

## Customs Flash

### News you can count on



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#### Anti-subsidy proceeding terminated for imports of bioethanol from the United States

In August 2012 we published a Customs Flash regarding the registration procedure on imports of bioethanol from the United States (hereafter: US) in the European Union (hereafter: EU). The European Commission informed the public in Commission Decision 2012/825/EU, that this anti-subsidy proceeding will be terminated.

After a complaint of ePure, a group of producers of renewable ethanol, the European Commission started with the initiation of the anti-subsidy procedure. ePure was of the opinion that the surge in imports of bioethanol benefiting from countervailable subsidies caused injury to the EU market.

In the Commission Decision of 20 December 2012, the European Commission stated that the main subsidy scheme, the mixture tax credit of the US, is terminated. Following the basic regulation, no measures shall be imposed if the subsidy or subsidies are withdrawn or when the exporters concerned no longer benefit from this subsidies. In the view of the above the anti-subsidy investigation should be terminated.

However, objections to the termination are made by the Advisory Committee. This means that the anti-subsidy investigation will be terminated within one month if there is no qualified majority of the Advisory Committee deciding otherwise.

#### What does it mean for you?

If your company imports into the EU bioethanol originating in the US currently falling within CN codes ex 2207 10 00, ex 2207 20 00, ex 2208 90 99, ex 2710 12 11, ex 2710 12 15, ex 2710 12 21, ex 2710 12 25, ex 2710 12 31, ex 2710 12 41, ex 2710 12 45, ex 2710 12 49, ex 2710 12 51, ex 2710 12 59, ex 2710 12 70, ex 2710 12 90, ex 3814 00 10, ex 3814 00 90, ex 3820 00 00 and ex 3824 90 97, customs authorities will no longer register these products for the anti-subsidy investigation.

Products which are registered in the past for the anti-subsidy investigation will not be subject for countervailing duty.

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