

**Notice concerning the judgment by the General Court of the European Union in case T-310/12 in relation to Council Implementing Regulation (EU) No 325/2012 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of oxalic acid originating in India and the People's Republic of China**

(2016/C 148/06)

In its judgment of 20 May 2015 in case T-310/12 *Yuanping Changyuan Chemicals Co. Ltd v Council* <sup>(1)</sup>, the General Court of the European Union ('the General Court') annulled Council Implementing Regulation (EU) No 325/2012 imposing a definitive anti-dumping duty on imports of oxalic acid originating in India and the People's Republic of China ('the contested regulation') <sup>(2)</sup>, as far as it concerns Yuanping Changyuan Chemicals Co. Ltd ('the exporting producer concerned').

In the judgment, the General Court ruled that the contested regulation did not contain an adequate statement of reasons pursuant to Article 296 of the Treaty on the Functioning of the European Union (TFEU) in relation to the method of determining the injury margin in regard to the exporting producer concerned.

As a consequence of the judgment, imports into the European Union of oxalic acid produced by the exporting producer concerned are no longer subject to the anti-dumping duty imposed by the contested Regulation.

In accordance with Article 266 TFEU the Union's institutions must take the necessary steps to comply with judgments.

It is recognised that, in cases where proceedings consist of several administrative steps, the annulment of one of those steps does not annul the complete proceeding <sup>(3)</sup>. The anti-dumping investigation is an example of such a multi-step proceeding. Consequently, the partial annulment of the Council Implementing Regulation (EU) No 325/2012 does not lead to the annulment of the entire contested Regulation. Accordingly, the Union's institutions, in so complying with the General Court's judgment of 20 May 2015, have the possibility to remedy the aspects of the contested Regulation which led to its partial annulment, while leaving unchanged those parts which are not affected by the judgment <sup>(4)</sup>. Therefore, other findings reached in the contested Regulation which were not contested within the time-limits for a challenge or which were contested but rejected by the General Court's judgment and therefore did not lead to the annulment of the contested Regulation, remain valid.

Therefore, the Commission has decided to resume the anti-dumping investigation concerning imports of oxalic acid originating in the People's Republic of China at the point at which the illegality occurred. This is limited in scope to the implementation of the judgment of the General Court as recalled above.

#### **Information to customs authorities**

The definitive anti-dumping duties paid pursuant to Regulation (EU) No 325/2012 on imports into the European Union of oxalic acid, whether in dihydrate (CUS number 0028635-1 and CAS number 6153-56-6) or anhydrous form (CUS number 0021238-4 and CAS number 144-62-7) and whether or not in aqueous solution, currently falling within CN code ex 2917 11 00 (TARIC code 2917 11 00 91) and originating in the People's Republic of China, produced by the exporting producer concerned (TARIC additional code B232), and the provisional duties definitively collected in accordance with Article 2 of Regulation (EU) No 325/2012, should be repaid or remitted. The repayment or remission must be requested from national customs authorities in accordance with applicable customs legislation.

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<sup>(1)</sup> OJ C 221, 6.7.2015, p. 7.

<sup>(2)</sup> OJ L 106, 18.4.2012, p. 1.

<sup>(3)</sup> Case T-2/95 *Industrie des poudres sphériques (IPS) v Council* [1998] ECR II-3939.

<sup>(4)</sup> Case C-458/98 P *Industrie des poudres sphériques (IPS) v Council* [2000] ECR I-08147.