

Official Journal of the European Union

L 202



English edition

Legislation

Volume 66

14 August 2023

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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.

DECISIONS

- ★ **Commission Implementing Decision (EU) 2023/1633 of 10 August 2023 rejecting an application for protection of a geographical indication in accordance with Article 52(1) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council ('Лидское пиво/Lidskoe pivo/Лідскае піва/Lidskae piva' (PGI))** (notified under document C(2023) 5372) 22

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1629

of 9 August 2023

amending Implementing Regulation (EU) 2020/761 as regards the quantities that may be imported under certain tariff quotas in the sectors of sugar and of poultry following the agreement between the European Union and the Federative Republic of Brazil

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 187, points (a) to (e), thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2020/761 ⁽²⁾ lays down the rules for the management of import and export tariff quotas for agricultural products managed by a system of import and export licences and provides for specific rules.
- (2) The Agreement between the European Union and the Federative Republic of Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union, concluded by Council Decision (EU) 2023/1056 ⁽³⁾, amends the quantities of products to be imported under some tariff quotas opened in favour of Brazil. The amendments concern tariff quotas in the sector of poultry with the following order numbers: 09.4211, 09.4214, 09.4217, 09.4251, 09.4252, 09.4253, 09.4410 and 09.4420 and tariff quota 09.4318 in the sector of sugar, and the creation of two additional tariff quotas in the sector of sugar.
- (3) The amendments made by that Agreement should be reflected in the respective Annexes to Implementing Regulation (EU) 2020/761: in Annex IV on tariff quotas in the sector of sugar and in Annex XII on tariff quotas in the sector of poultry.
- (4) Implementing Regulation (EU) 2020/761 should therefore be amended accordingly.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) 2020/761 of 17 December 2019 laying down rules for the application of Regulations (EU) No 1306/2013, (EU) No 1308/2013 and (EU) No 510/2014 of the European Parliament and of the Council as regards the management system of tariff quotas with licences (OJ L 185, 12.6.2020, p. 24).

⁽³⁾ Council Decision (EU) 2023/1056 of 25 May 2023 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union (OJ L 142, 1.6.2023, p. 1).

- (5) The amendments to Implementing Regulation (EU) 2020/761 should apply to tariff quota periods starting after the entry into force of this Regulation. It is necessary to clarify that operators could apply for the difference between the new quantities and the quantities already allocated in the course of the ongoing tariff quota period as from the first application period starting after the entry into force of this Regulation. In particular, for the tariff quotas with order numbers 09.4211, 09.4214, 09.4217, 09.4251, 09.4252, 09.4410, and 09.4420 which are divided in sub-periods, the difference between new quantities allocated to sub-periods already expired and the quantities actually allocated during those sub-periods should be available for allocation as from the allocation period starting after the entry into force of this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2020/761

Annexes IV and XII to Implementing Regulation (EU) 2020/761 are amended in accordance with the Annex to this Regulation.

Article 2

Transitional provisions

Where the tariff quota period has already started on the day of entry into force of this Regulation, the difference between the new quantity and the quantities already allocated shall be made available to applications lodged after the entry into force of this Regulation.

The new quantity for tariff quotas 09.4211, 09.4214, 09.4217, 09.4251, 09.4252, 09.4410, and 09.4420 shall follow the rules on distributions among sub-periods provided for in Annex XII to Implementing Regulation (EU) 2020/761. The difference between the quantities allocated and the new quantity that remained unused in the sub-periods expired before the entry into force of this Regulation, shall be allocated as of the first application period following the entry into force of this Regulation.

Article 3

Entry into force and application

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

It shall apply as of the first application period following the entry into force of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 August 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes IV and XII to Implementing Regulation (EU) 2020/761 are amended as follows:

(1) Annex IV is amended as follows:

(a) the table relating to the tariff quota with order number 09.4318 is amended as follows:

(i) the row 'International agreement or other act' is replaced by the following:

'International agreement or other act'	Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations Council Regulation (EC) No 1894/2006 of 18 December 2006 concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and Brazil relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of accession to the European Community, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff Council Regulation (EC) No 880/2009 of 7 September 2009 concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff Council Decision (EU) 2017/730 of 25 April 2017 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union Council Decision (EU) 2023/1056 of 25 May 2023 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union'
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(ii) the row 'Quantity in kilograms' is replaced by the following:

'Quantity in kilograms'	TRQ period 2022/2023: 308 518 000 kg. TRQ period 2023/2024: 285 654 000 kg. TRQ period 2024/2025: 353 219 000 kg. TRQ periods from 2025/2026: 363 654 000 kg.'
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- (b) after the table for tariff quota with order number 09.4318, the following tables for tariff quota with order number 09.4354 and tariff quota with order number 09.4355 are inserted:

