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TO THE

EUROPEAN PARLIAMENT

ON

THE COMMUNITY'S ANTI-DUMPING AND ANTI-SUBSIDY ACTIVITIES

(1997)

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SIXTEENTH ANNUAL REPORT OF THE COMMISSION¹

ON THE COMMUNITY'S ANTI-DUMPING AND ANTI-SUBSIDY ACTIVITIES

1. INTRODUCTION

This report is submitted to the European Parliament following its Resolution of 16 December 1981 on the Community's anti-dumping activities², and the more recent report of the European Parliament's Committee on External Relations on the anti-dumping policy of the European Community³.

The report concentrates mainly on the Community's activities during 1997, but for the purpose of comparison, the number of anti-dumping and anti-subsidy investigations initiated and concluded by the Community in the years 1993 to 1997, together with a breakdown of the type of measures taken, are also reported in the annexes.

For 1997, a concise commentary on each case opened, each provisional and definitive measure taken, and each case terminated without measures, is given in sections 3, 4, 5 and 6 of this report.

More than two years have now passed since the introduction of the new anti-dumping Regulation, bringing with it the imposition of strict deadlines in proceedings. It can be noted that despite the administrative constraints, the Commission has been able to cope with its investigations within the time limits set. This could not have been achieved without a significant increase in personnel and an important restructuring of the Anti-dumping Services which took place at the end of 1995.

As an introduction to this report, once more a brief summary is presented of the notions of dumping and subsidies and the international and Community legislation which apply.

¹ Previous reports were given in COM(83)519 final/2; COM(84)721 final; COM(86)308 final; COM(87)178; COM(88)92 final; COM(89)106; COM(90)229 final; SEC(91)92 final; SEC(91)974 final; SEC(92)716 final; COM(93)516 final; COM(95)16 final and COM(95)309 final; COM(96)146 final; COM(97)428 final.

² OJ No C.11, 18.01.82, p 37.

³ PE 141.178/fin of 30.11.1990, reporter Mr Gijs DE VRIES.

1.1. What is dumping and what are countervailable subsidies

Dumping is traditionally defined as price discrimination between national markets. The Community's Anti-dumping legislation defines dumping as selling a product for export to the Community at a price below its "normal value". This "normal value" is usually the actual sales price on the domestic market in the exporting country. If sales on the domestic market are not representative, for instance because they have only been made in small quantities, the normal value may be established on another basis, such as the prices of other sellers on the domestic market. Subsidies consist of a financial contribution from a Government which confers a benefit to producers or exporters (e.g. grants, tax and duty exemptions, preferential loans at below commercial rates).

In the majority of cases where dumping occurs on a more than incidental basis, a certain market segregation exists. That segregation may be due to government regulation, but also to other circumstances, including consumer preferences. As a result, exporters are shielded, at least to a certain degree, from international competition on their domestic market.

Imports at dumped or subsidized prices can produce negative effects on the Community industry, which cannot compete on equal grounds with the exporters. Sales prices, sales volume, turnover etc. can decrease, creating further negative consequences on, for example, investment and employment. In the worst scenario, an exporter may try to eliminate Community producers from the EU market by using a predatory pricing strategy.

1.2. Anti-dumping and anti-subsidies rules

It is internationally agreed that action may be taken against dumped and subsidised imports, which are causing injury to a domestic industry. The European Community has its own legislation in force which reflects these international rules.

The GATT/WTO rules

Action against injurious dumping and subsidisation is permitted under Article VI of the GATT. The more detailed rules are now laid down in the WTO Anti-dumping and Anti-subsidy Agreements. It is established that measures may only be taken against dumped or subsidised imports if these have caused or are threatening to cause "material" injury to a domestic industry. The notion of material injury encompasses objective economic indicators such as market shares, production, sales, profitability etc.

Community legislation

The first anti-dumping and anti-subsidy legislation of the Community was enacted in 1968 and has been subsequently modified several times. It has been revised to reflect the new GATT rules. The current basic Regulations (EC and ECSC), which form the legal basis of anti-subsidies and anti-dumping investigations of the Commission, entered into force in March and November 1996 and in October 1997 respectively⁴.

The substantive rules of the basic anti-dumping Regulation are that before an action can be taken, dumping, material injury and causality have to be established and the application of measures must not be against the Community interest. The basic Regulation, dealing with subsidised imports, establishes that, in order to apply countervailing duties, the subsidy must be specific (e.g. an export subsidy or a domestic subsidy limited to a particular company or sector) and must cause material injury to the Community industry.

Even though the WTO rules set minimum conditions for applying the anti-dumping and/or anti-subsidy measures, the Community legislation contains two further more liberal provisions which are not applied by all WTO members. These provisions, aimed at ensuring a balanced application of the Community's anti-dumping and anti-subsidy rules are the "Community interest test" and the "lesser duty rule". The Community interest test shall be based on an appreciation of all the various interests taken as a whole, including the interests of the domestic industry and users and consumers. The lesser duty rule states that measures, whilst never being allowed to exceed the dumping margin, should be set at a level which is adequate to remove the injury. As a result, anti-dumping duties may be set at a lower level than the actual dumping margin found. This actually occurs in many of the Community's cases.

Procedure

Investigations follow the procedural rules laid down in the respective basic Regulations. Whereas each investigation is different depending on the products and countries involved, all cases give rise to a significant workload for the Commission services since the main procedural steps are identical, these being: First, the Commission decides whether an investigation should be opened after the lodging of a complaint. A notice of initiation is subsequently published in the Official Journal and detailed questionnaires are sent to all interested parties. All interested parties, including users and where appropriate consumers organisations are invited to participate in the proceeding and they can request a hearing and access to non-confidential files.

⁴ Council Regulation (EC) No 384/96 of 22 December 1995 (OJ No L 56 of 6.3.1996), as last amended by Regulation (EC) No 2331/96 (OJ No L 317 of 6.12.1996) and Commission Decision No 2277/96/ECSC of 28.11.1996 (OJ No L 308 of 29.11.1996) for anti-dumping, and Council Regulation (EC) No 2026/97 of 6 October 1997 (OJ No L 288 of 21.10.1997) and Commission Decision No 2424/88/ECSC of 21 July 1988 (OJ No L 209 of 2.8.1988) for anti-subsidies.

Subsequently, verification visits are carried out by Commission officials at the premises of the cooperating parties. These visits are followed by thorough calculations often involving the processing of many thousand transactions and complex calculations of production costs. The results of these calculations lead to the preparation of a working document on the basis of which it is decided - after consultation of the Member States in the Anti-dumping Advisory Committee - whether to impose provisional measures or to terminate the proceeding.

Following the publication of a Commission regulation imposing provisional duties in the Official Journal, interested parties who so requested receive a full disclosure which allows them to submit comments. The Commission verifies its calculations and reconsiders its findings following these comments. A second working document is prepared which after final disclosure and consultation of the Member States leads to a final proposal of the Commission either to impose definitive duties and/or to accept undertakings or to terminate the proceeding. The Council decides on the adoption of the Commission proposal by qualified majority. The regulation to impose definitive duties is published in the Official Journal.

The procedure as described above is subject to strict statutory deadlines. Thus, a decision to impose provisional duties must be taken within nine months and the total duration of an investigation is limited to fifteen months. This leads to a significant time pressure taking into account amongst others internal consultations and the necessity to publish regulations and decisions of the Community institutions in all Community languages at the same time.

Anti-dumping or countervailing measures will normally remain in force for five years and may consist of duties or undertakings concluded with the exporters. Measures are taken on a country wide basis but individual treatment, i.e. the application of a company specific duty, can be granted to exporters which have co-operated throughout the investigation. During the five-year period, interested parties may request a review of the measures or the refund of anti-dumping duties paid. Measures may also be suspended for a certain period.

The EU legislation ensures full transparency in anti-dumping and anti-subsidy cases by disclosure of information to the parties concerned and the authorities of third countries and by publication of decisions and the motivations underlying them. Procedural rights of parties, including hearings and access to non-confidential files, are fully respected throughout the proceeding and a system of judicial review exists to ensure its correct implementation. The competence to review anti-dumping or anti-subsidy cases lies with the Court of First Instance and the Court of Justice in Luxembourg. Of course, the possibility of recourse to the WTO dispute settlement mechanism remains for governments of WTO members.

2. GENERAL OVERVIEW OF MEASURES IN FORCE

At the end of 1997, the Community had 141 measures⁵ in force covering 63 products and 33 countries. Three of them were anti-subsidy measures. Of the definitive measures, the large majority was in the form of duties; however, in a significant number of cases, in particular those relating to CEEC countries, undertakings were accepted.

Of all the measures in force at the end of 1997, 58 measures (or 41%) concerned non-market-economy countries⁶, including the People's Republic of China with 32 measures and Russia with 14 measures. The other countries most concerned are South Korea and Thailand with 8, Poland with 7, Japan and Malaysia with 6 and Brazil, Taiwan and Indonesia with 5. Of the measures currently in force, 14 (or 10%) concern one or more of the 10 Central and East European Countries (CEEC)⁷.

For a more realistic view of the impact of anti-dumping measures, however, one has to look at the trade volume of the product concerned, which varies considerably depending on the product sector. The biggest trade volumes are often generated by high-technology, high-value products such as electronics. It should be noted, however, that in 1997 (as in the previous years) only 0.3% of the total import trade is affected by anti-dumping or anti-subsidy measures, i.e. 99.7% are not subject to any measures.

⁵ The measures are counted per product and country concerned.

⁶ According to Regulation (EC) No 519/94 these countries were the following in 1997 : Albania, Armenia, Azerbaïdjan, Belarus, P.R. China, Georgia, Kazakhstan, Kirghistan, Moldavia, North Korea, Ouzbekistan, Russia, Tadjikistan, Turkmenistan, Ukraine, Vietnam; as regards Russia and China, see also Chapter 14.

⁷ These countries are: Romania, Bulgaria, Slovak Republic, Czech Republic, Slovenia, Hungary, Poland, Latvia, Lithuania and Estonia.

TABLE 1

**Anti-dumping and anti-subsidy investigations
during the period 1 January 1993 – 31 December 1997⁸**

	1993	1994	1995	1996	1997
Investigations in progress at the beginning of the period	57	51	65	77	54
Investigations initiated during the period	21	43	33	25	45
Investigations in progress during the period	78	94	98	102	99
Investigations concluded by :					
- imposition of definitive duty or acceptance of undertakings	19	21	13	23	24
- terminations ⁹	8	8	8	25	13
Total investigations concluded during the period	27	29	21	48	37
Investigations in progress at the end of period	51	65	77	54	62
Provisional duties imposed during the period	16	25	21	11	33

3. INITIATIONS OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS

3.1. Overview

Anti-dumping and anti-subsidy proceedings are generally initiated following a complaint by Community producers accounting for more than 25% of the Community production of the product concerned. The complaint has to contain evidence of dumping/subsidies and injury resulting therefrom. The decision to initiate is taken by the Commission in accordance with the provisions of the respective basic Regulations, after duly verifying whether the conditions are met and after consulting the Member States in the Anti-dumping Advisory Committee.

⁸ The initiation of a case concerning several countries is accounted as separate investigations/proceedings per country involved.

⁹ Investigations might be terminated for reasons such as the withdrawal of the complaint, *de minimis* dumping or injury, etc.

In 1997, 45 new investigations⁸ were initiated involving imports from 23 different countries (review investigations are dealt with in section 7 of this report). India featured most prominently with 6 investigations, followed by the People's Republic of China with 5, Taiwan with 4 and Thailand, South Korea and USA each with 3. Details of these investigations are given in Annex A.

In the five-year period from 1993 to 1997, 167 investigations were initiated concerning imports from 38 different countries. The main countries concerned were the People's Republic of China with 25 investigations, India with 15, Thailand with 14, South Korea and Indonesia with 10 investigations each. The investigations initiated over the last five years are broken down by country of export in Annex E.

The main sectors concerned by these investigations during the period from 1993 to 1997 were those of textiles, electronics, iron steel and chemicals, with 40, 31, 22 and 20 investigations respectively. In 1997, the largest number of investigations (14) took place in the electronics sector. A breakdown of the product sectors is given in Annex F.

A summary of the cases opened in 1997 can be found below.

3.2. Cases

3.2.1. *Stainless steel fasteners and parts from Thailand*

A notice of extension of the anti-dumping proceeding with regard to imports of Stainless steel fasteners and parts originating in the People's Republic of China, India, the Republic of Korea, Malaysia and Taiwan was published on 25 January 1997. By this note, the above-mentioned proceeding was extended to imports originating in Thailand. The extension of the proceedings was initiated following an additional complaint from the original complainant, E.I.F.I. (European Industrial Fasteners Institute).

The additional complaint contained evidence of significant dumping based on a comparison of normal value established on the basis of domestic prices in Thailand with the export prices of the product concerned to the Community.

With regard to injury, it was alleged that imports from Thailand had increased significantly in absolute terms and in terms of market share. It was further alleged that the prices of the imported products had significantly undercut the prices charged by the Community producers, resulting in material injury to the Community industry.

3.2.2. *Personal fax machines from the People's Republic of China, Japan, Korea, Malaysia, Singapore, Taiwan and Thailand*

The notice of initiation of an anti-dumping proceeding with regard to imports into the Community of personal or consumer fax machines originating in the People's Republic of China, Japan, Republic of Korea, Malaysia, Singapore, Taiwan and Thailand was published on 1 February 1997 in the Official Journal of the European Communities.

The product allegedly being dumped was personal or consumer fax machines. They could be distinguished from professional fax machines by virtue of their weight and size. Only fax machines with a weight of 5 kilograms or less and with dimensions (width x depth x height) of the main body measuring 470 mm x 450 mm x 170 mm or less, were considered as personal or consumer fax machines for the purposes of the investigation.

The proceeding was initiated as a result of a complaint lodged in December 1996 by Philips Personal Fax Elektronik Fabrik, Communications Systems, Wien-Microelectronics, who represented a major proportion of Community production of the like product.

The complaint contained evidence of dumping of the said product and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.

Since the People's Republic of China is a non-market economy country, the complainant proposed that normal value be established on the basis of the prices or the constructed value in an appropriate market economy third country, i.e. the Republic of Korea.

3.2.3. Potassium permanganate from India and the Ukraine

The notice of initiation of an anti-dumping proceeding with regard to imports into the European Union of potassium permanganate originating in India and the Ukraine was published on 26 April 1997, following a complaint lodged by the European Chemical Industry Council (CEFIC), on behalf of the Community industry.

The complaint contained evidence of significant dumping based on a comparison of normal values established on the basis of constructed normal value in India with the export prices of the product concerned to the Community. Since the Ukraine is a non-market economy country, the complainant proposed that normal value be established on the basis of the normal value in India. This normal value was compared with the export prices of the product concerned when sold for export to the Community.

With regard to injury, it was alleged that imports from India and the Ukraine had increased significantly, both in absolute terms and in terms of market share. It was further alleged that, among other consequences, and taking into account the fact that past dumping practices by other countries had already injured the Community industry, the volume and prices of the imported products had had a negative impact on the quantities sold, the market share and the prices charged by the Community producers, resulting in a substantial adverse effect on the financial situation of the Community industry.

3.2.4. *Polysulphide polymers from the United States of America*

The notice of initiation of an anti-dumping proceeding with regard to imports into the European Union of polysulphide polymers originating in the United States of America was published on 19 June 1997, following a complaint lodged by Akcros Chemicals - Germany, the sole Community producer of the product concerned.

The complaint contained evidence of significant dumping based on a comparison of normal value established on the basis of domestic prices in the United States of America with the export prices of the product concerned to the Community.

With regard to injury, it was alleged that imports from the United States of America had increased significantly both in absolute terms and in terms of market share. It was further alleged that the volume and prices of the imported products had, among other consequences, had a negative impact on the quantities sold, the market share and the prices charged by the Community industry, resulting in a substantial adverse effect on its financial situation.

3.2.5. *Synthetic fibre ropes from India*

The notice of initiation of an anti-dumping proceeding with regard to imports into the European Union of synthetic fibre ropes originating in India was published on 1 July 1997 on the Commission's own initiative.

A previous proceeding concerning the same product had been terminated on the grounds that the degree of injury and causal link between the dumping and any injury could not be sufficiently established in the light of the information available in relation to the investigation period.

However, information made available to the Commission at a late stage of the investigation indicated that at the end of the previous investigation and during the period following it, there was *prima facie* evidence that the situation of the Community had further deteriorated as a result of continued dumped imports from India.

3.2.6. *Monosodium glutamate from Brazil, the United States of America and Vietnam*

The notice of initiation of an anti-dumping proceeding with regard to imports of monosodium glutamate originating in Brazil, the United States of America and Vietnam was published on 5 July 1997, following a complaint lodged by Orsan SA, the sole producer of monosodium glutamate in the Community.

The complaint contained evidence of significant dumping. The allegation of dumping was based for Brazil and the United States on a comparison of normal value established on the basis of domestic prices in these countries with the export prices to the Community. Since Vietnam is a non-market economy country, the complainant proposed that normal value be established on the basis of the domestic price in Thailand. This normal value was compared with the export prices of the product concerned when sold for export to the Community.

With regard to injury it was alleged that imports from Brazil, the United States of America and Vietnam increased significantly both in absolute terms and in terms of market share. It was further alleged that, among other consequences, the volume and prices of the imported products had a negative impact on the quantities sold, the market share and the prices charged by the Community producer, resulting in a substantial adverse effect on the financial situation of the Community industry.

3.2.7. *Cotton grey fabrics from the People's Republic of China, Egypt, India, Indonesia, Pakistan and Turkey*

The notice of initiation of an anti-dumping proceeding with regard to imports of flat unbleached cotton fabrics originating in the People's Republic of China, Egypt, India, Indonesia, Pakistan and Turkey was published on 11 July 1997. The proceeding was initiated following a complaint lodged by the Committee of the Cotton and Allied Textile Industries of the European Union (Eurocoton) on behalf of the Community industry.

The complaint contained evidence of substantial dumping based on a comparison of export prices to the Community with constructed normal values established for each of the countries concerned. Since the People's Republic of China is a non-market economy country, the complainant proposed that normal value be established on the basis of the prices or the constructed value in a market economy third country, i.e. India.

With regard to injury, it was alleged that imports from the countries concerned had a negative impact on the Community industry's prices, which together with other effects adversely and substantially affected the industry's financial situation.

It should be noted that this complaint was lodged shortly after the Council was unable to find the majority necessary to adopt the proposal of the Commission to impose definitive anti-dumping duties in a previous investigation.

The fact that the Commission decided to initiate a new proceeding shortly after the Council's refusal to adopt the Commission's proposal was criticized by a number of exporting countries. In this respect, it should be noted that the Commission, upon receipt of a properly documented complaint and, in accordance with its anti-dumping legislation as well as the WTO agreement, had no choice but to initiate a new proceeding.

3.2.8. *Imports into Italy of certain flat rolled narrow strips, of iron or non-alloy steel, cold-rolled, from Russia*

The notice of initiation of an anti-dumping proceeding concerning imports into Italy of certain flat rolled narrow strips, of iron or non-alloy steel, cold-rolled, originating in Russia was published on 12 July 1997. The proceeding was initiated following a complaint lodged by the Italian Narrow Cold Rolled Strips Producers Association (FEDERACCIAI), on behalf of producers representing a major proportion of total cold-rolled narrow steel strips output in Italy.

The Italian producers alleged that they sell almost all of their production of steel cold-rolled narrow strips in Italy. It was also submitted that demand in the Italian market for this product was not, to any substantial degree, supplied by producers located elsewhere in the Community. It was further alleged that the dumped imports into the Community were concentrated into the Italian market.

Given these circumstances, it was alleged that the territory of the Community should, for the product in question, be divided into two or more different competitive markets, as provided for by Article 4(1)(b) of the basic Regulation, one these being the Italian market. Consequently, for the purpose of this proceeding, the Community industry consisted only of the producers in Italy.

In view of the fact that Russia is a non-market economy country, the complaint proposed that normal value be established on the basis of the domestic price in the United States of America. The allegation of dumping was based on the comparison of normal values in the USA, as set out above, with the export prices of the product concerned originating in Russia when sold for export to Italy. On this basis, the alleged dumping margins, as calculated, are substantial.

As regards injury it was alleged that imports into Italy from Russia had increased significantly in absolute terms and in terms of market share during a period where the apparent consumption in Italy had decreased. In addition, the volume and prices of the imported products had, among other consequences, had a negative impact on the quantities sold, the market share and the prices charged by Italian producers, resulting in substantial adverse effects on the financial situation of the Italian industry, reduced investment and significant job losses. It was further argued that these imports are causing injury to the producers of all or almost all the production of the product in question within the Italian market.

3.2.9. *Synthetic fibre ropes from the Republic of Korea*

The notice of initiation of an anti-dumping proceeding with regard to imports into the European Union of synthetic fibre ropes originating in the Republic of Korea was published on 31 July 1997, following a complaint lodged by the Liaison Committee of the European Union, Twine, Cordage and Netting Industries (EUROCORD), on behalf of the Community industry.

The complaint contained evidence of significant dumping based on a comparison of the domestic prices in the Republic of Korea with export prices of the product concerned to the Community.

With regard to injury, it was alleged that imports from the Republic of Korea increased significantly in absolute terms and in terms of market share. It was further alleged that the volume and prices of the imported products have, among other consequences, had a negative impact on the quantities sold and the prices charged by the Community producers, resulting in a substantial adverse effect on the financial situation of the Community industry.

3.2.10. *Unwrought unalloyed magnesium from the People's Republic of China*

The notice of initiation of an anti-dumping proceeding with regard to imports of unwrought unalloyed magnesium originating in the People's Republic of China was published on 21 August 1997. The proceeding was initiated following a complaint lodged by Euroalliages, on behalf of the only producer of unwrought unalloyed magnesium operating in the Community, Pechiney Electrometallurgie (France).

The complaint contained evidence of substantial dumping. As the People's Republic of China is a non-market economy country, the complaint proposed that normal value be established on the basis of the prices in a market economy third country, ie Norway.

With regard to injury, the complainant alleged and provided evidence that imports from the People's Republic of China had increased significantly in absolute terms and in terms of market share. It was further alleged that the volume and prices of the imported products had, among other consequences, had a negative impact on the quantities sold and the prices charged by the Community producers, resulting in a substantial adverse effect on the financial situation of the Community industry.

3.2.11. *Stainless steel bright bars from India (anti-dumping)*

The notice of initiation of an anti-dumping proceeding with regard to imports of stainless steel bright bars originating in India was published on 30 August 1997, following a complaint lodged by Eurofer on behalf of the Community industry.

The complaint contained evidence of significant dumping based on a comparison of normal value established on the basis of domestic prices in India with the export prices of the product concerned to the Community.

With regard to injury, it was alleged that imports from India had increased significantly in absolute terms and in terms of market share. It was further alleged that the volume and price of the imported products had, among other consequences, had a negative impact on the quantities sold, the market share and the level of prices charged by the Community producers, resulting in substantial adverse effects on the financial situation of the Community industry and significant job losses.

3.2.12. *Broad spectrum antibiotics from India*

The notice of initiation was published on 12 September 1997. The anti-subsidy proceeding was initiated following a complaint from the producers Antibiotics SA and SpA, Biochemie GmbH, SA and SpA and ACS Dobfar SpA, representing a major proportion of Community production of the product concerned.

The complaint contained evidence of subsidization i.e. that producers and/or exporters in India benefit from a number of subsidies granted by the Government of India. These subsidies are a credit for import duty on materials used by exporters (Passbook Scheme), a tax exemption scheme on profits earned on exports, export promotion capital goods scheme and benefits from locating in export processing zones. The subsidy is estimated to amount to at least 30%. All these schemes are considered countervailable as they are allegedly contingent on export performance.

With regard to injury, it was alleged that imports from India have increased significantly in absolute terms and in terms of market share. It was further alleged that low prices of the allegedly subsidized imports have had a negative impact on the prices charged by the Community producers, resulting in a substantial adverse effect on their financial situation. In particular, profitability has become inadequate to finance the required R&D expenditure. The increased volumes of imports had also had a negative impact on the quantities sold by the Community industry.

3.2.13. Thiourea dioxide from the People's Republic of China

The notice of initiation of an anti-dumping proceeding with regard to imports of thiourea dioxide (also known as formamidine sulfinic acid) originating in the People's Republic of China was published on 24 October 1997. The proceeding was initiated following a complaint lodged by the European Chemical Industry Council (CEFIC) on behalf of the sole producer of thiourea dioxide in the Community, Degussa AG (Germany).

The complaint contained evidence of significant dumping. Since the People's Republic of China is considered to be a non-market economy, the complainant proposed that normal value be established on the basis of the price or the constructed value in a market economy third country, i.e. Japan.

With regard to injury, it was alleged that imports from the People's Republic of China increased significantly in absolute terms and in terms of market share. It was further alleged that the volume and prices of the imported products have, among other consequences, had a negative impact on the quantities sold and the prices charged by the Community producer which, together with other effects, have had a significant adverse impact on the financial situation of this Community producer.

3.2.14. Certain laser optical reading systems or the main constituent elements thereof, for use in motor vehicles from Japan, Korea, Malaysia, Taiwan and the People's Republic of China

The notice of initiation of an anti-dumping proceeding was published on 25 October 1997 with regard to certain laser optical reading systems or the main constituent elements thereof, for use in motor vehicles originating in Japan, Korea, Malaysia, the People's Republic of China and Taiwan, following a complaint lodged by ALORS (the Association for Laser-Optical Reading Systems).

For all five countries, the complaint contained evidence of substantial dumping. As the People's Republic of China is a non-market economy country, the complainant proposed that normal value be established on the basis of constructed normal value in a market economy third country, namely Malaysia.

