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► **B** **COMMISSION IMPLEMENTING REGULATION (EU) No 999/2014**
of 23 September 2014

imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009

(OJ L 280, 24.9.2014, p. 19)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Implementing Regulation (EU) 2016/226 of 17 February 2016	L 41	13	18.2.2016
► <u>M2</u>	Commission Implementing Regulation (EU) 2018/1722 of 14 November 2018	L 287	3	15.11.2018



**COMMISSION IMPLEMENTING REGULATION (EU) No
999/2014**

of 23 September 2014

**imposing a definitive anti-dumping duty on imports of ammonium
nitrate originating in Russia following an expiry review pursuant to
Article 11(2) of Council Regulation (EC) No 1225/2009**

Article 1

(1) A definitive anti-dumping duty is hereby imposed on imports of solid fertilisers with an ammonium nitrate content exceeding 80 % by weight currently falling within CN codes 3102 30 90, 3102 40 90, ex 3102 29 00, ex 3102 60 00, ex 3102 90 00, ex 3105 10 00, ex 3105 20 10, ex 3105 51 00, ex 3105 59 00 and ex 3105 90 20 and originating in Russia.

(2) The rate of the definitive anti-dumping duty shall be a fixed amount as specified in points (a), (b) and (c):

- (a) For goods produced by Open Joint Stock Company (OJSC) Azot, Novomoskovsk, Russia or by Open Joint Stock Company (OJSC) Nevinnomyssky Azot, Nevinnomyssk, Russia and either sold directly to the first independent customer in the EU or sold by EuroChem Trading GmbH, Zug, Switzerland or via Open Joint Stock Company (OJSC) Mineral and Chemical Company EuroChem, Moscow, Russia, or EuroChem Trading GmbH, Zug, Switzerland to the first independent customer in the EU (TARIC additional code A522):



Product description	CN code	TARIC code	Fixed amount of duty (EUR per tonne)
Ammonium nitrate other than in aqueous solutions	3102 30 90	—	32,71
Mixtures of ammonium nitrate with calcium carbonate or other inorganic non-fertilising substances, with a nitrogen content exceeding 28 % by weight	3102 40 90	—	32,71
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight	3102 29 00	10	32,71
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight	3102 60 00	10	32,71
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight	3102 90 00	10	32,71
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, with no phosphorus and no potassium content	3105 10 00	10	32,71

▼ M2

Product description	CN code	TARIC code	Fixed amount of duty (EUR per tonne)
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of less than 3 % by weight	3105 10 00	20	31,73
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of 3 % by weight or more but less than 6 % by weight	3105 10 00	30	30,75
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of 6 % by weight or more but less than 9 % by weight	3105 10 00	40	29,76
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of 9 % by weight or more but not exceeding 12 % by weight	3105 10 00	50	28,78
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of less than 3 % by weight	3105 20 10	30	31,73
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of 3 % by weight or more but less than 6 % by weight	3105 20 10	40	30,75
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of 6 % by weight or more but less than 9 % by weight	3105 20 10	50	29,76
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of 9 % by weight or more but not exceeding 12 % by weight	3105 20 10	60	28,78
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of less than 3 % by weight	3105 51 00	10	31,73

▼ M2

Product description	CN code	TARIC code	Fixed amount of duty (EUR per tonne)
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 3 % by weight or more but less than 6 % by weight	3105 51 00	20	30,75
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 6 % by weight or more but less than 9 % by weight	3105 51 00	30	29,76
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 9 % by weight or more but not exceeding 10,40 % by weight	3105 51 00	40	29,31
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of less than 3 % by weight	3105 59 00	10	31,73
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 3 % by weight or more but less than 6 % by weight	3105 59 00	20	30,75
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 6 % by weight or more but less than 9 % by weight	3105 59 00	30	29,76
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 9 % by weight or more but not exceeding 10,40 % by weight	3105 59 00	40	29,31
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of less than 3 % by weight	3105 90 20	30	31,73
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of 3 % by weight or more but less than 6 % by weight	3105 90 20	40	30,75
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of 6 % by weight or more but less than 9 % by weight	3105 90 20	50	29,76
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of 9 % by weight or more but not exceeding 12 % by weight	3105 90 20	60	28,78

▼ M1

- (b) For goods produced by ‘KCKK Branch of Joint Stock Company United Chemical Company Uralchem in Kirovo-Chepetsk’ (TARIC additional code A959):

▼ M2

Product description	CN code	TARIC code	Fixed amount of duty (EUR per tonne)
Ammonium nitrate other than in aqueous solutions	3102 30 90	—	32,71
Mixtures of ammonium nitrate with calcium carbonate or other inorganic non-fertilising substances, with a nitrogen content exceeding 28 % by weight	3102 40 90	—	32,71

▼ M1

For goods mentioned in paragraph 1 produced by KCKK Branch of Joint Stock Company United Chemical Company Uralchem in Kirovo-Chepetsk and which are not mentioned in the table above, no anti-dumping duty shall apply.

The non-application of any anti-dumping duty for certain goods produced by KCKK Branch of Joint Stock Company United Chemical Company Uralchem in Kirovo-Chepetsk shall be conditional upon presentation by Joint Stock Company United Chemical Company Uralchem to the customs authorities of the Member States of a valid commercial invoice, on which shall appear a declaration dated and signed by an official of the entity issuing such invoice, identified by his/her name and function, drafted as follows: ‘*I, the undersigned, certify that the (volume) of ammonium nitrate sold for export to the European Union covered by this invoice was manufactured by (KCKK Branch of Joint Stock Company United Chemical Company Uralchem in Kirovo-Chepetsk and address) (TARIC additional code A959) in Russia. I declare that the information provided in this invoice is complete and correct.*’ If no such invoice is presented, the duty rate applicable to ‘all other companies’ shall apply to all product types of ammonium nitrate produced by KCKK Branch of Joint Stock Company United Chemical Company Uralchem in Kirovo-Chepetsk.