Order number	09.4354
International agreement or other act	Council Decision (EU) 2023/1056 of 25 May 2023 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union
Tariff quota period	1 October to 30 September
Tariff quota sub-periods	No
Licence application	In accordance with Articles 6, 7 and 8 of this Regulation
Product description	Raw cane sugar for refining
Origin	Brazil
Proof of origin at licence application. If yes, body authorised to issue it	No
Proof of origin for release into free circulation	Yes. In accordance with Articles 57, 58 and 59 of Implementing Regulation (EU) 2015/2447
Quantity in kilograms	TRQ period 2023/2024: 5 963 000 kg. TRQ period 2024/2025: 4 472 000 kg. TRQ periods from 2025/2026: 0 kg.
CN codes	1701 13 10 and 1701 14 10
In-quota customs duty	EUR 11 per 1 000 kg. Where the polarimetric reading of the imported raw sugar departs from 96 degrees, the rate of EUR 11 per 1 000 kg shall be increased or reduced, as appropriate, by 0,14 % per tenth of a degree difference established (in accordance with Article 34(1), point (d), of this Regulation)
Proof of trade	Yes. 25 tonnes
Security for import licence	EUR 20 per 1 000 kg
Specific entries to be made on the licence application and on the licence	Section 8 of the import licence application and of the import licence shall indicate the country of origin; box 'yes' in that section shall be crossed. Section 20 shall indicate 'Sugar intended for refining' and the text as set out in Annex XIV.3 Part A to this Regulation
Period of validity of a licence	Until the end of the third month following that in which they were issued but no longer than 30 September (in accordance with Article 32 of this Regulation)
Transferability of licence	Yes

Reference quantity	No
Operator registered in LORI database	No
Specific conditions	Refining obligation in accordance with Article 34 of this Regulation
Order number	09.4355
International agreement or other act	Council Decision (EU) 2023/1056 of 25 May 2023 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union
Tariff quota period	1 October to 30 September
Tariff quota sub-periods	No
Licence application	In accordance with Articles 6, 7 and 8 of this Regulation
Product description	Raw cane sugar for refining
Origin	Brazil
Proof of origin at licence application. If yes, body authorised to issue it	No
Proof of origin for release into free circulation	Yes. In accordance with Articles 57, 58 and 59 of Implementing Regulation (EU) 2015/2447
Quantity in kilograms	TRQ period 2024/2025: 5 963 000 kg. TRQ periods from 2025/2026: 0 kg.
CN codes	1701 13 10 and 1701 14 10
In-quota customs duty	EUR 54 per 1 000 kg. Where the polarimetric reading of the imported raw sugar departs from 96 degrees, the rate of EUR 54 per 1 000 kg shall be increased or reduced, as appropriate, by 0,14 % per tenth of a degree difference established (in accordance with Article 34(1), point (d), of this Regulation)
Proof of trade	Yes. 25 tonnes
Security for import licence	EUR 20 per 1 000 kg
Specific entries to be made on the licence application and on the licence	Section 8 of the import licence application and of the import licence shall indicate the country of origin; box 'yes' in that section shall be crossed. Section 20 shall indicate 'Sugar intended for refining' and the text as set out in Annex XIV.3 Part A to this Regulation
Period of validity of a licence	Until the end of the third month following that in which they were issued but no longer than 30 September (in accordance with Article 32 of this Regulation)
Transferability of licence	Yes

Reference quantity	No
Operator registered in LORI database	No
Specific conditions	Refining obligation in accordance with Article 34 of this Regulation'

(2) Annex XII is amended as follows:

- (a) in the table relating to the tariff quota with order number 09.4211, the row 'Quantity in kilograms' is replaced by the following:

'Quantity in kilograms'	124 497 000 kg, divided as follows: 30 % for sub-period 1 July to 30 September 30 % for sub-period 1 October to 31 December 20 % for sub-period 1 January to 31 March 20 % for sub-period 1 April to 30 June'
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- (b) in the table relating to the tariff quota with order number 09.4214, the row 'Quantity in kilograms' is replaced by the following:

'Quantity in kilograms'	37 453 000 kg, divided as follows: 30 % for sub-period 1 July to 30 September 30 % for sub-period 1 October to 31 December 20 % for sub-period 1 January to 31 March 20 % for sub-period 1 April to 30 June'
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- (c) in the table relating to the tariff quota with order number 09.4217, the row 'Quantity in kilograms' is replaced by the following:

'Quantity in kilograms'	91 767 000 kg, divided as follows: 30 % for sub-period 1 July to 30 September 30 % for sub-period 1 October to 31 December 20 % for sub-period 1 January to 31 March 20 % for sub-period 1 April to 30 June'
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- (d) in the table relating to the tariff quota with order number 09.4251, the row 'Quantity in kilograms' is replaced by the following:

'Quantity in kilograms'	13 800 000 kg, divided as follows: 30 % for sub-period 1 July to 30 September 30 % for sub-period 1 October to 31 December 20 % for sub-period 1 January to 31 March 20 % for sub-period 1 April to 30 June'
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- (e) in the table relating to the tariff quota with order number 09.4252, the row 'Quantity in kilograms' is replaced by the following:

'Quantity in kg'	59 343 000 kg, divided as follows: 30 % for sub-period 1 July to 30 September 30 % for sub-period 1 October to 31 December 20 % for sub-period 1 January to 31 March 20 % for sub-period 1 April to 30 June'
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- (f) in the table relating to the tariff quota with order number 09.4253, the row 'Quantity in kilograms' is replaced by the following:

