

Commission Implementing Regulation (EU) 2020/2100 of 15 December 2020 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia following an expiry review pursuant to Article 11(2) of the Regulation (EU) 2016/1036 of the European Parliament and of the Council

- Article 1 (1) A definitive anti-dumping duty is hereby imposed on imports...
- Article 2 For the following goods produced by all companies (TARIC additional...
- Article 3 (1) For the following goods produced by all companies except...
- Article 4 (1) In cases where goods have been damaged before entry...
- Article 5 This Regulation shall enter into force on the day following...
- Signature

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2100. (See end of Document for details)

- (1) [OJ L 176, 30.6.2016, p. 21.](#)
- (2) Council Regulation (EC) No 2022/95 of 16 August 1995 imposing definitive anti-dumping duty on imports of ammonium nitrate originating in Russia ([OJ L 198, 23.8.1995, p. 1.](#))
- (3) Council Regulation (EC) No 663/98 of 23 March 1998 amending Regulation (EC) No 2022/95 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia ([OJ L 93, 26.3.1998, p. 1.](#))
- (4) Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ([OJ L 56, 6.3.1996, p. 1.](#) Regulation as last amended by Regulation (EC) No 2238/2000 ([OJ L 257, 11.10.2000, p. 2.](#))
- (5) Council Regulation (EC) No 658/2002 of 15 April 2002 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia ([OJ L 102, 18.4.2002, p. 1.](#))
- (6) Council Regulation (EC) No 945/2005 of 21 June 2005 amending Regulation (EC) No 658/2002 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia and Regulation (EC) No 132/2001 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in, inter alia, Ukraine, following a partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 ([OJ L 160, 23.6.2005, p. 1.](#))
- (7) Council Regulation (EC) No 661/2008 of 8 July 2008 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia following an expiry review pursuant to Article 11(2) and a partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 ([OJ L 185, 12.7.2008, p. 1.](#))
- (8) Commission Decision 2008/577/EC of 4 July 2008 accepting the undertaking offered in connection with the anti-dumping proceeding concerning imports of ammonium nitrate originating in Russia and Ukraine ([OJ L 185, 12.7.2008, p. 43.](#))
- (9) Case T-348/05.
- (10) Case T-348/05 INTP.
- (11) Council Regulation (EC) No 989/2009 of 19 October 2009 amending Regulation (EC) No 661/2008, imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia ([OJ L 278, 23.10.2009, p. 1.](#))
- (12) Commission Decision 2012/629/EU of 10 October 2012 amending Decision 2008/577/EC accepting the undertakings offered in connection with the anti-dumping proceeding concerning imports of ammonium nitrate originating in Russia ([OJ L 277, 11.10.2012, p. 8.](#))
- (13) Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ([OJ L 343, 22.12.2009, p. 51.](#))
- (14) Commission Implementing Regulation (EU) No 999/2014 of 23 September 2014 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 ([OJ L 280, 24.9.2014, p. 19.](#))
- (15) Commission Implementing Regulation (EU) 2016/226 of 17 February 2016 amending Implementing Regulation (EU) No 999/2014 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 ([OJ L 41, 18.2.2016, p. 13.](#))
- (16) Commission Implementing Regulation (EU) 2016/415 of 21 March 2016 withdrawing the acceptance of the undertaking for two exporting producers and repealing Decision 2008/577/EC accepting an undertaking offered in connection with the anti-dumping proceeding concerning imports of ammonium nitrate originating in Russia ([OJ L 75, 22.3.2016, p. 10.](#))
- (17) Commission Implementing Regulation (EU) 2018/1722 of 14 November 2018 amending Implementing Regulation (EU) No 999/2014 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia following an interim review pursuant to Article 11(3) of Regulation (EU) 2016/1036 of the European Parliament and of the Council ([OJ L 287, 15.11.2018, p. 3.](#))
- (18) [OJ C 53, 11.2.2019, p. 3.](#)
- (19) Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of ammonium nitrate originating in Russia ([OJ C 318, 23.9.2019, p. 6.](#))

