



2024/1940

12.7.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/1940

of 11 July 2024

correcting Implementing Regulation (EU) 2024/1040 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating in the People's Republic of China

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(4) thereof,

Whereas:

- (1) By Commission Implementing Regulation (EU) 2024/1040 ⁽²⁾, the Commission imposed a definitive anti-dumping duty on imports of polyethylene terephthalate ('PET') having a viscosity number of 78 ml/g or higher, according to ISO Standard 1628-5, measured according to, or converted to the solvent phenol/1,2-dichlorobenzene (50/50), currently falling under CN code ex 3907 61 00 (TARIC code 3907 61 00 10) and originating in the People's Republic of China.
- (2) As set out in recitals (24) to (27) of Implementing Regulation (EU) 2024/1040, the viscosity number of PET is measured on a solution of PET in a certain solvent and that for the sake of clarity, uniform application by the customs authorities of the Member States, and consistency with the previously applicable standard DIN 53728, which was replaced by ISO 1628-5, the viscosity of PET should be measured in or converted to the solvent phenol/1,2-dichlorobenzene (50/50).
- (3) However, the scope of the investigation covered any PET having a viscosity number of 78 ml/g or higher. This means that even if the viscosity of the product is measured according to, or converted to another (combination of) solvents, an anti-dumping duty is due when the viscosity number is 78 ml/g or higher.
- (4) This means that the reference to the way of measurement of the viscosity number according to, or converted to the solvent phenol/1,2-dichlorobenzene (50/50) should be removed from the product definition in Article 1 of Implementing Regulation (EU) 2024/1040.
- (5) Therefore, the Commission has decided to correct Article 1 of Implementing Regulation (EU) 2024/1040 accordingly.
- (6) This rectification takes place from the entry into force of Implementing Regulation (EU) 2024/1040, namely 3 April 2024.
- (7) 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

Article 1(1) to Implementing Regulation (EU) 2024/1040 is corrected as follows:

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

⁽²⁾ Commission Implementing Regulation (EU) 2024/1040 of 27 March 2024 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating in People's Republic of China, (OJ L 2024/1040, 2.4.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/1040/oj).

‘1. A definitive anti-dumping duty is imposed on imports of polyethylene terephthalate (‘PET’), having a viscosity number of 78 ml/g or higher, currently falling under CN code 3907 61 00 and originating in the People’s Republic of China.’

Article 2

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

It shall apply from 3 April 2024.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 July 2024.

For the Commission
The President
Ursula VON DER LEYEN
