Official Journal of the European Union

L 64

English edition

Legislation

Volume 66

1 March 2023

Contents

[1] Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/439

of 16 December 2022

amending the Annex to Regulation (EU) No 609/2013 of the European Parliament and of the Council to allow the use of nicotinamide riboside chloride as a source of niacin in food for special medical purposes and total diet replacement for weight control

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 ([1]), and in particular Article 16(1) thereof,

Whereas:

(1) The Annex to Regulation (EU) No 609/2013 establishes a Union list of substances that may be added to one or more of the categories of food referred to in Article 1(1) of that Regulation.

(2) In accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council ([2]), Commission Implementing Regulation (EU) 2020/16 ([3]) authorised the placing on the market of nicotinamide riboside chloride as a novel food for use in food supplements as defined in Directive 2002/46/EC of the European Parliament and of the Council ([4]), for the adult population.

(3) Following an application for extension of the use of nicotinamide riboside chloride as a novel food to cover also its use for nutritional purposes as a source of niacin, in particular, in food for special medical purposes and total diet replacement for weight control, the Commission requested the European Food Safety Authority ('the Authority') to deliver an opinion on such extension of use in accordance with Regulation (EU) 2015/2283 and, following the outcome of that assessment, to evaluate in the context of Regulation (EU) No 609/2013 the safety and bioavailability of that substance when added to the foods in question. On 14 September 2021, the Authority

([1]) OJ L 181, 29.6.2013, p. 35.

([2]) Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (OJ L 327, 11.12.2015, p. 1).

([3]) Commission Implementing Regulation (EU) 2020/16 of 10 January 2020 authorising the placing on the market of nicotinamide riboside chloride as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470 (OJ L 7, 13.1.2020, p. 6).

([4]) Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51).

adopted a scientific opinion on the extension of use of nicotinamide riboside chloride as a novel food ([5]). In that opinion, the Authority concluded that nicotinamide riboside chloride is as safe as pure nicotinamide, for use in food for special medical purposes and total diet replacement for weight control. Furthermore, the Authority confirmed the bioavailability of nicotinamide, a form of niacin, from nicotinamide riboside chloride.

(4) Commission Implementing Regulation (EU) 2022/1160 ([6]) authorised the use of nicotinamide riboside chloride in, among other products, foods for special medical purposes and total diet replacement for weight control for the adult population, excluding pregnant and lactating women, subject to certain conditions.

(5) The Commission considers that the Authority's opinion also gives sufficient grounds to establish that nicotinamide riboside chloride is not of safety concern as a source of niacin when used in food for special medical purposes and total diet replacement for weight control, under the conditions set out in Implementing Regulation (EU) 2022/1160. Therefore, it is appropriate to allow the use of nicotinamide riboside chloride as a source of niacin in food for special medical purposes and total diet replacement for weight control. That substance should therefore be included in the Union list of substances that may be added to certain categories of food, set out in the Annex to Regulation (EU) No 609/2013.

(6) The Annex to Regulation (EU) No 609/2013 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 609/2013 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth 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, 16 December 2022.

For the Commission
The President
Ursula VON DER LEYEN

([5]) Scientific opinion on the extension of use of nicotinamide riboside chloride as a novel food pursuant to Regulation (EU) 2015/2283, *EFSA Journal* 2021;19(11):6843.

([6]) Commission Implementing Regulation (EU) 2022/1160 of 5 July 2022 amending Implementing Regulation (EU) 2017/2470 as regards the conditions of use and the specifications of the novel food nicotinamide riboside chloride (OJ L 179, 6.7.2022, p. 25).

ANNEX

In the Annex to Regulation (EU) No 609/2013, within the category of substance 'Vitamins', under 'Niacin', the following entry is added after the entry 'nicotinamide':

'nicotinamide riboside chloride			X	X'

COMMISSION REGULATION (EU) 2023/440

of 28 February 2023

amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards the use of carbomer in food supplements

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ([1]), and in particular Article 10(3) and Article 14 thereof,

Having regard to Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings ([2]), and in particular Article 7(5) thereof,

Whereas:

(1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.

(2) Commission Regulation (EU) No 231/2012 ([3]) lays down specifications for food additives including colours and sweeteners that are listed in Annexes II and III to Regulation (EC) No 1333/2008.

(3) Those lists may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008, either on the initiative of the Commission or following an application.

(4) On 22 April 2020, an application was submitted for authorisation of the use of carbomer as a bulking agent and stabiliser in solid food supplements and as stabiliser and thickener in liquid food supplements. The application was made available to the Member States pursuant to Article 4 of Regulation (EC) No 1331/2008.