- (20) The response to the disclosure was filed jointly by RFPA, Eurochem group and Uralchem group.
- (21) Decision of the European Ombudsman closing the inquiry into complaint 577/2014/MDC on the European Commission's refusal to grant access, pursuant to Council Regulation 1225/2009, to a request for review concerning the expiry of anti-dumping duties on ammonium nitrate imports from Russia, para.14 ('Ombudsman Decision').
- (22) Dispute DS494, EU – Cost Adjustment Methodologies II (Russia).
- (23) Commission Implementing Regulation (EU) 2019/1688 of 8 October 2019 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of mixtures of urea and ammonium nitrate originating in Russia, Trinidad and Tobago and the United States of America (OJ L 258, 9.10.2019, p. 21).
- (24) Judgment of the Court of First Instance of 10 September 2008, Case T-348/05, JSC Kirovo-Chepetsky Khimichesky Kombinat v Council, EU:T:2008:327.
- (25) Including ammonium nitrate to which phosphorus and/or potassium nutrients were added (so-called 'dirty' or 'stabilised' ammonium nitrate).
- (26) Judgment of the Court of First Instance of 9 July 2009, Case T-348/05 INTP, JSC Kirovo-Chepetsky Khimichesky Kombinat v Council, EU:T:2009:261.
- (27) Russian Fertilizer Producers' Association, EuroChem group (Joint Stock Company 'Nevinnomyssky Azot', Joint Stock Company 'Azot'), Uralchem JSC, PJSC Acron and its related companies..
- (28) Judgment of 10 September 2008, JSC Kirovo-Chepetsky Khimichesky Kombinat v Council of European Union, T-348/05, EU:T:2008:327, para. 64.
- (29) Judgment of the Court of First Instance of 9 July 2009, Case T-348/05 INTP, JSC Kirovo-Chepetsky Khimichesky Kombinat v Council, EU:T:2009:261, para. 8.
- (30) Monthly import statistics based on actual data provided by customs authorities in Member States under Article 14(6) of the basic Regulation.
- (31) Implementing Regulation (EU) 2018/1722.
- (32) This excludes the sales of stabilised ammonium nitrate produced by Kirovo branch of Uralchem, which are not subject to an anti-dumping duty.
- (33) Implementing Regulation (EU) No 999/2014.
- (34) Implementing Regulation (EU) 2019/1688, recital 56.
- (35) Implementing Regulation (EU) No 999/2014, recital 82.
- (36) <https://www.acron.ru/en/the-geography-of-business/as-dbt/>
- (37) <https://www.uralchem.com/about/assets/4644/>
- (38) Source: IFA, 2016 (see Annex XXIX of the Review Request).
- (39) 2019 semi-annual reports of the countries on the WTO website https://www.wto.org/english/tratop_e/adp_e/adp_e.htm
- (40) Implementing Regulation (EU) No 999/2014, recital 154.
- (41) <https://www.ceicdata.com/en/china/petrochemical-trade-fertilizer-quantity/cn-import-ammonium-nitrate> (accessed on 10 July 2020)
- (42) Implementing Regulation (EU) 2018/1722, recital 76.
- (43) Source: Fertecon (see RFPA submission dated 30 October 2019, p. 18).
- (44) See Annex 26 of the Review Request – Russia Exports and Imports of AN to the World.
- (45) See <https://www.oecd.org/eurasia/countries/>
- (46) Source: IFA, 2016 (see Annex 29 of the Review Request)
- (47) Government order of March 29, 2018 No 532, submitted as Annex 28 of the Review Request.

