



2024/1234

3.5.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/1234

of 2 May 2024

**correcting Implementing Regulations (EU) 2023/1596, (EU) 2023/1595, (EU) 2023/711,
(EU) 2022/269 and (EU) 2019/1198**

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 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(5) thereof,

Having regard to Commission Implementing Regulation (EU) 2019/1198 of 12 July 2019 imposing a definitive anti-dumping duty on imports of ceramic tableware and kitchenware originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 ⁽²⁾, and in particular Article 2 thereof,

Whereas,

- (1) On 13 May 2013, the Council imposed a definitive anti-dumping duty on imports into the Union of ceramic tableware and kitchenware ('the product concerned') originating in the People's Republic of China ('the PRC') by Council Implementing Regulation (EU) No 412/2013 ⁽³⁾.
- (2) On 12 July 2019, following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036, the Commission extended the measures of the original regulation for another five years by Implementing Regulation (EU) 2019/1198.
- (3) In the original investigation, sampling was applied for investigating the exporting producers in the PRC in accordance with Article 17 of Regulation (EU) 2016/1036.
- (4) In the original investigation, the Commission imposed individual anti-dumping duty rates ranging from 13,1 % to 18,3 % on imports of the product concerned for the sampled exporting producers from the PRC. For the cooperating exporting producers that were not included in the sample, an anti-dumping duty rate of 17,9 % was imposed. The cooperating exporting producers not included in the sample are listed in Annex I of Implementing Regulation (EU) 2019/1198. Furthermore, a country-wide anti-dumping duty rate of 36,1 % was imposed on the product concerned from companies in the PRC which either did not make themselves known or did not cooperate with the investigation.
- (5) On 28 November 2019, following an anti-circumvention investigation pursuant to Articles 13(3) of Regulation (EU) 2016/1036, Implementing Regulation (EU) 2019/1198 was amended by Commission Implementing Regulation (EU) 2019/2131 ⁽⁴⁾. Amongst others, the list of cooperating exporting producers not included in the sample in Annex I to Implementing Regulation (EU) 2019/1198 was amended.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21, ELI: <http://data.europa.eu/eli/reg/2016/1036/oj>.

⁽²⁾ OJ L 189, 15.7.2019, p. 8, ELI: http://data.europa.eu/eli/reg_impl/2019/1198/oj.

⁽³⁾ Council Implementing Regulation (EU) No 412/2013 of 13 May 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China (OJ L 131, 15.5.2013, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2013/412/oj).

⁽⁴⁾ Commission Implementing Regulation (EU) 2019/2131 of 28 November 2019 amending Implementing Regulation (EU) 2019/1198 imposing a definitive anti-dumping duty on imports of ceramic tableware and kitchenware originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 321, 12.12.2019, p. 139, ELI: http://data.europa.eu/eli/reg_impl/2019/2131/oj).

- (6) Pursuant to Article 2 of Implementing Regulation (EU) 2019/1198, Annex I of that Regulation can be amended by granting a new exporting producer the duty rate applicable to the cooperating companies not included in the sample, namely the weighted average duty rate of 17,9 %, where that new exporting producer in the PRC provides sufficient evidence to the Commission that:
- (a) it did not export to the Union the product concerned during the period of investigation on which the measures are based, that is from 1 January 2011 to 31 December 2011 ('the original investigation period');
 - (b) it is not related to any of the exporters or producers in the PRC which are subject to the anti-dumping measures imposed by the original Regulation; and
 - (c) it has actually exported to the Union the product concerned after the original investigation period or has entered into an irrevocable contractual obligation to export a significant quantity to the Union.
- (7) Implementing Regulation (EU) 2019/1198 was amended on several occasions further to the conclusion of new exporting producer reviews where the exporting producers provided sufficient evidence to the Commission that they fulfilled the criteria listed in recital 6.
- (8) However, the operative part of 4 Commission Implementing Regulations amending Implementing Regulation (EU) 2019/1198 erroneously refers to Implementing Regulation (EU) 2019/2131 instead of Implementing Regulation (EU) 2019/1198.
- (9) Therefore, Commission Implementing Regulations (EU) 2023/1596 ⁽⁵⁾, (EU) 2023/1595 ⁽⁶⁾, (EU) 2023/711 ⁽⁷⁾ and (EU) 2022/269 ⁽⁸⁾ should be corrected accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Implementing Regulation (EU) 2023/1596, the introductory wording is replaced by the following:

'The following company is added to Annex I of Implementing Regulation (EU) 2019/1198 containing the list of cooperating companies not included in the sample:'.

- ⁽⁵⁾ Commission Implementing Regulation (EU) 2023/1596 of 3 August 2023 accepting a request for new exporting producer treatment with regard to the definitive anti-dumping measures imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China and amending Implementing Regulation (EU) 2019/1198 (OJ L 196, 4.8.2023, p. 17, ELI: http://data.europa.eu/eli/reg_impl/2023/1596/oj).
- ⁽⁶⁾ Commission Implementing Regulation (EU) 2023/1595 of 3 August 2023 accepting a request for new exporting producer treatment with regard to the definitive anti-dumping measures imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China and amending Implementing Regulation (EU) 2019/1198 (OJ L 196, 4.8.2023, p. 13, ELI: http://data.europa.eu/eli/reg_impl/2023/1595/oj).
- ⁽⁷⁾ Commission Implementing Regulation (EU) 2023/711 of 30 March 2023 accepting a request for new exporting producer treatment with regard to the definitive anti-dumping measures imposed on imports of ceramic tableware and kitchenware originating in People's Republic of China and amending Implementing Regulation (EU) 2019/1198 (OJ L 93, 31.3.2023, p. 84, ELI: http://data.europa.eu/eli/reg_impl/2023/711/oj).
- ⁽⁸⁾ Commission Implementing Regulation (EU) 2022/269 of 23 February 2022 accepting a request for new exporting producer treatment with regard to the definitive anti-dumping measures imposed on imports of ceramic tableware and kitchenware originating in People's Republic of China and amending Implementing Regulation (EU) 2019/1198 (OJ L 43, 24.2.2022, p. 4, ELI: http://data.europa.eu/eli/reg_impl/2022/269/oj).

Article 2

In Article 1 of Implementing Regulation (EU) 2023/1595, the introductory wording is replaced by the following:

‘The following company is added to Annex I of Implementing Regulation (EU) 2019/1198 containing the list of cooperating companies not included in the sample.’.

Article 3

In Article 1 of Implementing Regulation (EU) 2023/711, the introductory wording is replaced by the following:

‘The following company is added to Annex I of Implementing Regulation (EU) 2019/1198 containing the list of cooperating companies not included in the sample.’.

Article 4

In Article 1 of Implementing Regulation (EU) 2022/269, the introductory wording is replaced by the following:

‘The following company is added to Annex I of Implementing Regulation (EU) 2019/1198 containing the list of cooperating companies not included in the sample.’.

Article 5

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 May 2024.

For the Commission
The President
Ursula VON DER LEYEN