(5) The European Food Safety Authority evaluated the safety of crosslinked polyacrylic acid polymers (carbomer) when used as food additive ([4]) and concluded that its use in liquid food supplements at the maximum use level of 30 000 mg/kg and in solid food supplements at the typical use level of 200 000 mg/kg is of no safety concern.

(6) Carbomer is intended for use in solid food supplements for the controlled extended release of nutrients, allowing smaller size of tablets that are easier for consumers to swallow. In liquid food supplements, carbomer is intended for use in formulations with a wide range of flow and rheological properties that are stable with a lower level of polymer.

(7) It is therefore appropriate to authorise the food additive 'carbomer' (E 1210) as a bulking agent and a stabiliser in solid and as a stabiliser and thickener in liquid food supplements.

(8) The specifications for carbomer (E 1210) should be included in Regulation (EU) No 231/2012 as it is included in the Union list of food additives laid down in Annex II to Regulation (EC) No 1333/2008 for the first time.

([1]) OJ L 354, 31.12.2008, p. 16.
([2]) OJ L 354, 31.12.2008, p. 1.
([3]) Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).
([4]) *EFSA Journal* 2021;19(8):6693.

(9) Regulations (EC) No 1333/2008 and (EU) No 231/2012 should therefore be amended accordingly.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1333/2008 is amended in accordance with Annex I to this Regulation.

Article 2

The Annex to Regulation (EU) No 231/2012 is amended in accordance with Annex II to this Regulation.

Article 3

This Regulation shall enter into force on the twentieth 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, 28 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Annex II to Regulation (EC) No 1333/2008 is amended as follows:

(a) in Part B, point 3 'Additives other than colours and sweeteners', the following entry is inserted after the entry for food additive E 1209:

'E 1210	Carbomer'

(b) Part E is amended as follows:

(1) in food category 17.1 'Food supplements supplied in a solid form, excluding food supplements for infants and young children', the following entry is inserted after the entry for food additive E 1209:

	'E 1210	Carbomer	200 000'		

(2) in food category 17.2 'Food supplements supplied in a liquid form, excluding food supplements for infants and young children', the following entry is inserted after the entry for food additive E 969:

	'E 1210	Carbomer	30 000'		

ANNEX II

In the Annex to Regulation (EU) No 231/2012 the following entry is inserted after the entry for E 1209:

'**E 1210 CARBOMER**

Synonyms	carbomer, carboxypolymethylene; carbomer homopolymer		
Definition	High-molecular mass polymers obtained by polymerisation of acrylic acid and crosslinking with allyl pentaerythritol. The polymers are synthesised in ethyl acetate using a peroxide to initiate free-radical polymerisation.		
CAS No	9007-20-9 (primary CAS), 9003-01-4 (secondary CAS)		
Chemical name	Carbomer homopolymer, allyl pentaerythritol cross-linked		
Chemical formula	$-(CH_2\text{-}CH)_{\mathbf{m}}\text{-}(\mathbf{XM})_{\mathbf{p}}$ COOH **m:** number of monomer units; **XM:** crosslinker, **p:** number of crosslinker units, **with m>>p**		
Weight average molecular weight			
Assay	Carboxylic acid content not less than 56 % and not more than 68 % (on dried substance)		
Description	White or almost white, fluffy, hygroscopic powder or granules		
Identification			
Attenuated total reflective infra-red spectroscopy Proton nuclear magnetic resonance spectroscopy	Characteristic of the compound		
Viscosity (Brookfield viscosimetry, 20 rpm) 25 °C	Type B 29 400-39 400 mPa.s	Type A 4 000-11 000 mPa.s	Type A
Physical form	powder	powder	granules
Pass through 40 mesh, % 425 µm	-	-	95 min
Pass through 100 mesh, % 150 µm	-	-	10 max
Solubility	Insoluble in water. Water-swellable and forms hydrogels in aqueous dispersions.		

Purity	
Residual monomers	Acrylic acid not more than 100 mg/kg
Residual crosslinker	tri and tetra-allyl pentaerythritol not more than 1 000 mg/kg
Residual solvant	Ethyl acetate not more than 0,5 % w/w
2-ethylhexanol	not more than 100 mg/kg
2-ethylhexylacetate	not more than 100 mg/kg
Lower molecular weight fraction < 1 000 Da	Not more than 0,75 % w/w
Loss on drying	Not more than 2 %
Sulphated ashes	Not more than 2,5 %’

COMMISSION REGULATION (EU) 2023/441

of 28 February 2023

amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards the inclusion of 2-hydroxy-4-methoxybenzaldehyde in the Union list of flavourings

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC ([1]), and in particular Article 11(3) thereof,

Having regard to Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings ([2]), and in particular Article 7(5) thereof,

Whereas:

(1) Annex I to Regulation (EC) No 1334/2008 lays down a Union list of flavourings and source materials approved for use in and on foods and their conditions of use.

