Official Journal
of the European Union

EN
C series

C/2026/5252

9.10.2026

Notice of initiation concerning the implementation of the judgment of 3 September 2026 in case C-319/24 P in relation to Commission Implementing Regulation (EU) 2020/1336 imposing definitive anti-dumping duties on imports of certain polyvinyl alcohols originating in the People's Republic of China

(C/2026/5252)

1. Judgment

In its judgment of 21 February 2024, in case T-762/20, *Sinopec Chongqing SVW Chemical and Others v Commission* ([1]) the General Court of the European Union ('the General Court') partially annulled Commission Implementing Regulation (EU) 2020/1336 of 25 September 2020 imposing definitive anti-dumping duties on imports of certain polyvinyl alcohols ('PVA') originating in the People's Republic of China ([2]) ('the Regulation at issue') to the extent that it concerned the rate of the anti-dumping duty affecting imports into the European Union of certain PVA manufactured and sold by Sinopec Chongqing SVW Chemical Co. Ltd, Sinopec Great Wall Energy & Chemical Ningxia Co. Ltd and Central-China Company, Sinopec Chemical Commercial Holding Co. (the Sinopec Group). The Regulation at issue made downward adjustments to the export price to ensure a fair comparison between the normal value and the export price of PVA produced by the Sinopec Group under Article 2(10)(e), (g), (i) and (k) 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 ([3]) (the 'basic anti-dumping Regulation'). Moreover, the Regulation at issue reduced the export price of the sales in the European Union of PVA produced by Sinopec Chongqing and Sinopec Ningxia made through Sinopec Central-China. Finally, the Regulation at issue considered Sinopec Central-China not to be an internal sales department of the Sinopec Group but a trader acting on a commission basis.

As regards the downward adjustments under Article 2(10)(i) of the basic anti-dumping Regulation, the General Court held that the Commission did not adduce a body of consistent evidence that would demonstrate that the functions of Sinopec Central-China were functions similar to those of an agent acting on a commission basis or that would preclude recognition of its status as an internal sales department. The General Court concluded that the Commission made a manifest error of assessment when it applied a downward adjustment to the export price under Article 2(10)(i) of the basic anti-dumping Regulation based on the finding that Sinopec Central-China was performing functions similar to those of an agent acting on a commission basis. The Commission appealed the General Court's judgement.

On 3 September 2026, in case C-319/24 P *Commission v Sinopec Chongqing SVW Chemical and others*, the Court of Justice of the European Union (the 'CJEU' or the 'Court') ruled on the appeal lodged by the European Commission against the judgment of the General Court. The CJEU set aside the judgment of the General Court in so far as it concerned downward adjustments to the export price under Article 2(10)(e), (g) and (k) of the basic anti-dumping Regulation. However, the Court confirmed the findings of the General Court in far as it concerned the downward adjustments to the export price under Article 2(10)(i) of the basic anti-dumping Regulation. As a result, the Regulation at issue was partially annulled with respect to the calculation of the anti-dumping duty rate affecting imports into the European Union of certain PVA manufactured and sold by the Sinopec Group.

2. Consequences

Article 266 TFEU provides that the Institutions must take the necessary measures to comply with the Courts' judgments.

([1]) Judgment of the General Court of 21 February 2024, *Sinopec Chongqing SVW Chemical and Others v Commission*, T-762/20, ECLI:EU:T:2024:113.

([2]) Commission Implementing Regulation (EU) 2020/1336 of 25 September 2020 imposing definitive anti-dumping duties on imports of certain polyvinyl alcohols originating in the People's Republic of China (OJ L 315, 29.9.2020, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2020/1336/oj).

([3]) 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 (codification) (OJ L 176, 30.6.2016, p. 21, ELI: http://data.europa.eu/eli/reg/2016/1036/oj).

According to the established case-law, in cases where proceedings consist of several administrative steps, as is the case with the anti-dumping proceedings, the annulment of one of those steps does not annul the complete proceeding ([4]). Instead, when taking the necessary measures in order to comply with a judgment annulling an act and to implement it, the procedure for replacing an annulled act may be resumed at the point at which the illegality occurred ([5]).

Accordingly, in complying with the judgments of the General Court and the CJEU ('the Courts'), the European Commission ('the Commission') has the possibility to remedy the aspects of the proceedings which led to the annulment, while leaving unchanged those parts which are not affected by that annulment ([6]).

The Regulation at issue was partially annulled because the Commission, which bore the burden of proof in relation to the adjustment made under Article 2(10)(i) of the basic anti-dumping Regulation, had not established to the requisite legal standard the body of consistent evidence that would demonstrate that Sinopec Central-China was performing tasks similar to those of an agent acting on a commission basis. Therefore, the rate of the antidumping duty should be recalculated for the Sinopec Group without the application of downward adjustment of their export price under Article 2(10)(i) of the basic anti-dumping Regulation.

Conversely, and on the basis of the case law recalled above, findings reached in the Regulation at issue which were not contested, or which were contested but rejected by the judgments of the Courts or were not examined by the Courts and therefore did not lead to the annulment of the Regulation at issue, remain valid.

