



MINISTRY OF TRADE, INDUSTRY AND TOURISM RESOLUTION

NO 261 OF 30 SEP. 2022

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Adopting the final determination in the administrative enquiry initiated by the
Resolution 210 of 30 October 2020

THE DIRECTOR OF FOREIGN TRADE

In the exercise of its statutory powers, in particular those conferred on it by paragraphs 5 and 7 of the
Article 18 of Decree-Law No 210 of 2003 as amended by Article 3 of Decree No 1289 of 2015,
Decree 1750 of 2015 and

HAVING REGARD TO:

By Resolution 210 of 30 October 2020, published in Official Journal No 51.487 of 3 November 2020, the Directorate for Foreign Trade ordered the initiation of a five-yearly review in order to determine whether the abolition of the anti-dumping duties imposed by Resolution 257 of 9 November 2018 on imports of potatoes prepared or preserved otherwise than by vinegar or acetic acid, frozen, classified under tariff subheading 2004.10.00.00, originating in Belgium, the Netherlands (Holland) and Germany, would allow the continuation or recurrence of dumping and injury to be corrected.

Resolution 210 of 2020 also ordered that the definitive anti-dumping duties imposed by Resolution 257 of 2018 remain in force during the five-year review in accordance with Article 61 of Decree 1750 of 2015, in accordance with the provisions of Article 11.3 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (hereinafter referred to as the WTO Anti-Dumping Agreement).

By Resolution 215 of 9 November 2020, published in Official Journal No 51.493 of 9 November 2020, the Directorate for Foreign Trade corrected a formal error in the final paragraph of paragraph 5. 'GENERAL Conclusion' of the Decision of Resolution 210 of 30 October 2020, which was as follows:

'On the basis of the foregoing and in accordance with Article 87 of Decree No 1750 of 2015 and Article 18 (5) of Decree No 210 of 2003, as amended by Article 3 of Decree No 1289 of 2015, it is for the Foreign Trade Directorate to initiate the five-yearly review of anti-dumping duties imposed on imports of potatoes prepared or preserved otherwise than by vinegar or acetic acid, frozen, classified under tariff subheading 2004.10.00.00, originating in Belgium, the Netherlands (Holland) and Germany.'

Resolution 215 of 2020 did not entail any substantive amendments to the decision adopted by Resolution 210 of 2020, nor did it alter the deadlines which started with its publication in the Official Journal.

The administrative investigation opened by the Foreign Trade Directorate concerned file ED-087-04/023-02/573-03-116, which contains the documents and evidence gathered by all those involved in the investigation.

Pursuant to Article 28 of Decree No 1750 of 2015, notice was given of the initiation of the investigation and communications were sent to importers, exporters and foreign producers, as well as to the diplomatic representatives of Belgium, Germany, the Netherlands and the Delegation of the European Union to Colombia, for disclosure to the governments of those countries, as well as the internet addresses to download the decision and the questionnaires. Similarly, in accordance with Article 66 of Decree No 1750 of 2015, by notice published in Official Journal No 51.487 of 3 November 2020, the Directorate for Foreign Trade invited those who demonstrated an

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interest in the investigation to express their duly substantiated views and to submit or request such evidence as they considered relevant for the purposes of the investigation.

In accordance with Decree No 1750 of 2015, the investigating authority guaranteed the participation and rights of defence of the interested parties, and in general those who demonstrated an interest in the investigation, through publications, communications, sending questionnaires, taking evidence, verification visits, public hearings between participants, technical meetings, arguments to conclude and submit the Essential Facts document for their comments.

Pursuant to Articles 37, 71 and 72 of Decree No 1750 of 2015, the Directorate for Foreign Trade convened the Committee on Trade Practices for the purpose of evaluating the final results of the investigation and authorising the submission of the Essential Facts Document for comments from the interested parties involved, which was presented at sessions:

- i) 146 of 17 September 2021, suspended as the Committee requested further information;
- (i) 150 of 20 December 2021, postponed due to the number of cases at that sitting, reason for which it could not be assessed;
- iii) 151 of 18 February 2022, in which it was not possible to obtain authorisation to send the Essential Facts document due to the absence of a quorum;
- iv) 152 from 4 to 7 April 2022, the Essential Facts Document was authorised to be sent to the interested parties involved in the investigation.