(2) Commission Implementing Regulation (EU) No 872/2012 ([3]) adopted the list of flavouring substances and introduced that list in Annex I, Part A, to Regulation (EC) No 1334/2008.

(3) That list may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008, either on the initiative of the Commission or following an application submitted by a Member State or by an interested party.

(4) On 17 December 2019, an application was submitted to the Commission for the authorisation of 2-hydroxy-4-methoxybenzaldehyde (FL No: 05.229), as a flavouring substance to be used in various foods falling under a number of food categories referred to in the Union list of flavourings and source materials. The application was notified to the European Food Safety Authority ('the Authority') for its opinion. The Commission also made the application available to the Member States pursuant to Article 4 of Regulation (EC) No 1331/2008.

(5) In its opinion adopted on 29 September 2021 ([4]), the Authority evaluated the safety of the substance FL No 05.229 when used as a flavouring substance and concluded that there is no safety concern at the estimated level of dietary exposure calculated using the added portions exposure technique (APET) based on the intended uses and use levels. The Authority clarified that the assessment is only applicable if the food flavouring is isolated from the plant *Periploca sepium* using methodologies giving rise to a final product with the purity and residue levels described in the opinion. The Authority also concluded that the cumulative exposure to FL No 05.229 and the three structurally related substances does not raise a safety concern.

([1]) OJ L 354, 31.12.2008, p. 34.
([2]) OJ L 354, 31.12.2008, p. 1.
([3]) Commission Implementing Regulation (EU) No 872/2012 of 1 October 2012 adopting the list of flavouring substances provided for by Regulation (EC) No 2232/96 of the European Parliament and of the Council, introducing it in Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 1565/2000 and Commission Decision 1999/217/EC (OJ L 267, 2.10.2012, p. 1).
([4]) *EFSA Journal* 2021;19(11):6883.

(6) According to the information available at the European Chemicals Agency (ECHA) website ([5]), the registrant of 2-hydroxy-4-methoxybenzaldehyde indicated that it may contain 1-methyl-2-pyrrolidone (EC No 212-828-1, CAS No 872-50-4) as a stabiliser. 1-methyl-2-pyrrolidone (also called *N*-methyl-2-pyrrolidone (NMP)) is classified as toxic for reproduction (category 1B) in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council ([6]). Therefore, the Authority requested the applicant to confirm that 1-methyl-2-pyrrolidone is not used in the manufacture of 2-hydroxy-4-methoxybenzaldehyde proposed for use as a food flavouring. In its response, the applicant confirmed that 1-methyl-2-pyrrolidone is not used in the extraction process as a solvent, processing aid, stabiliser nor in any other way in the production of this substance. Therefore, the Authority considered that 1-methyl-2-pyrrolidone is not expected to be present in the solvents used in the manufacturing process described in the application dossier. In addition, the Authority noted that, according to the Scientific Committee on Consumer Safety (SCCS) Opinion on NMP ([7]), there are no known natural sources of NMP. Therefore, the Authority concluded that there are no indications that 1-methyl-2-pyrrolidone is present in the flavouring substance 2-hydroxy-4-methoxybenzaldehyde produced according to the procedure described in the scientific opinion.

(7) In light of the opinion of the Authority, since the use of the substance FL No 05.229 as a flavouring substance does not give rise to safety concerns with the specified conditions of use and it is not expected to mislead the consumer, it is appropriate to authorise such use.

(8) Annex I, Part A, to Regulation (EC) No 1334/2008 should therefore be amended accordingly to include 2-hydroxy-4-methoxybenzaldehyde in the Union list of flavourings.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I, Part A, to Regulation (EC) No 1334/2008 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth 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, 28 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

([5]) https://echa.europa.eu/it/registration-dossier/-/registered-dossier/23928/2/1.
([6]) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).
([7]) SCCS (Scientific Committee on Consumer Safety), 2011, OPINION ON N-Methyl-2-pyrrolidone (NMP), 22 March 2011.