3. **Reopening procedure**

In view of the above, the Commission decided to reopen the anti-dumping investigation on imports of certain PVA originating in the People's Republic of China that led to the adoption of Commission Implementing Regulation (EU) 2020/1336 in so far as it concerns Sinopec Chongqing, Sinopec Ningxia and Sinopec Central-China. The reopening of the original investigation resumes at the point at which the irregularity identified by the Court of Justice occurred.

The purpose of reopening the original investigation is to fully address the irregularity identified by the Court of Justice and to assess whether the correct application of the rules could justify the re-imposition of the measures at a revised level as from the date on which Commission Implementing Regulation (EU) 2020/1336 entered into force originally or not.

Interested parties are informed of this reopening through the publication of this Notice in the *Official Journal of the European Union*.

4. **Written submissions**

All interested parties, and in particular the exporting producers concerned and the Union industry, are invited to make their views known, submit information and provide supporting evidence on issues pertaining to the reopening of the investigation. Unless otherwise specified, this information and supporting evidence must reach the Commission within 10 days from the date of publication of this Notice in the *Official Journal of the European Union*.

5. **Possibility to be heard by the Commission investigation services**

The exporting producers concerned and the Union industry may request to be heard by the Commission investigation services. Any request to be heard should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the reopening of the investigation the request must be submitted within 15 days of the date of publication of this Notice in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with these parties.

([4]) Judgment of 15 October 1998, *Industrie des poudres sphériques (IPS) v Council*, Case T-2/95, ECLI:EU:T:1998:242.

([5]) Judgments of the Court of Justice of 3 October 2000, *Industrie des poudres sphériques v Council*, C-458/98 P, ECLI:EU:C:2000:531, paragraphs 80 to 85, as well as of 28 January 2016, *CM Eurologistik*, C-283/14 and C-284/14, ECLI:EU:C:2016:57, paragraphs 48 to 55.

([6]) Judgment of the Court of Justice of 14 June 2016, *Commission v McBride*, Case C-361/14 P, ECLI:EU:C:2016:434, at paragraph 56; see also, in the area of dumping, judgment of the Court of Justice of 3 October 2000, *Industrie des poudres sphériques v Council*, Case C-458/98 P, ECLI:EU:C:2000:531, at paragraph 84.

6. **Instructions for making written submissions and sending correspondence**

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing (a) the Commission to use the information and data for the purpose of this trade defence proceeding; and (b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

All written submissions, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Sensitive' ([7]). Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

Interested parties providing 'Sensitive' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries must be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

Interested parties are invited to make all submissions and requests via TRON.tdi (https://webgate.ec.europa.eu/tron/TDI) including scanned powers of attorney and certification sheets. By using TRON.tdi or email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate General for Trade and Economic Security: https://europa.eu/!7tHpY3.

The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail.

For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission
Directorate-General for Trade and Economic Security
Directorate G
Office: CHAR 04/039
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

TRON.tdi: https://webgate.ec.europa.eu/tron/tdi

Email: TRADE-AD654a-PVA-REOPENING@ec.europa.eu

Internet: https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2914

7. **Non-cooperation**

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic Regulation.

([7]) A 'Sensitive' document is a document which is considered confidential pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43, ELI: http://data.europa.eu/eli/reg/2001/1049/oj).

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

Failure to give a computerised response will not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

8. **Hearing Officer**

Interested parties may request the intervention of the Hearing Officer for trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

The Hearing Officer may organise hearings and mediate between the interested party/-ies and Commissions services to ensure that the interested parties' rights of defence are being fully exercised. A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in due course.

Interested parties are invited to follow the timeframes set out in the Notice also as regards interventions, including hearings, by the Hearing Officer. Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. The Hearing Officer will examine the reasons for late requests for interventions, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade and Economic Security's website:

https://policy.trade.ec.europa.eu/contacts/hearing-officer_en.

9. **Processing of personal data**

Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ([8]).

A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG Trade and Economic Security's website: https://europa.eu/!vr4g9W.

Information to customs authorities

As of the date of publication of the present Notice of initiation and pending the outcome of this re-examination, no definitive anti-dumping duty is applicable to import of certain polyvinyl alcohols currently falling under CN code ex 3905 30 00 (TARIC code 3905 30 00 91) originating in the People's Republic of China, manufactured by the Sinopec Group (Sinopec Chongqing SVW Chemical Co. Ltd, Sinopec Great Wall Energy & Chemical Ningxia Co. Ltd). The amount of the duty will be re-determined following the re-examination.

Since the amount of final liability resulting from the re-examination is uncertain at this stage, the Commission requests national customs authorities to await the outcome of this investigation before deciding on any repayment claim concerning the antidumping duties annulled by the Court of Justice of the European Union with respect to those companies.

([8]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) 45/2001 and Decision 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

Concurrently with this Notice, the Commission adopted a Regulation making imports of certain polyvinyl alcohols currently falling under CN code ex 3905 30 00 (TARIC code 3905 30 00 91) manufactured by the Sinopec Group (Sinopec Chongqing SVW Chemical Co. Ltd and Sinopec Great Wall Energy & Chemical Ningxia Co.) and originating in the People's Republic of China subject to registration pursuant to Article 14(5) of the basic anti-dumping Regulation.

Disclosure

Interested parties registered during the investigation leading to the adoption of the Regulation at issue will be subsequently informed of the essential facts and considerations on the basis of which it is intended to implement the judgment and will be given an opportunity to comment.