At session 153, the Committee made the final analysis, assessment and recommendation of the decision to be taken by the Directorate for Foreign Trade. That meeting was held on 25 May, 2 August and 29 September 2022.

Decree 1794 of 30 December 2020 '*which adds a chapter, relating to the application of anti-dumping duties, to Title 3 of Part 2 of Book 2 of Decree 1074 of 2015, Single Decree regulating the Trade, Industry and Tourism Sector and lays down other provisions*' repealed Decree 1750 of 2015 and Article 2 (2.3.7.13.12) thereof provided that investigations which are in progress with a preliminary determination at the time of their entry into force will continue to be governed by the previous legislation until their completion. Consequently, the special administrative procedure governing the five-year review initiated by Resolution 210 of 30 October 2020 is Decree 1750 of 1st September 2015.

1. RESULTS OF THE FIVE-YEARLY REVIEW INVESTIGATION

Below are the conclusions of the analyses carried out by the investigating authority in response to the request for a five-yearly review of the anti-dumping duties imposed by Resolution 257 of 9 November 2018 on imports of potatoes prepared or preserved (other than by vinegar or acetic acid), frozen, classified under tariff subheading 2004.10.00.00, originating in Belgium, the Netherlands (Holland) and Germany, the methodology and analysis of which are set out in detail in the Final Technical Report. In accordance with Article 76 of Decree No 1750 of 2015, the following elements were found:

• On the similarity of the subheading under investigation:

The investigating authority included in this five-yearly review part of file D-087-03/573-02/023-01-95 of the initial investigation in relation to the memorandum issued by the Registration Group of Producers of National Goods, according to the communication distinguished from GRPBN of 6 September 2017, in which it considered that, in accordance with the physical and chemical characteristics, the production process, the technical standards and the uses set out in the application, it was concluded that there is similarity between potatoes prepared or preserved (except by vinegar or acetic acid), frozen domestically produced and those imported from Belgium, the Netherlands (Holland) and Germany.

In that regard, that technical concept must be understood as evidence which was carried out during the initial administrative investigation, which was assessed in conjunction with the other evidence that was legally associated with the administrative action, without being contradicted by positive evidence in the initial investigation. The concept was therefore incorporated into this examination.

Similarly, the investigating authority clarified that, in accordance with Article 61 of Decree 1750 of 2015, in accordance with Article 11.3 of the WTO Anti-Dumping Agreement, an examination of whether the removal of the anti-dumping duties imposed would lead to the continuation or recurrence of the injury and dumping which

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was intended to be corrected, so that it would not be possible to rediscuss the similarity of the product under investigation, since the purpose of the examination is not to determine the existence of dumping, or to impose an anti-dumping duty, but *to examine 'the order for the imposition of an anti-dumping duty which has already been imposed'*. However, there is a possibility to recalculate dumping margins if requested in the five-year review. In this regard, the Appellate Body Report 'United States – Anti-Dumping Measures on Oil Field Tubular Goods' mentions the following:

'102. As explained by the Appellate Body in the case of US – Oil field tubular articles:

Initial investigations require the investigating authority, for the purpose of imposing an anti-dumping duty, to make a determination of dumping pursuant to Article 2 and subsequently to determine, pursuant to Article 3, whether injury or threat of injury is being addressed by the domestic industry at the time of the original investigation. On the other hand, Article 11.3 requires the investigating authority, in order to maintain an anti-dumping duty, to examine the order for the imposition of an anti-dumping duty – by applying the preliminary determinations of dumping and injury required – in order to determine whether the order should be maintained or revoked.