With regard to injury, the complainant alleged that imports from these countries had increased substantially in absolute terms and in terms of market share. It was further alleged that, among other consequences, the volume and prices of the imported products had a negative impact on the quantities sold and the prices charged by the Community producers. This resulted in a substantial adverse effect on the financial situation of the Community industry which, it is alleged, prevented new investments from taking place.

3.2.15. Stainless steel bright bars from India (anti-subsidy)

The notice of initiation of an anti-subsidy proceeding was published on 30 October 1997. The proceeding was initiated following a complaint lodged by Eurofer on behalf of a major proportion of Community producers.

The complaint contained evidence of subsidization i.e. that producers and/or exporters of the product concerned in India benefit from a number of subsidies granted by the Government of India. These subsidies are a credit for import duty on materials used by exporters (Passbook Scheme), a tax exemption scheme on profits earned on exports, export promotion capital goods scheme and benefits from locating in export processing zones. This subsidy is estimated to amount to 25-30%. All of these schemes are considered countervailable, as they are allegedly contingent upon export performance.

With regard to the injury, it was alleged that imports from India have increased significantly in absolute terms and in terms of market share. It is further alleged that the volume and low prices of the imported products have, among other consequences, had a negative impact on the quantities sold, the market share and the level of prices charged by the Community producers, resulting in substantial adverse effects on their financial situation and significant job losses.

3.2.16. Cochineal Carmine from Peru

The notice of initiation was published on 6 November 1997. The proceeding was initiated following a complaint lodged by Xantaflor, Spain, which accounts for at least 50% of Community production.

The complaint contained evidence of subsidies granted by the Government of Peru. These are a simplified drawback scheme, tax benefits in special trade and development zones and an export promotion programme. These subsidies appear to be either contingent upon export performance or regionally specific and are therefore countervailable. The amount of subsidy is estimated at 15-20%.

As regards injury, it is alleged that the Peruvian prices significantly undercut the prices of the Community producer and that the low prices of the subsidized imports have forced the Community producer to reduce its prices, resulting in a negative impact on the financial situation of the producer. In addition, the market share of Peruvian imports has increased significantly over the past years, whereas the market share and the absolute volume of sales of the Community producer has decreased.

3.2.17. Hardboard from Brazil, Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia.

The notice of initiation with regard to imports of hardboard originating in Brazil, Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia was published on 7 November 1997, following a complaint lodged by 8 companies which produce more than 50% of Community output of the like product.

The product allegedly being dumped is hardboard, defined as fibreboard of wood or other ligneous materials, whether or not bonded with resin or other organic substances and with a density exceeding 0,8g/cm³. Hardboard is used for furniture, furnishings, wall coverings, ceilings, floorings as well as in the automobile, packaging, toys, do-it-yourself and related sectors.

With regard to Brazil, Lithuania and Poland, the allegation of dumping is based on a comparison of normal value established on the basis of domestic prices in these countries with the export prices of the product concerned to the Community. As far as Bulgaria, Estonia and Latvia are concerned, the allegation of dumping is based on a comparison of constructed normal value in these countries with the export prices of the product concerned to the Community. In view of the fact that Russia is a non-market economy country, the complainant has proposed that normal value be established on the basis of the price in a market economy third country i.e. the USA. The allegation of dumping is based on a comparison of normal value, as set out above, with the export prices of the product concerned from Russia when sold to the Community. On this basis the dumping margins calculated are substantial.

With regard to injury, it was alleged that imports from the countries concerned had a negative impact on the quantities sold and prices charged by the Community producers, resulting in substantial adverse effects on the overall performance of the Community industry and the financial situation of the Community industry.

3.2.18. Bicycles from Taiwan

The notice of initiation of an anti-dumping proceeding with regard to imports of bicycles originating in Taiwan was published on 26 November 1997. The proceeding was initiated following a complaint lodged by the European Bicycle Manufacturers Association, representing a major proportion of Community production of bicycles.

The complaint contained evidence of significant dumping based on a comparison of normal value established on domestic prices in Taiwan with the export prices of the product concerned to the Community.

With regard to injury, it was alleged that imports from Taiwan have increased significantly in absolute terms and in terms of market share. It was further alleged that the volume and prices of the imported products have, among other consequences, had a negative impact on the quantities sold and the prices charged by the Community producers, resulting in substantial adverse effects on the overall performance and the financial situation of the Community industry.

3.2.19. Certain large electrolytic aluminium capacitors from the United States of America and Thailand

The notice of initiation of an anti-dumping proceeding with regard to imports into the Community of certain large electrolytic aluminium capacitors originating in the United States of America and Thailand was published on 29 November 1997 in the Official Journal of the European Communities.

The product allegedly being dumped was large electrical capacitors, non-solid, aluminium electrolytic, with a CV product (capacitance multiplied by rated voltage) between 8000 and 550000 micro-coulombs (μC) at a voltage of 160 V or more.

The proceeding was initiated as a result of a complaint lodged by the Federation for Appropriate Remedial Anti-Dumping (FARAD) on behalf of Nederlandse Philipsbedrijven B.V. (The Netherlands) and BHC Aerovox Ltd. (United Kingdom) whose combined output represented a major proportion of the Community production of the product concerned.

The complaint contained evidence of substantial dumping based on a comparison of the constructed normal value in the United States and Thailand with the respective export prices of the product concerned to the Community.

With regard to injury, it was alleged that imports into the Community from the United States and Thailand had increased significantly, and that the volume and prices of the imported products had had a negative impact on the quantities sold and the prices charged by the Community producers, resulting in a substantial adverse effect on the financial situation of the Community industry.

3.2.20. Woven glass fibre fabrics from Taiwan (anti-dumping)

The notice of initiation of an anti-dumping proceeding with regard to imports of certain woven glass fibre fabrics originating in Taiwan was published on 4 December 1997. The proceeding was initiated following a complaint lodged by EURATEX (European Apparel and Textile Organisation), on behalf of the Community industry.

The products allegedly being dumped are plain weave fabrics, woven from "E" glass electrical grade glass fibre yarns, that are designed as reinforcing material in laminated plastics for electrical and electronic use. These products conform to internationally recognized stands (IPC and ISO).

The complaint contained evidence of significant dumping based on a comparison of normal value based on domestic prices in Taiwan with the export prices of the product concerned when sold for export to the Community.

With regard to injury, the complainant alleges and has provided evidence that imports from Taiwan have increased significantly in absolute terms and in terms of market share. It is further alleged that the volume and prices of the imported products have, among other consequences, had a negative impact on the quantities sold, the market share and the level of the prices charged by the Community industry, resulting in a substantial adverse effect on its financial situation.

3.2.21. Woven glass fibre fabrics from Taiwan (anti-subsidy)

The notice of initiation of an anti-subsidy proceeding was published on 4 December 1997. The proceeding was initiated following a complaint lodged by EURATEX (European Apparel and Textile Organisation) on behalf of all known Community producers of this product.

The complaint contained evidence that the Taiwanese producers of the product concerned benefit from a number of subsidies granted by the Government of Taiwan. These subsidies are mainly granted under the Statute for Upgrading Industries and include : tax credits/tax exemptions granted under a number of programmes (e.g. incentives for technology-based enterprises, incentives for automation, R&D incentives), low interest loans for certain projects, accelerated depreciation for machinery and equipment and a range of benefits for locating in industrial parks. The amount of subsidy is estimated at 30-40%. On the basis of the complaint, all these schemes are considered to be countervailable as they are specific to certain enterprises and zones.

With regard to injury, it was alleged that imports from Taiwan have increased significantly in absolute terms and in terms of market share. It was also alleged that the volume and prices of the imports had, among other consequences, a negative impact on the quantities sold, the market share and the prices charged by the Community producers, resulting in substantial adverse effects on their financial situation.

4. PROVISIONAL MEASURES

4.1. Overview

Provisional measures may be taken in accordance with the provisions of the respective basic Regulations where the preliminary examination shows that there is sufficient evidence of dumping or subsidy and of injury caused thereby to the Community industry, and that the Community interest calls for intervention to prevent such injury.

Provisional duties may be imposed for six months and extended for a further three months or they may be imposed for nine months. However, they may only be extended, or imposed for a nine-month period, where exporters representing a significant percentage of the trade involved so request or do not object upon notification by the Commission.

Individual duty rates are calculated for those exporting producers who have cooperated with the Commission services, whereas the duty rate for non-cooperating companies is based on past information available. This generally leads to higher duty rates for non-cooperating companies in order to avoid granting a bonus for non-cooperation.

In 1997, provisional duties were imposed in 13 proceedings. As shown in Table 1, this figure compares to 11 in 1996 and 21 in 1995. Details of the provisional duties imposed in 1997 are given in Annex B, whilst this section of the report gives a summary of each of these cases.

4.2. Cases

4.2.1. *Sacks and bags made of polyethylene or polypropylene from India, Indonesia and Thailand.*

On 10 January 1997, the Commission imposed a provisional anti-dumping duty on imports of sacks and bags originating in India, Indonesia and Thailand. The proceeding had been initiated in April 1995 following a complaint lodged by the European Association for Textile Polyolefins (EATP).

Dumping

The normal value for the exporting countries concerned was in most cases established on the basis of domestic selling prices. Where the domestic sales volume was found to be not representative, normal value was established on the basis of prices charged by other producers in the country concerned for representative domestic sales of the corresponding product type or else constructed on the basis of the cost of manufacture plus a reasonable amount for selling, general and administrative expenses and profit. In view of the large number of Indonesian exporters it was decided to select a sample of exporters.

Export prices for the three countries concerned were determined on the basis of the prices actually paid or payable for the products sold for export to the Community.

The provisional dumping margins established ranged from 0% to 47.2% for India, from 23.5% to 74.3% for Indonesia and from 13.8% to 94.9% for Thailand.

Injury and causation of injury

The analysis of the elements affecting the Community industry has shown that during the period under examination, namely from 1992 to the investigation period (April 1994 to March 1995), the Community industry was confronted with dumped imports of low-priced sacks and bags originating in India, Indonesia and Thailand.

As result of significant price undercutting from Indian, Indonesian and Thai exporters, the Community industry lost 10% of its market share and had to decrease its production by 9% causing capacity utilisation to decrease by 8%. Prices, profitability, investments and employment also followed a negative trend during the same period of time. The Commission therefore concluded that the Community industry had been suffering material injury.

Given that sacks and bags are technically a simple product, offered through similar sales channels to the same users in the Community, the Commission considered that low-priced imports from the three countries, taken in isolation, had a substantial negative impact on the deteriorating situation of the Community industry.

Community interest

Having examined all the arguments submitted by several trade associations, importers and producers as well as users of sacks and bags, and the impact on the competitive environment in the Community market, giving special consideration to the need to eliminate the trade distorting effect of injurious dumping and to restore effective competition, the Commission, on balance, found no compelling reasons for not taking provisional anti-dumping measures against the imports in question.

Measures

The Commission imposed provisional anti-dumping duties on the basis of the dumping margins found since these margins were all lower than the injury elimination levels provisionally found .

The provisional anti-dumping duties thus imposed were between 3.2 and 47.2% for Indian exporters, between 23.5 and 74.3% for Indonesian exporters and between 13.8 and 94.9% for Thai exporters.

4.2.2. Polyester textured filament yarn (PTY) from Malaysia

On 14 January 1997, a provisional anti-dumping duty was imposed on imports into the Community of Polyester textured filament yarn (PTY) originating in Malaysia. The proceeding had been initiated in April 1995, following a complaint lodged by the International Committee of Rayon and Synthetic Fibres (CIRFS), acting on behalf of the majority of the Community producers of PTY. Anti-dumping proceedings, concerning imports of the same product and originating in Taiwan, Turkey, India, Indonesia and Thailand were also carried out following complaints introduced by CIRFS.

Dumping

The investigation revealed that sales of the product concerned on the domestic market during the investigation period were representative and made in the ordinary course of trade. Normal value could therefore be based on the weighted average domestic selling prices of comparable types of PTY.

Export prices were established on the basis of the prices actually paid or payable for the product concerned when sold for export from Malaysia to the Community.

A comparison between normal value and export prices, made at the same level of trade and after due adjustments, were warranted, showed a dumping margin for the sole cooperating producer in Malaysia, Hualon Corporation (M) Sdn.Bhd., of 16.4%.

Injury and causation of injury

With regard to injury it was found that the volume of the dumped imports of PTY originating in Malaysia had increased from 0 tonnes in 1991 to 7.900 tonnes in 1994, and this before the background of an only modestly increasing consumption level in the Community, with consequently decreasing market shares of all other sources of supply (Community producers and other importing countries). Prices charged by the Malaysian exporter significantly undercut European market prices by around 20%, which has to be considered as significant in view of the commodity type of the product concerned. These factors lead to a commensurate decline in the economical performance of the Community industry, with declining sales and market shares, employment cutbacks and poor financial results, which prevented the Community industry from maintaining the level of investment necessary in this capital intensive industrial sector.

Community interest

Having examined the various interests involved, it was concluded that to leave the Community PTY industry without protection against this injurious dumping would not be in the interest of the Community. It was furthermore considered necessary to restore fair competitive conditions in the Community market and at the same time to assure a non-discriminatory treatment of PTY originating in Malaysia as compared to imports of PTY originating in other third countries, which are presently also subject to anti-dumping measures.

Measures

Since the level of injury found exceeded the dumping margin, the provisional duty was imposed at the level of the latter, i.e. at a rate of 16.4%.

4.2.3. *Certain footwear with textile uppers from Indonesia and the People's Republic of China*

On 1 February 1997, a provisional anti-dumping duty was imposed on imports of certain footwear with textile uppers originating in Indonesia and the People's Republic of China. This proceeding was initiated in February 1995 following a complaint lodged by the European Footwear Confederation (CEC) on behalf of the Community producers of the product concerned.

Dumping

In view of the number of exporters in Indonesia and the People's Republic of China, a sample of exporters was selected in each country with a view to being submitted to an in-depth investigation.

In the case of the People's Republic of China, which was considered a non-market economy, normal value was established on the basis of the situation in an analogue country. Indonesia was considered the appropriate choice and normal value for the People's Republic of China was established by adding a reasonable amount for sales, general and administrative expenses and profit to the manufacturing cost of each model incurred by the Indonesian producers for models comparable to those exported by the Chinese exporters.

Since exports of the footwear concerned from the exporters in both samples were made directly to independent customers in the Community, the export prices were established on the basis of the actual export prices actually paid or payable.

The dumping margins for the exporters in the sample for Indonesia ranged from 0% to 28.5%, with a weighted average to be applied to the cooperating exporters outside the sample of 15.4%. The residual dumping margin, applicable to all other exporters, amounted to 53%.

A single dumping margin was calculated for the People's Republic of China. It amounted to 138.7%.

Injury and causation of injury

It was found that the Community industry had suffered material injury which was shown by, among other indicators, a significant drop in production, market share, employment and a strong downward trend of the profit rates. A number of company closures had also occurred.

As far as causation is concerned, it was found that the increasing volume and market share of the dumped imports in combination with their undercutting and decreasing prices coincided with the loss of market share and the price depression suffered by the Community industry. No other factor was identified which could have contributed to the injury suffered by the Community industry.

Community interest

All the various interests involved were examined. No compelling reasons not to take action against the imports in question came to light.

Measures

The anti-dumping duty was based on the injury elimination level found, in each case where it was lower than the dumping margin. The provisional anti-dumping duty ranged from 0% to 36.5% (residual) for Indonesia, and was 94.1% for the People's Republic of China.

4.2.4. *Handbags from the People's Republic of China*

On 3 February 1997, a provisional anti-dumping duty was imposed on imports into the Community of certain handbags originating in the People's Republic of China. The proceeding was initiated in May 1996, as a result of a complaint lodged by the European Committee for Leather Goods Industries (CEDIM), whose collective output represented a major proportion of Community production of handbags.

Dumping

Since the People's Republic of China is a non-market economy country, the Commission determined the normal value on the basis of data obtained from producers in a market economy third country. Following a selection process in which several countries were considered, including Taiwan which was suggested by the complainant, the Commission chose Indonesia as analogue country because of the existence of, inter alia, the production of handbags with similar characteristics and similar production processes.

Normal value was calculated on the basis of the cost of production of the Indonesian producers to which a reasonable amount was added for selling, general and administrative costs and for profits.

Given the low level of co-operation of Chinese exporters (1.28% of all exports from the People's republic of China), the export prices of the co-operating exporting producers could not be considered representative of the prices charged by the non-co-operating exporters. In this respect, the Commission considered it appropriate to resort to the CIF import prices of the unrelated importers sampled for purposes of the injury determination.

Two co-operating exporting producers requested individual treatment. Both companies were able to show, to the satisfaction of the Commission, that the management and control of the factories located in China were clearly in their hands and that their operations were sufficiently independent from the Chinese Authorities and they therefore were granted individual treatment.

The provisional dumping margins established ranged from nil for one of the companies having been granted individual treatment to 129.1% for the exporters that did not obtain individual treatment.

Injury and causation of injury

It was found that the imports of Chinese handbags increased between 1992 and the investigation period by 43% in units and by 25% in value. The share of those imports in the Community consumption grew from 51% to 60% over the same period. An average margin of undercutting of 28% was found.

Sales of the Community industry in the Community market decreased by 12% between 1992 and the investigation period and its market share decreased from 21% to 15.3% over the same period. Profitability decreased from 4.7% to 1.3%, while employment declined from 76.000 to 57.000 people. In the light of the above, the Commission considered that the Community industry had suffered material injury which was caused by Chinese imports.

Community interest

Having examined the various interests involved, the Commission considered that there were no compelling reasons not to take action against the imports in question.

Measures

For the exporting producers not being granted individual treatment, a provisional anti-dumping duty of 39.2% (injury margin) was imposed. For the exporters being granted individual treatment, the duty amounted to nil for Jane Shilton (Pacific) Ltd., and to 30.7% for Lee & Man.

4.2.5. Unwrought, unalloyed zinc from Poland and Russia

On 25 March 1997, a provisional anti-dumping duty was imposed on imports into the Community of unwrought, unalloyed zinc originating in Poland and Russia.

The proceeding had been initiated on 9 June 1995, following a complaint lodged by the European Association of Metals (Eurométaux) on behalf of several producers which account for a major proportion of total Community production of the product concerned.

Dumping

For the Polish exporters normal value has in general been established on the basis of sales of the like product on the domestic market, provided these were made in sufficient quantities and in the ordinary course of trade.

Since Russia is considered to be a non-market economy country, its normal value was based on that established for one of the Polish companies as this company was found to have a production process identical to most of the Russian producers.

Export prices for Poland were established on the basis of prices actually paid or payable for the product when sold to the Community. Export prices for Russia were based on Eurostat statistics.

The comparison between normal values and export prices showed provisional dumping margins of 5.5% and 14.4% for Poland and 7.4% for Russia.

Injury and causation of injury

With regard to injury it was found that the volume of the dumped imports of unwrought, unalloyed zinc originating in Poland and Russia had increased from 19,683 tonnes in 1991 to 107,572 tonnes in the period 1 April 1994 to 31 March 1995, as over the same period, consumption on the Community market had increased by almost 10% the market share of imports from Poland and Russia increased from 1.06% in 1991 to 5.28% in the 1994/95 period.

From 1991 to the 1994/95 period, the Community industry's sales in the Community dropped 17% and its corresponding market share declined to 31%. Due to the particularities of the production process and the existence of the London Metal Exchange (LME) which operates as a semi-floor price for producers of Special High Grade zinc, the capacity utilisation rate of the European producers remained high but stocks of zinc that are not subject to the LME warrant system more than quadrupled, production declined by 8%, employment decreased by 23.5% and its losses widened to almost 5%.

The prices charged by the exporters to industrial users in the Community consistently and significantly undercut the prices of the Community industry. It was concluded that injury was caused by imports of zinc from Russia and Poland.

Community interest

Taking into account that the Community industry's price is based on the (world market) LME quotation, that the price undercutting practiced by the exporters caused material injury, that continued injury might bring about the closure of plants in some economically vulnerable areas, and that it was assessed that the effect of anti-dumping measures on users should be minimal as the full elimination of injury would result in them paying the world market price, it was considered that it was in the Community interest to apply anti-dumping measures.

Measures

As the Community industry's price is based on the LME quotation (world market price), the injury elimination margin was based on price undercutting and found to be 8.8 and 18.5% as regards imports from Poland and 5.5% as regards imports from Russia.

The provisional measures on imports from Poland were imposed at the level of the dumping margin which was found to be lower than the injury margin: accordingly, for the Polish exporters the provisional duty rate was set at 5.5% and 14.4%, respectively. As regards Russia, a provisional duty was imposed at the rate of 5.5% corresponding to the injury elimination margin.

4.2.6. *Certain seamless pipes and tubes, of iron or non-alloy steel from Russia, the Czech Republic, Romania and the Slovak Republic*

On 31 May 1997, provisional anti-dumping duties were imposed on imports into the Community of certain seamless pipes and tubes originating in Russia, the Czech Republic, Romania and the Slovak Republic. The proceeding had been initiated on 31 August 1996, following a complaint lodged by the Defence Committee of the Seamless Steel Tube Industry on behalf of the Community industry.

Dumping

Dumping was found for all the exporters investigated. For the Czech Republic, the dumping margins provisionally found amounted to 5.2% for cooperating exporters and 46.8% for non-cooperators, while for Romania the dumping margins amounted to 10.8% for cooperating exporters and 38.2% for non-cooperators. With regard to the sole exporter located in the Slovak Republic, the dumping margin amounted to 8.9%. A margin of 32.9% was found for exporters located in Russia - none of which cooperated with the investigation - using the Czech Republic as the analogue country.

Injury and causation of injury

In respect of injury, it was found that during the period under consideration (January 1992 to August 1996) the Community industry attempted to stabilise a situation already weakened by past dumping and to re-establish positive financial results. The Community industry could not, however, reach a satisfactory level of profitability as it was subject to growing pressure from dumped imports from the countries under investigation, which increased by 45% over the period under consideration. This corresponded to an increase (from 14.2% to 20.2%) in the market share held by such imports. The Community industry could not, therefore, reach a satisfactory level of profitability. Moreover, it continuously lost market share and experienced further downturn in output and capacity utilisation. Finally, it was concluded that injury was caused by imports from the countries concerned.

Community interest

Having examined all the various interests involved, it was concluded that there were no compelling reasons not to remedy the trade distorting effects of injurious dumping.

Measures

The anti-dumping duty for all exporters concerned was based on the dumping margin found as this was in all cases lower than the injury elimination level. Consequently, the provisional duties ranged between 5.2% and 46.8% for the countries concerned.

4.2.7. *Flat pallets of wood from Poland*

On 6 June 1997 the Commission adopted provisional anti-dumping measures on imports into the Community of flat pallets of wood originating in Poland. The proceeding had been initiated on 13 July 1995, following a complaint lodged by Anton Heggenstaller AR, specifically on behalf of the *Fédération des fabricants de palettes et emballages en bois* (FEFPEB), which in turn acts on behalf of all its member associations and also on behalf of several individual Community producers.

In view of the large number of Polish exporters and Community producers, the Commission services applied sampling and selected two groups of companies, one consisting of 10 Polish exporters, the other consisting of 9 Community producers, in order to investigate the existence and level of dumping and injury, in accordance with Art. 17 of the anti-dumping Regulation of the Community.

Dumping

In general, normal value had to be constructed since domestic sales of the companies investigated were not made either in sufficient quantities or in the ordinary course of trade. However, for one pallet type normal value could be established on the basis of prices paid, in the ordinary course of trade, by independent customers in Poland.

As regards export price, it was established for nearly all companies by reference to the prices actually paid or payable for the pallets sold for export to independent importers in the Community. For producers which made exports to a related importer in the Community export prices were constructed on the basis of the prices at which the related importer sold to independent buyers.

The investigation revealed the existence of dumping in respect of nearly all companies investigated. The provisional dumping margins for the eight companies expressed as a percentage of the CIF import price at the EU-border varied from 4.0% to 10.6%. To the other co-operating companies not being investigated the weighted average margin of the sample – 6.3% - was applied, in accordance with Art. 9(6) of the basic regulation.

For non-co-operating companies, provisional dumping margins had to be assessed on the basis of best information available. For this purpose, the highest dumping margin found for the investigated companies was taken: 10.6%.

Injury and causation of injury

As for injury caused by the dumped imports, the investigation has shown that all injury factors - market share, production, employment and profitability of the Community producers as well as price evolution - deteriorated during the period under examination, which is 1991 to 1994. Furthermore, price comparison showed that Polish pallets were sold on the Community market at prices undercutting those of the Community industry. Against this background and based on a detailed analysis, it was concluded that injury was caused by the dumped imports from Poland.

Community interest

As for Community interest, the Commission concluded that, on balance, no compelling reasons exist that would point against the imposition of Anti-Dumping measures.

Provisional measures

The Commission accepted price undertakings (minimum price) offered from a group of around 30 companies with regard to the most important pallet type, the EUR-pallet, and did not impose any provisional duties on imports of EUR-pallets from the companies concerned.

Furthermore, the following provisional anti-dumping duties were adopted for the remaining companies and/or pallet types:

- a) Companies investigated as members of the sample of Polish exporters: duties range from 4.0% to 10.6%
- b) Other co-operating but not investigated companies: 6.3%
- c) residual duty applicable to non-co-operating companies: 10.6%

The duties are at the level of the dumping margins since the level of the injury exceeded the latter.

Amendment of provisional measures

On 14 August 1997 the Regulation imposing the provisional measures was amended to avoid that new Polish exporters, i.e. exporters which did not exist or export the product to the Community in the period of investigation, are treated like non-co-operators. Indeed, through the amendment a number of genuine new Polish exporters were granted the same treatment, in terms of provisional measures, as the one given to co-operating companies not selected for the sample. The new exporters concerned were hence applied a duty of 6.3% instead of the residual duty of 10.6% and undertakings were accepted with regard to the EUR-pallet.

