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TO THE EUROPEAN PARLIAMENT

ON THE COMMUNITY'S ANTI-DUMPING, ANTI-SUBSIDY

AND SAFEGUARD ACTIVITIES

(2008)

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TABLE OF CONTENTS

Executive summary	5
1. Overview of the legislation	7
1.1. Anti-dumping and anti-subsidy.....	7
1.1.1. The international framework.....	7
1.1.2. The Community legislation.....	7
1.2. Safeguards	8
1.2.1. The international framework.....	8
1.2.2. The Community legislation.....	9
1.3. Anti-subsidy and unfair pricing instrument for airline services.....	9
2. Basic concepts.....	10
2.1. Anti-dumping and anti-subsidy.....	10
2.1.1. What is dumping and what are countervailable subsidies - the material conditions for the imposition of duties?	10
2.1.2. Procedure	11
2.1.3. Review of measures	14
2.1.4. Judicial reviews.....	14
2.2. Safeguards	14
2.2.1. What are safeguard measures?.....	14
2.2.2. Procedure	15
3. Continuation of the TDI review process	16
4. Country-wide market economy status (MES).....	16
4.1 China	17
4.2 Vietnam.....	17
4.3 Armenia.....	17
4.4 Kazakhstan	18
4.5 Mongolia	18
5. Information and Communication activities / Bilateral contacts.....	18
5.1. Small and medium sized enterprises (SMEs)	18
5.2. Seminars.....	18
6. The Hearing Officer	18

7.	General overview of anti-dumping and anti-subsidy investigations and measures ...	20
7.1.	New investigations	20
7.2.	Review investigations	21
8.	Overview of activities in 2008	23
8.1.	New investigations	23
8.1.1.	Initiations	23
8.1.2.	Provisional measures.....	24
8.1.3.	Definitive measures.....	24
8.1.4	Details on individual cases (in alphabetical order)	25
8.1.5.	Investigations terminated without measures	32
8.1.6.	Details on some individual cases	32
8.2.	Review investigations	34
8.2.1.	Expiry reviews	34
8.2.2.	Interim reviews	40
8.2.3.	“Other” interim reviews	49
8.2.4.	New exporter reviews	50
8.2.5.	Absorption investigations	50
8.2.6	Circumvention investigations	51
8.3.	Safeguard investigations	53
9.	Enforcement of anti-dumping/countervailing measures	54
9.1.	Follow-up of measures.....	54
9.2.	Monitoring of undertakings	54
10.	Refunds	56
11.	Judicial review: decisions given by the Court of Justice / Court of First Instance ...	56
11.1.	Overview of the judicial reviews in 2008	56
11.2.	Cases pending	56
11.3.	New cases.....	56
11.4.	Judgments rendered and orders issued by the Court of First Instance.....	56
11.4.1	Ironing boards originating in, inter alia, China – T-206/08 – Foshan Shunde Yongjian Housewares & Hardware Co. Ltd. v. Council of the European Union – Judgment of 29 January 2008 (OJ C 64 of 08.03.2008, p. 37)	56

11.4.2	Seamless pipes and tubes - T-429/04 - Trubowest Handel and Makarov v Council and Commission - Judgment of 9 July 2008 (OJ C 209 of 15.8.2008, p.43).....	57
11.4.3	Ammonium Nitrate originating in Russia – T-384/05 – JSC Kirovo-Chepetsky Khimichesky Kombinat v Council of the European Union : Judgment of 10th September 2008 (OJ C 272 of 25.10.2008, p.17)	58
11.4.4	Polyester staple fibres from Korea - T-221/05 - Huvis v Council of the European Union: Judgment of the Court of 8 July 2008 (OJ C 209 of 15.8.2008, p.44).....	58
11.4.5	Polyethylene terephthalate (PET) originating in, inter alia, India – T-45/06 – Reliance Industries v. Council of the European Union and Commission of the European Communities – Judgment of 24 September 2008 (OJ C 285 of 08.11.2008, p. 35)	59
11.4.6	Imports of certain graphite electrode systems originating in India- T-462/04 - HEG and Graphite India v Council of the European Union: Judgment of the Court of 17 December 2008 (OJ C 32 of 7.2.2009, p.25)	60
11.5.	Judgments rendered by the Court of Justice	60
12.	Activities in the framework of the World Trade Organization (WTO)	60
12.1.	Dispute settlement in the field of anti-dumping, anti-subsidy and safeguards	60
12.1.1.	Overview of the WTO dispute settlement procedure.....	60
12.1.2.	Dispute settlement procedures against the Community	61
12.2.	Other WTO activities	61
13.	Conclusion	62
ANNEX A		65
ANNEX B		67
ANNEX C		69
ANNEX D		70
ANNEX E		72
ANNEX F.....		73
ANNEX G		75
A.	Court cases pending before the Court of Justice and the Court of First Instance of the European Communities on 31 December 2008	131
B.	Judgments, orders and other decisions rendered by the Court of Justice and the Court of First Instance of the European Communities in 2008.	132