103. The anti-dumping duty starts to exist after an initial investigation which established the existence of a causal link between dumping and injury to the domestic industry in accordance with the requirements of Article 3 ADA, including, in particular, the requirement that injury caused by any other factors known not to be attributed to dumping. On the other hand, where an "examination" under Article 11.3 is carried out and it is determined that the "removal of the duty" "would lead to the continuation or recurrence of injury and dumping", it is reasonable to assume that, if dumping and injury continue or recur, there would be a causal link between dumping and injury established in the original investigation and would not need to be re-established.'

• **On the continuation or recurrence of the dumping that was intended to be corrected:**

In relation to the update of the dumping margin, as a result of comparing the figures for the average for the period between the first half of 2019 and the second half of 2020, period of actual figures in the presence of duties

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compared to the average of the six-monthly projections from the first half of 2021 to the second half of 2025, in two scenarios, one in which anti-dumping duties are maintained and one in which they are eliminated, the following results were found:

With regard to the dumping margin, the dumping margins calculated in the original investigation were revised in the present five-yearly examination at the request of the petitioner, which was done on the basis of Article 2.4 of the WTO Anti-Dumping Agreement.

In accordance with Article 2.4 of the WTO Anti-Dumping Agreement, for the recalculation of the dumping margin requested by the petitioner, the investigating authority, by e-mail of 5 November 2020, sent questionnaires to the exporters Mydibel S.A in Belgium; AVIKO B.V from the Netherlands (Germany) and the other companies in the Netherlands (Holland) (except Farm Frites) and Agrarfrost GmbH de GermanyCo. Kg, since those companies were subject to anti-dumping duties in the original investigation by Resolution 257 of 2018.

It should be clarified that for the other companies in the Netherlands (Holland) (except Farm Frites), Lamb-Weston Meijer v.o.f replied to the questionnaire, however, it does not record exports to Colombia during the period from 9 July 2019 to 9 July 2020, as explained in its questionnaire reply and as recorded in the DIAN source database.

For this reason, Lamb-Weston Meijer v.o.f proposed to use as a methodology for calculating the export price to Ecuador as a substitute country, arguing that the market in Colombia is significantly more comparable to that of Ecuador. In this respect, the investigating authority considers that the elements submitted by Lamb-Weston Meijer v.o.f for the calculation of the export price are not relevant because, on the one hand, the standards it puts forward were not duly demonstrated and, on the other hand, the export price could not be reconstructed on the basis of the criteria set out in Article 2.3 of the WTO Anti-Dumping Agreement. Similarly, Lamb-Weston Meijer v.o.f did not provide any evidence establishing the similarities noted above between Colombia and Ecuador.

For its part, in the case of Agrarfrost GmbH y. Kg in Germany, the investigating authority sent it, by email of 5 November 2020, a communication concerning the opening of the investigation, questionnaires and information on the deadline for its reply of 30 working days and giving notice, the deadline for receipt of which was extended by Decision 251 of 14 December 2020. In addition, these questionnaires were published on the website of the Ministry of Trade, Industry and Tourism on 5 November 2020.

Similarly, on 5 November 2020, notice was sent to the German embassy in Colombia that this five-year review had been opened, in order to ensure that the participation of producers and exporters in the process was of great use in the conduct of the investigation and to provide evidence for the conduct of the investigation. However, no reply was received from Agrarfrost GmbH que. Kg.

Accordingly, in the case of the other companies in the Netherlands (Holland) and Agrarfrost GmbH, in Germany, in accordance with Article 6.8 of the WTO Anti-Dumping Agreement in accordance with paragraph 1 of Annex II to the WTO Anti-Dumping Agreement and Article 1 (i) and Article 36, both of Decree No 1750 of 2015, the investigating authority is free to base its decisions on the facts known to it, including those contained in the request for the initiation of an investigation submitted by the domestic industry. Consequently, the investigating authority considers that the information on which it is aware for the determination of the normal value and export price is that calculated in the original investigation.