▼ B

- (c) For all other companies (TARIC additional code A999):

▼ M2

Product description	CN code	TARIC code	Fixed amount of duty (EUR per tonne)
Ammonium nitrate other than in aqueous solutions	3102 30 90	—	32,71
Mixtures of ammonium nitrate with calcium carbonate or other inorganic non-fertilising substances, with a nitrogen content exceeding 28 % by weight	3102 40 90	—	32,71
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight	3102 29 00	10	32,71
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight	3102 60 00	10	32,71

▼ M2

Product description	CN code	TARIC code	Fixed amount of duty (EUR per tonne)
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight	3102 90 00	10	32,71
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, with no phosphorus and no potassium content	3105 10 00	10	32,71
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of less than 3 % by weight	3105 10 00	20	31,73
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of 3 % by weight or more but less than 6 % by weight	3105 10 00	30	30,75
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of 6 % by weight or more but less than 9 % by weight	3105 10 00	40	29,76
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of 9 % by weight or more but not exceeding 12 % by weight	3105 10 00	50	28,78
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of less than 3 % by weight	3105 20 10	30	31,73
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of 3 % by weight or more but less than 6 % by weight	3105 20 10	40	30,75
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of 6 % by weight or more but less than 9 % by weight	3105 20 10	50	29,76

▼ **M2**

Product description	CN code	TARIC code	Fixed amount of duty (EUR per tonne)
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of 9 % by weight or more but not exceeding 12 % by weight	3105 20 10	60	28,78
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of less than 3 % by weight	3105 51 00	10	31,73
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 3 % by weight or more but less than 6 % by weight	3105 51 00	20	30,75
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 6 % by weight or more but less than 9 % by weight	3105 51 00	30	29,76
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 9 % by weight or more but not exceeding 10,40 % by weight	3105 51 00	40	29,31
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of less than 3 % by weight	3105 59 00	10	31,73
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 3 % by weight or more but less than 6 % by weight	3105 59 00	20	30,75
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 6 % by weight or more but less than 9 % by weight	3105 59 00	30	29,76
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 9 % by weight or more but not exceeding 10,40 % by weight	3105 59 00	40	29,31
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of less than 3 % by weight	3105 90 20	30	31,73

▼M2

Product description	CN code	TARIC code	Fixed amount of duty (EUR per tonne)
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of 3 % by weight or more but less than 6 % by weight	3105 90 20	40	30,75
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of 6 % by weight or more but less than 9 % by weight	3105 90 20	50	29,76
Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of 9 % by weight or more but not exceeding 12 % by weight	3105 90 20	60	28,78

▼B

(3) In cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 145 of Commission Regulation (EEC) No 2454/93 ⁽¹⁾, the amount of anti-dumping duty laid down in paragraph 2 shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.

(4) Notwithstanding paragraph 1, the definitive anti-dumping duty shall not apply to imports released for free circulation in accordance with Article 2.

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

Article 2

(1) Imports declared for release into free circulation which are invoiced by companies from which undertakings are accepted by the Commission and whose names are listed in the Decision 2008/577/EC, as amended, shall be exempt from the anti-dumping duty imposed by Article 1, on condition that:

- they are manufactured, shipped and invoiced directly by the said companies to the first independent customer in the Union, and
- such imports are accompanied by an undertaking invoice which is a commercial invoice containing at least the elements and the declaration stipulated in the Annex to this Regulation, and
- the goods declared and presented to customs correspond precisely to the description on the undertaking invoice.

⁽¹⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

▼B

(2) A customs debt shall be incurred at the time of acceptance of the declaration for release into free circulation:

- whenever it is established, in respect of imports described in paragraph 1, that one or more of the conditions listed in that paragraph are not fulfilled, or
- when the Commission withdraws its acceptance of the undertaking pursuant to Article 8(9) of Regulation (EC) No 1225/2009 in a Regulation or Decision which refers to particular transactions and declares the relevant undertaking invoices as invalid.

Article 3

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 the Member States in accordance with the Treaties.

*ANNEX*

The following elements shall be indicated in the commercial invoice referred to in Article 2(1) second indent accompanying the company's sales to the Union of goods which are subject to the undertaking:

1. The heading 'COMMERCIAL INVOICE ACCOMPANYING GOODS SUBJECT TO AN UNDERTAKING'.
2. The name of the company issuing the commercial invoice.
3. The commercial invoice number.
4. The date of issue of the commercial invoice.
5. The TARIC additional code under which the goods on the invoice are to be customs-cleared at the Union frontier.
6. The exact description of the goods, including:
 - the product code number (PCN) used for the purpose of the undertaking,
 - plain language description of the goods corresponding to the PCN concerned,
 - the company product code number (CPC),
 - TARIC code,
 - quantity (to be given in tonnes).
7. The description of the terms of the sale, including:
 - price per tonne,
 - the applicable payment terms,
 - the applicable delivery terms,
 - total discounts and rebates.
8. Name of the company acting as an importer in the Union to which the commercial invoice accompanying goods subject to an undertaking is issued directly by the company.
9. The name of the official of the company that has issued the commercial invoice and the following signed declaration:

'I, the undersigned, certify that the sale for direct export to the European Union of the goods covered by this invoice is being made within the scope and under the terms of the Undertaking offered by [COMPANY], and accepted by the European Commission through Decision 2008/577/EC. I declare that the information provided in this invoice is complete and correct.'