'Quantity in kilograms'	295 000 kg'
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- (g) in the table relating to the tariff quota with order number 09.4410, the row 'Quantity in kilograms' is replaced by the following:

'Quantity in kilograms'	15 050 000 kg, divided as follows: 25 % for each sub-period'
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- (h) in the table relating to the tariff quota with order number 09.4420, the row 'Quantity in kilograms' is replaced by the following:

'Quantity in kilograms'	4 420 000 kg, divided as follows: 25 % for each sub-period'
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COMMISSION IMPLEMENTING REGULATION (EU) 2023/1630**of 11 August 2023****amending Implementing Regulation (EU) 2023/834 on exceptional market support measures for the eggs and poultrymeat sectors in Italy**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 220(1), first subparagraph, point (a), thereof,

Whereas:

- (1) Within the context of outbreaks of highly pathogenic avian influenza of subtype H5 in Italy, the Commission adopted Commission Implementing Regulation (EU) 2023/834 ⁽²⁾ covering 294 outbreaks that occurred between 23 October 2021 and 31 December 2021.
- (2) Italy informed the Commission that a number of holdings growing pullets other than cage pullets had also been affected by health and veterinary measures in the form of compulsory closures and resulting losses. Currently, Implementing Regulation (EU) 2023/834 does not cover those holdings.
- (3) It is therefore appropriate to provide part-financing equivalent to 50 % of the expenditure borne by Italy under Implementing Regulation (EU) 2023/834 for holdings growing not only cage pullets but also other types of pullets and keep the same unit amount of support and the same maximum number of eligible animals.
- (4) Implementing Regulation (EU) 2023/834 should therefore be amended accordingly.
- (5) In order to ensure an immediate implementation by Italy of the measures to further category of poultry laid down in this Regulation within the time limit applicable to the payment of the aid referred to in Article 2(1), point (c) of Implementing Regulation (EU) 2023/834, this Regulation should enter into force on the third day following that of its publication in the *Official Journal of the European Union*.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3(1) of Implementing Regulation (EU) 2023/834, point (b)(i) is replaced by the following:

‘(i) EUR 0,038 per pullet per week falling within the CN code 0105 11 11 up to a maximum of 1 417 836 animals;’.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) 2023/834 of 18 April 2023 on exceptional market support measures for the eggs and poultrymeat sectors in Italy (OJ L 105, 20.4.2023, p. 2).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 August 2023.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1631**of 11 August 2023**

initiating an investigation concerning possible circumvention of the countervailing measures imposed by Implementing Regulation (EU) 2022/433 on imports of stainless steel cold-rolled flat products originating in Indonesia, by imports of stainless steel cold-rolled flat products consigned from Taiwan, Türkiye and Vietnam, whether declared as originating in Taiwan, Türkiye and Vietnam or not, and making imports of stainless steel cold-rolled flat products consigned from Taiwan, Türkiye and Vietnam subject to registration

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation') and in particular Articles 23(4) and 24(5) thereof,

After having informed the Member States,

Whereas:

A. REQUEST

- (1) The European Commission ('the Commission') has received a request pursuant to Articles 23(4) and 24(5) of the basic Regulation, to investigate the possible circumvention of the countervailing measures imposed on imports of stainless steel cold-rolled flat products originating in Indonesia and to make imports of certain stainless steel cold-rolled flat products consigned from Taiwan, Türkiye and Vietnam, whether declared as originating in Taiwan, Türkiye and Vietnam or not, subject to registration.
- (2) The request was lodged on 3 July 2023 by the European Steel Association – 'EUROFER' ('the applicant').

B. PRODUCT

- (3) The product concerned by the possible circumvention is flat-rolled products of stainless steel, not further worked than cold-rolled (cold-reduced), classified on the date of entry into force of Commission Implementing Regulation (EU) 2022/433 ⁽²⁾ under CN codes 7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7219 90 20, 7219 90 80, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81, 7220 20 89, 7220 90 20 and 7220 90 80 and originating in Indonesia ('the product concerned'). This is the product to which the measures that are currently in force apply.
- (4) The product under investigation is the same as that defined in the previous recital, currently falling under CN codes 7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7219 90 20, 7219 90 80, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81, 7220 20 89, 7220 90 20 and 7220 90 80, but consigned from Taiwan, Türkiye and Vietnam, whether declared as originating in Taiwan, Türkiye and Vietnam or not (TARIC codes 7219 31 00 10, 7219 32 10 10, 7219 32 90 10, 7219 33 10 10, 7219 33 90 10, 7219 34 10 10, 7219 34 90 10, 7219 35 10 10, 7219 35 90 10, 7219 90 20 10, 7219 90 80 10, 7220 20 21 10, 7220 20 29 10, 7220 20 41 10, 7220 20 49 10, 7220 20 81 10, 7220 20 89 10, 7220 90 20 10 and 7220 90 80 10) ('the product under investigation').

⁽¹⁾ OJ L 176, 30.6.2016, p. 55.