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- (48) Russian exporting producers of UAN (which include Acron and Eurochem) exported 613 491 tonnes of UAN in the period 1 July 2017 – 30 June 2018. Anti-dumping measures on the UAN Russian imports will likely lead to an increased pressure on the Russian producers to export other nitrogen fertilizers (including AN) in order to achieve the targeted 2 % increase in exports.
- (49) Implementing Regulation (EU) No 999/2014, in particular recitals 72 and 96.
- (50) Implementing Regulation (EU) 2018/1722.
- (51) Implementing Regulation (EU) 2018/1722, recital 139.
- (52) See <https://zakon.rada.gov.ua/laws/show/535-2019-п#Text>, accessed on 15 October 2020.
- (53) See <https://www.president.gov.ua/documents/1762018-24362>, https://www.president.gov.ua/storage/j-files-storage/00/61/50/f5678abf43bcb17ce6b232500e9a7312_1529676085.pdf, accessed on 15 October 2020.
- (54) Government order of March 29, 2018 No 532, submitted as Annex 28 of the Review Request.
- (55) Association Générale des Producteurs de Blé et autres céréales, France (AGPB), Irish Farmers' Association, Ireland (IFA).
- (56) AGPB, IFA.
- (57) Bloomberg; World Gas Intelligence; World Bank; spot TTF.
- (58) AGPB, IFA.
- (59) AGPB, IFA.
- (60) AGPB, IFA.
- (61) AGPB, IFA.
- (62) Implementing Regulation (EU) 2018/1722.
- (63) AGPB, IFA.
- (64) AGPB, IFA.
- (65) Source: World Bank Commodities Price Forecast.
- (66) Submission of AGPB and IFA of 21/04/2020 (t20.003085) and 05/10/2020 (t20.006054).
- (67) Source: World Bank Commodities Price Forecast.
- (68) Submission of AGPB and IFA of 05/11/2019 (t19.005682).
- (69) Submission of AGPB and IFA of 05/11/2019 (t19.005682).
- (70) Actual AN prices in the Union were based on the verified questionnaire replies of the sampled Union producers, where sales price was collected at ex-works (factory) level, i.e. sales value net of any transport cost to the customer's premises; exclusive of VAT; net of credit notes and trade discounts allowed (discounts immediately deducted on the invoice).
- (71) Delivered to the EU boarder.
- (72) Submission of AGPB and IFA of 05/11/2019 (t19.005682).
- (73) Submission of AGPB and IFA of 05/10/2020 (t20.006054).
- (74) Submission of AGPB and IFA of 05/11/2019 (t19.005682).
- (75) Russian Fertilizer Producers' Association, EuroChem group (Joint Stock Company 'Nevinnomyssky Azot', Joint Stock Company 'Azot') and Uralchem JSC.
- (76) Volumes reported under AS (Ammonium Sulphate Nitrate) and OSTRN (Other Straight Nitrogen) indicated only estimated deliveries (= Consumption – Imports), which were not taken into account, since imports in this source were based on 8 digit CN code and may have included other products (while the Commission is using 10 digit TARIC code).
- (77) Comments on General disclosure document by Russian Fertilizer Producers' Association, EuroChem group (Joint Stock Company 'Nevinnomyssky Azot', Joint Stock Company 'Azot') and Uralchem JSC, t20.006223.

- (78) World Bank Commodities Price Forecast; AMIS Market Monitor, Fertilizers Outlook.
- (79) World Bank Commodities Price Forecast; AMIS Market Monitor, Fertilizers Outlook.
- (80) World Bank Commodities Price Forecast.
- (81) http://trade.ec.europa.eu/tdi/case_details.cfm?id=2410
- (82) https://www.industry.gov.au/sites/default/files/adc/public-record/473-066_-_notice_-_adn_2019-057_-_findings_in_relation_to_a_dumping_investigation.pdf
- (83) CN8 digit code level including all the codes covering the product under review.
- (84) Russian Fertilizer Producers' Association, EuroChem group (Joint Stock Company 'Nevinnomyssky Azot', Joint Stock Company 'Azot') and Uralchem JSC.
- (85) As indicated in the questionnaire reply available to interested parties, t19.006120.
- (86) EU Agricultural Markets Briefs, Fertilisers in the EU, European Commission, DG AGRI, t20.004387.
- (87) Quarterly report on European Gas Markets, issue 4, fourth quarter of 2019, European Commission, DG Energy, t20.003589.
- (88) Russian Fertilizer Producers' Association, EuroChem group (Joint Stock Company 'Nevinnomyssky Azot', Joint Stock Company 'Azot'), Uralchem JSC and Acron group.
- (89) Implementing Regulation (EU) 2019/1688.
- (90) Russian Fertilizer Producers' Association, EuroChem group (Joint Stock Company 'Nevinnomyssky Azot', Joint Stock Company 'Azot') and Uralchem JSC.
- (91) As can be seen from the annual reports of the group, revenues generated by this group (around 75 % of the revenues were from all the fertilizer sales) in Latin America were less than 10 % of all group revenues.
- (92) Undercutting margins would still be in a range of 8 – 28 % if no deduction of the SG&A and profits of the exporting producers' related selling entities in the EU, nor credit costs would be made.
- (93) Government order of March 29, 2018 No 532.
- (94) From 9,5 million tonnes in 2016 to 11,7 million tonnes in 2020 and 12,3 million tonnes in 2025.
- (95) Import volumes of above 2 million tonnes.
- (96) Latin America was the largest market for exports of the cooperating Russian companies. Import prices from the cooperating companies to Latin America were lower than to the EU.
- (97) 2019 semi-annual reports of the countries on the WTO website https://www.wto.org/english/tratop_e/adp_e/adp_e.htm
- (98) Russian Fertilizer Producers' Association, EuroChem group (Joint Stock Company 'Nevinnomyssky Azot', Joint Stock Company 'Azot'), Uralchem JSC and Acron group.
- (99) Compared after adjustment of provided AN spot prices to ex-works price level.
- (100) Using, as example, the delivery cost of one of the sampled Russian producers provided in the submission of these parties, comments on General disclosure document by Russian Fertilizer Producers' Association, EuroChem group (Joint Stock Company 'Nevinnomyssky Azot', Joint Stock Company 'Azot') and Uralchem JSC, t20.006223
- (101) Russian Fertilizer Producers' Association, EuroChem group (Joint Stock Company 'Nevinnomyssky Azot', Joint Stock Company 'Azot') and Uralchem JSC.
- (102) The analysis is based on Eurostat (CN8 digit level) and UNICOM trade (CN6 digit level) statistics, which include other products than the product under review.
- (103) Cost in a range of 40 – 50 EUR/tonne, as reported by the interest parties making this claim.
- (104) Break-even price is the price that would cover the cost of production, i.e. 198 EUR/tonne established in the RIP.
- (105) File t20.005622.