For their part, compared to the case of the exporting companies Mydibel S.A from Belgium and Aviko B.V from the Netherlands (Holland), domestic sales and sales to Colombia of the product under investigation, contained in their questionnaire replies during the period from 9 July 2019 to 9 December, were taken into account for the recalculation of the normal value and the export price.

July 2020.

In the case of MYDIBEL S.A from Belgium, when comparing the normal value and the export price at the Ex – ex-works level of trade, for the period 9 July 2019 to 9 July 2020, it was found that the export price of frozen potatoes is USD 612,6/tonne, while the normal value is USD 671,8/tonne, giving an absolute margin of dumping of USD 59,2/Ton, equivalent to a relative margin of 9.7 % on the export price of frozen potatoes.

For AVIKO B.V. from the Netherlands (Holland), when comparing the normal value and the export price at the Ex – ex-works level of trade, for the period 9 July 2019 to 9 July 2020, it was found that the export price of frozen

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potatoes is USD 846/Ton, while the normal value is USD 904,8/Ton, resulting in an absolute dumping margin of USD 58,8/Ton, equivalent to a relative margin of 6.9 % on the export price of frozen potatoes.

For its part, for the other companies in the Netherlands (Holland) and AGRARFROST in Germany, the investigating authority, on the basis of the information of the facts of which it was aware of the calculations made in the original investigation, since they did not provide replies to questionnaires or duly supported information in accordance with the above, maintains the margin found in the original investigation.

In this respect, for the other companies in the Netherlands (Holland), except Farm Frites, an export price for frozen potatoes of USD 721,99/tonne was calculated, while the normal value is 1 043.41 USD/tonne, resulting in an absolute dumping margin of USD 321,42/tonne, equivalent to a relative margin of 44.52 % on the export price of frozen potatoes.

In the case of AGRARFROST GMBH, CO. KG from Germany, an export price for frozen potatoes of USD 701,88/tonne was calculated, while the normal value is 724.43 USD/tonne, resulting in an absolute dumping margin of USD 22,55/Ton, equivalent to a relative margin of 3.21 % on the export price of frozen potatoes.

It should be reiterated that the methodology for recalculating the dumping margin and the adjustments made are extensively detailed in the Final Technical Report.

• **On the continuation or recurrence of the damage to be corrected:**

- **Potential volume of imports projected (first half of 2021 – second half of 2025):**

In the scenario of **maintaining anti-dumping duties**, the average six-monthly volume of imports of frozen potatoes under investigation would show an average six-monthly increase of 46.86 % with a six-month average percentage share of 51.41 % of the total imported; while the volume of non-investigated imports would increase by 43.43 %.

If **anti-dumping duties are removed**, the average six-monthly volume of investigated imports of frozen potatoes would increase on average by 82.68 % on a six-monthly basis and maintain an average six-monthly share of 56.39 % of the total imported; non-investigated imports would increase on average by 46.01 % every six months.

The effect on prices and the possible effects of the imports subject to the definitive duty on the domestic industry should it be eliminated or maintained. Projected figures (first half of 2021 – second half of 2025):

If the **anti-dumping duties were maintained**, the average six-monthly price of the investigated imports of frozen potatoes would show an average six-month decrease of 13.02 %; in the meantime, the average six-monthly price of non-investigated imports would decrease by 14.89 %.

If the **anti-dumping duties were removed**, the average six-monthly price of the investigated imports of frozen potatoes would decrease by 16.57 % and the average six-monthly price of the non-investigated imports would be reduced by 14.89 %.

Moreover, as regards the prices of imported products as opposed to the domestic product at the same level of marketing, i.e. the sales price to the first distributor in Colombia, over the analysis period (second half of 2017 to the second half of 2018), it became apparent that the sales price of the imports investigated to the first distributor was on average 25.57 % lower than that of the domestic producer. Similarly, the sales price of the non-investigated imports to the first distributor was also lower than that of the domestic producer, in this case the difference was 15.84 %.