⁽²⁾ Commission Implementing Regulation (EU) 2022/433 of 15 March 2022 imposing definitive countervailing duties on imports of stainless steel cold-rolled flat products originating in India and Indonesia and amending Implementing Regulation (EU) 2021/2012 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of stainless steel cold-rolled flat products originating in India and Indonesia (OJ L 88, 16.3.2022, p. 24).

C. EXISTING MEASURES

- (5) The measures currently in force and possibly being circumvented are countervailing measures imposed by Implementing Regulation (EU) 2022/433 ('the existing countervailing measures'). The product concerned is also subject to anti-dumping measures imposed by Commission Implementing Regulation (EU) 2021/2012 ⁽³⁾ ('the existing anti-dumping measures'). These measures are subject to a separate anti-circumvention investigation.

D. GROUNDS

- (6) The request contains sufficient evidence that the existing countervailing measures on imports of the product concerned are being circumvented by imports of the product under investigation. The evidence in the request shows the following.
- (7) A change in the pattern of trade involving exports from Indonesia, as well as Taiwan, Türkiye and Vietnam to the Union has taken place following the imposition of the existing anti-dumping measures.
- (8) This change appears to stem from a practice for which there is insufficient due cause or economic justification other than the imposition of the duty, namely the consignment of the product concerned via Taiwan, Türkiye and Vietnam to the Union after having undergone assembly/completion operations in Taiwan, Türkiye or Vietnam respectively. The evidence provided by the applicant shows that such assembly/completion operations, starting from stainless steel slabs and/or stainless steel hot-rolled flat products originating in Indonesia, constitute circumvention as the operations started or have substantially increased since the initiation of the original anti-subsidy investigation. The stainless steel slabs and/or stainless steel hot-rolled flat products originating in Indonesia constitute above 60 % of the total value of the parts of the assembled product and the value added during the assembly/completion operations is lower than 25 % of the manufacturing cost.
- (9) Furthermore, the evidence shows that because of the practices described above, the remedial effects of the existing countervailing measures on the product concerned are being undermined both in terms of quantity and prices. Significant volumes of imports of the product under investigation appear to have entered the Union market. In addition, there is sufficient evidence that imports of the product under investigation are made at injurious prices.
- (10) Finally, the evidence tends to show that the product under investigation and/or parts thereof still benefit from subsidies. Indeed, the product under investigation and the parts thereof are produced by and exported to Taiwan, Türkiye and Vietnam by companies in Indonesia that were found to receive countervailable subsidies for the production and sale of the product under investigation under the existing measures.
- (11) Should circumvention practices covered by Article 23 of the basic Regulation, other than the one mentioned above, be identified in the course of the investigation, the investigation may also cover these practices.

E. PROCEDURE

- (12) In light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 23(4) of the basic Regulation and to make imports of the product under investigation subject to registration, in accordance with Article 24(5) of the basic Regulation.
- (13) In order to obtain the information necessary for this investigation, all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3(2) of this Regulation. The time limit set in Article 3(2) of this Regulation applies to all interested parties. Information, as appropriate, may also be sought from the Union industry.

⁽³⁾ Commission Implementing Regulation (EU) 2021/2012 of 17 November 2021 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of stainless steel cold-rolled flat products originating in India and Indonesia (OJ L 410, 18.11.2021, p. 153).

- (14) The authorities of Taiwan, Türkiye, Vietnam and Indonesia will be notified of the initiation of the investigation.

(a) Instructions for making written submissions and sending completed questionnaires and correspondence

- (15) Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested 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 right of defence.
- (16) 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' ⁽⁴⁾. Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.
- (17) Parties providing 'Sensitive' information are required to furnish non-confidential summaries of it pursuant to Article 29(2) of the basic Regulation, which will be labelled '*For inspection by interested parties*'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence.
- (18) 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.
- (19) Interested parties are invited to make all submissions and requests via TRON.tdi (<https://webgate.ec.europa.eu/tron/> TDI) including requests to be registered as interested parties, scanned powers of attorney and certification sheets.
- (20) 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>.

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>.

- (21) 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 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 by email, interested parties should consult the communication instructions with interested parties referred to above.

⁽⁴⁾ A 'Sensitive' document is a document which is considered confidential pursuant to Article 29 of the basic Regulation and Article 12 of the WTO Agreement on Subsidies and Countervailing Measures (SCM 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).

- (22) 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-SSCR-AC@ec.europa.eu

(b) Collection of information and holding of hearings

- (23) All interested parties including the Union industry, importers and any relevant association are invited to make their views known in writing and to provide supporting evidence provided that such submissions are made within the deadline provided for in Article 3(2). Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Requests for exemptions

- (24) In accordance with Article 23(6) of the basic Regulation, imports of the product under investigation may be exempted from measures if the importation does not constitute circumvention.
- (25) Since the possible circumvention takes place outside the Union, exemptions may be granted, in accordance with Article 23(6) of the basic Regulation, to producers of the product under investigation in Taiwan, Türkiye and Vietnam that can show that they are not engaged in circumvention practices as defined in Articles 23(3) of the basic Regulation. Producers, if any, wishing to obtain an exemption should come forward within the time-limit indicated in Article 3(1) of this Regulation. Copies of the questionnaire for exporting producers in Indonesia, the exemption claim form questionnaire for exporting producers in Taiwan, Türkiye and Vietnam and questionnaires for importers in the Union are available in the file for inspection by interested parties and on DG Trade's website: <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2675>. The questionnaires have to be submitted within the time limit indicated in Article 3(2) of this Regulation.

