

Ministry of Commerce of the People's Republic of China
Notice No.1 (2024)

On 30 November 2023, the Ministry of Commerce of the People's Republic of China received an anti-dumping petition filed by China Alcoholic Drinks Association on behalf of the domestic brandy industry. The petitioner requested MOFCOM to conduct an anti-dumping investigation against the imported of spirits obtained by distilling grape wine in containers holding less than 200 liters (hereinafter refer to brandy) originating from the EU. Pursuant to the *Anti-Dumping Regulation of the People's Republic of China*, the Ministry of Commerce examined the standing of the petitioner, the relevant information of the subject merchandise, the information of the domestic like products in China, the impact of the subject merchandise on the Chinese domestic industry, and relevant situation of the alleged country and region, etc.

The prima facie evidences provided by the petitioner show that the outputs of brandy of the petitioner in 2019, 2020, 2021, 2022 and first half of 2023 accounted for more than 50% of the total output of the like products in China for the same period, and therefore meet the requirements defined by Article 11 and 13 of the *Anti-Dumping Regulation of the People's Republic of China*. Also, the petition includes the content and evidence required in Article 14 and 15 of the *Anti-Dumping Regulation of the People's Republic of China* regarding the initiation of anti-dumping investigation.

In view of the above results of the review and Article 16 of the *Anti-Dumping Regulation of the People's Republic of China*, the Ministry of Commerce decided to initiate an anti-dumping investigation against imported brandy originating from the EU since 5 January 2024.

The relevant details are hereby made public as follows:

I. Initiation and Period of Investigation

From the date when this notice is publicized, MOFCOM will conduct an antidumping investigation on the import of brandy originating from the EU. The period of the dumping investigation is from 1 October 2022 to 30 September 2023. The period of the injury investigation is from 1 January 2019 to 30 September 2023.

II. The Subject Merchandise and Investigation Scope

Investigation scope: spirits obtained by distilling grape wine in containers holding less than 200 liters from the EU

Subject merchandise: spirits obtained by distilling grape wine in containers holding less than 200 liters

Product description: strong wine made from grapes, grape juice (pulp), grape skin residue, wine, etc.

Main uses: mainly used as beverage wine for human consumption.

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It is listed under HS codes listed in the *Customs Import and Export Tariff of the People's Republic of China*: 22082000. Spirits obtained by distilling grape wine in containers holding equal to or more than 200 liters under this tariff numbers are not within the scope of this investigation.

III. Respondent Registration

Any interested party may, within 20 days of the publication of this Announcement, apply to the Bureau of Trade Remedy and Investigation of the Ministry of Commerce to participate in the anti-dumping investigation. Interested parties should provide information in accordance with the reference registration form, such as basic identity information, quantity and value of the investigated products exported or imported into China, quantity and value of producing same kind products. The reference registration form can be downloaded from the website of the Trade Remedy and Investigation Bureau of the Ministry of Commerce.

The interested parties registered to participate in this anti-dumping investigation shall submit electronic version through the Trade Remedy and Investigation Information Platform (<https://etrb.mofcom.gov.cn>), and at the same time submit the written version according to the requirements of the Ministry of Commerce. The electronic version and the written version shall keep consistent in terms of content and format.

The interested parties in the Announcement refer to the individuals and organisations defined in the Article 19 of the *Anti-Dumping Regulation of the People's Republic of China*.

IV. Access to Public Information

The interested parties can download from relevant website or go to the Trade Remedy Public Information Office (phone number: 0086-10-65197878) to search, read and copy non-confidential documents of the case. During the investigation, the interested parties can download from relevant website or go to the Trade Remedy Public Information Office to search, read and copy public information of the case.

V. Comments on Initiation of the case

The interested parties can submit their comments to MOFCOM in written form within the 20 days if they have different opinions on the product scope of the investigation, the standing of the petitioners, the alleged countries and regions and other relevant issues.

VI. Investigation Approaches

According to Article 20 of the *Anti-Dumping Regulations of the People's Republic of China*, MOFCOM may conduct the investigation and acquire information from the interested parties by means of questionnaire, sampling, public hearing, on-the-spot verification, etc.

For acquiring necessary information for this investigation, MOFCOM usually issues the investigation questionnaires to foreign exporters or producers, domestic producers and importers within 10 working days upon the ending of registration set by this Notice. The

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interested parties participating in investigation registration may also download investigation questionnaires from relevant websites.

Anti-dumping Investigation Questionnaire for foreign exporters or producers of Brandy requires information such as company structure and operation, subject merchandise, export sales to China (mainland), domestic sales, business operation and financial information, production cost and related expenses, estimated dumping margin and checklist. *Anti-dumping Investigation Questionnaire for Domestic Producer of Brandy* requires information such as company basic information, information of domestic like products, business operation and financial information. *Anti-dumping Investigation Questionnaire for Domestic Importer of Brandy* requires information such as company basic information and trading information of the subject merchandise and other relevant information.

Other interested parties who do not register may directly download aforementioned investigation questionnaires from relevant websites or request them from the Trade Remedy and Investigation Bureau of MOFCOM and fill in them according to relevant requirements.

All companies shall submit complete and accurate response within the provided time period. The response should include all information required in the investigation questionnaire.

VII. Submission and processing of Information

The interested parties, when submitting comments and questionnaires during the investigation, shall submit electronic version through the Trade Remedy and Investigation Information Platform (<https://etrb.mofcom.gov.cn>), and at the same time submit the written version according to the requirements of the Ministry of Commerce. The electronic version and the written version shall keep consistent in terms of content and format.

For confidential information, interested parties can submit request and reason to the Ministry of Commerce for confidential processing of the information. If the Ministry of Commerce agrees to the request, the interested party should submit the non-confidential outline summary of the confidential information. The outline should include sufficient meaningful information to allow other interested parties to have reasonable understanding of the confidential information. If the interested party cannot provide the outline, it should clarify the reasons. If the interested party does not indicate confidential requests when submit information, the Ministry of Commerce will treat the information as non-confidential.

VIII. Result of Non-cooperation

In accordance with the Article 21 of the *Anti-Dumping Regulation of the People's Republic of China*, the interested parties shall provide authentic information and relevant documentation to the Ministry of Commerce in the process of the investigation. In the event that any interested party does not provide authentic information and relevant documentation, or does not provide necessary information within a reasonable time limit, or significantly impedes the investigation in other ways, the Ministry of Commerce may make a determination on the basis of the facts already known and the best information available.

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IX. The investigation Period

The investigation starts from 5 January 2024 and shall normally end before 5 January 2025. The period can be extended for 6 months under special circumstances.

X. Contact Method of MOFCOM:

Add: No. 2 Dong Chang An Ave., Beijing, 100731

Trade Remedy and Investigation Bureau, MOFCOM

Tel: 0086-10- 65198182, 65198760

Fax: 0086-10-65198172

The website of Trade Remedy and Investigation Bureau: <http://trb.mofcom.gov.cn>

Ministry of Commerce
5 January 2024

<http://www.mofcom.gov.cn/article/zwgk/gkzcfb/202401/20240103464791.shtml>

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