EXECUTIVE SUMMARY

This report is submitted to the European Parliament following its resolution of 16 December 1981 on the Community's anti-dumping activities¹, and the report of the European Parliament's Committee on industry, external trade, research and energy².

This report, as in previous years, gives an overview of the Community legislation in force with regard to trade defence instruments, including safeguards.

The report also summarises the developments in general policy. As in previous years, the report no longer contains a commentary on each individual case. It gives an overview of all investigations together with the most essential information, such as for instance the rate of individual duty imposed. In turn, cases which merit some special attention are treated in more detail. Consequently, the report is more factual and condensed and covers the essential facts of the year. The detailed annexes which cover all cases ensure that the factual content of the report remains meaningful and sufficient to provide a full overview of the activity in 2008.

2008 saw a significant increase in the number of new cases initiated when compared to the previous year, 20 as compared to only 9 in 2007 (an abnormally low figure). It should be noted that this number of initiations in 2008 is closer to the average over the last five years i.e. 24 per year. However, for some other activities 2008 saw a decrease with a drop in the number of provisional measures imposed (5) or new investigations terminated in the period (3).

As regards expiry review investigations, 7 investigations were initiated. In 9 expiry reviews, the investigations were concluded with confirmation of the duty and in 5 cases, the investigations were concluded by termination of the measures. Regarding interim review investigations, 13 were initiated, 6 were concluded by terminating the measures and 20 were concluded with confirmation or amendment of the duty.

The European Parliament's INTA Committee was regularly informed about developments in the EU's trade defence activities.

There was no new activity in the area of safeguards. There were no safeguard measures in place at the start of 2008 and this did not change during the year. As in previous years, this report continues to provide an overview on the Court cases relating to the trade policy instruments. During 2008, 6 Judgments and 4 orders were rendered by the Court of First Instance and 2 Judgements and 4 orders rendered by the Court of Justice.

2008 was the first full year of activity for the Hearing Officer in DG Trade, who became operational in April 2007. The main task of the Hearing Officer is to guarantee the full exercise of rights of defence in trade proceedings before the European Commission. In doing so the Hearing Officer also contributed to improved transparency in TDI activities.

The relevant activities in the framework of the World Trade Organisation (WTO) are also reported including dispute settlement procedures initiated against the Community. The report

¹ OJ C 11, 18.1.1982, p. 37.

² PE 141.178/fin of 30.11.1990, reporter Mr Gijs DE VRIES.

also addresses the continuation of the negotiations on the Anti-dumping and Subsidies Agreements, in which the Commission continued to play an active role.

The annexes to this report provide easy access to the activities in table form.

This report is also available to the general public.

Internet Website http://ec.europa.eu/trade/issues/respectrules/anti_dumping/legis/index_en.htm

1. OVERVIEW OF THE LEGISLATION

1.1. Anti-dumping and anti-subsidy

1.1.1. *The international framework*

On an international level, unfair trading practices such as dumping and the granting of subsidies were identified as a threat to open markets as early as 1947, when the first GATT agreement was signed. The agreement contained specific provisions allowing GATT members to take action against these practices if they caused material injury to the domestic industry of a GATT member. Even though, the beginning of the disciplines dates back quite some time, world trade is currently still distorted by unfair practices, making the instruments still relevant.

