

Commission Implementing Regulation (EU) 2018/921 of 28 June 2018 imposing a definitive anti-dumping duty on imports of tartaric 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

- Article 1 (1) A definitive anti-dumping duty is hereby imposed on imports...
- Article 2 This Regulation shall enter into force on the day following...  
Signature

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/921. (See end of Document for details)

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- (1) [OJ L 176, 30.6.2016, p. 21.](#)
- (2) Regulation (EU) 2017/2321 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union ([OJ L 338, 19.12.2017, p. 1.](#))
- (3) Council Regulation (EC) No 130/2006 of 23 January 2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of tartaric acid originating in the People's Republic of China ([OJ L 23, 27.1.2006, p. 1.](#))
- (4) Council Regulation (EC) No 150/2008 of 18 February 2008 amending the scope of the anti-dumping measures imposed by Regulation (EC) No 130/2006 on imports of tartaric acid originating in the People's Republic of China ([OJ L 48, 22.2.2008, p. 1.](#))
- (5) Council Implementing Regulation (EU) No 332/2012 of 13 April 2012 amending Regulation (EC) No 130/2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of tartaric acid originating in the People's Republic of China, and excluding company Hangzhou Bioking Biochemical Engineering Co., Ltd from the definitive measures ([OJ L 108, 20.4.2012, p. 1.](#))
- (6) 'Mexico – Definitive Anti-Dumping Measures on Beef and Rice', WT/DS295/AB/R, 29 November 2005.
- (7) Council Implementing Regulation (EU) No 349/2012 of 16 April 2012 imposing a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 ([OJ L 110, 24.4.2012, p. 3.](#))
- (8) Council Implementing Regulation (EU) No 626/2012 of 26 June 2012 amending Implementing Regulation (EU) No 349/2012 imposing a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China ([OJ L 182, 13.7.2012, p. 1.](#))
- (9) Notice of initiation of an anti-dumping proceeding concerning imports of tartaric acid originating in the People's Republic of China, limited to one Chinese exporting producer, Hangzhou Bioking Biochemical Engineering Co. Ltd ([OJ C 434, 4.12.2014, p. 9.](#))
- (10) Commission Implementing Decision (EU) 2016/176 of 9 February 2016 terminating the anti-dumping proceeding concerning imports of tartaric acid originating in the People's Republic of China and produced by Hangzhou Bioking Biochemical Engineering Co. Ltd ([OJ L 33, 10.2.2016, p. 14](#)) ('Commission Implementing Decision (EU) 2016/176').
- (11) Case T-442/12 *Changmao Biochemical Engineering v Council* — Judgment of the General Court (Eighth Chamber) of 1 June 2017, ECLI:EU:T:2017:372.
- (12) [OJ C 329, 7.9.2016, p. 5.](#)
- (13) [OJ C 122, 19.4.2017, p. 8.](#)
- (14) That is, the investigations concluded by the previous expiry review, Implementing Regulation (EU) No 626/2012, and Implementing Decision (EU) 2016/176.
- (15) Investigations concluded by Regulation (EC) No 130/2006, Implementing Regulation (EU) No 349/2012 and Implementing Regulation (EU) No 626/2012.
- (16) Changmao Biochemical's synthetic production flowchart is described on page 2 of its 2016 annual report which is available at [http://www.cmbec.com.hk/html/investor\\_report.php](http://www.cmbec.com.hk/html/investor_report.php) (accessed on 24 April 2018).
- (17) <https://ihsmarkit.com/products/tartaric-acid-chemical-economics-handbook.html> (accessed on 24 April 2018).
- (18) A range was used for confidentiality reason because the exact figure was calculated using data from a single Argentinian exporting producer.
- (19) Judgment of 3 May 2018, ECLI:EU:T:2018:251.
- (20) Investigations concluded by Implementing Regulation (EU) No 626/2012 and Implementing Decision (EU) 2016/176.

- (21) Based on information published by a market intelligence firm (<https://globenewswire.com/news-release/2016/02/09/808759/0/en/Tartaric-Acid-Market-Is-Expected-To-Reach-USD-425-Million-By-2020-Radiant-Insights-Inc.html> accessed on 19 April 2018) the world market for TA in 2013 was 60 560 tonnes and was growing at a rate of 5,3 % per year. This translates into a world market of around 70 700 tonnes during the RIP. According to a pie-chart published by another market intelligence firm (<https://ihsmarkit.com/products/tartaric-acid-chemical-economics-handbook.html> accessed on 19 April 2018) the Chinese market represented around 12 % of the world market. It results from these sources that the Chinese domestic demand amounted to around 8 500 tonnes during the RIP.
- (22) In recitals (78) to (83) figures are presented as ranges to preserve confidentiality when they pertain to only two exporting producers (since exact figures would allow these exporting producers to deduct each other's data) or when exact figures would allow the calculation of Hangzhou Bioking's data.
- (23) <https://globenewswire.com/news-release/2016/02/09/808759/0/en/Tartaric-Acid-Market-Is-Expected-To-Reach-USD-425-Million-By-2020-Radiant-Insights-Inc.html> (last accessed 24 April 2018).
- (24) According to Hangzhou Bioking's corporate website (<http://biokingco.web.testwebsite.cn/En/About/#about4> accessed on 19 April 2018) a new line with a capacity of 25 000 tonnes/year was started after the RIP.
- (25) <https://ihsmarkit.com/products/tartaric-acid-chemical-economics-handbook.html> (accessed on 24 April 2018).
- (26) Prices at FOB level of Chinese exports to the Union were in the range [1,9-2,0] EUR/kg while prices of exports to third countries were in the range [1,75-1,85] EUR/kg.
- (27) Established on the basis verified questionnaire replies for cooperating Union producers and on the basis on data in the application for the remaining two producers.
- (28) The prices are related to one exporting producer. Therefore, to preserve the confidentiality they are presented as ranges
- (29) Given the fact that only two Union producers did not cooperate, the figure pertaining to all Union producers have to be presented in ranges for reasons of confidentiality
- (30) Investigations concluded by Implementing Regulation (EU) No 349/2012, Implementing Regulation (EU) No 626/2012 and Implementing Decision (EU) 2016/176.
- (31) See recital 108 of the previous expiry review, which states that '*TA represents less than 2 % of the costs of the gypsum products where it is used*'.
- (32) See recital 109 of Implementing Regulation (EU) No 349/2012.
- (33) Judgment of the Court of 18 January 2017, Case C-365/15, *Wortmann*, EU:C:2017:19, paragraphs 35 to 39.

**Changes to legislation:**

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