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# COUNCIL IMPLEMENTING REGULATION (EU) No 1194/2013

## of 19 November 2013

## imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia

(OJ L 315, 26.11.2013, p. 2)

Amended by:

| | | Official Journal | | |
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| ►**M1** | Commission Implementing Regulation (EU) 2017/1578 of 18 September 2017 | L 239 | 9 | 19.9.2017 |

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**COUNCIL IMPLEMENTING REGULATION (EU) No 1194/2013**

**of 19 November 2013**

**imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia**

*Article 1*

1. A definitive anti-dumping duty is hereby imposed on imports of fatty-acid mono-alkyl esters and/or paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin, in pure form or as included in a blend, currently falling within CN codes ex 1516 20 98 (TARIC codes 1516 20 98 21, 1516 20 98 29 and 1516 20 98 30), ex 1518 00 91 (TARIC codes 1518 00 91 21, 1518 00 91 29 and 1518 00 91 30), ex 1518 00 95 (TARIC code 1518 00 95 10), ex 1518 00 99 (TARIC codes 1518 00 99 21, 1518 00 99 29 and 1518 00 99 30), ex 2710 19 43 (TARIC codes 2710 19 43 21, 2710 19 43 29 and 2710 19 43 30), ex 2710 19 46 (TARIC codes 2710 19 46 21, 2710 19 46 29 and 2710 19 46 30), ex 2710 19 47 (TARIC codes 2710 19 47 21, 2710 19 47 29 and 2710 19 47 30), 2710 20 11, 2710 20 15, 2710 20 17, ex 3824 90 97 (TARIC codes 3824 90 97 01, 3824 90 97 03 and 3824 90 97 04), 3826 00 10 and ex 3826 00 90 (TARIC codes 3826 00 90 11, 3826 00 90 19 and 3826 00 90 30), and originating in Argentina and Indonesia.

2. The rate of the definitive anti-dumping duty applicable to the product described in paragraph 1 and produced by the companies listed below, shall be as follows:

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| Country | Company | Duty rate EUR per tonne net | TARIC additional code |
|---|---|---|---|
| Argentina | Aceitera General Deheza S.A., General Deheza, Rosario; Bunge Argentina S.A., Buenos Aires | 79,56 | B782 |
| | Louis Dreyfus Commodities S.A., Buenos Aires | 43,18 | B783 |
| | Molinos Agro S.A., Buenos Aires; Oleaginosa Moreno Hermanos S.A.F.I.C.I. y A., Bahia Blanca; Vicentin S.A.I.C., Avellaneda | 62,91 | B784 |
| | Other cooperating companies: Cargill S.A.C.I., Buenos Aires; Unitec Bio S.A., Buenos Aires; Viluco S.A., Tucuman | 62,52 | B785 |
| | All other companies | 79,56 | B999 |
| Indonesia | PT Ciliandra Perkasa, Jakarta | 76,94 | B786 |
| | PT Musim Mas, Medan | 151,32 | B787 |
| | PT Pelita Agung Agrindustri, Medan | 145,14 | B788 |

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| Country | Company | Duty rate EUR per tonne net | TARIC additional code |
|---|---|---|---|
| | PT Wilmar Bioenergi Indonesia, Medan; PT Wilmar Nabati Indonesia, Medan | 174,91 | B789 |
| | Other cooperating companies: PT Cermerlang Energi Perkasa, Jakarta | 166,95 | B790 |
| | All other companies | 178,85 | B999 |

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3. The anti-dumping duty on blends shall be applicable in proportion in the blend, by weight, of the total content of fatty-acid mono-alkyl esters and paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin (biodiesel content).

4. 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 Regulation (EEC) No 2454/93 ([1]) the amount of anti-dumping duty, calculated on the amounts set above, shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.

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

*Article 2*

The amounts secured by way of the provisional anti-dumping duties imposed by Commission Regulation (EU) No 490/2013 on imports of biodiesel originating in Argentina and Indonesia shall be definitively collected.

*Article 3*

Where any new exporting producer in Argentina or Indonesia provides sufficient evidence to the Commission that:

— it did not export to the Union the product described in Article 1(1) during the investigation period (1 July 2011 to 30 June 2012),

— it is not related to any of the exporters or producers in Argentina or Indonesia which are subject to the measures imposed by this Regulation,

— it has actually exported to the Union the product concerned after the investigation period on which the measures are based, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Union,

([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).

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Article 1(2) may be amended by adding the new exporting producer to the cooperating companies not included in the sample and thus subject to the weighted average duty rate of the country concerned.

*Article 4*

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.