- **If the domestic industry is susceptible to material injury if the duty imposed were removed:**

With regard to domestic consumption, the actual figures, in the presence of anti-dumping duties, showed positive behaviour with the exception of the first half of 2020, a period during which the contraction in economic activity associated with the impact of the Covid-19 pandemic was evident, with a decline of 30 %, however, despite this drop, it picked up for the second half of 2020, with growth of 33 % compared with the previous half of the year. With respect to projections, market behaviour is similar in the two scenarios by maintaining and eliminating duties, with a marked expansion with a growth trend, which is expected to continue into the future.

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In terms of market shares, it was found that, in the scenario **of maintaining the anti-dumping duties**, the investigated imports from Germany, Belgium and the Netherlands (Holland) gained a share of 2,49 percentage points, while non-investigated imports would gain 1,69 percentage points of market share. In this scenario, the petitioner's sales lose 3,25 percentage points.

In the scenario of **removing the anti-dumping duties**, the investigated imports would gain 9,24 percentage points and the uninvestigated imports would gain 2,24 percentage points. In this scenario, the petitioner's sales lose 8,92 percentage points.

For their part, in the **scenario of eliminating anti-dumping duties**, the economic indicators would perform less favourably compared to the scenario in which anti-dumping duties are maintained, causing injury to the following indicators: production volume on the domestic market, sales volume, share of imports in relation to total production, inventory volume, use of installed capacity, productivity, actual implicit price, share of sales in relation to domestic consumption.

The financial analysis shows that the domestic industry, in the scenario of **maintaining anti-dumping duties**, would have a positive performance in terms of gross profit margin, operational utility margin, sales revenue, gross utility and operational utility, while in the scenario of **eliminating anti-dumping duties** it would show negative performance in the operational utility, gross utility margin, gross utility and operational utility.

2. EVALUATION OF THE COMMITTEE ON TRADE PRACTICES

Once the technical analyses carried out by the Sub-directorate for Trade Practices on the investigation had been known and discussed, the members of the Trade Practices Committee, at its 152th session from 4 to 7 April 2022, authorised the submission of the Essential Facts Document to the interested parties involved in the investigation, in accordance with Article 37 of Decree No 1750 of 2015, so that they could express their comments on the matter within the period laid down therein.

On 12 April 2022, the Technical Secretariat of the Trade Practices Committee forwarded the essential facts of the investigation to all interested parties, so that, within the period laid down in Article 37 of Decree No 1750 of 2015, they could submit their comments in writing by 28 at the latest.

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April 2022, ahead of the Committee's final recommendation to the Directorate for Foreign Trade.

During the end of comments from the interested parties involved in the investigation on the Essential Facts Document, they submitted comments: the Colombian Federation of Potato Producers – FEDEPAPA, Lamb-Weston Meijer v.o.f, Agrarfrost GmgH que. KG, Aviko B.V., Calypso del Caribe S.A., Mydibel S.A. and the Delegation of the European Union to Colombia.

By order of 10 May 2022, a correction was made to the Essential Facts Document in relation to the calculation of the normal value and dumping margin for Mydibel S.A., which was given the opportunity to comment on the recalculation carried out until 16 May 2022. Against this background, Mydibel S.A. submitted comments by e-mail dated 16 May 2022.

That the final results of the investigation, including the comments made on the Essential Facts document, the Order of 10 May 2022 and the investigative authority's technical comments on the comments of the interested parties involved, were presented to the Trade Practices Committee at the 153th session of 25 May 2022.

At the 153th session of the Committee on Trade Practices, held on 25 May 2022, the Technical Secretariat presented the comments of interested parties to the Essential Facts document on the five-yearly review of anti-dumping duties imposed on imports of potatoes prepared or preserved otherwise than by vinegar or acetic acid, frozen, classified under tariff subheading 2004.10.00.00, originating in Belgium, the Netherlands (Holland) and Germany, together with the technical comments made by the investigating authority, including the order of 10 May 2022 and the comments of Mydibel S.A. on that document.

