

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2021/1434

of 2 September 2021

terminating a review of Council Implementing Regulations (EU) No 443/2011 and (EU) No 444/2011 extending the definitive countervailing and anti-dumping duty on imports of biodiesel consigned from Canada

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⁾ and in particular Article 9(1) thereof and 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 ⁽²⁾ and in particular to Article 14(1) thereof,

Having regard to Commission Implementing Regulation (EU) 2021/1266 ⁽³⁾ of 29 July 2021 imposing a definitive anti-dumping duty on imports of biodiesel originating in the United States of America following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council and Commission Implementing Regulation 2021/1267 ⁽⁴⁾ of 29 July 2021 imposing definitive countervailing duties on imports of biodiesel originating in the United States of America following an expiry review pursuant to Article 18 of Regulation (EU) 2016/1037 of the European Parliament and of the Council,

Whereas:

1. PROCEDURE

- (1) The European Commission received a request for an exemption from the anti-dumping and countervailing measures applicable to imports of biodiesel consigned from Canada, whether declared as originating in Canada or not, as far as the company Verbio Diesel Canada Corporation ('the applicant') is concerned. The request was made pursuant to Article 13(4) of Regulation (EU) 2016/1036 and Article 23(6) of Regulation (EU) 2016/1037 and was lodged on 13 July 2020.
- (2) The Commission examined the evidence available in the request and concluded that there was sufficient evidence to justify the initiation of an investigation pursuant to Article 13(4) of Regulation (EU) 2016/1036 and to Article 23(6) of Regulation (EU) 2016/1037 for the purpose of determining the possibility of granting the applicant an exemption from the extended measures.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.⁽²⁾ OJ L 176, 30.6.2016, p. 55.⁽³⁾ OJ L 277, 2.8.2021, p. 34.⁽⁴⁾ OJ L 277, 2.8.2021, p. 62.

- (3) On 16 December 2020, by Commission Implementing Regulation (EU) 2020/2098 ⁽⁵⁾, the Commission initiated the review of Council Implementing Regulations (EU) No 443/2011 ⁽⁶⁾ and (EU) No 444/2011 ⁽⁷⁾. Commission Implementing Regulation (EU) 2020/2098 repealed the anti-dumping duties imposed by Commission Implementing Regulation (EU) 2015/1518 ⁽⁸⁾ with regard to the imports of biodiesel by the applicant and directed customs authorities to take appropriate steps to register such imports. The Commission invited interested parties to contact it in order to participate in the investigation.
- (4) All interested parties had an opportunity to comment on the initiation of the investigation and to request a hearing with the Commission or the Hearing Officer in trade proceedings or both within the time limit set in Commission Implementing Regulation (EU) 2020/2098. No comments or request for a hearing were received.

2. WITHDRAWAL OF THE REQUEST AND TERMINATION OF THE PROCEEDING

- (5) By letter of 2 July 2021, the applicant formally withdrew the request lodged on 13 July 2020.
- (6) In accordance with Article 9(1) of Regulation (EU) 2016/1036 and Article 14(1) of Regulation (EU) 2016/1037, proceedings may be terminated where the request is withdrawn, unless such termination would not be in the Union interest. The investigation had not brought to light any considerations showing that a continuation of the case would be in the Union interest.
- (7) The Commission therefore concludes that the review investigation should be terminated. Consequently, the registration of the applicant's imports should cease and the country-wide anti-dumping duty applicable to 'all other companies' in Article 1(2) of Commission Implementing Regulation (EU) 2015/1518 and Commission Implementing Regulation (EU) 2021/1266 (172,2 EUR/tonne) should be levied retroactively on these imports from the date of initiation of the review investigation.
- (8) Interested parties were informed accordingly and were given an opportunity to comment. No comments were received.
- (9) The measures laid down in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036, to which also Article 25(1) of Regulation (EU) 2016/1037 refers.

⁽⁵⁾ Commission Implementing Regulation (EU) 2020/2098 of 15 December 2020 initiating a review of Council Implementing Regulations (EU) No 443/2011 and (EU) No 444/2011 extending, respectively, the definitive countervailing and anti-dumping duty on imports of biodiesel consigned from Canada, whether declared as originating in Canada or not, for the purposes of determining the possibility of granting an exemption from those measures to one Canadian exporting producer, repealing the anti-dumping duty with regard to imports from that exporting producer and making imports from that exporting producer subject to registration (OJ L 425, 16.12.2020, p. 13).

⁽⁶⁾ Council Implementing Regulation (EU) No 443/2011 of 5 May 2011 extending the definitive countervailing duty imposed by Regulation (EC) No 598/2009 on imports of biodiesel originating in the United States of America to imports of biodiesel consigned from Canada, whether declared as originating in Canada or not, and extending the definitive countervailing duty imposed by Regulation (EC) No 598/2009 to imports of biodiesel in a blend containing by weight 20 % or less of biodiesel originating in the United States of America, and terminating the investigation in respect of imports consigned from Singapore (OJ L 122, 11.5.2011, p. 1).

⁽⁷⁾ Council Implementing Regulation (EU) No 444/2011 of 5 May 2011 extending the definitive anti-dumping duty imposed by Regulation (EC) No 599/2009 on imports of biodiesel originating in the United States of America to imports of biodiesel consigned from Canada, whether declared as originating in Canada or not, and extending the definitive anti-dumping duty imposed by Regulation (EC) No 599/2009 to imports of biodiesel in a blend containing by weight 20 % or less of biodiesel originating in the United States of America, and terminating the investigation in respect of imports consigned from Singapore (OJ L 122, 11.5.2011, p. 12).

⁽⁸⁾ Commission Implementing Regulation (EU) 2015/1518 of 14 September 2015 imposing a definitive anti-dumping duty on imports of biodiesel originating in the United States of America following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 (OJ L 239, 15.9.2015, p. 69).

HAS ADOPTED THIS REGULATION:

Article 1

The review initiated by Commission Implementing Regulation (EU) 2020/2098 is terminated.

Article 2

The anti-dumping duty applicable to 'all other companies' set out in Articles 1(2) and 2 of Commission Implementing Regulation (EU) 2015/1518 and Commission Implementing Regulation (EU) 2021/1266 is reinstated as of 16 December 2020 with regard to the imports of the company Verbio Diesel Canada Corporation.

The anti-dumping duty referred to in paragraph 1 shall be levied with effect from 16 December 2020 on the imports registered pursuant to Article 3 of Commission Implementing Regulation (EU) 2020/2098.

Article 3

Customs authorities are directed to discontinue the registration of imports, established in accordance with Article 3 of Commission Implementing Regulation (EU) 2020/2098.

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

Article 4

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, 2 September 2021.

For the Commission
The President
Ursula VON DER LEYEN