Since the beginning, considerable efforts have been made to harmonise the rules relating to trade instruments. During the last GATT round (the « Uruguay Round ») which led to the creation of the WTO and the detailed Anti-Dumping and Anti-Subsidy Agreements, much of the attention was focused on the procedural and material conditions to be fulfilled before measures can be adopted. The Community played an active role in the negotiation of these relevant criteria which are reflected in its own legislation. The Community's role is the more so important today as a number of new users take action without the necessary rigor and restraint, affecting negatively also EU operators. The role the Community plays as a prudent user has therefore also an exemplary function at WTO level.

1.1.2. *The Community legislation*

The Community's anti-dumping and anti-subsidy legislation was first enacted in 1968 and has since been modified several times. The current basic texts, which form the legal basis of anti-dumping and anti-subsidy investigations in the Community, entered into force in March 1996 and October 1997 respectively. These are in line with the Anti-Dumping and Anti-Subsidy Agreements adopted during the GATT/WTO negotiations. The basic texts are:

- Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community³
- Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidized imports from countries not members of the European Community⁴.

These regulations will overall be referred to as the "basic Regulation(s)".

³ OJ L 56, 6.3.1996, p. 1, as last amended by Council Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁴ OJ L 288, 21.10.1997, p. 1, as last amended by Council Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12) codified version : Council Regulation (EC) No 597/2009, OJ L 188, 18.07.2009, p. 93.

The Community legislation contains a number of provisions aimed at ensuring a balanced application of the Community's Anti-Dumping and Anti-Subsidy rules on all interested parties. These provisions include the "Community interest test" and the "lesser duty rule", which go beyond the WTO obligations.

The Community interest test is a public interest clause and provides that measures can only be taken if they are not contrary to the overall interest of the Community. This requires an analysis of all the economic interests involved, including those of the Community industry, users, consumers and traders of the product concerned. The Community interest test does not involve wider aspects such as foreign or development policy considerations.

The lesser duty rule requires the measures imposed by the Community to be lower than the dumping or subsidy margin, if such lower duty rate is sufficient to remove the injury suffered by the Community industry. Such a "no-injury" rate is determined by using the cost of production of the Community industry and a reasonable profit margin; it reduces the anti-dumping measures for individual exporting companies in almost half of the cases and is applied, on a world-wide level, only by the Community on a regular basis.

1.2. Safeguards

1.2.1. The international framework

The principle of liberalisation of imports was set under the GATT 1947 and strengthened under the 1994 WTO Agreements. As safeguard measures consist of the unilateral withdrawal or suspension of a tariff concession or of other trade liberalisation obligations formerly agreed, they have to be considered as an exception to this principle. Article XIX GATT 1994 and the WTO Agreement on Safeguards do not only impose strict conditions for the application of this "escape clause", but also put in place a multilateral control mechanism under the WTO Committee on Safeguards.

Under WTO rules, safeguard action has to be viewed as a temporary defence measure that applies to all imports of the product covered by a measure, irrespective of origin. As regards non-WTO members, safeguard measures may be selective and apply to products originating in a specific country. WTO Accession Protocols may also provide for such selective safeguard mechanisms (e.g. the People's Republic of China's Protocol of Accession).

WTO safeguards should only be adopted after a comprehensive investigation which provides evidence of the existence of a) unforeseen developments leading to b) increased imports, c) the existence of a serious injury for Community producers and d) a causal link between the imports and the injury. WTO Accession Protocols may provide for specific requirements.

1.2.2. *The Community legislation*

The above-mentioned principles are all reflected in the relevant Community regulations, except for the “unforeseen development requirement” (which is not in the Community law but has been confirmed as a self-standing condition by WTO jurisprudence). Additionally, the adoption of measures in the Community requires an analysis of all interests concerned, i.e. the impact of the measures on producers, users and consumers. In other words, safeguard action can only be taken when it is in the Community’s interest to do so. The current Community safeguard instruments are covered by the following regulations:

- Council Regulation (EC) No 3285/94⁵ on the common rules of imports and repealing Regulation (EC) No 518/94;
- Council Regulation (EC) No 519/94⁶ on common rules for imports from certain third countries and repealing Regulations (EEC) Nos 1765/82, 1766/82 and 3420/83. This Regulation was amended in 2003 when a Transitional Product-Specific Safeguard Mechanism for imports originating in the People’s Republic of China was adopted⁷. This Regulation ensures that Council Regulation (EC) No 519/94 is no longer applicable to the People’s Republic of China;
- Council Regulation (EC) No 517/94⁸ on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules.