4.2.8. Cotton-type bed linen from Egypt, India and Pakistan

In June 1997, provisional anti-dumping duties were imposed on imports into the Community of cotton-type bed linen originating in Egypt, India and Pakistan. The proceeding had been initiated in September 1996 following a complaint lodged by the Committee of the Cotton and Allied Textile Industries of the European Union (Eurocoton) acting on behalf of a major proportion of Community production.

Dumping

Due to the large number of exporting producers in the countries concerned, the Commission used sampling for the investigation of dumping. Dumping was found for all exporting producers investigated by comparing constructed normal values with export prices to the Community. The provisional dumping margins established ranged from 9.1% to 13.5% for Egypt, from 3.9% to 27.3% for India and from 0.2% (*de minimis*) to 8.2% for Pakistan.

Injury and causation of injury

The Community industry was found to have suffered material injury during the period 1992-96, particularly in terms of declining and inadequate profitability and price development. During this period 29 companies ceased or reduced bed linen production and the total volume of sales by Community producers in the Community fell by 17%.

A direct causal link between the increased volume of the dumped imports and the material injury suffered by the Community industry was found. Indeed between 1992 and 1996 the market share of the dumped imports from the countries concerned increased from 16.9% to 25.1% whilst the market share of the Community producers decreased from 62.2% to 55.6%. At the same time substantial price undercutting of the Community industry's prices by the dumped imports' prices was found ranging from 11.9% to 53.7%.

Community interest

All various interests involved were examined in particular those of the Community industry and its suppliers, the interests of importers, retailers and other purchasers and the interests of consumers. The Commission considered that there were no compelling reasons not to impose measures in order to correct the distortive effect of injurious dumping, to restore a competitive regime of fair pricing practices and prevent further injury to the Community industry.

Measures

In all cases, the injury elimination level was found higher than the dumping margins established and therefore the provisional duties were based on the latter. The rate of the duties ranged from 9.1% to 13.5% for Egypt, from 3.9% to 27.3% for India and from 0% to 8.2% for Pakistan.

4.2.9. *Advertising matches from Japan*

On 16 June 1997, the Commission imposed a provisional anti-dumping duty on imports into the Community of advertising matches originating in Japan. The proceeding had been initiated in August 1994, following a complaint lodged by the *Fédération Européenne des Fabricants d'Allumettes* (FEFA).

Dumping

The normal value was established on the basis of domestic prices in Japan when the product concerned was sold in sufficient quantities and in the ordinary course of trade. When no sufficient sales were made on the domestic market or when they were found not to be in the ordinary course of trade, the normal value was constructed on the basis of the manufacturing cost to which margins for SGA and for a reasonable profit were added. Export prices were determined on the basis of the sales prices to the first unrelated buyers in the Community. The dumping margins established for Japanese exporters ranged between 12.2% and 63.5%.

Injury and causation of injury

The Commission concluded that the Community industry has been suffering material injury as the investigation has shown that for the period under examination, that industry, confronted with dumped imports of low-priced advertising matches originating in Japan, has lost an important share of the market as measured in value, while Japanese imports significantly increased.

Although production could be maintained and prices slightly increased, it appeared that the sales prices of the Community industry were below the cost of production, and that these prices were being undercut by those of imports originating in Japan. In addition, profitability was very negative in certain sales segments, cash flow considerably decreased and certain vital investments could not be made without compromising the whole financial situation of the Community industry. Employment had also to be significantly reduced and jobs are still in jeopardy owing to the precarious situation in this sector.

Given that advertising matches are technically a simple product, offered through similar sales channels to the same users in the Community, it was considered that the low-priced imports had a substantial negative impact on the deteriorating situation of the Community industry. Indeed, it has been found that the performances of the Community industry were more negative where the presence of Japanese imports was strongest.

Community interest

Having examined all the arguments submitted by the importers and producers of advertising matches, special consideration being given to the need to eliminate the trade distorting effect of injurious dumping and to restore effective competition, the Commission, on balance, found no compelling reasons for not taking provisional anti-dumping measures.

Measures

The Commission imposed provisional measures in the case of three companies at the level of the injury margin, as this was found to be lower than the dumping margin. For the fourth exporter the duty level was based on its dumping margin as this was found to be lower than the injury margin. The provisional anti-dumping duties thus imposed were between 9.4% and 23.7%.

4.2.10. Glyphosate from the People's Republic of China

On 4 September 1997, a provisional anti-dumping duty was imposed on imports of glyphosate originating in the People's Republic of China. The proceeding had been initiated on 19 October 1995 following a complaint lodged by Monsanto Europe SA/NV (Belgium), with the support of Cehminova Agro A/S (Denmark), representing a major proportion of the Community production of glyphosate.

Product

The product concerned is glyphosate, which is used as a non-selective herbicide. Glyphosate can be produced in different grades or forms of concentration : formulated (with 36% glyphosate content), salt (with 62%), cake (with 84%) and acid (with 95%).

Dumping

The People's Republic of China being considered as a non market economy country, normal value was determined on the basis of the situation in an analogue country, i.e. Brazil.

Normal value was established for the two forms of glyphosate sold in Brazil, acid and formulated glyphosate on the basis of the cost of production plus a reasonable amount for selling, general and administrative expenses and a profit margin judged not to exceed the profit normally realised by producers on sales of the same category of product in Brazil. For formulated glyphosate, normal value was established on the basis of the weighted average prices actually paid for all domestic sales.

Export prices were established on the prices actually paid or payable for the products sold from China for export to the Community.

Provisional conclusions showed a dumping margin of 38.2% for the product concerned.

Injury and causation of injury

With regard to injury, it was found that the volume of dumped import increased from 48 tonnes in 1991 to 1,397 tonnes in 1995, representing an increase of market share from 1 to 11%, and resulting in decreasing market shares for the Community industry. Prices of products based on Chinese exports undercut those of the Community industry by a weighted average of 12.9% in the EC market. These factors led to a proportionate decline in the economical performance of the Community industry, with falling market shares, prices and profitability.

Although the decrease in market share, prices and profits suffered by the main European producer in the period examined can be attributed, to a certain extent, to the expiry of the patent in 1991 (such developments are to be expected in all cases following patent expiry), it was concluded that the dumped imports had aggravated this negative trend, in particular because the prices of the Chinese imports of acid were found to be lower than the cost of production of acid of both Community producers thus putting downward pressure on the prices of end-product in the Community.

Community interest

Having examined the various interests involved, it was concluded that the rapid progression of the Chinese imports indicated that in the absence of measures the Chinese would further increase their presence in the Community market. This would result in a further erosion of profitability of the Community industry and lead this industry to limit future investment or even to cease the production in the Community. No compelling reasons not to take action against the import in question were found.

Measures

As the level of dumping found exceeded the level of injury, provisional duties were at the level of the latter, i.e., 21.1%.

4.2.11. Stainless steel fasteners and parts from the People's Republic of China, India, the Republic of Korea, Malaysia, Taiwan and Thailand

On 4 September 1997, a provisional anti-dumping duty was imposed on imports into the Community of stainless steel fasteners and parts (SSF) originating in the People's Republic of China, India, the Republic of Korea, Malaysia, Taiwan and Thailand. The proceeding had been initiated in December 1996, following a complaint by the European Industrial Fasteners Institute (EIFI), acting on behalf of the Community SSF industry.

Dumping

In general, normal values for the exporting countries concerned were based on domestic selling prices for types of SSF comparable to those exported to the Community. Where no such sales existed, or where sales were made outside the ordinary course of trade (i.e. loss-making sales or sales between related parties), normal value was based on the costs of manufacture of the individual co-operating producers plus a reasonable amount for selling, general and administrative expenses and profit.

Since the People's Republic of China is considered to be a non-market economy country, it was necessary to compare the export prices of the product concerned originating in this country with prices or costs in a market economy country. Taiwan was eventually considered the most appropriate country for this purpose. Normal value for the People's Republic of China was therefore established on the basis of the domestic sales or costs of the co-operating Taiwanese producers on the domestic market.

Export prices were established in most of the cases on the basis of the prices actually paid or payable for the products sold for export to the Community.

Since the level of co-operation in the People's Republic of China was found to be low, export prices provided by the co-operating exporters were disregarded and average export prices established on the basis of Eurostat data were compared to the average normal values established for Taiwan.

The provisional dumping margins established ranged from 16.2% to 75.7% for the producers in the People's Republic of China, from 47.9% to 133.5% for the producers in India, from 24% to 26.7% for the producers in Korea, from 6.6% to 9.5% for the producers in Malaysia, from 8.3% to 27.7% for the producers in Taiwan, and from 13.3% to 32.9% for the producers in Thailand.

Injury and causation of injury

From an analysis of injury factors, the Commission concluded that the Community industry had suffered material injury. This assessment was based in particular on the decline in market share and profitability. Further more the financial situation of the Community deteriorated despite having increase production and productivity.

The Commission calculated an undercutting margin for exporting companies by comparing their prices on the Community market to those of the Community industry at the same level of trade. The undercutting margins established ranged from 39.4 to 39.8% for China, 21.8 to 42.5% for Malaysia, 17.8 to 60.9% for Taiwan. 23.6 to 36.6% for India, 22.7% for Korea and from 25 to 33.5% for Thailand.

The Commission identified a clear correspondence in time between the increasing volume and market shares of the dumped imports at low prices and the loss of market shares, price depression and the decrease in profitability suffered by the Community industry. On this basis it was found that the imports concerned had caused material injury to the Community industry.

Community interest

The investigation concluded that it was in the Community interest to restore fair competition on the Community market, and to ensure that the Community producers of SSF were able to achieve a price level which allowed them to remain competitive. Furthermore, it was concluded that the negative impact of the measures on importer/traders and users was likely to be limited.

Measures

Since the level of injury found exceeded the dumping margins provisionally established, provisional duties were established at the level of the latter : for China, between 16.2% and 75.7%, for Malaysia, between 6.6% and 9.5%, for Taiwan, between 8.3% and 27.7%, for India, between 47.9% and 133.5%, for Korea, between 24% and 26.7% and for Thailand, between 13.3% and 32.9%.

4.2.12. *Ferro-silico-manganese from the People's Republic of China*

On 16 September 1997, a provisional anti-dumping duty was imposed on imports into the Community of ferro-silico-manganese originating in the People's Republic of China. The proceeding had been initiated in December 1996, following a complaint lodged by EuroAlliages (Liaison Committee of the Ferro-Alloy Industry), acting on behalf of the majority of Community producers of ferro-silico-manganese,

Dumping

As the People's Republic of China is considered to be a non-market economy country, it was necessary to establish the normal value on the basis of domestic sales prices of a market economy country, in this case Brazil.

The export price was determined on the basis of the prices found for the co-operating exporters, traders and importers. The comparison between normal value and export prices showed on a provisional basis a dumping margin of 26.1%.

Injury and causation of injury

After examination of all elements affecting the Community industry, the Commission concluded that the latter suffered material injury. This assessment was based on the increasing stocks and the negative profitability of the Community industry since 1993. Furthermore, it was found that the volume of dumped imports of ferro-silico-manganese originating in the People's Republic of China had increased from 12,000 tonnes in 1993 to 75,400 tonnes in 1996, which corresponds to an increase of market share from 2.4% to 14%.

The Chinese imports of ferro-silico-manganese had a significant adverse effect on the Community industry which was still suffering from the dumped practices found in a previous investigation caused by exports of ferro-silico-manganese from Brazil, South Africa, Ukraine and Russia.

The Chinese imports at dumped prices significantly undercut the Community industry's sales prices by 7.6% and impeded thereby the recovery of the Community industry from the past dumping practices of the four above-mentioned countries.

Community interest

The Commission considered that following the results of the investigation, it was necessary to restore fair competitive conditions on the Community market. Owing to the low level of cooperation from the user industry, no representative information was available to the Commission. Nevertheless, the effects on the users were examined and it was concluded that price increases of ferro-silico-manganese following a dumping measure would not significantly affect its main users (particularly the steel industry).

Measures

As the dumping margin exceeded the level of injury found, provisional duties were imposed at the level of the latter, i.e. at 19.6%.

4.2.13. Personal fax machines from the People's Republic of China, Japan, the Republic of Korea, Malaysia, Singapore, Taiwan and Thailand

On 1 November 1997, provisional anti-dumping duties were imposed on imports into the Community of personal fax machines originating in the People's Republic of China, Japan, Korea, Malaysia, Singapore, Taiwan and Thailand. The proceeding had been initiated, following a complaint lodged by Philips Personal Fax Elektronik Fabrik, Communications Systems, Wien Microelectronics.

Dumping

Dumping was found for all exporters investigated. The margins provisionally found amounted to between 9.2% and 24.5% for Korean exporters, 42.3% and 109.4% for exporters in Japan, 6.0% and 56.2% for Taiwanese exporters, 26.5% for the exporter in Singapore, 9.9% for the Thai exporter and between 43.1% and 58.1% for the Chinese exporters.

It was decided to calculate individual dumping margins for two companies which sold personal fax machines of Chinese origin, since the investigation revealed that the export prices to the Community and the marketing policies were determined without any interference from the Chinese State.

Residual margins were established for non-cooperating companies, which turned out to be quite numerous in that proceeding. For Malaysia, from which no cooperation was received at all, the margin amounts to 109.4%.

Injury and causation of injury

The situation of the Community industry had to be assessed taking into account a substantial increase in their production capacities in 1993-1994, with a subsequent increase in both their sales volume and market shares between 1993 and 1994. However, their sales volume and market shares decreased between 1994 and 1996, resulting in a lower capacity utilisation. The Community industry's sales prices also fell between 1994 and 1996, which resulted in increased losses. As for employment, it decreased by 21.7% in 1996.

Between 1994 and 1996, the import volume and market shares of the exporting countries increased whereas their sales prices decreased: significant price undercutting was found from all the exporting countries, ranging on average between 4.6% and 19.3%.

A causal link was established between the dumped imports and the injury suffered by the Community industry. It was found that the penetration of the Community market by imports at dumped prices sold through the same distribution channels and in the same transparent market, which significantly undercut the prices of the Community industry, coincided with a loss of market shares and a deterioration of the financial situation of the Community industry. The negative impact of the dumped imports on the situation of the Community industry must be qualified as material.

An injury removal margin was established, taking into account the Community industry's cost of production and a profit margin of 12% on cost of production which was considered appropriate under normal competitive conditions. Residual margins were calculated for non-co-operating companies. The injury margins thus established ranged from 17.4% to 73.1% for Korea, from 7% to 34.9% for Japan, from 23.5% to 74.2% for China, from 13.5% to 39.5% for Singapore, from 32.4% to 36.6% for Taiwan, from 40.7% to 47.3% for Thailand and 89.8% for Malaysia.

Community interest

On the basis of the information gathered from various importers of personal fax machines, it was provisionally concluded that it was not against the Community interest to impose anti-dumping measures.

Measures

The provisional measures were based on the dumping margins unless the injury margins were lower. The anti-dumping duties range from 6.0% to 45.6% for the cooperating companies, and from 22.0% to 89.8% for non-cooperating companies.

5. DEFINITIVE MEASURES

5.1. Overview

Definitive measures may be taken where the facts, as finally established during the investigation, show that there is dumping or subsidisation, that injury is caused thereby, and that the Community interest calls for intervention. Definitive anti-dumping or countervailing duties are imposed by the Council, acting by simple majority on a proposal submitted by the Commission.

For certain exporting exporters, investigations might also be terminated if they undertake to revise their export prices. The Commission will accept such voluntary undertakings offered by exporters if it is satisfied that the injurious effect of dumping is effectively eliminated. In this case, no definitive duties will be adopted for the exporters concerned.

In 1997, definitive duties were imposed in 24 cases, compared to 23 in 1996 and 13 in 1995, as shown in Table 1. It should be noted that in the case unbleached cotton fabric originating in the People's Republic of China, Egypt India, Indonesia, Pakistan and Turkey, the Council was unable to find the majority necessary to adopt the Commission's proposal for definitive measures. This is the first case under the new statutory deadlines in which the Council did not impose definitive duties despite a Commission proposal for measures.

Whilst details of the definitive duties imposed in 1997 can be found in Annex C, a summary of each case is given below.

5.2. Cases

5.2.1. *Certain ring binder mechanisms from Malaysia and the People's Republic of China.*

In January 1997, definitive anti-dumping measures were imposed on imports of certain ring binder mechanisms originating in Malaysia and the People's Republic of China. The investigation had been initiated in October 1995 and provisional anti-dumping measures had been imposed in July 1996. This was the first case subject to mandatory time limits.

Dumping

The dumping margin was 42.8% for the sole Malaysian exporter.

Normal value for the People's Republic of China was determined by reference to the Malaysian domestic market. As the Malaysian exporter and four of the five Chinese exporters sold the product concerned to the EC via related importers, the export price had to be constructed in nearly all cases on the basis of the selling price to the first independent customer in the Community.

Three Chinese exporters requested individual treatment. After an evaluation of the facts, it was concluded that individual treatment could only be granted to one of them. The individual dumping margin for that company was found to be 96.6%, and 129.2% for the other Chinese exporters.

Injury and causation of injury

It was found that the Community industry had suffered material injury which could be established, amongst other factors, by a drop in market share and financial losses despite the reduction in costs. These losses were caused by a heavy fall in sales price due to significant price undercutting by the imports concerned.

As far as causation is concerned, it was found that the increasing volume and market share of the dumped imports in combination with their undercutting and decreasing prices coincided with the loss of market share and the price depression suffered by the Community industry. No other factors were identified which could have contributed to the injury suffered by the Community industry.

Community interest

Following the imposition of provisional measures, all interests involved were further examined. While the situation of the Community industry was precarious and did call for intervention, no compelling reasons not to act were found in the examination of the possible negative impact of measures. Indeed, it was found that the users of RBM, the binder manufacturers, were not likely to be confronted either with a reduction of demand or a surge of imports of finished products.

Measures

The anti-dumping duty was based for all exporters on the injury elimination margin found, as this level was lower than the dumping margin. The definitive anti-dumping duty imposed was 10.5% for Malaysia, 32.5% for the exporter having received individual treatment, and 39.4% for all other exporters in the People's Republic of China.

5.2.2. *Gas-fuelled, non refillable pocket flint lighters from Thailand, the Philippines and Mexico*

On 3 March 1997, the Council imposed definitive anti-dumping duties on imports of gas-fuelled, non refillable pocket flint lighters (usually known as DFL, i.e. disposable flint lighters) originating in Thailand, the Philippines and Mexico. Two investigations had been initiated in March 1995 on the basis, on the one hand, of a request for an interim review concerning the measures in force in respect of imports originating in Thailand, and, on the other hand, of two complaints concerning Filipino and Mexican imports respectively. The review request and the complaints had been lodged on behalf of a major proportion of DFL-producers in the Community. As it was decided to combine the review and the new investigation, no provisional duties were imposed beforehand.

Dumping

For Thailand, normal values were based on domestic selling prices for most models while for the Philippines and Mexico they were constructed on the basis of the cost of manufacture of exported models plus a reasonable amount for selling, general and administrative costs and for profit.

For Thailand, export prices were established on the basis of the prices charged to an independent importer in the Community. As the Filipino and Mexican exporters sold DFL to the Community via related importers, the export prices had to be constructed on the basis of the resale price to the first independent customer in the Community.

The dumping margins definitively established were 51.9% for Thailand, 27.1% for Mexico and ranged between 36.7% and 52.6% for the Philippines.

Injury and causation of injury

As far as injury is concerned, it was established that the prices of imports undercut the Community industry's average price by more than 30%. The Community producers were found to have lost an 8.5 percentage point share of the Community market while the three countries concerned, with a 15% market share, had captured an additional 10% of the market during the five year period examined.

In this difficult context, the Community industry's overall profitability remained very low and, although Community producers appeared to be in the process of recovering from the effects of past dumping, their situation was still very precarious. Under these circumstances it was concluded that the Community industry had suffered material injury.

Notwithstanding the fact that another element, namely the dumped imports from the People's Republic of China, might have had a negative impact on the Community industry, it was established that the dumped imports from Thailand, the Philippines and Mexico had by themselves caused material injury to the Community industry.

Community interest

The interests of consumers were examined but this examination did not alter the conclusion that it would be in the Community interest to impose measures. Indeed, it could be established that, given the low unit price of this item and the very limited amount spent on it per individual, the measures were likely to have a very limited impact, if any, on the budget of the consumer.

Measures

The definitive measures imposed consist of *ad valorem* duties individually set at the rate of 5.8% for one Thai exporter and 13% for one Filipino exporter, as well as applicable country-wide duties at the rate of 51.9% for Thailand, 43% for the Philippines and 27.1% for Mexico. However, the three main exporters in each country concerned offered undertakings which were found to be acceptable. These exporters were therefore excluded from the scope of the duties.

5.2.3. *Polyester textured filament yarn (PTY) from Malaysia*

The preliminary determination was confirmed at the definitive stage, and a definitive duty was imposed on 2 June 1997 (for details see 4.2.2).

5.2.4. *Handbags from the People's Republic of China*

On 1 August 1997, the Council imposed a definitive anti-dumping duty on imports of leather handbags originating in the People's Republic of China and terminated the proceeding concerning imports of textile and plastic handbags. The proceeding had been initiated on 4 May 1996, following a complaint lodged by the European Committee for Leather Goods Industries (CEDIM). Provisional anti-dumping duties were imposed on 3 February 1997 on both leather and plastic and textile handbags.

Product under consideration

For the purpose of the preliminary findings the Commission considered all handbags (leather, plastic and textile) as forming one product. An investigation conducted after the imposition of provisional measures showed that leather handbags on the one hand and synthetic handbags (textile and plastic) on the other were different with respect to their physical characteristics, uses, interchangeability and consumer perception.

Therefore leather handbags and synthetic handbags were considered to be two different products.

Dumping

The Council confirmed the choice of Indonesia as an analogue country for the determination of normal value. In view of the new findings on the product concerned, separate normal values were calculated for both products.

Export prices for the co-operating exporters were confirmed. Individual treatment was granted to a third co-operating exporter (Gebr. Picard International Ltd.). Concerning export prices of the non-co-operating Chinese exporters, the Council confirmed the use of the prices paid by the unrelated importers sampled for the examination of injury.

Dumping margins found for the non-co-operating exporters amounted to 83.5% for leather handbags and 151% for synthetic handbags. Concerning the co-operating exporters, which were granted individual treatment, dumping margins found for leather handbags amounted to nil for Shilton and to 7.7% for Gebr. Picard Ltd..

Injury and causation of injury

a) Leather handbags

It was found that imports of leather handbags from the People's Republic of China increased their share of the Community market by 27% between 1992 and the investigation period, in a market that had increased by about 2.5%. A level of price undercutting of 31.4% was established.

Community producers suffered from a decline of sales of around 5% and their share of the Community market decreased from 41% in 1992 to 39% during the investigation period. Profitability in the Community decreased from around 5.9% to around 1.3%. However, exports increased by around 66% and overall profitability amounted to 5% during the investigation period. The Council considered that the precarious situation of the Community industry could be characterized as “threat of injury”.

b) Synthetic handbags

Imports of synthetic handbags increased by 47% between 1992 and the investigation period and their share of the Community market increased from 73% to 81% during the same period. The undercutting margins found amounted to 27.8%.

Community producers suffered a decrease in sales, market share, profitability and employment.

Community interest

After an in-depth investigation into the Community interest aspects of the case, the Council concluded that measures should be adopted concerning leather handbags. Indeed, around 93% of total Community production of handbags is in leather. While the industry is viable and competitive, the absence of measures would result in a continuation of the negative trend. The analysis of the impact on importers and consumers showed that no compelling reasons existed not to adopt definitive measures.

However, concerning synthetic handbags, the indicators showed that the Community industry would not be likely to benefit from any measures in the form of an increase in its sales in the Community, since imports have shown a shift towards other third countries. At the same time, the impact on the employment of the Community industry would be limited compared to the potential job losses of the importing and distributing sector if measures were to be imposed. Therefore, compelling reasons were found to exist not to take definitive measures.

Measures

Definitive duties were imposed concerning imports of leather handbags. For the non-co-operating exporters the duty amounted to 38% (injury margin). For the exporters being granted individual treatment, the duty amounted to 7.7% for Gebr. Picard International Ltd. and nil for Jane Shilton (Pacific) Ltd. In view of the findings of threat of injury, the Council decided not to collect provisional duties. Concerning synthetic handbags, no definitive duties were imposed and provisional duties were reimbursed.

5.2.5. *Farmed Atlantic salmon from Norway*

On 26 September 1997, the Council imposed definitive anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway. Two separate investigations, concerning dumping and subsidisation, had been initiated in August 1996 on the basis of two complaints lodged by the Scottish Salmon Growers' Association and the Shetland Salmon Farmers' Association on behalf of a major proportion of the Community industry.

Dumping

A sample of Norwegian salmon farmers and salmon exporters was selected. Normal value was established on the basis of the prices of domestic sales of the exporters or, whenever domestic sales were deemed not to be representative in terms of volume or had not been made in the ordinary course of trade, normal value had to be constructed.

The dumping margins ranged between 6.69% and 13.05%. The weighted average margin to be applied to the cooperating exporters which had not been selected in the sample was 10.95%.

Subsidies

This was the first countervailing investigation initiated since the WTO Subsidies Agreement and the adoption of Council Regulation No 3284/94 entered into force. The complainant had alleged that 17 schemes or public bodies conferred subsidies to salmon growers. The investigation found that 5 of these constituted countervailable subsidies.

In view of the fact that subsidies were investigated at nation-wide level, it was not possible to attribute any company-specific duty. It was therefore decided to impose a single, country-wide countervailing duty of 3.8%. Since the subsidies involved were not export subsidies and therefore had no impact on the dumping margins established, the countervailing duty could be imposed in addition to the anti-dumping duty.