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- (106) Source: World Bank Commodities Price Forecast, Natural gas price, Europe in 2016 and 2023 is 4,6 \$/mmbtu.
- (107) Comments on General disclosure document by Russian Fertilizer Producers' Association, EuroChem group (Joint Stock Company 'Nevinnomyssky Azot', Joint Stock Company 'Azot') and Uralchem JSC, t20.006223.
- (108) Most Favoured Nation.
- (109) Implementing Regulation (EU) No 999/2014).
- (110) Source: Hearing with users' associations, t19.005682, 8/11/2019.
- (111) Source: Farm Accountancy Data Network (FADN), Farm Economy Focus by sector, DG AGRI, <https://agridata.ec.europa.eu/>; t20.004226/t20.004250.
- (112) Specific crop cost consists of costs for fertilizers (including AN), seeds, pesticides and feed (also 'cost of raw materials').
- (113) Total farm cost/total inputs consists of specific crop cost (cost of raw materials), labour cost, overheads (incl. depreciation).
- (114) Last financial year – 2018. Source: questionnaire reply of the two farmers.
- (115) According to the data submitted by the cooperating COP farmers in their replies to the anti-dumping questionnaires.
- (116) Last financial year – 2018.
- (117) Last financial year – 2018.
- (118) Source: submission of users' associations, t19.005682.
- (119) Seeds' cost share increased from 7,1 % to 7,5 % from 2014 to 2018; wages, rent, interest paid share increased from 17,7 % to 19,2 % during the same period in the EU COP farms.
- (120) Economic accounts of agriculture, t20.004550.
- (121) Last financial year – 2018.
- (122) Source: submission of users' associations, t19.005682.
- (123) AGPB, IFA.
- (124) Source: Hearing with users' associations, t19.005799, 15/11/2019.
- (125) Source: Hearing with users' associations, t19.005682, 15/11/2019. It is noted that the forward estimations relate to 2018 and 2019, i.e. now the past. The associations did not provide any actual figures for these two years.
- (126) Source: Agricultural and farm income, DG Agriculture and Rural Development, Unit Farm Economics, t20.003213
- (127) Source: Farm Economy Focus by sector, DG AGRI, <https://agridata.ec.europa.eu/>; t20.004226.
- (128) Last financial year – 2018. Source: questionnaire reply of the two farmers.
- (129) Based on comparison of Union industry's price of AN on the Union market (source: verified questionnaire replies of the sampled producers) and income level of all crop farms in the EU, also specialised COP farms in the EU and France (source: DG AGRI).
- (130) AGPB, IFA.
- (131) Source: EU agricultural outlook for markets and income 2019 – 2030, DG AGRI, European Commission.
- (132) AGPB, IFA.
- (133) Farm Family Income (FFI) is the income after the deduction of the costs of hired labour, interest paid and rent paid and is the return to the farmer for the use of his own labour, own land and own capital.
- (134) Source: Hearing with FE, t19.005516, 24/10/2019.
- (135) AGPB, IFA.

- (136) AGPB, IFA.
- (137) Source: Agricultural and farm income, DG Agriculture and Rural Development, Unit Farm Economics, t20.003213
- (138) AGPB, IFA.
- (139) Submission of AGPB, IFA. t19.005828.
- (140) COPA (Committee of Professional Agricultural Organisations), Cogeca (General Committee for Agricultural Cooperation in the European Union).
- (141) European Commission, Directorate-General for Trade, Directorate H, 1049 Brussels, Belgium.
- (142) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulation (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014 and Decision No 541/2014/EU and repealing Regulation (EU Euratom) No 966/2012 ([OJ L 193, 30.7.2018, p. 1](#)).
- (143) Commission Implementing Regulation (EU) 2020/1317 of 9 September 2020 concerning the classification of certain goods in the Combined Nomenclature ([OJ L 309, 23.9.2020, p. 1](#)).

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