F. REGISTRATION

- (26) Pursuant to Article 24(5) of the basic Regulation, imports of the product under investigation shall be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, countervailing duties of an appropriate amount, not exceeding the residual duty imposed by Implementing Regulation (EU) 2022/433, can be levied from the date on which registration of such imports was imposed.

G. TIME LIMITS

- (27) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, submit questionnaires, present their views in writing or any other information to be taken into account during the investigation,
 - producers in Taiwan, Türkiye and Vietnam may request exemptions from measures,
 - interested parties may make a written request to be heard by the Commission.
- (28) Attention is drawn to the fact that the exercise of procedural rights set out in the basic Regulation depends on parties making themselves known within the time-limits laid down in Article 3 of this Regulation.

H. NON-COOPERATION

- (29) 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 28 of the basic Regulation.
- (30) 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 28 of the basic Regulation.
- (31) If an interested party does not cooperate or cooperates only partially and findings are therefore based on the facts available in accordance with Article 28 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

I. SCHEDULE OF THE INVESTIGATION

- (32) The investigation will be concluded, pursuant to Article 23(4) of the basic Regulation, within nine months of the date of entry into force of this Regulation.

J. PROCESSING OF PERSONAL DATA

- (33) It is noted that 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 ⁽⁵⁾.
- (34) 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>.

K. HEARING OFFICER

- (35) 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.
- (36) The Hearing Officer may organise hearings and mediate between the interested party/-ies and Commission 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.
- (37) 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. In principle, the timeframes set out in Article 3(3) of this Regulation to request hearings with the Commission services apply *mutatis mutandis* to requests for hearings with the Hearing Officer. 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.
- (38) 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.

⁽⁵⁾ 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is initiated pursuant to Article 23(4) of Regulation (EU) 2016/1037, in order to determine if imports into the Union of flat-rolled products of stainless steel, not further worked than cold-rolled (cold-reduced), currently falling under CN codes 7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7219 90 20, 7219 90 80, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81, 7220 20 89, 7220 90 20 and 7220 90 80, consigned from Taiwan, Türkiye and Vietnam, whether declared as originating in Taiwan, Türkiye and Vietnam or not (TARIC codes 7219 31 00 10, 7219 32 10 10, 7219 32 90 10, 7219 33 10 10, 7219 33 90 10, 7219 34 10 10, 7219 34 90 10, 7219 35 10 10, 7219 35 90 10, 7219 90 20 10, 7219 90 80 10, 7220 20 21 10, 7220 20 29 10, 7220 20 41 10, 7220 20 49 10, 7220 20 81 10, 7220 20 89 10, 7220 90 20 10 and 7220 90 80 10) are circumventing the measures imposed by Implementing Regulation (EU) 2022/433.

Article 2

1. The customs authorities of the Member States shall, pursuant to Article 23(4) and Article 24(5) of Regulation (EU) 2016/1037, take the appropriate steps to register the imports into the Union identified in Article 1 of this Regulation.
2. Registration shall expire nine months following the date of entry into force of this Regulation.

Article 3

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, requests for exemptions, 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 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.

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.

Done at Brussels, 11 August 2023.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1632**of 11 August 2023**

initiating an investigation concerning possible circumvention of the anti-dumping measures imposed by Implementing Regulation (EU) 2021/2012 on imports of stainless steel cold-rolled flat products originating in Indonesia, by imports of stainless steel cold-rolled flat products consigned from Taiwan, Türkiye and Vietnam, whether declared as originating in Taiwan, Türkiye and Vietnam or not, and making imports of stainless steel cold-rolled flat products consigned from Taiwan, Türkiye and Vietnam 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 13(3) and 14(5) thereof,

After having informed the Member States,

Whereas:

A. REQUEST

- (1) The European Commission ('the Commission') has received a request pursuant to Articles 13(3) and 14(5) of the basic Regulation, to investigate the possible circumvention of the anti-dumping measures imposed on imports of stainless steel cold-rolled flat products originating in Indonesia and to make imports of certain stainless steel cold-rolled flat products consigned from Taiwan, Türkiye and Vietnam, whether declared as originating in Taiwan, Türkiye and Vietnam or not, subject to registration.
- (2) The request was lodged on 3 July 2023 by the European Steel Association – 'EUROFER' ('the applicant').