Injury and causation of injury

As far as injury is concerned, it was established that the price of Norwegian exports had fallen by 27% since 1992. In addition, Norwegian imports, with a 67% market share, were found to dominate the Community market and therefore greatly influence the general level of prices. Furthermore minimum import prices which had previously been imposed by the Commission had not been respected by the Norwegian exporters. The investigation showed the existence of monthly undercutting margins of up to 12%, in particular during the Christmas period, which is the period of the year during which sales are concentrated.

The result of this pressure was a general price decrease of 25% and a serious deterioration of the financial situation of the Community industry. Under these circumstances it was concluded that the Community industry had suffered material injury.

As for the causal link between, on the one hand, dumping and subsidisation of Norwegian imports and, on the other hand, the injury suffered by the Community industry, it was established that there was a correlation between the significant increase in volume of low priced Norwegian imports and the price pressure and consequent reduction in profitability of the Community industry.

It was also established that the Community consumption of farmed Atlantic salmon had increased considerably, that the Community market share of imports from sources other than Norway had decreased and that the competitiveness of the Community industry had improved. These factors clearly pointed to the absence of injury caused by factors other than Norwegian imports. It was thus concluded that the combined effects of dumping and subsidisation of Norwegian imports had caused material injury to the Community industry.

Community interest

The interests of other Community industries (e.g. smokers and wholesalers), importers and consumers were examined but this examination did not alter the conclusion that it would be in the Community interest to impose measures. Indeed, it could be established that measures would have a limited impact on processors since salmon is a raw material which represents only a fraction of the cost of the processed product.

Moreover, most processors also trade salmon produced in the Community and are therefore not entirely dependent on salmon imported from Norway. Finally, a stabilisation of salmon prices was likely to have direct beneficial consequences for large rainbow trout farmers and indirect positive consequences on prices of fish products in general.

The consumers' interest were also taken into consideration. In this respect, the existence of alternative sources of supply, the availability of substitute products and above all the moderate level of the measures pointed to the fact that the effect on the final consumer would, if any, be minimal.

Measures

The definitive measures imposed consist of a countervailing duty of 3.8% and an anti-dumping duty of 0.32 ECU/kg net product weight. Exporters which had been selected in the sample would have been subject to individual duties ranging between 0.22 and 0.41 ECU/kg net product weight. However, the vast majority of Norwegian exporters, including all those sampled, offered undertakings which were accepted by the Commission. These exporters were thus excluded from the scope of the duties. Pursuant to Article 10 of Council Regulation No 3284/94, the Norwegian Government also offered an undertaking which the Commission accepted.

5.2.6. *Unwrought, unalloyed zinc from Poland and Russia*

On 22 September 1997, the Council imposed a definitive anti-dumping duty on imports of unwrought, unalloyed zinc originating in Poland and Russia. The proceeding had been initiated in June 1995 and provisional duties were imposed in March 1997.

Dumping

The dumping margins definitively established for the two cooperating Polish exporters are 5.2% and 14.4%, and for Russia 6.9%.

For the Polish exporters normal value was in general established on the basis of sales of the like product on the domestic market when made in sufficient quantities and when made in the ordinary course of trade. As Russia is a non-market economy country, its normal value was based on the normal value established for one of the Polish companies as it was found that this company has a production process identical to most of the Russian producers.

Export prices for Poland were established on the basis of prices actually paid or payable for the product when sold to the Community. As none of the Russian exporters cooperated in the proceeding, export prices were established on the basis of Article 18 of the Basic Regulation (best evidence available), which was found to be Eurostat data and information provided by the statistical offices of Finland, Sweden and Austria.

Injury and causation of injury

With regard to injury it was found that the volume of the dumped imports of unwrought, unalloyed zinc originating in Poland and Russia had increased from 19,683 tonnes in 1991 to 107,572 tonnes in the period 1st April 1994 to 31 March 1995. As over the same period consumption on the Community market had increased by almost 10%, the market share of imports from Poland and Russia increased from 1.06% in 1991 to 5.28% in the investigation period.

From 1991 to the 1994/95 period, the Community industry's sales in the Community dropped 17% and its corresponding market share declined to 31%. Due to a particularity of the production process and the existence of the London Metal Exchange (LME) warrant system which operates as a semi-floor price for producers of Special High Grade zinc, the Community industry's capacity utilisation rate remained high, but stocks of zinc that were not subject to this warrant system more than quadrupled, production declined by 8%, employment decreased by 23.5% and its losses widened to almost 5%.

The prices charged by the exporters to industrial users in the Community consistently and significantly undercut the prices of the Community industry.

Community interest

Having examined the various interests involved, including the interests of consumers of products containing zinc, it was considered that it was in the Community interest to apply anti-dumping measures.

Measures

As the Community industry's price is based on the LME quotation, the injury elimination margin was based on price undercutting. The provisional findings were modified to some extent to take account of the difference between the prices of the varieties of zinc sold on the Community market and the specific characteristics of the imported products. Accordingly, the injury elimination margin was found to be 6.6 and 14.0%, respectively, as regards imports manufactured by the Polish exporters and 5.2% as regards imports from Russia.

The two cooperating Polish exporters offered undertakings which were accepted. Therefore, as regards Poland, only a residual definitive duty has been imposed, at the level of the highest injury margin established for that country, which was 14.0%. The definitive duty for Russia was set at 5.2%, which corresponds to the injury margin.

5.2.7. Sacks and bags made of polyethylene or polypropylene from India, Indonesia and Thailand.

On 6 October 1997, the Council imposed a definitive anti-dumping duty on the imports of the above product. The proceeding was initiated in April 1995, following a complaint lodged by the European Association for Textile Polyolefins (EATP) and the Commission imposed a provisional anti-dumping duty on 10 January 1997. In June 1997, the provisional anti-dumping duty was extended for a period of three months.

Dumping

A large number of submissions were received following the imposition of provisional measures in the above-mentioned proceeding. These comments concerned, amongst others, the notion of sales in the ordinary course of trade. Dumping margins were subsequently recalculated which resulted in margins ranging from 0% to 36% for India, from 23.5% to 56% for Indonesia and from 13.2% to 60.8% for Thailand.

Injury and causation of injury

In the absence of any argument concerning injury suffered by the Community industry, the Council confirmed the injury findings of the provisional duty regulation and the conclusion that the injury and that this injury was caused by low-priced dumped imports of sacks and bags from India, Indonesia and Thailand.

Community interest.

As no new arguments were received in connection with the Community interest analysis provisionally made, the Council also considered that it was in the Community interest to impose definitive measures.

Measures

Since the injury margins were higher than the dumping margins of all the countries concerned in the investigation, the dumping margins were used in order to determine the level of the definitive measures.

On the above basis the Council imposed the following range of definitive anti-dumping duties : India : from 4.3% to 36%, Indonesia : from 23.5% to 56% and Thailand : from 13.2% to 60.8%.

5.2.8. Advertising matches from Japan.

On 15 October 1997, the Council imposed a definitive anti-dumping duty on the imports of advertising matches originating in Japan. This proceeding was initiated in August 1994 and a provisional duty was imposed on 17 June 1997.

Dumping

The normal value was established on the basis of domestic prices in Japan when the product concerned was sold in sufficient quantities and in the ordinary course of trade. When no sufficient sales were made on the domestic market or when they were found not to be in the ordinary course of trade, the normal value was constructed on the basis the manufacturing cost to which margins for SGA and a reasonable profit were added. Export prices were determined on the basis of the sales prices to the first unrelated buyers in the Community. To allow for a fair comparison between the normal value and the export price, some allowances were made for those factors which affect price comparability. Dumping margins thus established for the four Japanese exporters ranged from 9.8% to 63.5%.

Injury and causation of injury

On the basis of additional verifications on price development, production capacity and capacity utilisation, cash flow, the segmentation of the market, the cost-allocation method used by the Community industry in the calculations of their costs of production and price comparison exercises, the Council confirmed the provisional findings that the Community industry was suffering material injury and that injury was caused by low-priced dumped imports from Japan.

Community interest.

After the appreciation of all the various interests, taken as a whole, the Council also confirmed that it was in the Community interest to impose definitive measures.

Measures

For three companies it was found that the injury margins were at a lower level than the dumping margin established. Consequently, the dumping duty imposed on imports of these three companies corresponded to the injury elimination-level. For one company the duty level corresponded to its dumping margin as this was lower than the injury threshold found. Definitive anti-dumping duties have thus been imposed at levels between 9.8% and 27.8% with a residual duty of 43.2%.

5.2.9. *Certain footwear with textile uppers from Indonesia and the People's Republic of China*

In November 1997, definitive anti-dumping duties were imposed on imports of certain footwear with textile uppers originating in Indonesia and the People's Republic of China. Provisional anti-dumping measures had been imposed in February 1997. Following the submissions received in reaction to the provisional measures, a certain number of footwear types, among which slippers, were excluded from the single category of products under consideration for the purpose of the definitive determination.

Dumping

In view of the number of exporters in Indonesia and the People's Republic of China, a sample of exporters was selected in each country with a view to being submitted to an in-depth investigation.

In the case of the People's Republic of China, which was considered a non-market economy, normal value was established on the basis of the situation in an analogue country. Indonesia was considered the appropriate choice and normal value for the People's Republic of China was established by adding a reasonable amount for sales, general and administrative expenses and profit to the manufacturing cost of each model incurred by the Indonesian producers for models comparable to those exported by the Chinese exporters.

The dumping margins for the exporters in the sample for Indonesia ranged from 0% to 24.9%, with a weighted average to be applied to the other cooperating exporters not used in the sample of 14.2%. The residual dumping margin, applicable to all other exporters, amounted to 39.7%.

A single dumping margin was calculated for the People's Republic of China. It amounted to 133.2%.

Injury and causation of injury

It was found that the Community industry had suffered from material injury which could be shown, among other indicators, by a significant drop in production, market share, employment and a strong downward trend in the profit rates. A number of company closures were also established.

As far as causation is concerned, it was found that the increasing volume and market share of the dumped imports combined with their decreasing prices at undercutting levels coincided with the loss of market share and the price depression suffered by the Community industry. No other factor was identified which could have contributed to the injury suffered by the Community industry.

Community interest

All the various interests involved were examined, particularly the impact of the measures on the distribution sector and consumers, together with the fact that leaving the Community industry without adequate protection against unfair competition would worsen the position of this industry and lead to its disappearance or relocation. No compelling reasons not to take action against the imports in question came to light.

Measures

The anti-dumping duty was based on the injury elimination level found, in each case where it was lower than the dumping margin. The definitive anti-dumping duty ranged from 0% to 14.1% (residual) for Indonesia, and was 49.2% for the People's Republic of China.

5.2.10. Seamless pipes and tubes of iron or non-alloy steel from Hungary, Poland, Russia, the Czech Republic, Romania and the Slovak Republic

On 31 August 1996, the Commission initiated both an anti-dumping proceeding in respect of imports of seamless pipes and tubes of iron or non-alloy steel originating in Russia, the Czech Republic, Romania and the Slovak Republic and an interim review in respect of the same imports originating in Hungary and Poland. On 29 May 1997 provisional duties were imposed in the framework of the anti-dumping proceeding.

On 17 November 1997, definitive measures were adopted in respect of all imports concerned by both proceedings.

Dumping

As regards countries subject to provisional measures, minor adjustments were made in order to establish the definitive dumping margins. For the Czech Republic, these margins varied between 5.1% and 28.6% and for Romania between 9.8% and 38.2%. For the Slovak Republic and Russia, the margins were established at 7.5% and 26.8% respectively.

For the countries under review, a dumping margin of 36.5% was calculated for the sole exporter existing in Hungary. For Poland, margins were set at 7.1% for one company and 30.1% for the three other companies.

Injury and causation of injury

The examination of the economic performance of the Community industry between 1992 and August 1996 showed a decline in production, sales volume and market share as well as a reduction in employment, despite considerable restructuring efforts intended to reduce costs of production.

These restructuring efforts and the measures in force enabled the Community industry to increase capacity utilisation and improve its financial results, which, however remained negative at the end of the period.

It was concluded that the cumulative effect of the dumped imports has, through substantial price undercutting and significant quantities of such imports, caused material injury to the Community industry. It is worthwhile noting that the injury caused by the dumping suffered by the Community industry could only become worse if the measures which apply to certain cumulated imports were to be repealed.

Community interest

The examination of the Community interest led to the conclusion that there were no compelling reasons not to remedy the trade-distorting effects of injurious dumping.

Measures

Definitive duties were imposed at the level of the dumping margins found. However, as regards Hungary, Poland, the Czech Republic, Romania and the Slovak Republic, undertakings were accepted on a company by company basis allowing the exemption of these companies from the duty in force. In view of the change in the form of the measures, it was found to be appropriate not to definitively collect the provisional anti-dumping duty.

5.2.11. Flat pallets of wood from Poland

On 24 November 1997, the Council imposed definitive anti-dumping duties on imports of flat pallets of wood originating in Poland. The proceeding had been initiated on 13 July 1995 and provisional measures, namely acceptance of undertakings with regard to the most important pallet type (EUR-pallet) and provisional duties, had been imposed by the Commission on 6 June 1997.

After due consideration had been given to the comments received from interested parties subsequent to the imposition of provisional measures, the Council confirmed the provisional findings with regard to dumping, injury, causation and community interest, apart from a slight decrease of the dumping margin found for two Polish exporters.

Thus, the definitive duties imposed on exports not covered by undertakings accepted by the Commission are:

- a) Duties ranging from 4.0% to 10.6% for companies investigated as members of the sample of Polish exporters:

- b) Other co-operating but not investigated exporters : 6.3%
- c) Residual duty applicable to non-co-operating exporters : 10.6%

The Council also confirmed the treatment granted to newcomers, i.e. a duty of 6.3%, instead of the residual duty, and exemption from any duty in so far as the Commission has accepted undertakings from these newcomers. In fact, following the acceptance of undertakings on 14 August 1997, the Commission has accepted undertakings from additional newcomers on 7 November 1997.

5.2.12. *Cotton-type bed linen from Egypt, India and Pakistan*

On 5 December 1997, the Council imposed definitive anti-dumping duties on imports of cotton-type bed linen originating in Egypt, India and Pakistan. Following the imposition of provisional measures in June 1997, many parties came forward with comments and representations. A high proportion of these parties had not previously come forward in the investigation. The Commission noted and took appropriate account of the representations made in formulating its proposal for definitive measures.

Product concerned

Products of hand woven fabrics were excluded from the scope of the definitive measures. However, claims for exclusion of other types of bed linen (eg for institutional use) were rejected as they were all found to be like products in the meaning of Article 1(4) of Regulation (EC) No 384/96.

Dumping

The provisional findings of dumping were confirmed. However, certain claims for adjustments in the dumping margins led to reductions of up to 4%. The revised dumping margins established ranged from 8.7% to 13.5% for Egypt, from 2.6% to 24.7% for India and from 0.1% (*de minimis*) to 6.7% for Pakistan.

Injury and causation of injury

The provisional finding of material injury to the Community industry was confirmed. Various parties made claims that in this finding the Commission had wrongly used information concerning companies no longer producing bed linen, had overstated undercutting, had wrongly cumulated imports from the three exporting countries for the analysis of injury or should not have attributed the injury found to the imports concerned. These claims were each examined carefully but rejected.

Community interest

Various representations were made alleging that the effects of measures on users and consumers would be more significant than estimated by the Commission in its provisional findings. However these allegations were not substantiated and the provisional findings that measures were in the Community interest were confirmed.

Measures

Since injury margins remained in all cases higher than the dumping margins found, definitive duties were imposed at the level of the revised dumping margins, ranging from 8.7% to 13.5% for Egypt, from 2.6% to 24.7% for India and from 0% to 6.7% for Pakistan. The provisional duties were not definitively collected.

6. INVESTIGATIONS TERMINATED WITHOUT MEASURES

6.1. Overview

In accordance with the provisions of the respective basic Regulations, investigations may be terminated without the imposition of measures if a complaint is withdrawn or if protective measures are unnecessary (i.e. no dumping/no subsidies, no injury resulting therefrom, measures not in the interest of the Community).

In 1997, 13 new proceedings were, either entirely or partly, i.e. for certain countries or certain product types - concluded without measures. This figure conforms to the normal yearly rate of terminations. The ratio of investigations terminated without imposition of measures to the total number of new investigations concluded is around one third. Details of the investigations terminated without measures can be found in Annex D and a short summary of each case is given below.

6.2. Cases

6.2.1. *Tapered roller bearings from Japan*

The notice of initiation of an anti-dumping proceeding concerning imports of tapered roller bearings originating in Japan was published on 2 July 1994. The complaint was lodged by the Federation of European Bearing Manufacturers' Association (FEBMA), on behalf of Community producers whose collective output constituted a major proportion of total Community production of tapered roller bearings (TRBs).

The investigation concluded that the impact of the imports of TRBs from Japan on the situation of the Community industry could not be classified material. Indeed, the share of the Community market held by imports from Japan decreased between 1991 and the investigation period; it was also found that imports from Japan did not depress or suppress the prices of the Community industry.

The investigation also showed that no material injury to the Community industry caused by Japanese imports was foreseeable or imminent; therefore no threat of injury was found to exist. In these circumstances, the proceeding was terminated without imposition of measures on 14 January 1997.

6.2.2. *Steel sections of iron or non-alloy steel originating in the Czech Republic and the Republic of Hungary*

The notice of initiation of an anti-dumping proceeding concerning imports of certain sections of iron or non-alloy steel originating in the Czech Republic and the Republic of Hungary was published on 14 July 1995. The complaint was lodged by the European Confederation of Iron and Steel Industries (Eurofer).

In the course of the investigation, the complainant withdrew the complaint. The Commission considered that a termination in this context would not be against the interest of the Community.

In these circumstances, the proceeding was terminated without imposition of measures on the 14 January 1997.

6.2.3. *Portland cement originating in Romania, Tunisia and Turkey*

The notice of initiation of a regional anti-dumping proceeding concerning imports into Spain of Portland cement originating in Romania, Tunisia and Turkey was published on 22 April 1992. The complaint was lodged by Oficemen, the national organisation of Spanish cement producers acting on behalf of all Spanish producers of Portland cement.

In the course of the investigation, it was found that imports of Portland cement from the above-mentioned countries had not caused, or threatened, material injury. The Commission, therefore, decided to terminate the proceeding without the imposition of measures and a proposal in this sense was made to the Member States in February 1994. The Council decided in March 1994 not to terminate the proceeding.

Following the Council's decision, the Commission re-examined its findings, but maintained its 1994 decision, which was presented once more in mid-1996, and this time, the Council did not oppose to the termination. In these circumstances, the proceeding was terminated without imposition of measures on 7 March 1997.

6.2.4. *Unwrought, unalloyed zinc from Kazakhstan, Ukraine and Uzbekistan*

The notice of initiation of an anti-dumping proceeding concerning imports into the Community of unwrought, unalloyed zinc originating in, inter alia, Kazakhstan, Ukraine and Uzbekistan was published on 9 June 1995. The complaint was lodged by Eurométaux on behalf of the Community producers whose collective output represented a major proportion of the Community production of the product concerned.

The investigation revealed that imports from these three countries were *de minimis* (the individual market shares of these three countries were less than 1% and their collective market share was less than 3%) and did not, therefore, cause material injury to the Community industry.

In these circumstances, the proceeding was terminated without imposition of measures on 25 March 1997.

6.2.5. *Briefcases and schoolbags originating in the People's Republic of China*

The notice of initiation of an anti-dumping proceeding concerning imports of certain briefcases and schoolbags originating in the People's Republic of China, was published on 17 April 1996. The complaint was lodged by the European Committee for Leather Goods Industries (CEDIM) on behalf of Community producers whose collective output represented a major proportion of Community production of briefcase and schoolbags.

The complainant by letter dated 19 March 1997 formally withdrew the complaint. The Commission considered that a termination in this context would not be against the interest of the Community.

In these circumstances the proceeding was terminated without the imposition of measures on 10 June 1997.

6.2.6. *Synthetic fibre ropes from India*

The notice of initiation of an anti-dumping proceeding concerning imports of synthetic fibre ropes originating in India was published on 4 April 1996. The complaint was lodged by the Liaison Committee of European Twine, Cordage and Netting Industries (EUROCORD), on behalf of the Community producers whose collective output constituted a major proportion of total Community production of synthetic fibre ropes.

In the course of the investigation the existence of dumping of the product concerned from India was established and it was found that the dumped imports had had a limited impact on the Community industry. However, the overall situation of the Community industry was found to be mixed, and insufficient information was provided concerning the profitability of the Community industry over the period investigated. The injurious impact of the dumped imports therefore, could not be considered to be material.

In the circumstances, the proceeding was terminated without the imposition of measures by a decision published on 25 June 1997.

6.2.7. *Luggage and travel goods originating in the People's Republic of China*

The notice of initiation of an anti-dumping proceeding concerning imports of certain luggage and travel goods originating in the People's Republic of China, was published on 17 April 1996. The complaint was lodged by the European Committee for Leather Goods Industries (CEDIM) on behalf of Community producers whose collective output represented a major proportion of Community production of luggage and travel goods.

In view of the large number of Community producers of the product concerned, a sample of producers was selected for the examination of the alleged injury suffered by the Community industry. After the initial definition of the sample, its representativity was seriously affected by the non-cooperation of the selected companies, to such an extent that it could not be concluded that any data gathered from the cooperating companies reflected the situation of the entire industry. Efforts to select a new sample proved unsuccessful.

In the light of the above mentioned and since the Commission considered that a termination in this context would not be against the interest of the Community, the proceeding was terminated without the imposition of measures on 2 July 1997.

6.2.8. *Handbags from the People's Republic of China*

The notice of initiation of an anti-dumping proceeding concerning imports of certain handbags originating in the People's Republic of China, was published on 4 May 1996. The complaint was lodged by the European Committee for Leather Goods Industries (CEDIM) on behalf of seven national federations and associations of producers in the Community. The products concerned were handbags with outer surface of leather, of plastic sheeting or of textile materials.

On 1 August 1997, the Council imposed a definitive anti-dumping duty on the imports of leather handbags (see point 5.2.4) and, at the same time, terminated the proceeding concerning imports of textile and plastic handbags.

7. REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY

7.1. Overview

Anti-dumping measures, including price undertakings, may be subject, under the basic Regulation, to five different types of reviews: expiry reviews (Art. 11 (2)), interim reviews (Art. 11 (3)), newcomer reviews (Art. 11 (4)), absorption investigations (Art. 12) and circumvention investigations (Art. 13).

These reviews continue to represent a major part of the work of the Commission's anti-dumping services. In the period from 1993 to 1997, a total of 114 review investigations were initiated. These review investigations represented over 40% of all investigations.

In 1997, 17 reviews were initiated. Of these, 7 were interim reviews, 1 circumvention review, 1 newcomer review, 6 expiry reviews and 2 absorption reviews.

Details and results of the review investigations in 1997 can be found in Annexes G to K, whilst Table 2 provides statistical information for the years 1993 - 1997. More detailed information is given for the absorption and circumvention reviews because these are the first under the new basic Regulation.

TABLE 2**Reviews of anti-dumping and anti-subsidy investigations****During the period 1 January 1993 – 31 December 1997**

	1993	1994	1995	1996	1997
Reviews in progress at the beginning of the period	30	20	24	34	50
Reviews opened during the period	22	17	26	32	17
Reviews in progress during the period	52	37	50	66	67
Total reviews concluded during the period	30	13	16	16	28
Reviews in progress at the end of the period	22	24	34	50	39

7.2. Expiry reviews

Art. 11 (2) of the basic Regulation provides for the expiry of anti-dumping measures after five years unless an expiry review demonstrates that they should be maintained in their original form.

In 1997, 18 measures (both duties and undertakings) were allowed to expire automatically under Art. 11 (2). The references for these measures are set out in Annex M.

Since the expiry (or "sunset") provision of the basic Regulation came into force in 1985 (Art. 15 of the basic regulations No 2176/84 and No 2423/88, Art. 11 (2) of the current basic regulation), a total of 288 measures have been allowed to expire automatically.

Details of the expiry reviews that were initiated or concluded can be found in Annex G.

7.3. Interim reviews

Art. 11 (3) of the basic Regulation provides for the review of measures during their period of validity on the initiative of the Commission, at the request of a Member State or, provided that at least one year has elapsed since the imposition of the definitive measure, following a request containing sufficient evidence by an exporter, an importer or by the Community producers.

In 1997, 7 interim reviews were initiated under Art. 11(3) of Council Regulation (EC) No 384/96.

Details of these reviews can be found in Annex H.

7.4. Newcomer reviews

Art. 11 (4) of the basic Regulation allows for a review to be carried out for the purpose of determining individual margins of dumping for new exporters in the exporting country in question which have not exported the product during the investigation period.

Such parties have to show that they are genuine new exporters, i.e. that they are not related to any of the exporters or producers in the exporting country, which are subject to the anti-dumping measures, and that they have actually exported to the Community following the investigation period or that they have entered into an irrevocable contractual obligation to export a significant quantity to the Community (newcomer or new exporter review).

When a review for a new exporter is initiated, the duties are repealed with regard to that exporter, though its imports are made subject to registration under Art. 14 (5) in order to ensure that, should the review result in a determination of dumping in respect of such an exporter, anti-dumping duties may be levied retroactively to the date of the initiation of the review.

Details of these reviews can be found in Annex I.

In 1997, 1 newcomer review was initiated. Since the Commission carried out the first review of this type in 1990, a total of 19 investigations have been initiated.

7.5. Absorption investigations

The possibility of "absorption" reviews, which deal with situations where the exporters directly or indirectly bear the cost of the duty and thereby increase the dumping margin without leading to sufficient movement in resale prices, was incorporated into the basic Regulation of 1988 under Article 13(11), and is now included in Article 12 of Regulation (EC) No. 384/96.