At the abovementioned 153th session of 25 May 2022, the Committee on Trade Practices assessed the comments submitted by the Colombian Federation of Potato Producers – FEDEPAPA, Lamb- Weston Meijer v.o.f, Agrarfrost GmgH, Co. KG, Aviko B.V., Calypso del Caribe S.A., Mydibel S.A. and by the Delegation of the European Union in Colombia to the Essential Facts document, together with the investigative authority's technical observations on those comments.

That session was suspended because more information was requested on the final results of the investigation, relating to the analysis factors on the methodologies used in the investigation and the estimation of national consumption in order to obtain the additional analytical data requested. Therefore, under Article 37 of Decree No 1750 of 2015, the session was suspended while the investigating authority collected the requested information.

That session 153 was again scheduled for 25 June 2022, however, prior to that session, by email of 23 June 2022, the Deputy Director-General for Foresight and National Development (E) of the National Planning Department requested information on the prices of frozen potatoes on the Colombian domestic market, as well as the prices of the main exporters of frozen potatoes to the world. This session was therefore suspended in order to compile the requested data.

In the continuation of the 153th session on 2 August 2022, due to force majeure, the Deputy Minister for Agricultural Affairs of the Ministry of Agriculture and Rural Development was not present and, due to the need to assess the additional information requested, the Committee decided to suspend the session again until the regulatory quorum was available in accordance with Article 87 of Decree No 1750 of 2015.

Finally, the transition from the entry of the new National Government was completed and once the officials of the entities, whose positions form part of the Trade Practices Committee, had possessed, the 153th session continued on 29 September 2022. At this session, having assessed and discussed the final results of the investigation, the Trade Practices Committee, in compliance with Article 87 of Decree No 1750 of 2015, concluded that there are sufficient elements that the removal of the anti-dumping duties imposed on imports of potatoes prepared or preserved otherwise than by vinegar or acetic acid, frozen, classified under tariff subheading 2004.10.00.00, originating in Belgium, the Netherlands (Holland) and Germany, would allow for the recurrence of dumping and the continuation or recurrence of the injury to be corrected.

Finally, the Trade Practices Committee, by majority, recommended to the Directorate for Foreign Trade:

1. Close the administrative enquiry corresponding to the five-year review initiated by Resolution 210 of 30 October 2020.
2. Extend the definitive anti-dumping duties imposed by Resolution 257 of 9 November 2018 on imports of potatoes prepared or preserved otherwise than by vinegar or acetic acid, frozen, classified under tariff

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subheading 2004.10.00.00, originating in Belgium, the Netherlands (Holland) and Germany, for five (5) years, with review at three (3) years, as follows:

- Amending the ad valorem charges imposed by Resolution 257 of 9 November 2018 on imports originating in Belgium by Mydibel S.A. in the form of an ad valorem charge of 9.7 % and on imports originating in the Netherlands (Holland) by Aviko BV in the form of a 6.9 % ad-valorem charge.
- Maintaining the anti-dumping duties imposed on other imports originating in the Netherlands (Holland) in the form of a 44.52 % ad-valorem charge, excluding FARMFRITES BV; and those originating in Germany from the company AGRARFROST GMBH, CO. KG., in the form of an ad valorem charge of 3.21 %.

The definitive anti-dumping duties shall be calculated on the FOB value declared by the importer, in addition to the tariff in force in the National Customs Tariff for that subheading.

Consequently, the final determination made in this order has taken into account the relevant factual and legal aspects of the investigation underlying file ED-087-04/023-02/573-03-116, in addition to the public interest in preventing and remedying the cause of significant injury to the domestic industry.

In accordance with Decree 637 of 11 April 2018, the imported products subject to this investigation shall remain subject to compliance with the rules of non-preferential origin in accordance with Articles 7^{or}, 8^{or}, 9^{or} and 10 of Resolution 257 of 9 November 2018.