ANNEX

In Annex I, Part A, Section 2, Table 1 to Regulation (EC) No 1334/2008, the following entry is inserted below the entry concerning FL No 05.226:

'05.229	2-hydroxy-4-methoxybenzaldehyde	673-22-3			Isolated from *Periploca sepium*		EFSA'

COMMISSION IMPLEMENTING REGULATION (EU) 2023/442

of 28 February 2023

initiating a 'new exporter' review of Implementing Regulation (EU) 2017/1171 imposing a definitive anti-dumping duty on imports of melamine 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

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(5) thereof,

After having informed the Member States,

Whereas:

1. REQUEST

(1) On 26 April 2022, the Commission received a request for a 'new exporter' review under Article 11(4) of the basic Regulation. The request was updated on 14 October 2022.

(2) The request was lodged by Xinjiang Xinlianxin Energy Chemical Co., Ltd. ('the applicant'), an exporting producer of melamine in the People's Republic of China ('the PRC').

2. PRODUCT UNDER REVIEW

(3) The product under review is melamine, currently falling under CN code 2933 61 00 originating in the PRC.

(4) Melamine is a white crystalline powder obtained from urea. It is used mainly in laminates, moulding powders, wood-based panels and coating resins.

3. EXISTING MEASURES

(5) The measures currently in force are a definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 457/2011 [2] and extended by Commission Implementing Regulation (EU) 2017/1171 [3]. The duty was imposed in the form of a minimum import price ('MIP') for the cooperating exporting producers and a fixed duty per tonne for all other exporting producers.

(6) On 1 July 2022, the Commission initiated an expiry review investigation of the anti-dumping measures applicable to imports of melamine originating in the PRC, following a request for review pursuant to Article 11(2) of the basic Regulation [4].

4. GROUNDS FOR THE REVIEW

(7) The applicant provided sufficient evidence that it did not export the product under review to the Union during the investigation period on which the anti-dumping measures were based (1 January 2009 to 31 December 2009).

---

[1] OJ L 176, 30.6.2016, p. 21.

[2] Council Implementing Regulation (EU) No 457/2011 of 10 May 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of melamine originating in the People's Republic of China (OJ L 124, 13.5.2011, p. 2).

[3] Commission Implementing Regulation (EU) 2017/1171 of 30 June 2017 imposing a definitive anti-dumping duty on imports of melamine 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 170, 1.7.2017, p. 62).

[4] Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of melamine originating in the People's Republic of China (OJ C 252, 1.7.2022, p. 6).

(8) The applicant provided sufficient evidence that it is not related to any of the exporting producers of the product under review which are subject to the anti-dumping duties in force.

(9) Finally, the applicant provided sufficient evidence that it has begun exporting the product under review to the Union after the end of the investigation period on which the anti-dumping measures were based.

5. **PROCEDURE**

5.1. **Initiation**

(10) The Commission examined the evidence available and concluded that there was sufficient evidence to justify the initiation of a 'new exporter' review pursuant to Article 11(4) of the basic Regulation, with a view to determining an individual margin of dumping for the applicant. Should dumping be found, the Commission will determine the level of the duty to which the imports of the product under review produced by the applicant should be subject.

(11) In accordance with Articles 11(3) and 11(4) of the basic Regulation, normal value for the applicant shall be determined following the methodology laid down in Article 2(1) to (6a) of the basic Regulation, as the latest expiry review of the measures was initiated after 20 December 2017.

(12) Union producers known to be concerned were informed of the request for a review on 2 December 2022 and were given an opportunity to comment until 15 December 2022.

(13) The Commission also draws the attention of the parties that further to the COVID-19 outbreak a Notice ([5]) has been published on the consequences of the COVID-19 outbreak on anti-dumping and anti-subsidy investigations that may be applicable to this proceeding.

5.2. **Repeal of the existing measures and registration of imports**

(14) Pursuant to Article 11(4) of the basic Regulation, the anti-dumping duty in force should be repealed with regard to imports of the product under review produced by the applicant. At the same time, such imports should be made subject to registration in accordance with Article 14(5) of the basic Regulation, in order to ensure that anti-dumping duties can be levied from the date of the registration of these imports should the review result in a finding of dumping in respect of the applicant. Furthermore, the Commission notes that it is not possible, at this stage, to provide a reliable estimate of the amount of possible future liability, without prejudice to Article 9(4) of the basic Regulation. Should the request be withdrawn and the review terminated, the amount of the liability for the registered imports will continue to be based on the anti-dumping duty rate established by the Implementing Regulation (EU) 2017/1171 for 'all other exporting producers', subject to the outcome of the expiry review investigation mentioned in recital (6).

5.3. **Review investigation period**

(15) The investigation will cover the period from 1 January 2022 to 31 December 2022 ('review investigation period'). However, the Commission reserves the right to also examine if transactions may have occurred in a subsequent period, and may amend the review investigation period as appropriate in light of the findings of the investigation.