In 1997, the first investigation pursuant Article 12 of the basic Regulation was concluded and two new investigations were initiated as described below.

Further details can be found in Annex J.

7.5.1. *Microwave ovens originating in Korea*

On 18 January 1997, a review investigation was initiated concerning imports of microwave ovens originating in the Republic of Korea. The complainant industry alleged that, despite the existence of anti-dumping measures in the form of a minimum import price, the injurious effect of the dumping had not been removed. It was claimed that no movement, or insufficient movement, in resale prices or subsequent selling prices in the Community had occurred subsequent to the imposition of the measures.

During the course of the investigation, the Community industry made a request so as to make imports into the Community of MWOs subject to registration. In June 1997, the Commission made the imports of MWOs subject to registration.

7.5.2. *Ammonium nitrate originating in Russia*

On 29 May 1997, a review investigation was initiated concerning imports of ammonium nitrate originating in Russia. The complainant industry alleged that, despite the existence of anti-dumping measures in the form of a minimum import price, the injurious effect of the dumping had not been removed. It was claimed that no movement, or insufficient movement, in resale prices in the Community had occurred subsequent to the imposition of the measures.

7.5.3. *Television camera systems originating in Japan*

On 7 October 1997, the Council amended Regulation (EC) No. 1015/94 imposing a definitive anti-dumping duty on imports of television camera systems (TCS) originating in Japan. This is the first case under the new Article 12 of the basic Regulation of 1996.

In the course of the investigation, which related to two Japanese companies (Sony and Ikegami), the Commission established that the resale prices of the companies in the Community had not moved sufficiently after the imposition of the original measures; in fact, they stayed, on a weighted average basis, below the expected price level by 31.6% and 140.6% respectively.

The recalculation of the dumping margins led to the conclusion that the duty rates should amount to 108.3% and 200.3%.

During the investigation the Commission received requests from several producers in Japan to amend the Annex to Regulation (EC) No. 1015/94 which contains a list of professional camera systems exempted from the application of anti-dumping duties. After consultation of the Community industry the list of exempted cameras was amended.

7.6. Circumvention investigations

The possibility of investigations being re-opened in circumstances where evidence is brought to show that anti-dumping measures are being circumvented, was introduced by Article 13 of the basic Regulation.

Circumvention is defined as a change in the pattern of trade between third countries and the Community which stems from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty. Assembly operations, whether in the Community or a third country, may fall under this definition, as stipulated in Art. 13. According to this article, anti-dumping duties may be extended to imports from third countries of like products, or parts thereof, if circumvention is taking place.

In 1997, the first two investigations pursuant to Article 13 were concluded, ending with an extension of measures (bicycles from China and polyester filament tow from Belarus), whereas two other investigations relating to weighing scales were terminated without extension of measures.

The details of these investigations are given in Annex K.

7.6.1. *Extension of duty*

7.6.1.1. Certain bicycle parts originating in the People's Republic of China

In January 1997, as a result of the circumvention investigation initiated in 1996, the Council extended the definitive anti-dumping duty in force on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the same country.

Results

The investigation established that: i) between 1992 and the investigation period imports of bicycles (in units) had decreased by more than 98% whereas, for example, imports of finished bicycle frames, the main bicycle part imported by assembly operations, had increased by more than 139%; ii) this change in the pattern of trade had insufficient due cause or economic justification other than the imposition of an anti-dumping duty; iii) for five companies their assembly operations, or their imports of bicycle parts from China with a view to bicycle assembly, started in or substantially increased after 1992-1993, when the original investigation took place; iv) 60% or more of the total value of the parts used in the assembly of these bicycles were of Chinese origin; v) the value added in the EC on a per model basis to the parts brought in was clearly below the 25% threshold fixed in the Basic Regulation.

It was further determined that the sales of bicycles assembled in the EC from parts originating in or consigned from China had undermined the remedial effects of the anti-dumping duty, both in terms of sales prices and quantities. Dumping was found to range from 16% to 53%, the normal value being based on that established in the previous investigation (for which Taiwan was the analogue country).

Measures

The anti-dumping duty in force on complete bicycles (30.6%) was extended to essential bicycle parts (certain frames, forks, complete wheels, handlebars, gears and brakes) from China. In addition, guidelines were laid down governing the exemption from the extended duty of imports of parts found not to circumvent the anti-dumping duty in force.

The exemption system provided for the direct exemption of bicycle manufacturers in the EC by the Commission, and the indirect exemption of importers of bicycle parts through the customs surveillance mechanism of end-use control.

The list of companies exempted was expanded in July 1997. In December 1997, certain other companies, which had either withdrawn their request for exemption or had not cooperated with the Commission, saw the suspension system enacted in their favour lifted and therefore became liable for payment of the duty.

7.6.1.2. Polyester filament tow from Belarus

In December 1997, as a result of a circumvention investigation commenced in April 1997, the Council extended definitive anti-dumping duties in force with respect to imports of polyester staple fibre ("fibre") originating in Belarus to imports of polyester filament tow ("tow") from the same country.

Results

The investigation by the Commission services established that i) tow and fibre imported from Belarus were like products sharing the same basic characteristics in terms of chemical properties and performance, as the only difference between the two products was found to consist of the simple, mechanical cutting of tow into fibre; ii) following the imposition of anti-dumping duties on fibre originating in Belarus, a change in the pattern of trade took place as imports of fibre from Belarus were largely substituted by imports of tow from that country; iii) no sufficient due cause or economic justification, other than avoiding the payment of the anti-dumping duties in force, existed for the importation and cutting of tow in the Community rather than the importation of fibre already cut in Belarus, the exporting country; and iv) imports of tow were undermining the remedial effects of the anti-dumping duty in terms of quantities and prices and that there was evidence of dumping in relation to the normal values previously established.

Measures

As it was thus found that all conditions of Article 13 (1) of the basic Regulation establishing circumvention were met, the anti-dumping measures in force with respect to imports of fibre originating in Belarus (43.5%) were extended to imports of tow from that country. This extended duty was also imposed on imports of tow from Belarus which entered the Community under registration provided for by the Commission Regulation initiating the circumvention investigation.

7.6.2. Terminations

7.6.2.1. Electronic Weighing Scales (assembly in Indonesia – TEC)

On 30 May 1997, the Commission terminated the investigation concerning the alleged circumvention of definitive anti-dumping measures on imports of certain retail electronic weighing scales (REWS) originating in Japan by imports of the same product assembled in/or transhipped through Indonesia by TEC Corporation. This investigation was opened on 29 August 1996 following a request lodged by Community producers accounting for around 65% of the total Community production of REWS.

The investigation established that TEC Corporation (Japan) assembled REWS in Indonesia through its subsidiary, TEC Indonesia, and that a considerable part of those REWS were exported to the Community.

As regards the conditions of Article 13 (2) of the basic anti-dumping Regulation, the investigation had led to the following conclusions :

- (i) The assembly of TEC REWS by TEC Indonesia started after the initiation of the anti-dumping investigation that led to the imposition of the original measures.
- (ii) The weighted average value of parts of Japanese origin incorporated into the TEC REWS assembled by TEC Indonesia and sold to the Community during the investigation period was found to exceed 60% total value of the parts of the assembled product. However, during the investigation period there appeared to have been a significant reduction of the value of parts of Japanese origin.

Although, as a rule, the situation during the whole period of investigation is used as a basis for the decision on whether measures are to be taken, the Commission took into consideration in this case the very substantial decrease of the percentage of Japanese parts that occurred towards the end of the investigation period, that the production of an important part for incorporation in REWS had been transferred to Indonesia, and that the decrease in percentage of Japanese parts used in REWS assembled by TEC Indonesia is likely to be maintained as it results from a change in the production pattern which would be uneconomic to reverse.

- (iii) The weighted average value added brought in to the parts used for the assembly of the REWS exported to the Community by TEC Indonesia was found to be low and considerably under the 25% threshold.

On the basis of the above findings, the investigation was terminated without extending the anti-dumping measures.

7.6.2.2. Electronic Weighing Scales (assembly in the Community - Teraoka-Digi)

On 30 May 1997, the Commission terminated the investigation concerning the alleged circumvention of definitive anti-dumping measures imposed on imports of certain retail electronic weighing scales (REWS) originating in Japan by imports of parts and subsequent assembly production in the Community. The investigation was opened on 29 August 1996 following a request lodged by Community producers accounting for around 65% of the total Community production of REWS.

The investigation revealed that the assembly operation was considerably more complex than the screwdriver-type assembly operation suggested by the complaint. Indeed, the Commission services found that the assembly operation consisted in fact of an interplay between three related companies established in the Netherlands: the actual assembler (Keylard), a factory of printed circuit boards (CTW) and a finishing operation, in terms of hardware and software (Digi Nederland). These companies were found to be operationally interdependent and fully integrated companies, forming a single economic entity.

It was established that the value added in the Netherlands by Keylard, CTW and Digi Nederland exceeded the threshold of 25% of the manufacturing cost of Article 13 (2) (b) of the Basic AD Regulation.

On the basis of the above findings, the investigation was terminated without extending the anti-dumping measures.

8. SUSPENSION OF MEASURES

Art. 14(4) of the basic Regulation provides for the suspension of measures in cases where market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of the suspension. Measures may be reinstated if the reason for the suspension is no longer applicable.

In 1997, there were no further suspensions.

9. MONITORING OF UNDERTAKINGS

Undertakings are accepted by the Commission only where it is found that such a measure eliminates the injurious effects of dumping. Another pre-condition for accepting undertakings is that they can be effectively monitored. In line with the Declaration of the Essen Summit of November 1994, the possibility of concluding an anti-dumping investigation by accepting undertakings instead of imposing duties has to be examined in all cases involving countries of Central and Eastern Europe. Normally, undertakings are underpinned by definitive (residual) duties for (non-cooperating) exporters for whom no undertaking was accepted.

In 1997, undertakings in relation to two cases were under review (hematite pig iron from the Czech Republic and Ferro-Silico-Manganese from Ukraine). During the same period, 5 proceedings have been concluded with the acceptance of undertakings (Lighters from Mexico, Philippines and Thailand; Salmon from Norway; Zinc from Poland; Seamless pipes and tubes from Czech Republic, Hungary, Poland, Romania, and Slovak Republic; Wooden Pallets from Poland) involving about 245 companies in the exporting countries.

This brings the total number of companies from which undertakings have been accepted to about 270. The undertakings which the Commission is monitoring covered 14 different products from 16 countries.

According to its practice, the Commission continuously monitors the undertakings on the basis of the quarterly or half-yearly undertaking reports it receives. The Commission conducted on-the-spot verifications at the premises of 25 companies. Given the very high number of parties involved (190) and the price sensitivity of the product concerned, in particular during the Christmas period, particular attention was paid to an effective monitoring of the Salmon undertakings. This resulted in provisional duties being imposed in December 1997, on 29 Norwegian exporters because the Commission had reasons to believe that these exporters had either violated the minimum price obligation of their undertakings or their reporting obligation.

10. REFUNDS

During 1997, one partial refund decision concerning Large Aluminium Electrolytic Capacitors from Japan was adopted by the Commission and notified to the importer concerned.

In addition, refund applications concerning a dozen other products and origins (artificial corundum from China, ball bearings from Thailand and Japan, cabled polyester yarn and textured filament polyester yarn from Indonesia, cotton yarn from Turkey, DRAMs from Japan and Korea, iron and steel sheets from the Former Republic of Yugoslavia, photocopiers from Japan, polyolefin sacks from China, silicon metal and ferro silicon from Brazil) were investigated during 1997. It is expected that a number of these cases will be finalised during 1998.

11. COURT OF JUSTICE / COURT OF FIRST INSTANCE

11.1. Overview

In 1997, judgments or orders concerning anti-dumping cases were rendered in nine cases (five by the Court of First Instance, including one joint judgment in cases T-159/94 and T-160/94, and four by the Court of Justice), summaries of which are given below (except for one withdrawal, in case T-192/95, and one cancellation, in case C-322/96). In all these cases, the Courts followed the pleas of the Community Institutions. In addition, 13 new cases were lodged and at the end of 1997, 9 cases dating from 1996 and earlier were still pending at the Court of Justice and at the Court of First Instance.

11.2. New cases

During 1997, 13 new cases were brought before the Court of First Instance. These concern the assessment of the like product¹⁰, the establishment of the existence of material injury¹¹, the assessment of the Community interest¹², the statement of reasons as required by Article 190 of the EC treaty¹³, the application of Article 13 on circumvention of the Council Regulation (EC) N°384/96¹⁴, the extension of the duty to parts of the product concerned¹⁵, the status and rights of interested parties¹⁶, the determination of normal value and/or the export price¹⁷, the time limits¹⁸, the initiation of an investigation¹⁹ and the power of the Council²⁰.

11.3. Cases pending

A list of the anti-dumping cases before the Court of Justice and the Court of First Instance still pending at the end of 1997 is given in Annex N (there is no anti-subsidy pending case). This list shows a total of 22 cases, of which 21 were before the Court of First Instance and 1 before the Court of Justice concerning an appeal lodged against a judgment of the Court of First Instance.

¹⁰ Case T-73/97, OJ C166, 31.05.97, p.17; Case T-598/97, OJ C 55, 20.02.98, p.30.

¹¹ Case T-73/97, OJ C166, 31.05.97, p.17; Case T-597/97, OJ C 72, 07.03.98, p.17; Case T-598/97, OJ C 55, 20.02.98, p.30.

¹² Case T-73/97, OJ C166, 31.05.97, p.17; Case T-598/97, OJ C 55, 20.02.98, p.30.

¹³ Case T-73/97, OJ C166, 31.05.97, p.17; Case T-80/97, OJ C212, 12.07.97, p.27; Case T-171/97, OJ C252, 16.08.97, p.33; Case T-213/97, OJ C318, 18.10.97, p.23; Case T-267/97, OJ C370, 06.12.97, p.99; Case T-598/97, OJ C 55, 20.02.98, p.30; Case T-599/97, OJ C55, 20.02.98, p.31.

¹⁴ Case T-74/97, OJ C166, 31.05.95, p.18; Case T-75/97, OJ C166, 31.05.95, p.18.

¹⁵ Case T-80/97, OJ C212, 12.07.97, p.27

¹⁶ Case T-84/97, OJ C181, 14.06.97, p.16; Case T-256/97, OJ C7, 10.01.98, p.21; Case T-147/97, OJ C199, 28.06.97, p.39; Case T-213/97, OJ C318, 18.10.97, p.23; Case T-597/97, OJ C 72, 07.03.98, p.17; Case T-171/97, OJ C252, 16.08.97, p.33; Case T-599/97, OJ C55, 20.02.98, p.31.

¹⁷ Case T-597/97, OJ C 72, 07.03.98, p.17; Case T-599/97, OJ C55, 20.02.98, p.31

¹⁸ Case T-245/97, OJ C357, 22.11.97, p.30; Case T-597/97, OJ C 72, 07.03.98, p.17

¹⁹ Case T-267/97, OJ C370, 06.12.97, p.99

²⁰ Case T-213/97, OJ C318, 18.10.97, p.23

11.4. Judgments and orders rendered

11.4.1. Court of Justice

11.4.1.1. Potassium permanganate from the People's Republic of China : Judgment of 29 May 1997²¹

- Case C-26/96, preliminary ruling in the proceeding pending before Finanzgericht Hamburg between *Rotexchemie and Hauptzollamt Hamburg-Waltershof*.

The reference to the Court resulted from a proceeding before a German Court, which had been brought by Rotexchemie, an importer of potassium permanganate. Rotexchemie had raised objections against the application of the anti-dumping Regulation imposing definitive duties on its imports from the People's Republic of China, considered as a state-trading country. The United States was the reference country selected in the administrative proceeding. The applicant considered this country to be an inappropriate choice and claimed that the Council had made a manifest error of appraisal by not considering alternative markets. The reasons brought forward by the Applicant were that the U.S market for potassium permanganate has only one producer and that it is shielded from competition because an anti-dumping duty was imposed on imports of the product concerned from the People's Republic of China. In the opinion of the Applicant, the consequences of these factors were that the prices charged in the United States were not the result of normal market forces. Therefore the inflated normal value led to an artificially high dumping margin.

The Court ruled : the choice of the appropriate reference country falls within the discretion enjoyed by the Institutions when analysing complex economic situations, even though this exercise is not exempted from judicial review. In the present circumstances, the Community Institutions cannot be criticised for not carrying out a thorough examination of other potential reference countries. It is not necessary to assess every possible reference country.

As regards the situation on the U.S. market, the Court considered that the prices in the reference country can result from market forces, even if there is only one producer in that country. This conclusion followed from the analysis of the competitive structure of the market in the reference country, which was faced with imports from other countries.

²¹ OJ C212, 12.07.97

11.4.1.2. Cotton yarn from Brazil and Turkey : Judgment of 29 May of 1997²²

- Case C-93/96 , preliminary ruling in the proceeding pending before the Supremo Tribunal Administrativo between Industria e Comércio Têxtil (ICT) and Fazenda Publica.

The Court proceeding concerned the interpretation of a provision stating that the “free at Community frontier price” subject to the duty is to be increased by 1% for each further month by which the period for payment exceeds 30 days. In this proceeding, the question was how to determine the “free at Community frontier price”, when this price included financial charges for a deferred payment terms granted by the seller to the buyer.

The Court’s response was that the increase should be applied whenever it was agreed that imported goods were to be paid for more than 30 days after their arrival at the Community customs. The Court noted however that the increase should be based on the price actually paid or payable, excluding charges for interest, provided those terms are the subject of a “financing arrangement” within the meaning of the Community customs legislation and the level of the charges reflects current prevailing rates.

11.4.1.3. Paint brushes from the People’s Republic of China : Judgment of 16 September of 1997²³

- Case C-362/95P, Appeal against the Judgment in case T-168/94, *Blackspur DIY and others v Council and Commission*.

In this proceeding, Blackspur DIY and its shareholders, asked the Court to annul the judgment of the Court of First Instance (Judgment of 18 September of 1995, case T-168/94) which rejected their claim for damages (based on Articles 178 and 215 of the EC Treaty).

As mentioned in earlier reports to the European Parliament, the Regulation imposing a definitive anti-dumping duty on paint brushes originating in the People’s Republic of China was declared to be invalid by the Court in 1991 since the reference country for China was not established in an appropriate way. Following this judgment, Blackspur DIY had lodged a claim for damages, which was dismissed by the Court of First Instance.

The Court of Justice confirmed that the Court of First Instance had correctly concluded that the appellant did not prove the alleged causal link between the bankruptcy of the appellant and illegal imposition of the anti-dumping duties.

²² OJ C212, 12.07.97

²³ OJ C331, 01.11.97

11.4.1.4. Plates of iron and steel from Yugoslavia : Judgment of 16 October of 1997²⁴

- Case C-177/96, preliminary ruling in the proceeding pending before the Rechtbank van Eerste Aanleg te Antwerpen (Belgium) between *Belgian State and Banque Indosuez and Others, European Community*.

The reference to the Court resulted from a proceeding before a Belgian Court. This national court asked whether the anti-dumping duties imposed by a Commission Decision on imports of certain steel products originating in Yugoslavia also applied to the same product manufactured by a producer/exporter who had been established in Yugoslavia, but due to the declaration of independence of FYROM (Former Yugoslav Republic of Macedonia), was in fact situated in FYROM at the time when the products were imported.

In its decision, the Court of Justice took into account the wording of the provision in the anti-dumping Regulation, its context and its aims. In this respect, the Court considered that a change in the name of the originating country does not have any impact on the economic purpose of the imposed duty. Therefore, the Court's response was that the anti-dumping duty imposed on the products concerned also applied to the imports from FYROM.

11.4.2. Court of First Instance

11.4.2.1. Unbleached cotton fabrics from Egypt, Indonesia, Pakistan, Turkey and the People's Republic of China : Order of 2 October of 1997²⁵

- Case T-213/97R, *Eurocoton v. Council*.

By an application lodged on 18 July 1997, Eurocoton brought an action under Articles 173 and 174 of the EC Treaty for annulment of the Council decision to reject the Commission proposal to impose measures against imports of unbleached cotton fabrics, and, under Articles 178 and 215 of the EC Treaty, for damages caused to Eurocoton by that decision. On the same day, Eurocoton lodged an action for interim measures.

The action for interim measures was dismissed by the Court for lack of urgency. The Court considered that, in accordance with established caselaw, the urgency for interim measures had to be assessed with respect to the necessity to prevent serious and irreparable damage to the applicant. The applicant did not prove that it could not wait for the result of the main proceedings without suffering any damage.

The main proceeding will be decided at a later stage.

²⁴ OJ C357, 22.11.97

²⁵ OJ C370, 06.12.97

11.4.2.2. Cement from Turkey, Romania and Tunisia : Judgment of 10 July of 1997²⁶

- Case T-212/95, *Oficenem v. Commission*.

In March 1994, the Council unanimously overturned a Commission decision to terminate a proceeding on Portland cement originating in Romania, Tunisia and Turkey. It was argued that the determination of the existence of material injury was not fulfilled. At the relevant time, the rules applicable to dumping were set out in Council Regulation (EEC) N°2423/88 of 11 July of 1988. The Commission, being unable to reverse its conclusions and to formulate a different proposal to the Council, attempted to find other solutions through discussions with the countries concerned. These discussions proved unsuccessful and the matter was left unresolved. Being dissatisfied with this outcome, the Community industry (*Oficemen*) decided to lodge an application against the Commission in November 1995. In May 1996, the Commission finally sent a new proposal for termination without the imposition of duty to the Advisory Committee. After objections had been raised within the Advisory Committee about this proposal, the Council did not decide otherwise within one month. Therefore, a Decision of the Commission terminating the anti-dumping proceeding was published.

The Applicant claimed that the Commission made a wrong decision because of an incorrect appreciation of the facts: the Commission should have come to the conclusion that injury had indeed occurred. It also claimed that there was an inaction on the part of the Commission (subsequent to the rejection of its proposal by the Council), by failing to present a proposal to the Council which would have led to a conclusion of the investigation by the adoption of anti-dumping measures.

On the first issue, the Court of First Instance decided that in fact no Decision existed which could be challenged before the Court, since the "decision" of the Commission was only an intermediary step in the decision-making process, which also consisted of the consultation of the Advisory Committee and a potential vote in the Council. The claim for annulment based on Article 173 was therefore dismissed as inadmissible.

On the second issue, concerning the point of inaction, the action *was* held admissible since at the time of lodging, the Commission had not acted. However, the new termination proposal by the Commission forwarded in May 1996 was considered by the Court of First Instance to be an act of the Commission. Consequently, the appeal on the grounds of inaction became irrelevant and the Court of First Instance did not provide any judgment on this point.

²⁶ OJ C252, 16.08.97

11.4.2.3. Bicycles from the People's Republic of China : Judgment of 25 September of 1997²⁷

- Case T-170/94, *Shanghai Bicycle Corp. v. Council*.

By Regulation (EEC) No 2474/93 the Council imposed definitive anti-dumping duties on imports of bicycles originating in the People's Republic of China. Shanghai Bicycle Corporation, one of the largest Chinese producers and exporters, was of the opinion that the "definitive duty regulation" was not in line with the Basic Anti-dumping Regulation N°2423/88 of 11 July of 1988 and lodged an application for annulment.

Five pleas were raised by Shanghai Bicycles, which were dismissed by the Court. Concerning the first plea, the error in defining "like product", the Court stressed that the Community institutions were entitled to treat all bicycles as a single like product irrespective of existing sub-categories.

Concerning the second plea, the improper sampling technique, the Court confirmed that the sampling techniques applied by the Community institutions for the calculation of the export price are in line with Article 2(13) of the Basic Regulation 2423/88²⁸. In particular, the companies were selected taking into account the degree to which they are representative in terms of exports to the Community.

Concerning the third plea, the refusal to grant individual treatment to the Applicant, the Court stated that, in the circumstances of the specific case, the Community institutions were not under any obligation to grant individual treatment because in the People's Republic of China it was extremely difficult to establish whether a Chinese company really was independent of the State.

Concerning the fourth plea, the refusal to disclose the method of calculation, the Court ruled that the non-confidential information supplied by the Commission was adequate and that the Commission was not under any obligation to communicate information relating to companies not used in the sample.

Finally, concerning the fifth plea, the method of calculation of the dumping margins, the Court confirmed the Commission's practice to include the non-cooperating exporters in the dumping calculation for the non market economy country.

²⁷ OJ C357, 22.11.97

²⁸ Please note that the criteria for sampling have been changed. Article 17 of Regulation 384/96 provides i.a. that "the investigation may be limited to a reasonable number of parties, products or transactions by using samples which are statistically valid on the basis of information available at the time of the selection (...)".

11.4.2.4. Aspartam from Japan and the United States : Judgment of 18 December of 1997²⁹

- Case T-159/94 *Ajinomoto v. Council*, and case T-160/94, *Nutrasweet v. Council*.

By Regulation (EEC) N°1391/91, the Council imposed a definitive anti-dumping duty on aspartame originating in Japan and U.S.A.. The two applicants advanced several arguments for the annulment of the contested Regulation.

In its judgment, the Court of First Instance rejected all pleas put forward by the applicants and confirmed that the rights of the interested parties to be well informed should not be implemented to the detriment of the need to respect the confidentiality of business secrets, and that the Community institutions have a wide margin of appreciation when they determine injury and the existence of a causal link with the dumped imports.

The Court also stated in its judgment that the determination of the normal value based on patent-protected prices was not a mistake in the sense that the patent did not determine as such the domestic price level. Moreover, the fact that a patent holder practised freely higher domestic prices than export ones, did not mean that this difference in prices should escape from duty since it led to material injury. In the light of the above considerations and concerning one of the pleas brought separately by the Japanese applicant *Ajinomoto*, the Court considered that the prices in the country of origin (i.e. Japan) were not a good choice in the present case due to the fact that the aspartame sold by *Ajinomoto* was not directly imported into the Community but was transformed and repackaged into an intermediate country (the United States). Therefore, the Court considered that the Community institutions correctly determined the normal value on the basis of the price paid or payable on the U.S market, and that it was not suitable to base the normal value on export prices to third countries or, as proposed by the applicant, on the constructed value.

