

## **MOFCOM Announcement No. 36 of 2013 on Case-filing for Anti-dumping Investigation Against Wines**

July 4, 2013 - 13:59 BJT (17:59 GMT) MOFCOM

Issued by: Ministry of Commerce of the People's Republic of China  
Announcement No. 36, 2013  
Date of Issuance: July 1, 2013

On May 15, 2013, the Ministry of Commerce received a formal petition for anti-dumping investigation from China Alcoholic Drinks Association on behalf of domestic wine industry, in which the petitioner requested to initiate anti-dumping investigation against imports of wines originated in the EU.

In accordance with the Regulations of the People's Republic of China on Anti-dumping, the Ministry of Commerce examined the qualification of the petitioner, relevant conditions of imported products, similar products in China, impact on the domestic industry of the imported products and countries (regions) involved. And in the meantime, the Ministry of Commerce also reviewed the evidence of dumping, injury and the causal link between dumping and injury provided by the petitioner.

The evidence initially provided by the petitioners suggest that, the aggregate wines output of the petitioner accounted for more 50% of the total output of similar products in China Mainland in 2009, 2010, 2011 and 2012, complying with the requirements of Articles 11, 13 and 17 of Regulations of the People's Republic of China on Anti-dumping on petitioning for anti-dumping investigation by domestic industry. Meanwhile, the petition contains the contents and related evidence required for case-filing of anti-dumping investigation by Articles 14 and 15 of the Regulations of the People's Republic of China on Anti-dumping.

In accordance with the examination results above and the provisions of Article 16 of the Regulations of the People's Republic of China on Anti-dumping, the Ministry of Commerce decided to initiate an anti-dumping investigation against imports of wines originated in the EU starting from July 1, 2013. Now, relevant matters are hereby announced as follows:

### **I. Filing for Investigation and Period of Investigation**

As of the date of this Announcement, the Ministry of Commerce had initiated an anti-dumping investigation against imports of wines originated in the EU, and the period of anti-dumping investigation as determined for this investigation is from January 1, 2012 to December 31, 2012, and that of industry injury investigation is from January 1, 2009 to December 31, 2012.

### **II. Products under Investigation and Scope of Investigation**

Scope of Investigation: imports of wines originated in the EU.

Name of Products under Investigation:  or Wines in English.

Detailed Description of Products under Investigation: fermented alcoholic drinks with certain contents of alcohol that use fresh grapes or grape juice as materials and are made by total or partial fermentation.

The products are listed under tariff numbers: 22041000, 22042100 and 22042900 in the Customs Import and Export Tariff of the People's Republic of China.

### **III. Registration for Responding**

For the purpose of dumping investigation, any interested party may, within 20 days from the release of this Announcement, register with the Bureau of Fair Trade for Imports and Exports of MOFCOM for response, and exporters or manufacturers registering for responding shall at the same time submit to the Ministry of Commerce the volume and value of products under investigation exported to China from January 1, 2012 to

December 31, 2012. The Reference Format for Responding to Anti-dumping Investigation can be downloaded from the column "Announcement" at the website of the Bureau of Fair Trade for Imports and Exports, sub web of the Ministry of Commerce (<http://gpj.mofcom.gov.cn>).

For the purpose of industry injury investigation, any interested party may, within 20 days from the release of this Announcement, register with the Bureau of Industry Injury Investigation of MOFCOM for response, and at the same time provide the Ministry of Commerce with production capacity, output, inventory, plans for construction and expansion and the volume and value of the products under investigation exported to China. The Application Form for Participation in Industry Injury Investigation can be downloaded from China Trade Remedy Information at <http://www.cacs.gov.cn>.

#### IV. Rights of Interested Parties

Any interested party may access to non-confidential text of petition submitted by the petitioner from the column of "Trend of Case" at the website of the Bureau of Fair Trade for Imports and Exports, sub web of the Ministry of Commerce (<http://gpj.mofcom.gov.cn>) or in the Trade Remedy Public Information Room (Tel: 86-10-65197878).

Any interested party may submit written comments to the Ministry of Commerce within the registration period, if it has objections to the coverage of this investigation, qualification of the petitioner, country under investigation and other related issues.

#### V. Methods of Investigation

Investigation authorities may adopt the methods of questionnaire, sampling, hearing, on-site verification or other methods to obtain information from and investigate the related interested parties.

Relevant notices with respect to the above-mentioned industry injury investigation are available on the website of the China Trade Remedy Information at <http://www.cacs.gov.cn>.

#### VI. Questionnaire

##### (i) Questionnaire on Dumping of Wines in the Anti-dumping Case

Within ten working days upon expiration of the registered response specified in this Announcement, the Ministry of Commerce will distribute the Questionnaire to the registered responding companies and other companies listed in the petition. The Questionnaire consists of such matters as organization and operation of the company, products under investigation, export sales to China (Mainland), domestic (regional) sales, export sales to other countries (regions) other than China (Mainland), production cost and relevant expenses, estimated dumping margin, the checklist and other contents. The Questionnaire on Dumping of Wines in the Anti-dumping Case is available in the column "Trend of Case" in the website of Bureau of Fair Trade for Imports and Exports, sub web of the Ministry of Commerce (<http://gpj.mofcom.gov.cn>). Other companies that are not registered for the response may directly download or ask the Ministry of Commerce for the Questionnaire and then complete and submit the same as required.

All the above-mentioned companies shall submit their answers to the Questionnaire in a complete and accurate manner within the specified period, which shall contain all the information required by the Questionnaire and shall be returned to the Ministry of Commerce within 37 days as of distribution thereof. Responding companies showing their failure to complete the Questionnaire by the expiry date with just causes shall, seven days prior to the deadline of submission, submit a written application to the Ministry of Commerce for an extension stating the request of extension and reasons.

For responding companies that fail to submit their answers or fail to submit complete and accurate answers as required within the specified period, or refuse the Ministry of Commerce to verify the information provided

by them, or seriously impede the investigation in other ways, the Ministry of Commerce may make a decision based on obtained facts and best available information in accordance with Article 21 of the Regulations of the People's Republic of China on Anti-dumping.

(ii) Questionnaire on Industry Injuries in the Anti-dumping Case against Wines

Relevant notices on the Questionnaire on industry injuries are available on the website of China Trade Remedy Information (website: <http://www.cacs.gov.cn>).

VII. Starting from July 1, 2013, the investigation shall be finished by July 1, 2014 in normal circumstances, and may be extended to January 1, 2015 in case of special circumstances.

VIII. Address of the Ministry of Commerce:  
No. 2 Dong Chang'an Avenue, Beijing Zip code: 100731  
Bureau of Fair Trade for Imports and Exports of MOFCOM  
Tel.: 86-10-85093417, 85093407, 65198417  
Fax: 86-10-85093400  
Bureau of Industry Injury Investigation of MOFCOM  
Tel.: 86-10-65198180, 65198076, 65198185  
Fax: 86-10-65197586

Annex:

[Reference Format for Responding to Anti-dumping Investigation Against Wines-2013-07-01 1627.doc](#)

Ministry of Commerce of the People's Republic of China  
July 1, 2013

(Translated by Hou Zuowei)