B. PRODUCT

- (3) The product concerned by the possible circumvention is flat-rolled products of stainless steel, not further worked than cold-rolled (cold-reduced), classified on the date of entry into force of Commission Implementing Regulation (EU) 2021/2012 ⁽²⁾ under CN codes 7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7219 35 80, 7219 90 20, 7219 90 80, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81, 7220 20 89, 7220 90 20 and 7220 90 80 and originating in Indonesia ('the product concerned'). This is the product to which the measures that are currently in force apply.
- (4) The product under investigation is the same as that defined in the previous recital, currently falling under CN codes 7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7219 90 20, 7219 90 80, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81, 7220 20 89, 7220 90 20 and 7220 90 80, but consigned from Taiwan, Türkiye or Vietnam, whether declared as originating in Taiwan, Türkiye and Vietnam or not (TARIC codes 7219 31 00 10, 7219 32 10 10, 7219 32 90 10, 7219 33 10 10, 7219 33 90 10, 7219 34 10 10, 7219 34 90 10, 7219 35 10 10, 7219 35 90 10, 7219 90 20 10, 7219 90 80 10, 7220 20 21 10, 7220 20 29 10, 7220 20 41 10, 7220 20 49 10, 7220 20 81 10, 7220 20 89 10, 7220 90 20 10 and 7220 90 80 10) ('the product under investigation').

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Commission Implementing Regulation (EU) 2021/2012 of 17 November 2021 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of stainless steel cold-rolled flat products originating in India and Indonesia (OJ L 410, 18.11.2021, p. 153).

C. EXISTING MEASURES

- (5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Implementing Regulation (EU) 2021/2012 ('the existing anti-dumping measures'). The product concerned is also subject to countervailing measures imposed by Commission Implementing Regulation (EU) 2022/433 ⁽³⁾ ('the existing countervailing measures'). These measures are subject to a separate anti-circumvention investigation.

D. GROUNDS

- (6) The request contains sufficient evidence that the existing anti-dumping measures on imports of the product concerned are being circumvented by imports of the product under investigation. The evidence in the request shows the following.
- (7) A change in the pattern of trade involving exports from Indonesia, as well as Taiwan, Türkiye and Vietnam to the Union has taken place following the imposition of the existing anti-dumping measures.
- (8) This change appears to stem from a practice for which there is insufficient due cause or economic justification other than the imposition of the duty, namely the consignment of the product concerned via Taiwan, Türkiye and Vietnam to the Union after having undergone assembly/completion operations in Taiwan, Türkiye or Vietnam respectively. The evidence provided by the applicant shows that such assembly/completion operations, starting from stainless steel slabs and/or stainless steel hot-rolled flat products originating in Indonesia, constitute circumvention as the operations started or have substantially increased since the initiation of the anti-dumping investigation. The stainless steel slabs and/or stainless steel hot-rolled flat products originating in Indonesia constitute above 60 % of the total value of the parts of the assembled/completed product and the value added during the assembly/completion operations is lower than 25 % of the manufacturing cost.
- (9) Furthermore, the evidence shows that because of the practices described above, the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and prices. Significant volumes of imports of the product under investigation appear to have entered the Union market. In addition, there is sufficient evidence that imports of the product under investigation are made at injurious prices.
- (10) Finally, the evidence shows that the prices of the product under investigation are dumped in relation to the normal value previously established for the product concerned, adjusted for price development of the product concerned in Indonesia since the investigation period used when establishing the existing measures.
- (11) Should circumvention practices covered by Article 13 of the basic Regulation, other than the one mentioned above, be identified in the course of the investigation, the investigation may also cover these practices.

E. PROCEDURE

- (12) In light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13(3) of the basic Regulation and to make imports of the product under investigation subject to registration, in accordance with Article 14(5) of the basic Regulation.
- (13) In order to obtain the information necessary for this investigation, all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3(2) of this Regulation. The time limit set in Article 3(2) of this Regulation applies to all interested parties. Information, as appropriate, may also be sought from the Union industry.

⁽³⁾ Commission Implementing Regulation (EU) 2022/433 of 15 March 2022 imposing definitive countervailing duties on imports of stainless steel cold-rolled flat products originating in India and Indonesia and amending Implementing Regulation (EU) 2021/2012 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of stainless steel cold-rolled flat products originating in India and Indonesia (OJ L 88, 16.3.2022, p. 24).

- (14) The authorities of Taiwan, Türkiye, Vietnam and Indonesia will be notified of the initiation of the investigation.

(a) Instructions for making written submissions and sending completed questionnaires and correspondence

- (15) Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested 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 right of defence.
- (16) 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' (*). Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.
- (17) 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'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence.
- (18) 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.
- (19) Interested parties are invited to make all submissions and requests via TRON.tdi (<https://webgate.ec.europa.eu/tron/>) including requests to be registered as interested parties, scanned powers of attorney and certification sheets.
- (20) 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>.

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>

- (21) 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 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 by email, interested parties should consult the communication instructions with interested parties referred to above.

(*) 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).