11.4.2.5. Urea from Russia : Judgment of 17 December of 1997³⁰

- Case T-121/95 *Efma v. Council*.

By Regulation (EC) No 477/95, the Council amended the anti-dumping measures applicable to imports of urea originating in Russia. The European Fertiliser Manufacturers Association (EFMA) considered that the new measures were insufficient to protect Community industry and lodged an application for annulment of the regulation.

²⁹ Not yet published

³⁰ Not yet published

Regarding the first issue, the quality adjustment, the Court confirmed the findings of the Council. An adjustment was appropriate since urea exported from Russia tended to deteriorate during transport and because security of supply from Russia was not always ensured. The Court also confirmed that the Council had not made any obvious error when determining the precise level of adjustment for the quality difference in the amount of 10 %. The reasoning of the Court is that the Community institutions did not have any better source of information at their disposal other than the estimates of the importers and Community producers and were therefore entitled to rely on these estimates.

Regarding the second issue, the target profit for the Community industry, the Court upheld the level established by the Community institutions (5 %). The Court stated that the Applicant had submitted a report calling for a higher profit margin only after the court proceeding had been launched. According to the Court, this was too late. The Court also rejected the Applicant's argument that its right to a fair hearing was infringed since it was informed during the administrative proceeding that the claim for a higher profit margin was not sufficiently substantiated.

12. ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS OF THIRD COUNTRIES CONCERNING IMPORTS FROM EU MEMBER STATES

In 1997, seven countries carried out countervailing duties (CVD) investigations involving EU Member States, while fourteen countries conducted anti-dumping investigations. Add to that four countries carrying out safeguard investigations, and it can be seen that the use of trade defense remedies is spreading at an alarming rate following the Uruguay Round.

The Commission's "pro-active" approach in these cases has led to increasing intervention vis-à-vis national investigating bodies.

The Commission will pursue violations of the WTO Agreements (e.g. USA's CVD on leaded bar from the U.K., Israel's time limit violations, Argentina's CVD on wheat gluten)..

However, many of the EU companies, not used to being involved in investigations, do not always seem to understand the benefits of co-operating with the investigating authorities. It is therefore very difficult for the Commission to intervene in cases of non-co-operation.

The Commission is ready to assist Member States and companies which are involved in an investigation. Nevertheless, it is for companies to defend their own interests by co-operating and, if necessary, hiring legal representation. The benefits of such co-operation can be seen in the cases described in this report.

12.1. Anti-dumping and anti-subsidy cases against EU Member States

12.1.1. USA

12.1.1.1. Pasta from Italy

Definitive duties were imposed in July 1996. CVD's range from 1.21% to 11.23%; the average CVD is 3.85%. On the other hand, anti-dumping duties range from 1.68% to 46.67%. The average AD duty is 11.26%.

In September 1997, the first administrative reviews were initiated.

12.1.1.2. Lead and Bismuth Steel from the UK

On 6 October 1997, the Department of Commerce (DOC) imposed a CVD of 7.35% on both British Steel and UES following British Steel's repurchase of UES in 1995.

In May 1997, a further administrative review was initiated, covering imports made in the year 1996. On 2 December 1997, a preliminary CVD rate of 5.28% was established. In this review, the Commission requested green-light treatment for the BRITE-EURAM R&D program. DOC, unable to find a reason to reject the green-light claim, has instead chosen to dismiss the benefit from the program as de-minimis.

During the proceeding, British Steel has continued to dispute the DOC's assertion that pre-privatization subsidies are "passed through" to the new owners of the company. It has now approached the UK authorities on this matter, and the Commission has been asked to request dispute settlement with the USA.

12.1.1.3. Carbon Steel Wire Rod from, inter alia, Germany

On 18 March 1997, DOC initiated a combined anti-dumping and countervailing case against carbon steel wire rod from a number of countries including Germany. Allegations on subsidies principally related to debt forgiveness, restructuring aid, ECSC aid and to various regional subsidies to the former East Germany.

On 22 October 1997, the US established subsidy amounts of between 5.6% and 17.7%. The German Government and the Commission argued that regional aid to former East Germany was non actionable (green). DOC, as in the above lead and bismuth steel case, avoided having to make a green-light determination, by taking the de-minimis route. The DOC also found that certain pre-unification aid was non-countervailable.

On 19 November 1997, the ITC made a negative injury finding and so no CVD measures were taken in this case.

12.1.1.4. Stainless Steel Wire Rod from Italy (initiated on 19.08.1997)

Following Article 13.1 consultations held in Washington on 13 August 1997, DOC decided not to investigate 9 of the 43 programs alleged in the complaint.

The “pass-through” effect is a big issue in this case. The three Italian exporters are now privately owned, but most of the alleged subsidies related to the period of state ownership of the same production units; this also causes significant difficulties in the collection of the information requested by DOC.

Provisional countervailing duties were imposed on 29.12.97.

12.1.1.5. Certain steel from Belgium (review initiated in 1997)

The review period is the calendar year 1996.

12.1.1.6. Rayon staple fibre from Sweden

On 30 May 1997, DOC made a preliminary finding of zero subsidy in an administrative review covering the period January-December 1995.

12.1.2. *Canada*

On 13 May 1996, the Canadian International Trade Tribunal (CITT) had made a finding of no injury in the anti-dumping and countervailing investigations concerning pasta from Italy and therefore the cases were terminated without measures. The complainants then appealed against CITT's decision and on 31 January 1997 the Federal Court remanded the case to CITT. On 31 May 1997, the CITT confirmed the no injury finding.

12.1.3. *Israel*

On 26 July 1995, the Commission was notified by Israel of countervailing duty complaints concerning imports of pasta from Italy and baked goods from several EC Member States.

The investigation concerning baked goods (CVD only) was opened on 14 September 1995. Israel has indicated that it is likely to reject the complaint in view of lack of injury.

On pasta, the investigations (CVD and anti-dumping) were opened on 1 October 1995. With regard to the CVD case the complainant has evidently copied the US complaint. Many of the Community and Italian regional aid programs are green and therefore non-actionable.

No formal decision has been taken in either case and it has been pointed out to Israel that their investigations have exceeded the 18 months maximum allowed by the WTO Subsidies Agreement.

12.1.4. New Zealand

In July 1997, New Zealand initiated a countervailing investigation concerning canned peaches from the EU, alleging subsidization by means of export refunds on sugar and production aid, and, in the case of Spain, regional aid to one of the canners.

On 9 December 1997, New Zealand disclosed its finding. Subsidization of 14-21% was established, but the regional aid in Spain was "green-lighted" as non-actionable. Countervailing duties were imposed in January 1998.

12.1.5. Australia

In the first half of 1992, Australia imposed anti-dumping and countervailing duties on imports of certain food products which were due to expire in 1997. After receiving applications by the respective Australian industries alleging a recurrence of material injury if the measures expire, the Australian Anti-Dumping Authority ("ADA") initiated expiry reviews.

12.1.5.1. Canned Peaches from Spain and Greece

Countervailing duties on imports of canned peaches from Spain and Greece and anti-dumping duties on imports from Greece were reviewed by the ADA.

Australia decided that anti-dumping duties on imports from Greece and countervailing duties on imports from Spain would expire on 19 February 1997 as would countervailing duties on imports from Greece relating to the sugar rebate. Only the CVD covering production aid would be continued for a further five years.

12.1.5.2. Canned Ham from the Denmark (CVD), Ireland and the Netherlands (AD & CVD)

Australia decided that countervailing and anti-dumping duties would expire on 12 March 1997.

12.1.5.3. Glacé Cherries from France and Italy (AD & CVD review)

Australia decided to allow the anti-dumping duties to expire on 8 April 1997 but to continue the countervailing duties on imports from France and Italy for a further five years.

12.1.5.4. Dried Egg White from the Netherlands (CVD review)

Australia decided that the measures would expire on 6 May 1997.

12.1.5.5. Canned Tomatoes from Italy (AD & CVD review) and Spain (CVD review)

Australia decided to let countervailing duties on imports from Spain expire on 29 April 1997, but to continue anti-dumping and countervailing measures on imports from Italy for a further 5 years.

12.1.6. *Argentina*

12.1.6.1. Wheat Gluten (CVD investigation initiated on 26.11.1996)

The Commission has argued strongly that wheat gluten does not benefit from a subsidy.

In spite of this, Argentina imposed a provisional countervailing duty on 8 October 1997. The Commission submitted a detailed rebuttal of Argentina's positive finding of subsidization.

12.1.6.2. Olive Oil (CVD investigation initiated in March 1997)

In November 1997, Argentina announced that it would not take provisional measures but would continue the investigation.

12.1.7. *Mexico*

12.1.7.1. Canned peaches from Greece (AD & CVD initiated in May 1997)

On 9 December 1997, Mexico imposed provisional duties. The amount of subsidy was found to be 18.2% and dumping (based on the facts available) was 33.3%. A provisional duty of 43.5% was imposed, since part of the subsidy (the export refund on sugar) was excluded to avoid double counting.

12.2. Major anti-dumping investigations against Community Member States

12.2.1. *Israel*

12.2.1.1. Gate Valves from Germany

In November 1997, Israel terminated this investigation without measures.

12.2.1.2. Medium Density Fiberboards from Germany, Italy and Portugal

Initiated on 4 December 1996. On 8 May 1997, provisional duties of between \$47 and \$80 per cubic meter were imposed.

12.2.1.3. Reinforced Deformed Bars (Rounds) from Spain

Initiated on 25 July 1995. Provisional duties of \$28 per tonne were imposed on 21 February 1996. The injury finding is likely to depend on the parallel case against Italy (see immediately below). The Commission has informed the Israeli authorities that the (maximum) 18-month period allowed under the WTO Agreement on Anti-dumping has expired and that they should terminate the investigation immediately.

12.2.1.4. Reinforced Rounds from Italy

In early 1997, the Ministry of Finance refused to take measures on the basis of public interest. The competence issue between the Finance and Industry Ministry is now being resolved in the courts; in the meantime, this case still remains undecided and provisional duties are still being collected.

12.2.1.5. Pasta from Italy

Initiated on 1 October 1995 along with a sister countervailing case. Provisional measures were imposed on 26 August 1996 but were later eliminated. This investigation has also exceeded the maximum 18-month period allowed under the WTO Agreement on Anti-dumping.

12.2.1.6. Disposable diapers from Germany

Initiated on 27 May 1996. On 27 November Israel established that the dumping margin was 30.36% and applied a provisional duty of 7.2% per package; no final decision has yet been taken. The 18-month time limit has also expired in this case.

12.2.1.7. Synthetic media from the UK

This case was terminated without measures on 23 June 1997 following the withdrawal of the complaint.

12.2.1.8. Granulated Recycled polyethylene from Germany

Initiated on 6 March 1997. On 5 August 1997, provisional duties were imposed: 28.2% for high-density polyethylene and 11.5% for low-density polyethylene.

12.2.2. *Canada*

12.2.2.1. Steel reviews

On 17 June 1996 Revenue Canada initiated a review of normal values and export prices in respect of cold rolled steel sheets from, inter alia, Germany, France, Italy, the UK and the US. On 2 August 1996 Revenue Canada initiated a review of normal values and export prices in respect of corrosion-resistant steel sheets from Australia, Brazil, Japan, Korea, New Zealand, the US, France, Germany, Spain, Sweden and the UK.

Most community exporters complained about the complexity of the questionnaires and have decided not to submit replies to Revenue Canada; a request from a Spanish producer was refused due to non-co-operation at the verification visit. During 1997, Canada temporarily suspended anti-dumping duties on certain steel imports due to inadequate domestic supply.

12.2.2.2. Pasta from Italy

See countervailing case.

12.2.2.3. Stainless Steel bars

On 12 December 1997, Revenue Canada received an anti-dumping complaint concerning imports of stainless steel bars from Germany, France, Italy, US, Sweden, Spain, Taiwan and Japan; an investigation was initiated on 23 December 1997.

12.2.3. *South Africa*

12.2.3.1. Uncoated woodfree paper in reels or sheets from Sweden

Initiated on 18 July 1996, three Swedish exporters are concerned by the proceeding.

12.2.3.2. Unglazed and glazed ceramic wall and floor tiles from Italy

Initiated on 26 October 1996. Due to the large number of concerned companies in Italy, the South African Board on Tariffs and Trade has decided to make a sample of six representative Italian producers.

12.2.3.3. Suspension PVC from France, UK, Germany, Belgium, Spain, Netherlands

South Africa initiated an investigation on 15 March 1996. On 27 March 1997, definitive duties of 46% and 66% were imposed on imports from France and UK respectively. No measures were taken against the other Member States.

12.2.3.4. Circuit breakers from France Italy and Spain

Initiated 31 May 1996. On 7 February 1997, provisional duties were imposed on imports from France and Italy; no duty was imposed on imports from Spain.

12.2.3.5. Calcium propionate and Calcium acetate from the Netherlands

At the request of the Dutch exporter, reviews of anti-dumping measures on these products were initiated in June and July 1996. On 11 April 1997, the duty on calcium propionate was withdrawn, but on 9 May 1997 it was provisionally decided to maintain the duty on calcium acetate.

12.2.3.6. Copper tubing from the UK

This case was initiated on 6 September 1996; following a preliminary investigation, no duty was imposed on products from the UK.

12.2.3.7. Acrylic Fibre from Portugal

This investigation was initiated on 5 July 1996. On 27 June 1997, a provisional duty of 10.9% was imposed. The Commission made a submission to South Africa about this measure, in view of the apparent lack of injury suffered by the petitioner. A definitive duty was imposed at the end of 1997.

12.2.3.8. Glass microspheres from Austria, UK and Belgium

This case was initiated on 23 May 1997. On 5 September 1997, provisional duties of 12.1% and 33.2% were imposed on imports from the UK and Austria respectively.

12.2.3.9. Coated paperboard from Spain, Austria, Germany and the Netherlands

This investigation was initiated on 20 March 1997. Following verification visits during the summer, South Africa made a proposal to terminate the investigation without measures.

12.2.4. *Argentina*

12.2.4.1. Drill bits din 345 from Italy

Initiated on 21 February 1997.

12.2.4.2. Pneumatic components from Germany

Initiated on 18 June 1996. Proceeding terminated without measures on 4 April 1997.

12.2.4.3. Gas meters from Italy

Initiated on 27 August 1996. The investigation is ongoing.

12.2.4.4. Electric cables from France and Spain

Initiated on 20 February 1996. It has therefore exceeded the 18-month time limit for investigations established in the WTO Anti-dumping Agreement. Argentina has alleged that the complaint was made in April 1994 and therefore the case is not covered by the WTO Agreements. However, this argument is contradicted by the facts of the case (the opening notice justified the initiation on the basis of 1995 data): consultations on this case were held in Geneva on 29 October 1997.

12.2.4.5. Optic Fibre cables from Spain

Initiated on 21 February 1997. Consultations on this case under the WTO Anti-dumping Agreement were held in Geneva on 29 October 1997. The consultations were requested because Spain's share of total imports seems to be below 3% and should therefore be considered de-minimis. (The US and Brazil, both of which are also subject to investigation, account for over 95% of total imports).

12.2.4.6. Chemical products from the Netherlands and Germany

On 5 May 1997, Argentina terminated five investigations concerning various acid products, without taking any measures. The investigations had revealed that the domestic industry was not suffering injury.

12.2.5. *Malaysia*

12.2.5.1. Self-copy paper from the European Union

Initiated on 22 August 1996 against the EU and Indonesia. On 19 November 1996, the Malaysian authorities imposed provisional anti-dumping duties ranging from 9% to 26% on imports from the EU. On 20 April 1997, definitive duties of 4-11% were imposed on imports from the EU.

12.2.5.2. Corrugated medium-paper

Initiated on 8 July 1997 and concerning the EU, Indonesia, Korea, Japan, Australia, Taiwan and Thailand.

On 4 November 1997, Malaysia announced the imposition of provisional duties on EU imports ranging from 21 to 79%. Few EU producers co-operated with the investigation.

12.2.6. *India*

12.2.6.1. Acrylonitrile butadiene rubber from Germany

Initiated on 15 March 1996. A provisional duty of 174% was imposed on 31 January 1997.

12.2.6.2. Catalysts from Denmark

Initiated on 6 September 1996. Provisional duties of 0-154% were imposed on 20 June 1997.

12.2.6.3. Graphite electrodes from Germany, Belgium, Austria, France, Spain and Italy
Initiated on 30 September 1996.

12.2.7. Korea

12.2.7.1. Electric shavers from Germany and the Netherlands

Initiated on 20 July 1996. Provisional duties of between 38.80% and 40.68% were imposed by the Korean authorities on 14 November 1996. The final decision in April 1997 involved the acceptance of price undertaking from the exporters.

12.2.7.2. Carbonless copy paper from UK and Germany

Initiated on 20 June 1997. Provisional duties of 17.99 to 18.39% were recommended but not imposed.

12.2.7.3. Certain cellulose products from Germany

Initiated on 18 June 1997 following a complaint from Samsung and concerning imports from Germany and the USA, following a complaint from Samsung.

12.2.7.4. Electric smoothing irons from France

Initiated on 23 October 1997 and concerning imports from France, Singapore and China.

12.2.8. Australia

12.2.8.1. PVC from Belgium

The proceeding was terminated without measures in November 1996. In May 1997, this decision was confirmed following a court challenge by the complainant.

12.2.8.2. PVC from Germany and the Netherlands

Following the closure of a previous proceeding, a new investigation was initiated on 10 July 1997. On 17 October 1997, provisional duties were imposed on imports from Germany, Netherlands, Hungary, Israel and India.

12.2.8.3. Broad tipped highlighter pens from Germany

Initiated on 11 October 1996. Provisional securities were imposed on 9 January 1997. However, the matter was then referred to the ADA, which terminated the case without measures in May 1997.

12.2.8.4. Fibreglass gun rovings from Spain

Initiated on 13 February 1997. Prior to the preliminary determination, the petitioner withdrew the complaint.

12.2.8.5. Carbonless copy paper from Austria,⁴ Belgium, Finland, France, Sweden, Italy, the Netherlands and Germany

Initiated on 9 July 1997. In November 1997, Australia imposed provisional duties on certain exporters in Austria, Finland, Germany and the Netherlands.

12.2.9. USA

12.2.9.1. Pasta from Italy

See the section on countervailing duty cases. The use of "facts available" to determine the duty level for De Cecco is currently the subject of discussions with the DOC. An administrative review was initiated in September 1997. If De Cecco's dumping margin is reduced or eliminated, the existing cash deposits will be refunded with interest.

12.2.9.2. Urea from the former GDR

In November 1997, DOC confirmed its finding of zero dumping in an administrative review. Discussions are in progress on how to solve this issue.

12.2.9.3. Brass Sheets and Strips from Germany

The DOC denied the revocation of an antidumping order regarding a German exporter although they found in three consecutive administrative reviews that the dumping was zero. The reason given is that there would be still a likelihood of recurrence of dumping.

12.2.9.4. Large Newspaper Printing Presses from Germany

On 23 July 1996 DOC imposed 30.72% duties on exports of LNPPs from Germany (46.40% for a non-cooperating exporter). A major concern was DOC's scope of duty decision which also covered parts for LNPPs. In July 1997, the DOC revised instructions on customs clearance with a view to eliminate the problem created by the cash deposit on all parts. The new method would aim to ensure that no duty is paid where the exporters/importers estimate that the parts are not likely to fall within the order.

12.2.9.5. Open-end spun rayon singles yarn from Austria

Initiated on 26 August 1996. On 18 March 1997 the DOC made an affirmative preliminary dumping determination (margins between 4.77 and 10.83%). The case was subsequently terminated without measures due to lack of injury.

12.2.9.6. Carbon Steel Wire Rod from Germany

Following the no injury finding in the CVD case, it seems certain that the anti-dumping case will be terminated. In the anti-dumping investigation, preliminary duties of up to 153% have been imposed on the basis of facts available due to non-cooperation on the part of the exporters.

12.2.9.7. Stainless Steel Wire Rod from Italy and Germany

Initiated at the same time as the CVD case concerning Italy. Preliminary findings were due on 29 December 1997.

12.2.10. *Philippines*

12.2.10.1. Refractory bricks from Germany

A provisional duty of 29.61% was imposed on 2 February 1997. It is understood that this investigation may be terminated without measures, but nothing has yet been published to this effect.

12.2.11. *Egypt*

12.2.11.1. Stainless Steel sinks from Greece and Spain

Initiated on 7 March 1997. In November 1997, Egypt disclosed its intention to impose anti-dumping duties of 35 and 50% respectively on these imports on the basis of facts available. There was no co-operation from the exporters concerned.

12.2.12. *Brazil*

12.2.12.1. Sodium Triphosphate

On 5 August 1997, Brazil imposed an anti-dumping duty of 39.82% on imports of sodium triphosphate from the UK. This duty was lower than the dumping margin of 43.06%, Brazil having applied the "lesser-duty rule".

12.2.12.2. Soda Ash

On 30 September 1997, Brazil announced that the investigation concerning imports of Soda Ash from the UK would be extended for a further six months.

12.2.12.3. Blood collection tubes

An anti-dumping investigation concerning imports of this product from the UK was initiated on 15 September 1997.

12.2.13. Turkey

On 29 June 1997, Turkey initiated an anti-dumping investigation concerning ball bearings of more than 30mm from the EU and Japan.

12.2.14. Indonesia

On 13 November 1997, Indonesia initiated an anti-dumping investigation concerning white newsprint paper from France.

Although the case concerns only France, all EU exporters were advised to consider co-operation, as Indonesia has considered that it may apply measures to the EU as a whole, and may also conduct sampling on an EU-wide basis.

12.3. Safeguard investigations of third countries concerning imports from Community Member States

12.3.1. Brazil

12.3.1.1. Imports of toys

On 1 January 1997, Brazil imposed definitive safeguard measures on imports of all types of toys in the form of an additional duty on top of the regular tariff rate of 20% which decreases progressively until 1999: 43% in 1997, 29% in 1998 and 15% in 1999. The resulting tariff levels are below the bound rates within the WTO framework except for three tariff lines, where tariffs exceed bound rates slightly in the years 1997 and 1998.

12.3.2. Korea

12.3.2.1. Imports of Certain Dairy Products

On 27 January 1997 Korea notified the WTO of its intention to propose a safeguard measure against imports of milk powder blends which were liberalised as a result of Korea's WTO commitments.

On 7 March 1997 Korea imposed definitive safeguard measures in the form of a quota. As a result of the pressure put on Korea mainly by the Community, it increased the quota by 25%.

The measure, however, seems not to be in compliance with the WTO Agreement on Safeguards, in particular because the findings of serious injury and causal link are not supported by sufficient evidence, no price analysis was conducted, consultations were delayed and the WTO notifications were inadequate. In view of this, the Community held dispute-settlement consultations with Korea on 10 September and 16 October 1997, and is considering dispute settlement.

12.3.3. Argentina

12.3.3.1. Imports of Footwear

On 25 February 1997 the Ministry of Economy, Public Works and Services initiated safeguard proceedings in respect of imports of footwear of all kinds (except ski boots and snowboards) and imposed provisional measures in the form of specific duties as of 25 February 1997 for a period of 200 days. In September 1997, Argentina imposed definitive measures.

12.3.3.2. The Community has serious concerns about the conformity of the measure with the WTO Agreement on Safeguards.

The duties go beyond Argentina's bound rates; consultations with Argentina have not yet solved the problem. Although the Community's immediate trade interest is small, the violations of the Safeguard Agreement seem blatant and dispute settlement action is being considered if no compromise can be found.

12.3.4. USA

12.3.4.1. Imports of Wheat Gluten

Having had their Section 301 subsidy petition rejected, the US gluten producers decided on 19 September 1997 to request a Section 202 safeguard action.

This was initiated on 3 October 1997, and a public ITC hearing was held on 16 December 1997. The European Industry and the Commission were present at the hearing.

A decision of the ITC was due by 16 January 1998.

12.4. USA - anti-circumvention actions

12.4.1. Leaded billets from UK and Germany

On 19 June 1997, DOC initiated an investigation into the alleged circumvention of anti-dumping and countervailing measures on leaded bars by exports of leaded billets from the UK and Germany. Billets are rolled into bars by means of a process carried out in the US.

12.4.2. Pasta from Italy

On 8 December 1997, an anti-circumvention investigation was initiated with regard to Barilla.

13. GATT/WTO ISSUES

In October 1997, the Commission held consultations under the WTO Anti-Dumping Agreement with Argentina concerning investigations on electric cables and optic fibres. Consultations provided for in the WTO Subsidies Agreement were held with the US and New Zealand in the course of a number of CVD cases, but not under dispute settlement.

The WTO Agreements on Anti-dumping and Subsidies and Countervailing Measures finalised during the Uruguay Round were not subject to any changes or re-negotiation in 1997. - On anti-dumping, an informal group was established to discuss the problem of circumvention of measures, in line with the Ministerial Decision signed at Marrakech. The Community and the United States are leading the effort to reach agreement on the application of uniform rules in this area. The so-called Ad hoc Group on Implementation of Article VI (anti-dumping rules) met twice in 1997, proving to be a useful forum for exchange of information on principles and practice in applying the WTO Agreement, and promoting even and effective enforcement of the multilateral rules. In parallel, work is ongoing on the Harmonisation of Rules of Origin, as part of the work programme foreseen by the Agreement on Rules of Origin (ARO) at the end of the Uruguay Round.

