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## EUROPEAN UNION - ANTI-DUMPING MEASURES ON BIODIESEL FROM INDONESIA

### STATUS REPORT REGARDING IMPLEMENTATION OF THE DSB RECOMMENDATIONS AND RULINGS BY THE EUROPEAN UNION

The following communication, dated 16 August 2018, from the delegation of the European Union to the Chairperson of the Dispute Settlement Body, is circulated pursuant to Article 21.6 of the DSU.

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The European Union submits this report in accordance with Article 21.6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU").

On 28 February 2018, the Dispute Settlement Body ("DSB") adopted the Panel report in the dispute *European Union - Anti-Dumping Measures on Biodiesel from Indonesia* (WT/DS480) with respect to the anti-dumping measures imposed by the European Union on imports of biodiesel originating in, *inter alia*, Indonesia.<sup>1</sup>

At the DSB meeting of 27 March 2018, pursuant to Article 21.3 of the DSU, the European Union informed the DSB that it intended to implement the recommendations and rulings of the DSB in this dispute in a manner that respected its WTO obligations and that it needed a reasonable period of time in which to do so. The European Union referred to the reasonable period of time agreed with Indonesia and communicated to the DSB on 1 March 2018.<sup>2</sup> In accordance with this agreement, the reasonable period of time for the European Union to implement the recommendations and rulings of the DSB in this dispute is set to expire on 28 October 2018.

In order to implement the recommendations and rulings of the DSB in this dispute, the European Union reopened the anti-dumping investigation concerning imports of biodiesel originating in, *inter alia*, Indonesia by publication of a Notice in the Official Journal of the European Union on 28 May 2018 (the "Notice").<sup>3</sup> All exporting producers and the European Union industry ("interested parties") were invited by the Notice to make their views known, submit information and provide supporting evidence. Interested parties were also informed by the Notice of the possibility to be heard by the European Commission investigation services and to request the intervention of the Hearing Officer in trade proceedings. Interested parties were also informed by the Notice that they would be subsequently informed of the findings of the investigation and would be given an opportunity to comment.

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<sup>1</sup> Commission Regulation (EU) No. 490/2013 of 27 May 2013 imposing a provisional anti-dumping duty on imports of biodiesel originating in Argentina and Indonesia (OJ L 141, 28.5.2013, p. 6) ("Provisional Regulation"); 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) ("Definitive Regulation").

<sup>2</sup> WT/DS480/7 - European Union - Anti-Dumping Measures on Biodiesel from Indonesia - Agreement under article 21.3(b) of the DSU.

<sup>3</sup> Notice concerning the judgments of the General Court of 15 September 2016 in Cases T-80/14, T-111/14 to T-121/14 and T-139/14 regarding Council Implementing Regulation (EU) No 1194/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on Argentinian and Indonesian imports of biodiesel, and following the recommendations and rulings adopted by the Dispute Settlement Body of the World Trade Organisation in disputes DS473 and DS480 (EU — Anti-Dumping Measures on Biodiesel disputes) (OJ C 181, 28.05.2018, p. 5).

The relevant procedures on the basis of the Notice are on-going and are expected to be finalised in the near future.

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