- (22) 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-SSCR-AC@ec.europa.eu

(b) Collection of information and holding of hearings

- (23) All interested parties including the Union industry, importers and any relevant association are invited to make their views known in writing and to provide supporting evidence provided that such submissions are made within the deadline provided for in Article 3(2). Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Requests for exemptions

- (24) In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be exempted from measures if the importation does not constitute circumvention.
- (25) Since the possible circumvention takes place outside the Union, exemptions may be granted, in accordance with Article 13(4) of the basic Regulation, to producers of the product under investigation in Taiwan, Türkiye and Vietnam that can show that they are not engaged in circumvention practices as defined in Articles 13(1) and 13(2) of the basic Regulation. Producers, if any, wishing to obtain an exemption should come forward within the time-limit indicated in Article 3(1) of this Regulation. Copies of the questionnaire for exporting producers in Indonesia, the exemption claim form questionnaire for exporting producers in Taiwan, Türkiye and Vietnam and questionnaires for importers in the Union are available in the file for inspection by interested parties and on DG Trade's website: <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2674>. The questionnaires have to be submitted within the time limit indicated in Article 3(2) of this Regulation.

F. REGISTRATION

- (26) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation shall be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount, not exceeding the residual duty imposed by Commission Implementing Regulation (EU) 2021/2012, can be levied from the date on which registration of such imports was imposed.

G. TIME LIMITS

- (27) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, submit questionnaires, present their views in writing or any other information to be taken into account during the investigation,
 - producers in Taiwan, Türkiye and Vietnam may request exemptions from measures,
 - interested parties may make a written request to be heard by the Commission.
- (28) Attention is drawn to the fact that the exercise of procedural rights set out in the basic Regulation depends on parties making themselves known within the time-limits laid down in Article 3 of this Regulation.

H. NON-COOPERATION

- (29) 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.
- (30) 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.
- (31) If an interested party does not cooperate or cooperates only partially and findings are therefore based on the 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.

I. SCHEDULE OF THE INVESTIGATION

- (32) The investigation will be concluded, pursuant to Article 13(3) of the basic Regulation, within nine months of the date of entry into force of this Regulation.

J. PROCESSING OF PERSONAL DATA

- (33) It is noted that 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 ⁽⁵⁾.
- (34) 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>

K. HEARING OFFICER

- (35) 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.
- (36) The Hearing Officer may organise hearings and mediate between the interested party/ies and Commission 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.
- (37) 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. In principle, the timeframes set out in Article 3(3) of this Regulation to request hearings with the Commission services apply *mutatis mutandis* to requests for hearings with the Hearing Officer. 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.
- (38) 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

⁽⁵⁾ 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is initiated pursuant to Article 13(3) of Regulation (EU) 2016/1036, in order to determine if imports into the Union of flat-rolled products of stainless steel, not further worked than cold-rolled (cold-reduced), currently falling under CN codes 7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7219 90 20, 7219 90 80, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81, 7220 20 89, 7220 90 20 and 7220 90 80, consigned from Taiwan, Türkiye and Vietnam, whether declared as originating in Taiwan, Türkiye and Vietnam or not, (TARIC codes 7219 31 00 10, 7219 32 10 10, 7219 32 90 10, 7219 33 10 10, 7219 33 90 10, 7219 34 10 10, 7219 34 90 10, 7219 35 10 10, 7219 35 90 10, 7219 90 20 10, 7219 90 80 10, 7220 20 21 10, 7220 20 29 10, 7220 20 41 10, 7220 20 49 10, 7220 20 81 10, 7220 20 89 10, 7220 90 20 10 and 7220 90 80 10) are circumventing the measures imposed by Implementing Regulation (EU) 2021/2012.

Article 2

1. The customs authorities of the Member States shall, pursuant to Article 13(3) and Article 14(5) of Regulation (EU) 2016/1036, take the appropriate steps to register the imports into the Union identified in Article 1 of this Regulation.
2. Registration shall expire nine months following the date of entry into force of this Regulation.

Article 3

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, requests for exemptions, 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 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.

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.

Done at Brussels, 11 August 2023.

For the Commission
The President
Ursula VON DER LEYEN

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2023/1633

of 10 August 2023

rejecting an application for protection of a geographical indication in accordance with Article 52(1) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council

(‘Лідскае пиво/Lidskoe pivo/Лідскае піва/Lidskae piva’ (PGI))

(notified under document C(2023) 5372)

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(1) thereof,

Whereas:

- (1) In accordance with Article 50 of Regulation (EU) No 1151/2012, the Commission has examined the application for registration of the names of ‘Лідскае пиво/Lidskoe pivo/Лідскае піва/Lidskae piva’ as protected geographical indication (PGI). The application refers to a beer produced in the city of Lida in Belarus and was submitted by the Joint-Stock Company ‘Lidskoe Pivo’ from Belarus on 21 July 2021 (PGI-BY-02789).
- (2) Following the scrutiny, the Commission sent a letter requesting clarification of some of the aspects of the file. In particular, taking into account that water for the production of the ‘Лідскае пиво/Lidskoe pivo/Лідскае піва/Lidskae piva’ has to come from particular springs located on land owned by the applicant, and production of the product is carried out according to a ‘separate unique technological instruction’, (as stated in the initial product specification), the owner and the only user of which is the applicant, the applicant was asked to explain if the participation of other producers is possible in accordance with the principles of Geographical Indications scheme in the EU.
- (3) Moreover, the Commission explained that a single natural or legal person may be treated as a group, when filing an application, where it is shown that both of the conditions of Article 49(1), second subparagraph of the Regulation (EU) No 1151/2012 are fulfilled: (a) the person concerned is the only producer willing to submit an application; and (b) with regard to protected geographical indications, the defined geographical area possesses characteristics which differ appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas. The applicant was asked to provide such justifications.
- (4) In the reply the applicant provided an updated Single Document and product Specification, according to which the Joint-Stock Company ‘Lidskoe Pivo’ is the only owner and operator of the wells that must be used for production of ‘Лідскае пиво/Lidskoe pivo/Лідскае піва/Lidskae piva’ and that the entire production process is carried out on the territory of city of Lida by the applicant and according to a ‘separate unique technological instruction’, the owner and sole user of which is the applicant.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