14. CHANGES TO THE BASIC REGULATION

In December 1997, the Commission adopted a Communication to the Council proposing a change to the EU anti-dumping legislation and practice concerning the treatment of Russia and China in anti-dumping proceedings³¹. Currently these countries are considered as non-market economies for the purpose of anti-dumping proceedings. The proposal takes account of the reforms ongoing and the new economic realities that exist in Russia and China.

The proposal removes the label "non-market economy" in respect of China and Russia. It institutes a new case by case approach for anti-dumping proceedings for these countries, whereby exporters can request market economy treatment if they operate within clearly defined market economy conditions. This means that for those exporters who can prove their status, their prices and costs would be used to establish normal value, as is the case in proceedings involving market economy countries. Finally, it introduces a more systematic approach to the granting of individual treatment and calculation of comparative advantage.

In addition, a new basic Regulation (Council Regulation (EC) No 2026/97) concerning anti-subsidy proceedings entered into force in October 1997. This Regulation corrected some drafting problems contained in the earlier version (Regulation (EC) No 3184/94).

15. PERSONNEL AND ADMINISTRATION

During 1997, the anti-dumping services were located in three different buildings. In order to overcome the administrative constraints caused thereby, it was decided that the whole of the anti-dumping services move to the building situated at rue Demot 24 in early 1998.

In the course of the year, the anti-dumping service continued its effort to make newly arrived personnel quickly operational and to provide additional training to officials in service. To this end, 1 anti-dumping course and 6 cost accountancy courses were organised which proved to be very effective.

³¹ OJ No C 70, 6.3.98; The proposal has been adopted by the Council on 27 April 1998 (OJ No L 128, 30.4.98)

ANNEX A

NEW INVESTIGATIONS INITIATED DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1997

Product	Country of origin	OJ Reference
Fasteners (stainless steel)	Thailand	C25, 25.01.97
Fax machines	P.R. China Japan Malaysia Singapore South Korea Taiwan Thailand	C32, 1.02.97
Potassium permanganate	India Ukraine	C130, 26.04.97
Polysulphide polymers	USA	C187, 19.06.97
Synthetic fibre ropes	India	C201, 1.07.97
Glutamic acid (monosodium glutamate)	Brazil USA Vietnam	C205, 5.07.97
Cotton fabric (unbleached)	P.R. China Egypt India Indonesia Pakistan Turkey	C210, 11.07.97
Narrow steel strips (Regional case)	Russia	C211, 12.07.97
Synthetic fibre ropes	South Korea	C232, 31.07.97
Unwrought magnesium	P.R. China	C256, 21.08.97
Stainless steel bright bars (Anti-dumping)	India	C264, 30.08.97
Antibiotics (broad spectrum) (Anti-subsidy)	India	C277, 12.09.97
Thiourea dioxide	P.R. China	C323, 24.10.97
Laser optical reading systems	P.R. China Japan Malaysia South Korea Taiwan	C324, 25.10.97
Stainless steel bright bars (Anti-subsidy)	India	C328, 30.10.97
Cochineal carmine (Anti-subsidy)	Peru	C335, 6.11.97
Hardboard	Brazil Bulgaria Estonia Latvia Lithuania Poland Russia	C336, 7.11.97
Bicycles	Taiwan	C360, 26.11.97
Electrolytic capacitors	Thailand USA	C363, 29.11.97 C363, 29.11.97
Woven glass fibre (Anti-dumping)	Taiwan	C366, 4.12.97
Woven glass fibre (Anti-subsidy)		

ANNEX B

NEW INVESTIGATIONS CONCLUDED BY THE IMPOSITION OF PROVISIONAL DUTIES DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1997

PROVISIONAL DUTIES			
Product	Country of origin	Regulation N°.	OJ Reference
Polyethylene/polypropylene sacks	India Indonesia Thailand	Com. Reg. (EC) N° 45/97 10.01.97	L12, 15.01.97
Polyester yarn (PTY)	Malaysia	Com. Reg. (EC) N° 53/97 14.01.97	L13, 16.01.97
Footwear (textile)	P.R. China Indonesia	Com. Reg. (EC) N° 165/97 28.01.97	L29, 31.01.97
Handbags	P.R. China	Com. Reg. (EC) N° 209/97 3.02.97	L33, 4.02.97
Zinc (unwrought unalloyed)	Poland Russia	Com. Reg. (EC) N° 593/97 25.03.97	L89, 4.04.97
Seamless steel pipes and tubes	Czech Republic Russia Romania Slovak Republic	Com. Reg. (EC) N° 981/97 29.05.97	L141, 31.05.97
Flat pallets of wood	Poland	Com. Reg. (EC) N° 1023/97 6.06.97	L150, 7.06.97
Bed linen (cotton)	Egypt India Pakistan	Com. Reg. (EC) N° 1069/97 12.06.97	L156, 13.06.97
Advertising matches	Japan	Com. Reg. (EC) N° 1092/97 16.06.97	L158, 17.06.97
Glyphosate	P.R. China	Com. Reg. (EC) N° 1731/97 4.09.97	L243, 5.09.97
Fasteners (stainless steel)	P.R. China India Malaysia South Korea Taiwan Thailand	Com. Reg. (EC) N° 1732/97 4.09.97	L243, 5.09.97
Ferro-silico-manganese	P.R. China	Com. Reg. (EC) N° 1778/97 12.09.97	L252, 16.09.97
Fax machines	P.R. China Japan Malaysia Singapore South Korea Taiwan Thailand	Com. Reg. (EC) N° 2140/97 30.10.97	L297, 31.10.97

ANNEX C

NEW INVESTIGATIONS CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1997

Product	Country of origin	Regulation N°.	OJ Reference
Ring binder mechanisms	P.R. China Malaysia	Council Reg. (EC) N°. 119/97 20.01.97	L22, 24.01.97
Lighters (disposable)	Mexico Philippines	Council Reg. (EC) N°. 423/97 3.03.97.97	L65, 6.03.97
Polyester yarns (PTY)	Malaysia	Council Reg. (EC) N°. 1001/97 2.06.97	L145, 5.06.97
Handbags (leather)	P.R. China	Council Reg. (EC) N°. 1567/97 1.08.97	L208, 2.08.97
Salmon (Anti-dumping)	Norway	Council Reg. (EC) N°. 1890/97 26.09.97	L267, 30.09.97
Salmon (Anti-subsidy)	Norway	Council Reg. (EC) N°. 1891/97 26.09.97	L267, 30.09.97
Zinc (unwrought unalloyed)	Poland Russia	Council Reg. (EC) N°. 1931/97 22.09.97	L272, 4.10.97
Polyethylene/polypropylene sacks	India Indonesia Thailand	Council Reg. (EC) N°. 1950/97 6.10.97	L276, 9.10.97
Advertising matches	Japan	Council Reg. (EC) N°. 2025/97 15.10.97	L284, 16.10.97
Footwear (textile)	P.R. China Indonesia	Council Reg. (EC) N°. 2155/97 29.10.97	L298, 1.11.97
Seamless steel pipes and tubes	Czech Republic Romania Russia Slovak Republic	Council Reg. (EC) N°. 2320/97 17.11.97	L322, 25.11.97
Flat pallets of wood	Poland	Council Reg. (EC) N°. 2334/97 24.11.97	L324, 27.11.97
Bed linen (cotton-type)	Egypt India Pakistan	Council Reg. (EC) N°. 2398/97 28.11.97	L332, 4.12.97

ANNEX D

**NEW INVESTIGATIONS TERMINATED
WITHOUT IMPOSITION OF MEASURES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1997**

Product	Country of origin	Regulation N°	Oil Reference
Tapered roller bearings	Japan	Com. Dec. (EC) N° 27/97 3.12.96	L10, 14.01.1997
Iron or steel sections	Czech Rep. Hungary	Com. Dec. (EC) N° 35/97 14.01.97	L13, 16.01.1997
Portland cement	Romania Tunisia Turkey	Com. Dec. (EC) N° 169/97 30.01.97	L67, 7.03.1997
Zinc (unwrought unalloyed)	Kazakstan Ukraine Uzbekistan	Com. Dec. (EC) N° 223/97 25.03.97	L89, 4.04.1997
Briefcases and school bags	P.R. China	Com. Dec. (EC) N° 355/97 9.06.97	L151, 10.06.1997
Synthetic fibre ropes	India	Com. Dec. (EC) N° 400/97 13.06.97	L166, 25.06.1997
Luggage and travel goods	P.R. China	Com. Dec. (EC) N° 412/97 1.07.97	L174, 2.07.1997
Handbags (textile, plastic)	P.R. China	Council Reg. (EC) N° 1567/97 1.08.97	L208, 2.08.1997

ANNEX E

**NEW INVESTIGATIONS INITIATED BY COUNTRY OF EXPORT
DURING THE PERIOD 1 JANUARY 1993 - 31 DECEMBER 1997**

Country of origin	1993	1994	1995	1996	1997
Belarus	-	1	-	-	-
Brazil	1	-	-	-	2
Bulgaria	1	-	-	-	1
Canada	-	-	1	-	-
P. R. China	4	5	5	6	5
Croatia	-	1	-	-	-
Czech Republic	-	2	1	1	-
Egypt	-	-	-	2	1
Estonia	-	-	-	-	1
Georgia	1	-	-	-	-
Hungary	-	-	1	-	-
India	-	4	1	4	6
Indonesia	-	4	4	1	1
Japan	1	2	-	-	2
Kazakhstan	-	1	1	-	-
Latvia	-	-	-	-	1
Lithuania	-	1	-	-	1
Macao	-	-	1	-	-
Malaysia	2	2	2	1	2
Mexico	-	1	1	-	-
Norway	-	-	-	2	-
Pakistan	-	3	-	2	1
Peru	-	-	-	-	1
Philippines	-	-	1	-	-
Poland	1	1	2	-	1
Romania	-	-	-	1	-
Russia	1	3	1	1	2
Singapore	-	-	1	-	1
Slovakia	-	2	-	1	-
South Africa	1	-	-	-	-
South Korea	2	-	4	1	3
Taiwan	1	1	-	1	4
Thailand	2	5	4	-	3
Turkey	1	2	-	1	1
Ukraine	1	1	1	-	1
USA	1	1	-	-	3
Uzbekistan	-	-	1	-	-
Vietnam	-	-	-	-	1
	21	43	33	25	45

ANNEX F**NEW INVESTIGATIONS INITIATED BY PRODUCT SECTOR
DURING THE PERIOD 1 JANUARY 1993 - 31 DECEMBER 1997**

Product	1993	1994	1995	1996	1997
Chemical and allied	5	3	4	-	8
Textiles and allied	1	17	4	10	8
Wood and paper	-	-	1	-	7
Electronics	7	3	7	-	14
Other mechanical engineering	2	4	3	-	1
Iron and Steel	-	7	2	9	4
Others metal	5	3	5	1	1
Other	1	6	7	5	2
	21	43	33	25	45

ANNEX G

**EXPIRY REVIEWS INITIATED OR CONCLUDED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1997**

INITIATED

Product	Origin	Measure	OJ Reference
Ferrosilicon	Egypt Poland	Anti-dumping	C204, 4.07.1997
Silicon metal	Brazil	Anti-dumping	C242, 8.08.1997
Synthetic polyester fibres	South Korea Taiwan	Anti-dumping	C321, 22.10.1997
Electrolytic capacitors	Japan	Anti-dumping	C365, 3.12.1997

CONCLUDED

Product	Origin	Measure	OJ Reference
Polypropylene sacks and bags	P.R. China	Imposition of measure	L284, 16.10.1997
Video tape in cassettes	P.R. China	Repeal of duty	L304, 7.11.1997
DRAM'S	Japan South Korea	Repeal of duty	L324, 27.11.1997
Silicon metal	P.R. China	Imposition of measure	L345, 16.12.97

ANNEX H

INTERIM REVIEWS INITIATED OR CONCLUDED DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1997

INITIATED			
Product	Origin	Measure	OJ Reference
Silicon metal	Brazil	Anti-dumping	C3, 7.01.1997
Furfuraldehyde	P.R. China	Anti-dumping	C156, 24.05.1997
Glutamic acid (monosodium glutamate)	Indonesia South Korea Taiwan	Anti-dumping	C201, 1.07.1997
Electrolytic capacitors	Japan	Anti-dumping	C365, 3.12.1997
Handbags (leather)	P.R. China	Anti-dumping	C378, 13.12.1997

CONCLUDED			
Product	Origin	Measure	OJ Reference
Disposable lighters	Thailand	Imposition of measure	L35, 6.03.1997
EPROM's	Japan	Repeal of measure	L99, 16.04.1997
Ball bearings (>30mm)	Japan	Repeal of measure	L115, 3.05.1997
Ball bearings (<30mm)	Japan	Repeal of measure	L117, 7.05.1997
Outer rings of T.R.B.'s	Japan	Repeal of measure	L162, 19.06.97
Silicon carbide	Ukraine	Imposition of measure	L254, 17.09.1997
Artificial corundum	P.R. China	Imposition of measure	L276, 9.10.1997
Sodium carbonate (soda ash)	U.S.A.	Repeal of measure	L282, 15.10.1997
Seamless pipes and tubes	Poland	Imposition of measure	L322, 25.11.97
	Croatia	Repeal of measure	
DRAM's	Japan South Korea	Repeal of measure	L324, 27.11.97
Silicon metal	P.R. China	Imposition of measure	L345, 16.12.97
Electrolytic capacitors	Japan	Imposition of measure	L351, 23.12.1997

ANNEX I

NEW EXPORTER REVIEWS INITIATED OR CONCLUDED DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1997

INITIATED

Product	Country of origin	OJ Reference
Polyester yarn (PTY)	Indonesia	L347, 18.12.1997

CONCLUDED

Product	Country of origin	Measure	OJ Reference
Synthetic fibres of polyester	India	Amendment of duty	L131, 23.05.1997
Polyester yarns	Indonesia Turkey	Amendment of duty	L131, 23.05.1997

ANNEX J

ANTI-ABSORPTION INVESTIGATIONS
INITIATED OR CONCLUDED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1997

INITIATED		
Product	Origin	OJ Reference
Microwave ovens	South Korea	C19, 18.01.1997
Ammonium nitrate	Russia	C162, 29.05.1997

CONCLUDED			
Product	Origin	Measure	OJ Reference
Television cameras	Japan	Imposition of duty	L276, 9.10.1997

ANNEX K**ANTI-CIRCUMVENTION INVESTIGATIONS
INITIATED OR CONCLUDED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1997**

INITIATED		
Product	Origin	OJ Reference
Polyester staple fibre	Belarus	L102, 19.04.1997

CONCLUDED			
Product	Origin	Measure	OJ Reference
Bicycles	P.R. China	Extension of duty	L16, 18.01.1997
Electronic weighing scales (assembly in the Community)	Japan Singapore	Termination without extension	L141, 31.05.97
Electronic weighing scales (assembly in Indonesia)	Japan	Termination without extension	L141, 31.05.97
Polyester staple fibre	Belarus	Extension of duty	L346, 17.12.1997

ANNEX L

**SUSPENSION OF MEASURES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1997**

Product	Country of origin	OJ Reference
NONE		

ANNEX M

**MEASURES WHICH EXPIRED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1997**

Product	Origin	Measure	Original measure OJ Reference	Publication date
Thermal paper	Japan	duty + undertaking	L81, 26.03.92	C87, 8.03.97
Cotton yarn	Brazil Turkey	duty	L82, 27.03.92	C87, 8.03.97
Polyester yarns (man-made staple fibres)	P.R. China Indonesia Taiwan Turkey	duty	L88, 3.04.92	C97, 25.03.97
Semi-finished products of alloy steel	Brazil Turkey	duty + undertaking	L182, 2.07.92	C194, 25.06.97
Car radios	South Korea	duty	L222, 7.08.92	C231, 30.07.97
Sheets and plates of iron or steel	Fed. Rep. of Yugoslavia FYR Macedonia Slovenia Rep.	duty + undertaking	L221, 6.08.92	C231, 30.07.97
Plain paper photocopiers	Japan	duty	L244, 12.10.95	C303, 4.10.97
Synthetic polyester fibres	Fed. Rep. of Yugoslavia FYR Macedonia Romania Turkey	duty	L306, 22.10.92	C312, 14.10.97

ANNEX N

COURT CASES PENDING BEFORE THE COURT OF JUSTICE AND THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES ON 31 DECEMBER 1997

Court of Justice	
Case C-245/95P	Commission v. NTN Corp. and Koyo Seiko Ltd
Court of First Instance	
Case T-2/95	IPS v. Council
Case T-97/95	Sinochem v. Council
Case T-210/95	EFMA v. Council
Case T-232/95	CECOM v. Council
Case T-46/96	Whirlpool v. Council
Case T-48/96	ACME v. Council
Case T-51/96	MIWON v. Council
Case T-118/96	Thai Bicycle Industry v. Council
Case T-73/97	British Shoe Corp. and others v. Commission
Case T-74/97	Buchel & Co. v. Council
Case T-75/97	Buchel & Co v. Commission
Case T-80/97	Starway v. Council
Case T-84/97	BEUC v. Commission
Case T-147/97	Champion Stationary Mfg Co. Ltd. v. Council
Case T-171/97	Swedish Match Philippines v. Council
Case T-213/97	EUROCOTON v. Council
Case T-245/97	Kaufhof Warenhaus v. Commission
Case T-256/97	BEUC v. Commission
Case T-267/97	Broome & Wellington v. Commission
Case T-597/97	Euromin SA v. Council
Case T-599/97	Swedish Match v. Council

ANNEX O

**DEFINITIVE MEASURES IN FORCE
ON 31st DECEMBER 1997
(ranked by product)**

Product	Origin	Measure	Regulation N°	OJ Reference
Activated powdered carbon	P.R. China	Duties	Council Reg. (EC) N°. 1006/96 3.06.96	L134, 5.06.96
Advertising matches	Japan	Duties	Council Reg. (EC) N°. 2025/97 15.10.97	L284, 16.10.97
Ammonium nitrate fertilizer	Lithuania	Undertakings	Com. Dec. (EC) N°. 293/94 13.04.94	L129, 21.05.94
	Russia	Duties	Council Reg. (EC) N°. 2022/95 16.08.95	L198, 23.08.95
Artificial corundum	P.R. China	Duties	Council Reg. (EC) N°. 1951/97 6.10.97	L276, 09.10.97
Ball-bearings (CVD)	Thailand	Duties	Council Reg. (EC) N°. 2271/94 19.09.94	L247, 22.09.94
		Undertakings	Com. Dec. (EC) N°. 639/94 3.08.94	L247, 22.09.94
Bed linen (cotton-type)	Egypt	Duties	Council Reg. (EC) N°. 2398/97 28.11.97	L332, 4.12.97
	India			
	Pakistan			
Bicycles	P.R. China	Duties	Council Reg. (EC) N°. 2474/93 8.09.93	L228, 9.09.93
	Indonesia	Duties	Council Reg. (EC) N°. 648/96 28.03.96	L91, 12.04.96
	Malaysia			
	Thailand			
Bicycle parts	P.R. China	Duties	Council Reg. (EC) N°. 711/97 10.01.97	L16, 18.01.97
Calcium metal	P.R. China	Duties	Council Reg. (EC) N°. 2557/94 19.10.94	L270, 21.10.94
	Russia			
Chamottes (refractory)	P.R. China	Duties	Council Reg. (EC) N°. 137/96 22.01.96	L21, 27.01.96
Coumarin	P.R. China	Duties	Council Reg. (EC) N°. 600/96 25.03.96	L86, 4.04.96
Dihydrostreptomycin	P.R. China	Duties	Council Reg. (EC) N°. 3836/91 19.12.91	L362, 31.12.91
Electrolyte capacitors	Japan	Duties	Council Reg. (EC) N°. 3482/92 30.11.92	L353, 3.12.92
	South Korea Taiwan	Duties	Council Reg. (EC) N°. 1384/94 13.06.94	L152, 18.06.94

Product	Origin	Measure	Regulation N°	OJ Reference
Electronic weighing scales	Japan	Duties	Council Reg. (EC) N°. 993/93 26.04.93	L104, 29.04.93
	Singapore South Korea	Duties	Council Reg. (EC) N°. 2887/93 20.10.93	L263, 22.10.93
Ethanolamines	USA	Duties	Council Reg. (EC) N°. 229/94 1.02.94	L28, 2.02.94
Ferrochrome (low-carbon)	Kazakhstan Russia Ukraine	Duties	Council Reg. (EC) N°. 2717/93 28.09.93	L246, 2.10.93
Ferro-silico-manganese	Brazil Russia South Africa Ukraine	Duties	Council Reg. (EC) N°. 2413/95 6.10.95	L248, 14.10.95
	Ukraine	Undertakings	Com. Dec. (EC) N°. 418/95 26.07.95	L248, 14.10.95
Ferro-silicon	Egypt Poland	Duties	Council Reg. (EC) N°. 3642/92	L369, 18.12.92
	Poland	Undertakings	Com. Dec. (EC) N°. 572/92 14.12.92	
	Egypt	Undertakings	Com. Dec. (EC) N°. 331/92 30.06.92	L183, 3.07.92
	Brazil Iceland* Kazakhstan Norway* Ukraine Venezuela Russia	Duties	Council Reg. (EC) N°. 3359/93 2.12.93	L302, 9.12.93
	P.R. China South Africa	Duties	Council Reg. (EC) N°. 621/94 17.03.94	L77, 19.03.94
Flat pallets of wood	Poland	Duties	Council Reg. (EC) N°. 2334/97 24.11.97	L324, 27.11.97
		Undertakings	Com. Dec. (EC) N°. 1023/97 6.06.97	L150, 7.06.97
Fluorspar	P.R. China	Duties	Council Reg. (EC) N°. 486/94 4.03.94	L62, 5.03.94
Footwear (textile)	P.R. China Indonesia	Duties	Council Reg. (EC) N°. 2155/97 29.10.97	L298, 1.11.97
Furfuraldehyde	P.R. China	Duties	Council Reg. (EC) N°. 95/95 16.01.95	L15, 21.01.95
Glutamic acid (monosodium glutamate)	Indonesia South Korea Taiwan	Duties	Council Reg. (EC) N°. 81/96 19.01.96	L15, 20.01.96
Grain-oriented electrical steel sheets	Russia	Duties Undertakings	Com. Dec. (ECSC) N°. 303/96	L42, 20.02.96
Handbags (leather)	P.R. China	Duties	Council Reg. (EC) N°. 1567/97 1.08.97	L208, 2.08.97

Product	Origin	Measure	Regulation N°	OJ Reference
Isobutanol	Russia	Duties	Council Reg. (EC) N°. 721/94 29.03.94	L87, 31.03.94
Lighters (disposable)	Japan	Duties	Council Reg. (EC) N°. 3433/91 25.11.91	L326, 28.11.91
	P.R. China	Duties	Council Reg. (EC) N°. 1006/95 3.04.95	L101, 4.05.95
	Mexico Philippines Thailand	Duties	Council Reg. (EC) N°. 423/97 3.03.97	L65, 6.03.97
		Undertakings	Com. Dec. (EC) N°. 167/97 25.02.97	
Magnesia (deadburned)	P.R. China	Duties	Council Reg. (EC) N°. 3386/93 6.12.93	L306, 11.12.93
Magnesium oxide (caustic magnesite)	P.R. China	Duties	Council Reg. (EC) N°. 1473/93 14.06.93	L145, 17.06.93
Microdisks	P.R. China	Duties	Council Reg. (EC) N°. 2861/93 18.10.93	L262, 21.10.93
	Japan Taiwan	Duties	Council Reg. (EC) N°. 2199/94 9.09.94	L236, 10.09.94
	Hong Kong South Korea	Duties	Council Reg. (EC) N°. 663/96 28.03.96	L92, 13.04.96
	Malaysia Mexico USA	Duties		
Microwave ovens	P.R. China Malaysia South Korea Thailand	Duties	Council Reg. (EC) N°. 5/96 22.12.95	L2, 4.01.96
Peroxidisulphates	P.R. China	Duties	Council Reg. (EC) N°. 2961/95 18.12.95	L308, 21.12.95
Photo albums	P.R. China	Duties	Council Reg. (EC) N°. 3664/93 22.12.93	L333, 31.12.93
Pig iron (haematite)	Brazil Poland Russia Ukraine	Duties	Com. Dec. (ECSC) N°. 1751/94	L182, 16.07.94
	Czech Republic	Duties Undertakings	Com. Dec. (ECSC) N°. 55/96 15.01.96	L12, 17.01.96
Polyester fibres and yarns (CVD)	Turkey	Undertakings	Com. Dec. (EC) N°. 511/91 23.09.91	L272, 28.09.91
Polyester filament tow	Belarus	Duties	Council Reg. (EC) N°. 2513/97 15.12.97	L346, 17.12.97
Polyester staple fibre	Belarus	Duties	Council Reg. (EC) N°. 1490/96 23.07.96	L189, 30.07.96
Polyester yarns (POY and PTY)	Turkey	Duties	Council Reg. (EC) N°. 1074/96 14.06.96	L141, 14.06.96

