

COMMISSION IMPLEMENTING DECISION (EU) 2023/602**of 16 March 2023****amending Implementing Decision (EU) 2019/245 accepting undertaking offers following the imposition of definitive countervailing duties on imports of biodiesel originating in Argentina**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ⁽¹⁾, and in particular Articles 13, 15 and 24 thereof,

After consulting the Committee established by Article 15(1) of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽²⁾,

Whereas:

- (1) By Commission Implementing Regulation (EU) 2019/244 ⁽³⁾ the Commission imposed a definitive countervailing duty on imports of biodiesel originating in Argentina (the original investigation).
- (2) By Commission Implementing Decision (EU) 2019/245 ⁽⁴⁾ the undertakings offered by the eight exporting producers together with the Argentine Chamber of Biofuels (CARBIO) have been accepted.
- (3) Oleaginosa Moreno Hermanos S.A.C.I.F.I. y A., TARIC additional code C497, a company subject to an individual countervailing duty rate of 25,0 % and to an undertaking, informed the Commission on 23 May 2022 that it had changed its name to Viterra Argentina S.A.
- (4) The Commission examined the information supplied and concluded that the change of name was properly registered with the relevant authorities, and did not result in any new relationship with other groups of companies which were not investigated by the Commission in the original investigation.
- (5) By Commission Implementing Regulation (EU) 2023/592 ⁽⁵⁾ the Commission amended Implementing Regulation (EU) 2019/244 to reflect the changed name of the company previously attributed to additional TARIC code C497 as of 1 July 2022.
- (6) Taking into account the fact that the name change has been effective from 1 July 2022, all goods released into free circulation exempted from the countervailing duty according to Article 2 of Implementing Regulation (EU) 2019/244, which customs declaration was accompanied by the undertaking invoice issued by the company before the date of the name change with the previous name of the company, shall remain valid and exempted from the collection of the countervailing duties.
- (7) The Commission has concluded that the name change does not affect the undertaking accepted by the Commission.

⁽¹⁾ OJ L 176, 30.6.2016, p. 55.

⁽²⁾ OJ L 176, 30.6.2016, p. 21.

⁽³⁾ Commission Implementing Regulation (EU) 2019/244 of 11 February 2019 imposing a definitive countervailing duty on imports of biodiesel originating in Argentina (OJ L 40, 12.2.2019, p. 1).

⁽⁴⁾ Commission Implementing Decision (EU) 2019/245 of 11 February 2019 accepting undertaking offers following the imposition of definitive countervailing duties on imports of biodiesel originating in Argentina (OJ L 40, 12.2.2019, p. 71).

⁽⁵⁾ Commission Implementing Regulation (EU) 2023/592 of 16 March 2023 amending Implementing Regulation (EU) 2019/244 imposing a definitive countervailing duty on imports of biodiesel originating in Argentina (see page 51 of this Official Journal).

HAS DECIDED AS FOLLOWS:

Article 1

1. Article 1 of Implementing Decision (EU) 2019/245 is amended as follows:

'Argentina	Oleaginosa Moreno Hermanos S.A.C.I.F.I. y A	Produced and sold by Oleaginosa Moreno Hermanos S.A.C.I.F.I. y A to the first independent customer in the Union acting as an importer.	C497'
------------	---	--	-------

is replaced by

'Argentina	Viterra Argentina S.A.	Produced and sold by Viterra Argentina S.A. to the first independent customer in the Union acting as an importer.	C497'.
------------	------------------------	---	--------

2. TARIC additional code C497 previously attributed to Oleaginosa Moreno Hermanos S.A.C.I.F.I. y A shall apply to Viterra Argentina S.A., as of 1 July 2022. Any definitive duty paid on imports of products manufactured and sold by Viterra Argentina S.A. subject to the undertaking offered by the company and accepted by Implementing Decision (EU) 2019/245 as regards Oleaginosa Moreno Hermanos S.A.C.I.F.I. y A shall be repaid or remitted in accordance with the applicable customs legislation.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 16 March 2023.

For the Commission
The President
Ursula VON DER LEYEN