In the light of the foregoing and in accordance with Articles 38, 72 and 87 of Decree No 1750 of 2015 and Article 18 (5) and (7) of Decree No 210 of 2003, as amended by Article 3 of Decree No 1289 of 2015, it is for the Directorate of Foreign Trade of the Ministry of Trade, Industry and Tourism to adopt the final determination to be made in respect of examinations such as the present one.

That, in the light of the above,

DECIDES

Article 1. Order the completion of the five-year review investigation initiated by Resolution 210 of 30 October 2020 on imports of potatoes prepared or preserved otherwise than by vinegar or acetic acid, frozen, classified under tariff subheading 2004.10.00.00, originating in Belgium, the Netherlands (Holland) and Germany.

Article 2. Extend the definitive anti-dumping duties imposed by Resolution 257 of 9 November 2018 on imports of potatoes prepared or preserved otherwise than by vinegar or acetic acid, frozen, classified under tariff subheading 2004.10.00.00, originating in Belgium, the Netherlands (Holland) and Germany, as set out in the grounds of this administrative act, as follows:

- Amend the ad valorem charges imposed by Resolution 257 of 9 November 2018 on imports originating in Belgium from Mydibel S.A. in the form of an ad valorem charge of 9.7 % and on those originating in the Netherlands (Holland) of Aviko BV in the form of a 6.9 % ad-valorem charge.
- Maintain the anti-dumping duties imposed on other imports originating in the Netherlands (Holland) in the form of a 44.52 % ad-valorem charge, excluding FARMFRITES BV; and those originating in Germany from the company AGRARFROST GMBH, CO. KG., in the form of an ad valorem charge of 3.21 %.

The definitive anti-dumping duties laid down in this Article shall be calculated on the FOB value declared by the importer, in addition to the tariff in force in the National Customs Tariff for that subheading.

Article 3. The anti-dumping duties provided for in Article² or this Resolution shall be in force for a period of five (5) years with a review three (3) years from the date of its publication in the Official Journal.

FIGURE: Within three (3) years of the entry into force of this Decision, an administrative review shall be initiated in accordance with Article 2 (2.3.7.10.1) of Decree 1794 of 2020, adding a chapter related to the application of anti-dumping duties to Title 3 of Part 2 of Book 2 of Decree 1074 of 2015, Single Decree regulating the Trade, Industry and Tourism Sector, or in the regulations amending, replacing or supplementing it.

Article 4. Imports of potatoes prepared or preserved otherwise than by vinegar or acetic acid, frozen, classified under tariff subheading 2004.10.00.00, originating in Belgium, the Netherlands (Holland) and Germany, shall continue to

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be subject to compliance with the non-preferential rules of origin in accordance with Articles 7^{or}, 8^{or}, 9^{or}, or and 10 of Resolution 257 of 9 November 2018.

Article 5. Communicate the content of this decision to the Colombian Federation of Pope Producers – FEDEPAPA, known importers, exporters, domestic and foreign producers of the product under investigation, as well as to the diplomatic representatives of the countries of origin and the Delegation of the European Union to Colombia, in accordance with Decree 1750 of 2015.

Article 6. Communicate this decision to the Customs Management Directorate of the National Tax and Customs Directorate (DIAN) for the purposes of its competence, in accordance with Article 86 of Decree 1750 of 2015.

Article 7. **There is no appeal** against this decision because it is an administrative act of a general nature, in accordance with the provisions of Article 4 or Decree 1750 of 2015, in accordance with Article 75 of Law 1437 of 2011 (Code of Administrative Procedure and Administrative Proceedings).

Article 8. This Resolution shall apply with effect from its date of publication in the Official Gazette.

TO BE PUBLISHED, COMMUNICATED AND CÚMPLASE

Given at Bogotá D.C. at **30 SEPs. 2022** |

LUIS FERNANDOTÍJENTES IBARRA

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