Product	Origin	Measure	Regulation N°.	OJ Reference
Polyester yarns (PTY)	Taiwan	Duties	Council Reg. (EC) N°. 1074/96 14.06.96	L141, 14.06.96
	Indonesia Thailand	Duties	Council Reg. (EC) N°. 2160/96 11.11.96	L289, 12.11.96
	Malaysia	Duties	Council Reg. (EC) N°. 1001/97 2.06.97	L145, 5.06.97
Polyethylene/polypropylene sacks	India Indonesia Thailand	Duties	Council Reg. (EC) N°. 1950/97 6.10.97	L276, 9.10.97
Polyolefin woven sacks and bags	P.R. China	Duties	Council Reg. (EC) N°. 2003/97 13.10.97	L284, 16.10.97
Potassium chloride	Belarus Russia Ukraine	Duties	Council Reg. (EC) N°. 643/94 21.03.94	L80, 24.03.94
Potassium permanganate	P.R. China	Duties	Council Reg. (EC) N°. 2819/94 17.11.94	L298, 19.11.94
Ring binder mechanisms	P.R. China Malaysia	Duties	Council Reg. (EC) N°. 119/97 20.01.97	L22, 24.01.97
Salmon (Anti-dumping)	Norway	Duties	Council Reg. (EC) N°. 1890/97 26.09.97	L267, 30.09.97
		Undertakings	Com. Dec. (EC) N°. 634/97 26.09.97	
Salmon (CVD)	Norway	Duties	Council Reg. (EC) N°. 1891/97 26.09.97	
		Undertakings	Com. Dec. (EC) N°. 634/97 26.09.97	
Seamless steel pipes and tubes	Czech Republic Hungary Poland Romania Russia Slovak Republic	Duties	Council Reg. (EC) N°. 2320/97 17.11.97	L322, 25.11.97
		Undertakings	Com. Dec. (EC) N°. 790/97 24.10.97	
Silicon carbide	P.R. China Poland Russia Ukraine Russia	Duties	Council Reg. (EC) N°. 821/94 12.04.94	L94, 13.04.94
		Undertakings	Com. Dec. (EC) N°. 202/94 9.03.94	
Silicon metal	Brazil	Duties	Council Reg. (EC) N°. 2305/92 4.08.92	L222, 7.08.92
	P.R. China	Duties	Council Reg. (EC) N°. 2496/97 11.12.97	L345, 16.12.97
Sisal twine	Brazil	Undertakings	Com. Dec. (EC) N°. 521/93 3.09.93	L251, 8.10.93

Product	Origin	Measure	Regulation N°	OJ Reference
Synthetic textile fibres of polyester	India South Korea	Duties	Council Reg. (EC) N°. 54/93 8.01.93	L9, 15.01.93
	Taiwan	Duties	Council Reg. (EC) N°. 3017/92 19.10.92	L306, 22.10.92
Television camera systems	Japan	Duties	Council Reg. (EC) N°. 1054/94 29.04.94	L111, 30.04.94
Televisions (colour)	P.R. China Malaysia Singapore South Korea Thailand	Duties	Council Reg. (EC) N°. 710/95 27.03.95	L73, 1.04.95
Televisions (small-screen colour)	P.R. China	Duties	Council Reg. (EC) N°. 2093/91 15.07.91	L195, 18.07.91
	South Korea	Duties	Council Reg. (EC) N°. 1048/90 25.04.90	L107, 27.04.90
Tube and pipe fitting, of iron or steel	P.R. China Croatia Thailand	Duties	Council Reg. (EC) N°. 584/96 11.03.96	L84, 3.04.96
	Croatia Thailand	Undertakings	Com. Dec. (EC) N°. 252/96 1.03.96	
Tungsten carbide and fused tungsten carbide	P.R. China	Duties	Council Reg. (EC) N°. 2737/90 24.09.90	L264, 27.09.90
			Council Reg. (EC) N°. 610/95 20.03.95	L64, 22.03.95
Tungsten ores and concentrates	P.R. China	Duties	Council Reg. (EC) N°. 2735/90 24.09.90	L264, 27.09.90
			Council Reg. (EC) N°. 610/95 20.03.95	L64, 22.03.95
Tungstic oxide and acid	P.R. China	Duties	Council Reg. (EC) N°. 2736/90 24.09.90	L264, 27.09.90
			Council Reg. (EC) N°. 610/95 20.03.95	L64, 22.03.95
Typewriter ribbons	P.R. China	Duties	Council Reg. (EC) N°. 3200/90 5.11.90	L306, 6.11.90
		Undertakings	Com. Dec. (EC) N°. 1937/90 5.11.90	L174, 4.07.90
Unwrought magnesium	Russia Ukraine	Duties	Council Reg. (EC) N°. 1347/96 2.07.96	L174, 12.07.96
		Undertakings	Com. Dec. (EC) N°. 422/96 25.06.96	
Urea	Russia	Duties	Council Reg. (EC) N°. 477/95 16.01.96	L49, 4.03.95

Product	Origin	Measure	Regulation N°	OJ Reference
Urea ammonium nitrate	Bulgaria Poland	Duties	Council Reg. (EC) N°. 3319/94 22.12.94	L350, 31.12.94
	Bulgaria Poland	Undertakings	Council Reg. (EC) N°. 825/94 12.12.94	
Video cassette tapes	Hong Kong South Korea	Duties	Council Reg. (EC) N°. 1768/89 19.06.89	L174, 22.06.89
	Hong Kong	Undertakings	Com. Dec. (EC) N°. 376/89 19.06.89	
Zinc (unwrought unalloyed)	Poland Russia	Duties	Council Reg. (EC) N°. 1931/97 22.09.97	L272, 4.10.97
	Poland	Undertakings	Com. Dec. (EC) N°. 644/97 3.09.97	

* Measures against Iceland and Norway suspended by Council Regulation (94/05/EC), OJ L 3, 05.01.94

ANNEX P

DEFINITIVE MEASURES IN FORCE ON 31st DECEMBER 1997 (ranked by country)

Origin	Product	Measure	Regulation N°	OJ Reference
Belarus	Polyester filament tow	Duties	Council Reg. (EC) N°. 2513/97 15.12.97	L346, 17.12.97
	Polyester staple fibre	Duties	Council Reg. (EC) N°. 1490/96 23.07.96	L189, 30.07.96
	Potassium chloride	Duties	Council Reg. (EC) N°. 643/94 21.03.94	L80, 24.03.94
Brazil	Ferro-silico-manganese	Duties	Council Reg. (EC) N°. 2413/95 6.10.95	L248, 14.10.95
	Ferro-silicon	Duties	Council Reg. (EC) N°. 3359/93 2.12.93	L302, 9.12.93
	Pig iron (haematite)	Duties	Com. Dec. (ECSC) N°. 1751/94	L182, 16.07.94
	Silicon metal	Duties	Council Reg. (EC) N°. 2305/92 4.08.92	L222, 7.08.92
	Sisal twine	Undertakings	Com. Dec. (EC) N°. 521/93 3.09.93	L251, 8.10.93
Bulgaria	Urea ammonium nitrate	Duties	Council Reg. (EC) N°. 3319/94 22.12.94	L350, 31.12.94
		Undertakings	Council Reg. (EC) N°. 825/94 12.12.94	L350, 31.12.94
P.R. China	Activated powdered carbon	Duties	Council Reg. (EC) N°. 1006/96 3.06.96	L134, 5.06.96
	Artificial corundum	Duties	Council Reg. (EC) N°. 1951/97 6.10.97	L276, 9.10.97
	Bicycles	Duties	Council Reg. (EC) N°. 2474/93 8.09.93	L228, 9.09.93
	Bicycle parts	Duties	Council Reg. (EC) N°. 71/97 10.01.97	L16, 18.01.97
	Calcium metal	Duties	Council Reg. (EC) N°. 2557/94 19.10.94	L270, 21.10.94
	Chamottes (refractory)	Duties	Council Reg. (EC) N°. 137/96 22.01.96	L21, 27.01.96
	Coumarin	Duties	Council Reg. (EC) N°. 600/96 25.03.96	L86, 4.04.96
	Dihydrostreptomycin	Duties	Council Reg. (EC) N°. 3836/91 19.12.91	L362, 31.12.91

Origin	Product	Measure	Regulation N°	OJ Reference
	Ferro-silicon	Duties	Council Reg. (EC) N° 621/94 17.03.94	L77, 19.03.94
	Fluorspar	Duties	Council Reg. (EC) N° 486/94 4.03.94	L62, 5.03.94
	Footwear (textile)	Duties	Council Reg. (EC) N° 2155/97 29.10.97	L298, 1.11.97
	Furfuraldehyde	Duties	Council Reg. (EC) N° 95/95 16.01.95	L15, 21.01.95
	Handbags (leather)	Duties	Council Reg. (EC) N° 1567/97 1.08.97	L208, 2.08.97
	Lighters (disposable)	Duties	Council Reg. (EC) N° 1006/95 3.04.95	L101, 4.05.95
	Magnesia (deadburned)	Duties	Council Reg. (EC) N° 3386/93 6.12.93	L306, 11.12.93
	Magnesium oxide (caustic magnesite)	Duties	Council Reg. (EC) N° 1473/93 14.06.93	L145, 17.06.93
	Microdisks	Duties	Council Reg. (EC) N° 2861/93 18.10.93	L262, 21.10.93
	Microwave ovens	Duties	Council Reg. (EC) N° 5/96 22.12.95	L2, 4.01.96
	Peroxidisulphates	Duties	Council Reg. (EC) N° 2961/95 18.12.95	L308, 21.12.95
	Photo albums	Duties	Council Reg. (EC) N° 3664/93 22.12.93	L333, 31.12.93
	Polyolefin woven sacks and bags	Duties	Council Reg. (EC) N° 2003/97 13.10.97	L284, 16.10.97
	Potassium permanganate	Duties	Council Reg. (EC) N° 2819/94 17.11.94	L298, 19.11.94
	Ring binder mechanisms	Duties	Council Reg. (EC) N° 821/94 12.04.94	L22, 24.01.97
	Silicon carbide	Duties	Council Reg. (EC) N° 821/94 12.04.94	L94, 13.04.94
	Silicon metal	Duties	Council Reg. (EC) N° 2496/97 11.12.97	L345, 16.12.97
	Televisions (colour)	Duties	Council Reg. (EC) N° 710/95 27.03.95	L73, 1.04.95
	Televisions (small-screen colour)	Duties	Council Reg. (EC) N° 2093/91 15.07.91	L195, 18.07.91
	Tube and pipe fitting, of iron or steel	Duties	Council Reg. (EC) N° 584/96 11.03.96	L84, 3.04.96

Origin	Product	Measure	Regulation N°	OJ Reference
	Tungsten carbide and fused tungsten carbide	Duties	Council Reg. (EC) N°. 2737/90 24.09.90	L264, 27.09.90
	Tungsten ores and concentrates	Duties	Council Reg. (EC) N°. 610/95 20.03.95	L264, 27.09.90
	Tungstic oxide and acid	Duties	Council Reg. (EC) N°. 2735/90 24.09.90	L264, 27.09.90
	Typewriter ribbons	Duties	Council Reg. (EC) N°. 610/95 20.03.95	L264, 27.09.90
		Undertakings	Council Reg. (EC) N°. 2736/90 24.09.90	L264, 27.09.90
Croatia	Tube and pipe fitting, of iron or steel	Duties	Council Reg. (EC) N°. 584/96 11.03.96	L84, 3.04.96
		Undertakings	Com. Dec. (EC) N°. 252/96 1.03.96	L84, 3.04.96
Czech Republic	Pig iron (haematite)	Duties	Com. Dec. (ECSC) N°. 55/96 15.01.96	L12, 17.01.96
	Seamless steel pipes and tubes	Undertakings	Council Reg. (EC) N°. 2320/97 17.11.97	L322, 25.11.97
		Undertakings	Com. Dec. (EC) N°. 790/97 24.10.97	L322, 25.11.97
Egypt	Bed linen (cotton-type)	Duties	Council Reg. (EC) N°. 2398/97 28.11.97	L332, 4.12.97
	Ferro-silicon	Duties	Council Reg. (EC) N°. 3642/92 14.12.92	L369, 18.12.92
		Undertakings	Com. Dec. (EC) N°. 331/92 30.06.92	L183, 3.07.92
Hong Kong	Microdisks	Duties	Council Reg. (EC) N°. 2199/94 9.09.94	L236, 10.09.94
	Video cassette tapes	Duties	Council Reg. (EC) N°. 1768/89 19.06.89	L174, 22.06.89
		Undertakings	Com. Dec. (EC) N°. 376/89 19.06.89	L174, 22.06.89

Origin	Product	Measure	Regulation N°	OJ Reference
Hungary	Seamless steel pipes and tubes	Duties	Council Reg. (EC) N° 2320/97 17.11.97	L322, 25.11.97
		Undertakings	Com. Dec. (EC) N° 790/97 24.10.97	L322, 25.11.97
Iceland	Ferro-silicon*	Duties	Council Reg. (EC) N° 3359/93 2.12.93	L302, 9.12.93
India	Bed linen (cotton-type)	Duties	Council Reg. (EC) N° 2398/97 28.11.97	L91, 12.04.96
	Polyethylene/polypropylene sacks	Duties	Council Reg. (EC) N° 1950/97 6.10.97	L276, 9.10.97
	Synthetic textile fibres of polyester	Duties	Council Reg. (EC) N° 54/93 8.01.93	L9, 15.01.93
Indonesia	Bicycles	Duties	Council Reg. (EC) N° 648/96 28.03.96	L91, 12.04.96
	Footwear (textile)	Duties	Council Reg. (EC) N° 2155/97 29.10.97	L298, 1.11.97
	Glutamic acid (monosodium glutamate)	Duties	Council Reg. (EC) N° 81/96 19.01.96	L15, 20.01.96
	Polyester yarns (PTY)	Duties	Council Reg. (EC) N° 2160/96 11.11.96	L289, 12.11.96
	Polyethylene/polypropylene sacks	Duties	Council Reg. (EC) N° 1950/97 6.10.97	L276, 9.10.97
Japan	Advertising matches	Duties	Council Reg. (EC) N° 2025/97 15.10.97	L284, 16.10.97
	Electrolyte capacitors	Duties	Council Reg. (EC) N° 3482/92 30.11.92	L353, 3.12.92
	Electronic weighing scales	Duties	Council Reg. (EC) N° 993/93 26.04.93	L104, 29.04.93
	Lighters (disposable)	Duties	Council Reg. (EC) N° 3433/91 25.11.91	L326, 28.11.91
	Microdisks	Duties	Council Reg. (EC) N° 2861/93 18.10.93	L262, 21.10.93
	Television camera systems	Duties	Council Reg. (EC) N° 1054/94 29.04.94	L111, 30.04.94
Kazakhstan	Ferrochrome (low-carbon)	Duties	Council Reg. (EC) N° 2717/93 28.09.93	L246, 2.10.93
	Ferro-silicon	Duties	Council Reg. (EC) N° 3359/93 2.12.93	L302, 9.12.93
Lithuania	Ammonium nitrate fertilizer	Undertakings	Com. Dec. (EC) N° 293/94 13.04.94	L129, 21.05.94

Origin	Product	Measure	Regulation N°	OJ Reference
Malaysia	Bicycles	Duties	Council Reg. (EC) N°. 648/96 28.03.96	L91, 12.04.96
	Microdisks	Duties	Council Reg. (EC) N°. 663/96 28.03.96	L92, 13.04.96
	Microwave ovens	Duties	Council Reg. (EC) N°. 5/96 22.12.95	L2, 4.01.96
	Polyester yarns (PTY)	Duties	Council Reg. (EC) N°. 1001/97 2.06.97	L145, 5.06.97
	Ring binder mechanisms	Duties	Council Reg. (EC) N°. 119/97 20.01.97	L22, 24.01.97
	Televisions (colour)	Duties	Council Reg. (EC) N°. 710/95 27.03.95	L73, 1.04.95
Mexico	Lighters (disposable)	Duties	Council Reg. (EC) N°. 423/97 3.03.97	L65, 6.03.97
		Undertakings	Com. Dec. (EC) N°. 167/97 25.02.97	L65, 6.03.97
	Microdisks	Duties	Council Reg. (EC) N°. 663/96 28.03.96	L92, 13.04.96
Norway	Ferro-silicon*	Duties	Council Reg. (EC) N°. 3359/93 2.12.93	L302, 9.12.93
	Salmon (Anti-dumping)	Duties	Council Reg. (EC) N°. 1890/97 26.09.97	L267, 30.09.97
		Undertakings	Com. Dec. (EC) N°. 634/97 26.09.97	L267, 30.09.97
	Salmon (CVD)	Duties	Council Reg. (EC) N°. 1891/97 26.09.97	L267, 30.09.97
		Undertakings	Com. Dec. (EC) N°. 634/97 26.09.97	
Pakistan	Bed linen (cotton-type)	Duties	Council Reg. (EC) N°. 2398/97 28.11.97	L332, 4.12.97
Philippines	Lighters (disposable)	Duties	Council Reg. (EC) N°. 423/97 3.03.97	L65, 6.03.97
		Undertakings	Com. Dec. (EC) N°. 167/97 25.02.97	L65, 6.03.97
Poland	Ferro-silicon	Duties	Council Reg. (EC) N°. 3642/92 14.12.92	L369, 18.12.92
		Undertakings	Com. Dec. (EC) N°. 572/92 14.12.92	L369, 18.12.92

Origin	Product	Measure	Regulation N°	Of Reference
	Flat pallets of wood	Duties	Council Reg. (EC) N°. 2334/97 24.11.97	L324, 27.11.97
		Undertakings	Com. Dec. (EC) N°. 1023/97 6.06.97	L150, 7.06.97
	Pig iron (haematite)	Duties	Com. Dec. (ECSC) N°. 1751/94	L182, 16.07.94
	Seamless steel pipes and tubes	Duties	Council Reg. (EC) N°. 2320/97 17.11.97	L322, 25.11.97
		Undertakings	Com. Dec. (EC) N°. 790/97 24.10.97	L322, 25.11.97
	Silicon carbide	Duties	Council Reg. (EC) N°. 821/94 12.04.94	L94, 13.04.94
	Urea ammonium nitrate	Duties	Council Reg. (EC) N°. 3319/94 22.12.94	L350, 31.12.94
		Undertakings	Council Reg. (EC) N°. 825/94 12.12.94	L350, 31.12.94
	Zinc (unwrought unalloyed)	Duties	Council Reg. (EC) N°. 1931/97 22.09.97	L272, 4.10.97
		Undertakings	Com. Dec. (EC) N°. 644/97 3.09.97	L272, 4.10.97
Romania	Seamless steel pipes and tubes	Duties	Council Reg. (EC) N°. 2320/97 17.11.97	L322, 25.11.97
		Undertakings	Council Reg. (EC) N°. 2022/95 16.08.95	L322, 25.11.97
Russia	Ammonium nitrate fertilizer	Duties	Council Reg. (EC) N°. 2022/95 16.08.95	L198, 23.08.95
	Calcium metal	Duties	Council Reg. (EC) N°. 2557/94 19.10.94	L270, 21.10.94
	Ferrochrome (low-carbon)	Duties	Council Reg. (EC) N°. 2717/93 28.09.93	L246, 2.10.93
	Ferro-silico-manganese	Duties	Council Reg. (EC) N°. 2413/95 6.10.95	L248, 14.10.95
	Ferro-silicon	Duties	Council Reg. (EC) N°. 3359/93 2.12.93	L302, 9.12.93
	Grain-oriented electrical steel sheets	Duties Undertakings	Com. Dec. (ECSC) N°. 303/96	L42, 20.02.96
	Isobutanol	Duties	Council Reg. (EC) N°. 721/94 29.03.94	L87, 31.03.94
	Pig iron (haematite)	Duties	Com. Dec. (ECSC) N°. 1751/94	L182, 16.07.94

Origin	Product	Measure	Regulation N°	OJ Reference
	Potassium chloride	Duties	Council Reg. (EC) N°. 643/94 21.03.94	L80, 24.03.94
	Seamless steel pipes and tubes	Duties	Council Reg. (EC) N°. 2320/97 17.11.97	L322, 25.11.97
	Silicon carbide	Duties	Council Reg. (EC) N°. 821/94 12.04.94	L94, 13.04.94
		Undertakings	Com. Dec. (EC) N°. 202/94 9.03.94	L94, 13.04.94
	Unwrought magnesium	Duties	Council Reg. (EC) N°. 1347/96 2.07.96	L174, 12.07.96
		Undertakings	Com. Dec. (EC) N°. 422/96 25.06.96	L174, 12.07.96
	Urea	Duties	Council Reg. (EC) N°. 477/95 16.01.96	L49, 4.03.95
	Zinc (unwrought unalloyed)	Duties	Council Reg. (EC) N°. 1931/97 22.09.97	L272, 4.10.97
Singapore	Electronic weighing scales	Duties	Council Reg. (EC) N°. 2887/93 20.10.93	L263, 22.10.93
	Televisions (colour)	Duties	Council Reg. (EC) N°. 710/95 27.03.95	L73, 1.04.95
Slovak Republic	Seamless steel pipes and tubes	Duties	Council Reg. (EC) N°. 2320/97 17.11.97	L322, 25.11.97
		Undertakings	Com. Dec. (EC) N°. 790/97 24.10.97	L322, 25.11.97
South Africa	Ferro-silico-manganese	Duties	Council Reg. (EC) N°. 2413/95 6.10.95	L248, 14.10.95
	Ferro-silicon	Duties	Council Reg. (EC) N°. 621/94 17.03.94	L77, 19.03.94
South Korea	Electrolyte capacitors	Duties	Council Reg. (EC) N°. 1384/94 13.06.94	L152, 18.06.94
	Electronic weighing scales	Duties	Council Reg. (EC) N°. 2887/93 20.10.93	L263, 22.10.93
	Glutamic acid (monosodium glutamate)	Duties	Council Reg. (EC) N°. 81/96 19.01.96	L15, 20.01.96
	Microdisks	Duties	Council Reg. (EC) N°. 2199/94 9.09.94	L236, 10.09.94
	Microwave ovens	Duties	Council Reg. (EC) N°. 5/96 22.12.95	L2, 4.01.96
	Synthetic textile fibres of polyester	Duties	Council Reg. (EC) N°. 54/93 8.01.93	L9, 15.01.93

Origin	Product	Measure	Regulation N°	OJ Reference
	Televisions (colour)	Duties	Council Reg. (EC) N°. 710/95 27.03.95	L73, 1.04.95
	Televisions (small-screen colour)	Duties	Council Reg. (EC) N°. 1048/90 25.04.90	L107, 27.04.90
	Video cassette tapes	Duties	Council Reg. (EC) N°. 1768/89 19.06.89	L174, 22.06.89
Taiwan	Electrolyte capacitors	Duties	Council Reg. (EC) N°. 1384/94 13.06.94	L152, 18.06.94
	Glutamic acid (monosodium glutamate)	Duties	Council Reg. (EC) N°. 81/96 19.01.96	L15, 20.01.96
	Microdisks	Duties	Council Reg. (EC) N°. 2861/93 18.10.93	L262, 21.10.93
	Polyester yarns (PTY)	Duties	Council Reg. (EC) N°. 1074/96 14.06.96	L141, 14.06.96
	Synthetic textile fibres of polyester	Duties	Council Reg. (EC) N°. 3017/92 19.10.92	L306, 22.10.92
Thailand	Ball-bearings (CVD)	Duties	Council Reg. (EC) N°. 2271/94 19.09.94	L247, 22.09.94
		Undertakings	Com. Dec. (EC) N°. 639/94 3.08.94	L247, 22.09.94
	Bicycles	Duties	Council Reg. (EC) N°. 648/96 28.03.96	L91, 12.04.96
	Lighters (disposable)	Duties	Council Reg. (EC) N°. 423/97 3.03.97	L65, 6.03.97
		Undertakings	Com. Dec. (EC) N°. 167/97 25.02.97	L65, 6.03.97
	Microwave ovens	Duties	Council Reg. (EC) N°. 5/96 22.12.95	L2, 4.01.96
	Polyester yarns (PTY)	Duties	Council Reg. (EC) N°. 2160/96 11.11.96	L289, 12.11.96
	Polyethylene/polypropylene sacks	Duties	Council Reg. (EC) N°. 1950/97 6.10.97	L276, 9.10.97
	Televisions (colour)	Duties	Council Reg. (EC) N°. 710/95 27.03.95	L73, 1.04.95
	Tube and pipe fitting, of iron or steel	Duties	Council Reg. (EC) N°. 584/96 11.03.96	L84, 3.04.96
		Undertakings	Com. Dec. (EC) N°. 252/96 1.03.96	L84, 3.04.96

Origin	Product	Measure	Regulation N°	OJ Reference
Turkey	Polyester fibres and yarns (CVD)	Undertakings	Com. Dec. (EC) N°. 511/91 23.09.91	L272, 28.09.91
	Polyester yarns (POY and PTY)	Duties	Council Reg. (EC) N°. 1074/96 14.06.96	L141, 14.06.96
Ukraine	Ferrochrome (low-carbon)	Duties	Council Reg. (EC) N°. 2717/93 28.09.93	L246, 2.10.93
	Ferro-silico-manganese	Duties	Council Reg. (EC) N°. 2413/95 6.10.95	L248, 14.10.95
		Undertakings	Com. Dec. (EC) N°. 418/95 26.07.95	L248, 14.10.95
	Ferro-silicon	Duties	Council Reg. (EC) N°. 3359/93 2.12.93	L302, 9.12.93
	Pig iron (haematite)	Duties	Com. Dec. (ECSC) N°. 1751/94	L182, 16.07.94
	Potassium chloride	Duties	Council Reg. (EC) N°. 643/94 21.03.94	L80, 24.03.94
	Silicon carbide	Duties	Council Reg. (EC) N°. 821/94 12.04.94	L94, 13.04.94
	Unwrought magnesium	Duties	Council Reg. (EC) N°. 1347/96 2.07.96	L174, 12.07.96
	Undertakings	Com. Dec. (EC) N°. 422/96 25.06.96	L174, 12.07.96	
USA	Ethanolamines	Duties	Council Reg. (EC) N°. 229/94 1.02.94	L28, 2.02.94
	Microdisks	Duties	Council Reg. (EC) N°. 663/96 28.03.96	L92, 13.04.96
Venezuela	Ferro-silicon	Duties	Council Reg. (EC) N°. 3359/93 2.12.93	L302, 9.12.93

* Measures against Iceland and Norway suspended by Council Regulation (94/05/EC), OJ L 3, 05.01.94

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