5.4. **Investigating the applicant**

(16) In order to obtain information it deems necessary for its investigation, the Commission has made a questionnaire for the applicant available in the file for inspection by interested parties and on the website of the Directorate-General for Trade https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2657. The applicant must submit the completed questionnaire within the time limit specified in Article 4(2) of this Regulation.

([5]) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020XC0316%2802%29

5.5. **Other written submissions**

(17) Subject to the provisions of this Regulation, all interested parties are invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within the time limit specified in Article 4(2) of this Regulation.

5.6. **Possibility to be heard by the Commission investigation services**

(18) All interested parties may request to be heard by the Commission investigation services within the time limits specified in Article 4(3) of this Regulation. Any request to be heard must be made in writing and must specify the reasons for the request. For hearings on issues pertaining to the initiation stage of the investigation the request must be submitted within 15 days of the date of entry into force of this Regulation. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with the parties.

5.7. **Instructions for making written submissions and sending completed questionnaires and correspondence**

(19) Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing a) the Commission to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

(20) All written submissions, including the information requested in this Regulation, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Sensitive' ([6]). Interested parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

(21) Parties providing 'Sensitive' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. Those summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence.

(22) If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

(23) Interested parties are invited to make all submissions and requests via TRON.tdi (https://webgate.ec.europa.eu/tron/TDI) including scanned powers of attorney and certification sheets.

(24) In order to have access to TRON.tdi, interested parties need an EU Login account. Full instructions on how to register and use TRON.tdi are available on https://webgate.ec.europa.eu/tron/resources/documents/gettingStarted.pdf.

(25) By using TRON.tdi or email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: https://europa.eu/!7tHpY3.

([6]) A 'Sensitive' document is a document which is considered confidential pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

(26) The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:
European Commission
Directorate-General for Trade
Directorate G
Office: CHAR 04/039
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

TRON.tdi: https://webgate.ec.europa.eu/tron/tdi

Email: TRADE-R791-MELAMINE@ec.europa.eu

6. **NON-COOPERATION**

(27) If any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic Regulation.

(28) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available in accordance with Article 18 of the basic Regulation.

(29) If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

7. **HEARING OFFICER**

(30) Interested parties may request the intervention of the Hearing Officer for trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

(31) The Hearing Officer may organise hearings and mediate between the interested party(ies) and Commissions services to ensure that the interested parties' rights of defence are being fully exercised. A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in the due course.

(32) Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. Where hearing requests are submitted outside the relevant timeframes, the Hearing Officer will also examine the reasons for such late requests, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.

(33) For further information and contact details, interested parties may consult the Hearing Officer's web pages on DG Trade's website: https://policy.trade.ec.europa.eu/contacts/hearing-officer_en.

8. SCHEDULE OF THE INVESTIGATION

(34) The investigation will be concluded, pursuant to Article 11(5) of the basic Regulation, within nine months of the date of the entry into force of this Regulation.

9. PROCESSING OF PERSONAL DATA

(35) Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ([7]).

(36) A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG TRADE's website: https://europa.eu/!vr4g9W,

HAS ADOPTED THIS REGULATION:

Article 1

A review of Implementing Regulation (EU) 2017/1171 is hereby initiated under Article 11(4) of Regulation (EU) 2016/1036 in order to determine if an individual anti-dumping duty should be imposed on the imports of melamine, currently falling under CN code 2933 61 00, originating in the PRC, produced for export to the Union by Xinjiang Xinlianxin Energy Chemical Co., Ltd. (TARIC additional code 899B).

Article 2

The anti-dumping duty imposed by Implementing Regulation (EU) 2017/1171 is hereby repealed with regard to the imports identified in Article 1 of this Regulation.

Article 3

The national customs authorities shall take the appropriate steps to register the imports identified in Article 1 of this Regulation, pursuant to Articles 11(4) and 14(5) of Regulation (EU) 2016/1036.

Registration shall expire nine months following the date of entry into force of this Regulation.

Article 4

1. Interested parties must make themselves known by contacting the Commission within 15 days from the date of entry into force of this Regulation.

2. Interested parties, if their representations are to be taken into account during the investigation, must present their views in writing and submit questionnaire replies or any other information within 37 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

3. Interested parties may also apply to be heard by the Commission within the same 37-day time limit. For hearings on issues pertaining to the initiation stage of the investigation the request must be submitted within 15 days of the date of entry into force of this Regulation. Any request to be heard must be made in writing and must specify the reasons for the request.

([7]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (OJ L 295, 21.11.2018, p. 39).

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, 28 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)

Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

EN