



2024/793

7.3.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/793

of 6 March 2024

correcting Implementing Regulation (EU) 2023/2180 amending Implementing Regulation (EU) 2021/607 imposing a definitive anti-dumping duty on imports of citric acid originating in the People's Republic of China as extended to imports of citric acid consigned from Malaysia, whether declared as originating in Malaysia or not, following a new exporter review pursuant to Article 11(4) of Regulation (EU) 2016/1036 of the European Parliament and of the Council

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 Articles 11(4) and 14(1) thereof,

Whereas:

- (1) By Regulation (EC) No 1193/2008 ⁽²⁾ the Council imposed anti-dumping duties on imports of citric acid, originating in the People's Republic of China ('PRC', 'China' or the 'country concerned') ('the original measures'). The measures took the form of an *ad valorem* duty ranging from 6,6 % to 42,7 %.
- (2) By Implementing Regulation (EU) 2015/82 ⁽³⁾ the Commission extended the definitive anti-dumping measures on imports of citric acid originating in the PRC for five years following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 ⁽⁴⁾ and revised the measures following a partial interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009.
- (3) By Implementing (EU) 2021/607 ⁽⁵⁾, the Commission extended the definitive anti-dumping measures on imports of citric acid originating in the PRC as extended to imports of citric acid consigned from Malaysia, whether declared as originating in Malaysia or not, for five years following an expiry review.
- (4) On 31 January 2023, by Implementing Regulation (EU) 2023/185 ⁽⁶⁾ ('Initiation Regulation'), the Commission initiated a 'new exporter' review with regard to the exporting producer Seven Star Lemon Technology co., Ltd ('Seven Star') in accordance with Article 11(4) of the basic Regulation. Pursuant to Article 1 of that Regulation, Seven Star had been assigned TARIC additional code A023.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Regulation (EC) No 1193/2008 of 1 December 2008 imposing a definitive anti-dumping duty and collecting definitively the provisional duties imposed on imports of citric acid originating in the People's Republic of China (OJ L 323, 3.12.2008, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2015/82 of 21 January 2015 imposing a definitive anti-dumping duty on imports of citric acid originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 and of partial interim reviews pursuant to Article 11(3) of Regulation (EC) No 1225/2009 (OJ L 15, 22.1.2015, p. 8).

⁽⁴⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51).

⁽⁵⁾ Commission Implementing Regulation (EU) 2021/607 of 14 April 2021 imposing a definitive anti-dumping duty on imports of citric acid originating in the People's Republic of China as extended to imports of citric acid consigned from Malaysia, whether declared as originating in Malaysia or not, following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 129, 15.4.2021, p. 73).

⁽⁶⁾ Commission Implementing Regulation (EU) 2023/185 of 27 January 2023 initiating a 'new exporter' review of Implementing Regulation (EU) 2021/607 imposing a definitive anti-dumping duty on imports of citric acid originating in the People's Republic of China for one Chinese exporting producer, repealing the duty with regard to imports from that exporting producer and making these imports subject to registration (OJ L 26, 30.1.2023, p. 11).

- (5) Furthermore, pursuant to Article 3 of the Initiation Regulation, customs authorities were directed to take appropriate steps to register from the date of entry into force of the Initiation Regulation the imports defined in Article 1 of the same Regulation. According to Article 5 of the Initiation Regulation, it entered into force on the day following its publication in the *Official Journal of the European Union*. Since the Initiation Regulation was published on 30 January 2023, the relevant imports should have been registered as of 31 January 2023.
- (6) By Implementing Regulation (EU) 2023/2180 ⁽⁷⁾, the Commission concluded the above ‘new exporter’ review and added Seven Star to the list of companies with individual duty rates. Pursuant to Article 1 of that Regulation, the TARIC additional code A032 was wrongly attributed to Seven Star. The correct TARIC additional code should be A023.
- (7) Article 2 of Implementing Regulation 2023/2180 instructed customs authorities to cease the registration of imports of the product concerned originating in the PRC produced by Seven Star and to retroactively levy the anti-dumping duty rate. Article 2 incorrectly indicated that the retroactive application of the duty should date back to 30 January 2023. The correct date for the retroactive application of the anti-dumping duty should be 31 January 2023.
- (8) Therefore, the Commission has decided to correct Article 1 and Article 2 of Implementing Regulation (EU) 2023/2180 in order to rectify the errors mentioned in recital (6) and (7). This correction should take effect as from the entry into force of Implementing Regulation (EU) 2023/2180, namely 18 October 2023.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The table in Article 1 of Implementing Regulation (EU) 2023/2180 is replaced by the following:

Company	Anti-dumping duty	TARIC additional code
Seven Star Lemon Technology co., Ltd	31,5 %	A023'

2. Article 2 of Implementing Regulation (EU) 2023/2180 is replaced by the following:

‘The customs authorities are hereby directed to cease the registration of imports of the product concerned originating in the PRC produced by Seven Star Lemon Technology co., Ltd. and to retroactively levy the anti-dumping duty rate indicated in Article 1 as from 31 January 2023.’

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 18 October 2023.

⁽⁷⁾ Commission Implementing Regulation (EU) 2023/2180 of 16 October 2023 amending Implementing Regulation (EU) 2021/607 imposing a definitive anti-dumping duty on imports of citric acid originating in the People's Republic of China as extended to imports of citric acid consigned from Malaysia, whether declared as originating in Malaysia or not, following a new exporter review pursuant to Article 11(4) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 2023/2180, 17.10.2023, ELI: http://data.europa.eu/eli/reg_impl/2023/2180/oj).

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

Done at Brussels, 6 March 2024.

For the Commission
The President
Ursula VON DER LEYEN