These regulations will overall be referred to as the "basic safeguard Regulation(s)".

1.3. **Anti-subsidy and unfair pricing instrument for airline services**

Regulation No 868/2004⁹ dealing with the effect of subsidisation and unfair pricing for air services from third countries which was adopted by the EP and the Council in 2004 requested the Commission to prepare a methodology to assess unfair pricing practices. This complex work, involving different services of the Commission as well as external experts, is on-going. The resulting methodology should be both derived from the significant EU experience in trade in goods and adapted to the highly specific sector of the air-services.

⁵ OJ L 349, 31.12.94, p. 53, as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).

⁶ OJ L 67, 10.3.94, p. 89, as last amended by Regulation (EC) No 427/2003 (OJ L 65, 8.3.2003, p. 1)

⁷ Council Regulation (EC) No 427/2003 (OJ L 65, 8.3.2003, p. 1), as last amended by Regulation (EC) No 1985/2003 (OJ L 295, 13.11.2003, p. 43)

⁸ OJ L 67, 10.3.94, p. 1, as last amended by Regulation (EC) No 1786/2006 (OJ L 337, 5.12.2006, p. 12).

⁹ OJ L 162, 30.4.2004, p. 1

2. BASIC CONCEPTS

2.1. Anti-dumping and anti-subsidy

2.1.1. What is dumping and what are countervailable subsidies - the material conditions for the imposition of duties?

2.1.1.1. Dumping and subsidies

Dumping is traditionally defined as price discrimination between national markets, or as selling below cost of production, plus profit. The Community's anti-dumping legislation defines anti-dumping as selling a product in the Community at a price below its "normal value". This "normal value" is usually the actual sales price on the domestic market of the exporting country. Therefore, a country is selling at dumped prices if the prices in its home market are higher than its export prices (i.e. price discrimination).

Where sales in the domestic market are not representative, for instance because they have only been made in small quantities, the normal value may then be established on another basis, such as the sales prices of other producers on the domestic market or the cost of production, plus profit. In the latter case, a company is selling at dumped prices if its export prices are below the cost of production, plus profit.

A certain segregation of the market, triggered by a variety of distortions, exists in the majority of the cases where dumping occurs on a more than incidental basis. That segregation may be caused, amongst other reasons, by government intervention. As a result, exporters are shielded, at least to a certain degree, from international competition on their domestic market.

Subsidies can have similar effects to sales at dumped prices in that they allow exporters to operate from a distorted home base. Subsidies involve a direct support from a government or a government-directed private body which has the effect of conferring a benefit to producers or exporters (e.g. grants, tax and duty exemptions, preferential loans at below commercial rates, export promotion schemes, etc.), all aimed at allowing the exporters to sell at low prices in the Community. Only subsidies which are "specific", i.e. targeted at individual companies or certain sectors of the economy, can be subject to trade defence measures.

Both anti-dumping and anti-subsidy measures are thus only second-best solutions in the absence of internationally agreed and enforced competition rules.

2.1.1.2. Material injury and causation

For measures to be taken against these unfair trading practices, it is not sufficient that companies are exporting their products to the Community at dumped or subsidised prices. Measures can only be taken if these exports cause material injury to Community producers.

Typical indicators of injury are that the dumped and/or subsidised import volumes increase over a certain period and import prices undercut the sales prices of the Community industry. As a consequence, the latter is forced to decrease production volumes and sales prices thus losing market shares, making losses or having to make employees redundant. In extreme cases, exporters may try to eliminate viable Community producers by using a predatory, below cost, pricing strategy. In any event, the injury analysis requires that all relevant factors be taken into account before deciding whether the Community industry is in fact suffering “material injury”.

A further condition for the imposition of measures is the need for “a causal link”: the injury must be *caused* by the dumping or the subsidy. This condition is often fulfilled when the injury to the Community industry coincides with the increase in dumped and subsidised imports. It is important to note that the dumped or subsidised imports do not have to be the only cause of the injury.

