

【translation】

Ministry of Commerce of the People's Republic of China
Notice No.34 (2024)

On 29 July 2023, the Ministry of Commerce of the People's Republic of China received an anti-subsidy application filed by the China Dairy Association and the China Dairy Industry Association behalf of the domestic industry of dairy products. The petitioner requested MOFCOM to conduct an anti-subsidy investigation against the imported of dairy products originating in the EU. Pursuant to the Article 16 of the *Anti-Subsidy Regulation of the People's Republic of China*, on 7 August 2024, the Ministry of Commerce invited the government of EU to a consultation regarding issues of anti-subsidy investigation, and had a consultation with the government of EU on 14 August.

Pursuant to the *Anti-Subsidy 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 (region).

The prima facie evidences provided by the petitioner show that the outputs of dairy products of the petitioner in the years of 2020, 2021, 2022, 2023 and the 1st quarter of 2024 meet the requirements defined by Article 11 and 13 of the *Anti-Subsidy Regulation of the People's Republic of China*.

The application asserts that the products under investigation have received subsidies from the EU and its member state governments, and that the relevant dairy industry (enterprises) in the EU may benefit from a total of 20 subsidy items. After preliminary examination, the Ministry of Commerce believes that the application contains the content and relevant evidence required for the filing of a anti-subsidy investigation as stipulated in Articles 14 and 15 of the *Anti-Subsidy Regulation of the People's Republic of China*.

In view of the above results of the review and Article 16 of the *Anti-Subsidy Regulation of the People's Republic of China*, the Ministry of Commerce decided to initiate an anti-subsidy investigation against dairy products originating in the EU since 21 August 2024.

The relevant details are hereby made public as follows:

I. Initiation and Period of Investigation

From the date when this notice is published, MOFCOM will conduct an anti-subsidy investigation on the import of dairy products originating in the EU. The period of the subsidy investigation is from 1 April 2023 to 31 March 2024. The period of the injury investigation is from 1 January 2020 to 31 March 2024.

II. The Subject Merchandise and Investigation Scope

Investigation scope: certain dairy products from the EU

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Subject merchandise: certain dairy products

Product description: Relevant dairy products include, inter alia, fresh cheese (including whey cheese) and curds, processed cheese (whether or not grated or powdered), blue cheese and other textured cheeses produced by *Penicillium roqueforti*, other cheeses not otherwise listed, milk and thin cream (with more than 10 per cent fat by weight), not enriched and not sweetened with sugar or other sweetening substances.

Main uses: Mainly as food for human consumption, either directly or after processing.

The products are listed in the Import and Export Tariff of the People's Republic of China: 04015000, 04061000, 04062000, 04063000, 04064000, 04069000

III. Anti-subsidy investigation items

In the application submitted, the applicant claimed that the EU and its member state governments have provided 20 subsidies to the relevant dairy industry (enterprises) in the EU. After preliminary examination, and taking into account the claims made by the EU government in the pre-imitation consultations, the Ministry of Commerce decided to investigate the following subsidy items in this investigation

(i) Subsidy programmes under the EU Common Agricultural Policy:

1. Voluntary coupled support and Coupled Income Support
2. Basic Payment Scheme and Basic Income Support for Sustainability
3. Greening and Eco-schemes
4. redistributive payments and Complementary Redistributive Income Support for Sustainability
5. Payment for Young Farmers and Complementary Supplementary Income Support for Young Farmers
6. Related Dairy Storage Subsidies
7. A range of interventions in rural development

(ii) Subsidy programmes implemented by EU Member States

8. Ireland - Dairy Equipment Subsidy Scheme
9. Austria - Liquidity Subsidy Scheme
10. Austria - Bridging Loan Guarantee Scheme
11. Belgium - Flemish Bridging Loan Scheme
12. Italy - Livestock insurance subsidy
13. Italy - Dairy logistics subsidy
14. Croatia - Livestock producer subsidies
15. Croatia - Subsidies for raw milk purchasing costs
16. Finland - Damage subsidies for agricultural producers
17. Finland - Subsidies for costs in the agricultural and aquaculture sectors
18. Finland - Subsidies for the costs of dairy producers
19. Romania - Livestock administrative subsidies
20. Czech Republic - Injury subsidies for agricultural producers

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IV. Registration of Investigation

Interested parties or interested country (region) may apply to the Bureau of Trade Remedy Investigation of the Ministry of Commerce to participate in the anti-subsidy investigation within 20 days of the publication of this notice. Interested parties or interested country (region) 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 or interested country (region) registered to participate in this anti-subsidy 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-Subsidy Regulation of the People's Republic of China*.

V. Access to Public Information

The interested parties or interested country (region) 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.

VI. Comments on Initiation of the case

Interested parties or interested country (region) 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.

VII. Investigation Approaches

According to Article 20 of the *Anti-Subsidy 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, and on-the-spot verification.

For acquiring necessary information for this investigation, MOFCOM usually issues the investigation questionnaires to interested parties and interested country (region) listed in the application within 10 working days upon the ending of registration set by this Notice. The interested parties and interested country (region) participating in investigation registration may also download investigation questionnaires from relevant websites.

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Anti-subsidy Investigation Questionnaire for foreign exporters or producers enquires information such as company structure and operation of the company, affiliates, production costs, and sales, as well as detailed information on each specific subsidy items under investigation. *Anti-subsidy Investigation Questionnaire for Domestic Producer* enquires information such as company's basic situation, similar domestic products, operation and related information, financial and related information, and other issues to be clarified. *Anti-subsidy Investigation Questionnaire for Domestic Importer* requires information such as company basic information and trading information of the subject merchandise and other relevant information. *Anti-subsidy Investigation Questionnaire for government* enquires information on the products under investigation, the industry, the management structure and policies, as well as detailed information on each specific subsidy item under investigation.

Interested parties and interested country (region) shall submit complete and accurate response within the provided time period. The response should include all information required in the investigation questionnaire.

VIII. 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.

IX. Result of Non-cooperation

In accordance with the Article 21 of the *Anti-Subsidy 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.

X. The investigation Period

The investigation starts from 21 August 2024 and shall normally end before 21 August 2025. The period can be extended for 6 months under special circumstances.

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XI. Contact Method of MOFCOM:

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

Trade Remedy and Investigation Bureau, MOFCOM

Tel: 0086-10- 65198054, 65198760

Fax: 0086-10-65198172

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

Ministry of Commerce
21 August 2024

https://www.mofcom.gov.cn/zwgk/zcfb/art/2024/art_of008c8cc1a64811821d0bb87cfcb34b.html

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