- (5) On the basis of the information provided, the Commission concluded that the application does not fulfil the requirements laid down in Regulation (EU) No 1151/2012 and informed in the rejection letter that, if no observations have been received within two months of receipt of the letter, it intends to launch the procedure for the adoption of a formal Commission decision rejecting the application pursuant to Article 52(1) of Regulation (EU) No 1151/2012.
- (6) The Commission took into account that the system of GIs has been developed and designed in order to allow producers, of a certain area and whose product differentiates itself from any other product on the market due to the natural/social environment in which it has been produced, to protect their products.
- (7) The Commission considered that the participation of other producers is clearly not possible in case of 'Лидское пиво/Lidskoe pivo/Лідське пиво/Lidskae piva' where the applicant is the only owner and operator of the wells that must be used for production of the product in question.
- (8) Moreover, the Commission took into account that the owner and sole user of the 'separate unique technological instruction', according to which the product is produced, is the applicant. Therefore, the product characteristics are not attributable to its geographical origin as required by Article 5(2) of Regulation (EU) No 1151/2012 but to special production method that is in the exclusive possession of the applicant.
- (9) Further, Article 49(1) of Regulation (EU) No 1151/2012 provides that applications for the protection of GIs should be submitted by a group of producers, as a rule. Only where the additional conditions of Article 49(1), second subparagraph are fulfilled, may a single producer apply for such protection. The Commission noted that the applicant did not provide any justification in this regard.
- (10) The applicant replied to the rejection letter sent by the Commission that the wells themselves do not determine the special composition of the water but that the water is unique due to the natural underground water sources located in the town of Lida. In the applicant's view there are no obstacles for any other producer to drive a new well or acquire rights to any existing well.
- (11) The applicant explained that the ties between the product and the geographical area are shown in the provided documentation and that using a special production technology does not contradict the requirements.
- (12) The applicant informed that the Joint-Stock Company 'Lidskoe Pivo' appears to be the only producer willing to submit the application and that the water provided by the natural sources in the town of Lida have unique characteristics that contribute largely to the product authenticity.
- (13) The applicant did not provide any comments regarding 'separate unique technological instruction' but replaced the statement by reference to 'water treatment'.
- (14) The Commission took into account the clarifications provided by the applicant and concludes that the application in question does not allow participation of other possible producers.
- (15) According to the updated Single Document 'the applicant is the owner and operator of two wells that are fed from the underground aquifer located in the town of Lida. The water for production of "Лидское пиво/Lidskoe pivo/Лідське пиво/Lidskae piva" is coming exclusively from this source'. Therefore, the operators willing to adhere to the rules of production of the beer in question would face obstacles that are not objectively justified since the wells are owned by the applicant and located on land it owns.
- (16) Moreover, according to the updated product Specification 'packing and production of "Лидское пиво/Lidskoe pivo/Лідське пиво/Lidskae piva" is carried out by Joint-Stock Company "Lidskoe Pivo" itself confirming that, contrary to the principles of Geographical Indications scheme in the EU, the participation of other producers is not possible.
- (17) Furthermore, the production technics are described in a general way, without providing any details that would allow participation of other potential producers.

- (18) Protected geographical indications confer, unlike individual trademarks, collective rights and contrary to trade marks owned by clearly identifiable holders, GIs are deemed to be owned by a collective abstract community, that comprises all producers, -current or potential-, abiding to the related specification. This means that any producer who respects the requirements of the product specification may use the protected designation.
- (19) In the light of the above the Commission considers that the application for registration 'Лидское пиво/Lidskoe pivo/Лідське пиво/Lidskae piva' as PGI does not fulfil the requirements of the Regulation (EU) No 1151/2012, namely Article 5(2) and Article 49(1) of the said Regulation.
- (20) The application for protection of the names 'Лидское пиво/Lidskoe pivo/Лідське пиво/Lidskae piva' should therefore be rejected.
- (21) The measures provided for in this Decision are in accordance with the opinion of the Agricultural Product Quality Policy Committee,

HAS ADOPTED THIS DECISION:

Article 1

The application for registration of the name 'Лидское пиво/Lidskoe pivo/Лідське пиво/Lidskae piva' is rejected.

Article 2

This Decision is addressed to the legal representative of the applicant:

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Done at Brussels, 10 August 2023.

For the Commission
Janusz WOJCIECHOWSKI
Member of the Commission

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



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

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