Council Implementing Regulation (EU) No 190/2014 of 24 February 2014 amending Implementing Regulation (EU) No 461/2013 imposing a definitive countervailing duty on imports of certain polyethylene terephthalate (PET) originating in India following an expiry review pursuant to Article 18 of Regulation (EC) No 597/2009

COUNCIL IMPLEMENTING REGULATION (EU) No 190/2014

of 24 February 2014

amending Implementing Regulation (EU) No 461/2013 imposing a definitive countervailing duty on imports of certain polyethylene terephthalate (PET) originating in India following an expiry review pursuant to Article 18 of Regulation (EC) No 597/2009

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community[(1)] ('the basic Regulation'), and in particular Article 13 thereof,

Having regard to the proposal from the European Commission after consulting the Advisory Committee,

Whereas:

A. **PREVIOUS PROCEDURE**

(1) By Regulation (EC) No 2603/2000[(2)], the Council imposed countervailing measures on imports of polyethylene terephthalate ('PET') originating in India. Following an expiry review, those measures have been last maintained by Council Implementing Regulation (EU) No 461/2013[(3)].

(2) By Regulation (EC) No 2604/2000[(4)], the Council imposed anti-dumping measures on imports of PET originating in India. Following an expiry review, those measures have been last maintained by Council Regulation (EC) No 192/2007[(5)]. On 24 February 2012, the Commission initiated a subsequent expiry review. By Implementing Decision 2013/226/EU[(6)], the Council rejected the Commission's proposal for a Council implementing regulation maintaining the anti-dumping duty on imports of PET originating in, inter alia, India and, thus, the anti-dumping measures expired.

(3) In 2000, by Decision 2000/745/EC[(7)], the Commission accepted price undertakings offered in connection with both the anti-dumping and anti-subsidy proceedings from, inter alia, the Indian companies Pearl Engineering Polymers Limited ('Pearl') and Reliance Industries Limited ('Reliance'). In 2005, by Decision 2005/697/EC[(8)], the Commission accepted an undertaking from the Indian company South ASEAN Petrochem Limited which, as a result of a merger, changed its name to Dhunseri Petrochem & Tea Limited ('Dhunseri')[(9)].

***Changes to legislation:** There are currently no known outstanding effects for the Council Implementing Regulation (EU) No 190/2014. (See end of Document for details)*

B. WITHDRAWAL OF UNDERTAKINGS AND AMENDMENT OF IMPLEMENTING REGULATION (EU) No 461/2013

(4) By Implementing Decision 2014/109/EU[10], the Commission withdrew the acceptance of the undertakings offered by the three Indian companies: Dhunseri, Reliance and Pearl. Therefore, Article 1(4) and Article 2 of Implementing Regulation (EU) No 461/2013, together with the Annex to that Regulation, should be repealed. Accordingly, the definitive countervailing duties imposed by Article 1(2) of Implementing Regulation (EU) No 461/2013 should apply to imports of PET produced by the companies Dhunseri, Reliance and Pearl (TARIC additional code A585 for Dhunseri, TARIC additional code A181 for Reliance and TARIC additional code A182 for Pearl),

HAS ADOPTED THIS REGULATION:

Article 1

1 Article 1(4) and Article 2 of Implementing Regulation (EU) No 461/2013 and the Annex to that Regulation are repealed.

2 Article 1(5) of Implementing Regulation (EU) No 461/2013 shall be renumbered Article 1(4).

3 Article 3 of Implementing Regulation (EU) No 461/2013 shall be renumbered Article 2.

Article 2

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, 24 February 2014.

For the Council

The President

K. ARVANITOPOULOS