation’).

3. WITHDRAWAL OF THE COMPLAINT

- (9) In its letter to the Commission of 3 October 2022, the complainant withdrew its complaint.
- (10) Withdrawal of an anti-subsidy complaint is governed by Article 14(1) of the basic Regulation, which provides that ‘(w)here the complaint is withdrawn, proceedings may be terminated unless such termination would not be in the Union interest’. As noted by the General Court in *Philips Lighting Poland and Philips Lighting v Council* ⁽³⁾, the Union institutions enjoy a wide discretion to continue or terminate an investigation following a withdrawal.
- (11) The investigation had not brought to light any considerations demonstrating that such termination would not be in the Union interest.

4. CONCLUSION AND DISCLOSURE

- (12) The Commission therefore considered that the proceeding should be terminated.
- (13) Interested parties were informed accordingly and were granted an opportunity to submit comments.
- (14) The Commission received no comments that would lead to the conclusion that such termination would not be in the Union interest.
- (15) This Decision is in accordance with the opinion of the Committee referred to in Article 25(1) of the basic Regulation,

HAS ADOPTED THIS DECISION:

Article 1

The anti-subsidy proceeding concerning imports of fatty acid originating in Indonesia is hereby terminated.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 17 March 2023.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ Judgment of 11 July 2013, *Philips Lighting Poland and Philips Lighting v Council*, T-469/07, EU:T:2013:370, para. 87.