



2023/2766

14.12.2023

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2766

of 13 December 2023

terminating the ‘new exporter review’ of Implementing Regulation (EU) 2017/2230 imposing a definitive anti-dumping duty on imports of trichloroisocyanuric acid originating in the People’s Republic of China, for a Chinese exporting producer, and terminating the registration of the imports of this exporting producer

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 Article 11(4) thereof,

Whereas:

1. MEASURES IN FORCE

- (1) The measures in force against imports of trichloroisocyanuric acid (‘TCCA’) from the People’s Republic of China (‘PRC’) are definitive anti-dumping measures ranging between 3,2 % and 42,6 %, imposed by Commission Implementing Regulation (EU) 2017/2230 ⁽²⁾. An expiry review of these measures is currently ongoing.

2. CURRENT INVESTIGATION

2.1. Request for a new exporter review

- (2) The Commission received a request for a ‘new exporter’ review pursuant to Article 11(4) of the basic Regulation. The request was lodged by Hebei Xingfei Chemical Co., Ltd (‘Hebei Xingfei’ or ‘the applicant’) on 28 February 2023 whose exports to the Union are subject to the country-wide anti-dumping duty of 42,6 %.
- (3) The applicant claimed that it did not export the TCCA to the Union during the period of investigation of the original investigation, i.e. from 1 April 2003 to 31 March 2004 (‘the original IP’).
- (4) The applicant also claimed that it was not related to any of the exporting producers of TCCA, which are subject to the measures in force. Finally, the applicant claimed that they had exported TCCA to the Union after the end of the original IP.

2.2. Initiation of a new exporter review

- (5) The Commission examined the evidence available and concluded that it was sufficient to justify the initiation of ‘new exporter’ review pursuant to Article 11(4) of the basic Regulation. After the Union producers had been given an opportunity to comment, the Commission initiated the review by Commission Implementing Regulation (EU) 2023/712 ⁽³⁾.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Commission Implementing Regulation (EU) 2017/2230 of 4 December 2017 imposing a definitive anti-dumping duty on imports of trichloroisocyanuric acid 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 319, 5.12.2017, p. 10).

⁽³⁾ Commission Implementing Regulation (EU) 2023/712 of 30 March 2023 initiating a ‘new exporter’ review of Implementing Regulation (EU) 2017/2230 imposing a definitive anti-dumping duty on imports of trichloroisocyanuric 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 93, 31.3.2023 p. 88).

2.3. Product under review

- (6) The product under review is trichloroisocyanuric acid and preparations thereof, also referred to under the international non-proprietary name (INN) 'symclosene', currently falling under CN codes ex 2933 69 80 and ex 3808 94 20 (TARIC codes 2933 69 80 70 and 3808 94 20 20) and originating in the PRC ('the product concerned' or 'TCCA').
- (7) TCCA is a chemical product used as a broad-spectrum organic chlorine disinfectant and bleacher, in particular for disinfecting water in swimming pools and spas. Other uses include water treatment in septic tanks or cooling towers and cleansing of kitchen appliances. TCCA is sold in the form of powder, granules, tablets or chips. All forms of TCCA and preparations thereof share the same basic characteristics (disinfectant) and are therefore considered as a single product.

3. WITHDRAWAL OF THE REQUEST

- (8) On 16 October 2023, the applicant formally withdrew its request for a 'new exporter' review.
- (9) In accordance with Article 9(1) of the basic Regulation, when the complainant withdraws its complaint, the proceeding may be terminated unless such termination would not be in the Union interest.
- (10) The Commission considered that the anti-dumping proceeding should be terminated since the investigation has not brought to light any consideration demonstrating that such termination would not be in the Union interest.

4. LEVYING OF THE ANTI-DUMPING DUTY

- (11) In view of the above, the Commission concluded that the review concerning imports into the Union of TCCA produced by the applicant should be terminated. The duty applicable to 'all other companies' pursuant to Article 1(2) of Implementing Regulation (EU) 2017/2230 should apply to products manufactured by the applicant. Consequently, the registration of the applicant's imports should cease and the country-wide duty applicable to other companies (42,6 %), imposed by Implementing Regulation (EU) 2017/2230, should be levied on these imports from the date of initiation of this review.

5. DISCLOSURE

- (12) The Commission informed interested parties of the intention to terminate the review investigation, to impose a definitive anti-dumping duty on imports of TCCA and to levy this duty on imports subject to registration under Implementing Regulation (EU) 2023/712. Interested parties were given the opportunity to comment. No comments were received.
- (13) This Regulation is in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036.

HAS ADOPTED THIS REGULATION:

Article 1

- 1. The 'new exporter' review initiated by Implementing Regulation (EU) 2023/712 is hereby terminated.
- 2. The anti-dumping duty applicable according to Article 1 of Implementing Regulation (EU) 2017/2230 concerning imports of trichloroisocyanuric acid to all other companies in the People's Republic of China (TARIC additional code A999) applies to imports of products manufactured by Hebei Xingfei Chemical Co., Ltd. (TARIC additional code C629).

Article 2

- 1. Article 2 of Implementing Regulation (EU) 2023/712 is hereby repealed.

2. The anti-dumping duty applicable according to Article 1 of Implementing Regulation (EU) 2017/2230 to 'all other companies' in the People's Republic of China (TARIC additional code A999) is hereby imposed on imports identified in Article 1 of Implementing Regulation (EU) 2023/712.

3. The anti-dumping duty referred to in paragraph 2 is hereby levied with effect from 1 April 2023 on imports registered pursuant to Article 3 of Implementing Regulation (EU) 2023/712.

Article 3

1. The customs authorities are hereby directed to cease the registration of imports carried out pursuant to Article 3 of Implementing Regulation (EU) 2023/712.

2. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 4

The 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, 13 December 2023.

For the Commission
The President
Ursula VON DER LEYEN