2.1.1.3. Community interest

Finally, it has to be established whether there are compelling reasons according to which measures would be contrary to the overall interest of the Community. In this respect, the interests of all relevant economic operators which might be affected by the outcome of the investigation must be taken into account. These interests typically include those of the Community industry, users, consumers and traders of the product concerned and the analysis assesses the positive impact measures will have on some operators as opposed to the negative impact on others. Measures should not be imposed only if it can be clearly concluded that their negative impact would be disproportionate,.

2.1.2. Procedure

Investigations are carried out in accordance with the procedural rules laid down in the basic Regulations. These rules guarantee a transparent, fair and objective proceeding by granting significant procedural rights to interested parties. In addition, the results of an investigation are published in the Official Journal, and the Community is obliged to justify its decisions in this publication. Finally, it is ensured that each case is decided on its merits and the Commission does not hesitate to terminate a case if the conditions to impose measures are not met.

Whereas each investigation is different depending on the products and countries involved, all cases follow the same procedural rules. However, certain preferential rules apply to the candidate countries. The rules relating to a new case are summarised below.

Initiation

A case normally starts with a sufficiently substantiated complaint from the Community industry manufacturing the same or a similar product to the one referred to in the complaint. Then, the Commission assesses whether the complaint contains sufficient evidence to allow for the initiation of the case. A case is opened by a notice of initiation published in the Official Journal. In this notice, all interested parties, including users, exporting country authorities in anti-subsidy investigations in particular and, where appropriate, consumer organisations, are invited to participate and co-operate in the proceedings. Detailed questionnaires are sent to producers in the exporting countries, in anti-subsidy investigations also to the exporting country authorities, and in the Community, to the Community producers, traders (in particular importers) and other interested parties, such as users. These questionnaires cover all different conditions to be fulfilled, i.e. dumping/subsidy, injury, causation and Community interest. The parties are also informed that they can request a hearing and ask for access to the non-confidential files which will help them defend their case.

The investigation up to the provisional measures

Following receipt of the replies to the questionnaire, investigations are carried out by Commission officials at the premises of the co-operating parties.

The main purpose of these visits is to verify whether the information given in the questionnaires is reliable. The verified information is subsequently used to calculate or determine the dumping margin and the injury factors, in particular the price undercutting margin and injury elimination level, as well as for the Community interest analysis. The respective calculations and analysis often involve the processing of thousands of transactions, the complex examination of production costs and the assessment of the economic situation of numerous economic operators.

The results of the calculations and other findings are summarised in a working document, on the basis of which it is decided - after consultation of the Member States in the Advisory Committee - whether to impose provisional measures, whether to continue the investigation without proposing duties or whether to terminate the proceedings. In either eventuality, at this stage the decision is the Commission's responsibility.

The investigation up to the definitive stage

Following the publication in the Official Journal of a Commission regulation imposing provisional duties, interested parties which so request receive a full disclosure which allows them to verify the Commission's findings and to submit comments. Comments can also be made at a hearing. These provisional submissions and comments are taken into account when a second, definitive, working document is prepared by the Commission.

After final disclosure, assessment of comments of interested parties and consultation of the Member States on the basis of the second working document, the Commission makes a proposal to the Council whether or not to impose definitive measures. Another possibility is that the Commission accepts undertakings offered by exporters, which undertake to respect minimum prices. In the latter case, no duties are generally imposed on the companies from which undertakings are accepted.

As set out above, throughout the process and at various specific steps, the procedure - consisting e.g. of requests for information, hearings, access to the file and disclosure - ensures that the rights of defence of interested parties are fully respected in this quasi-judicial process.

Unless the Council decides by a simple majority not to adopt the Commission proposal for definitive measures, such measures are imposed. The regulation imposing definitive duties, and deciding on the collection of the provisional duties, is published in the Official Journal.

In view of the findings made, it may also be decided to terminate a case without the imposition of measures. The same procedure (disclosure, comments, hearing, working document) as described above applies. The termination of the case would generally be made by a Commission Decision after consultation of the Member States.

Timing

The procedure described above is subject to strict statutory time limits. A decision to impose provisional duties must be taken within nine months of the initiation and the total duration of an investigation is limited to fifteen months in anti-dumping cases and to thirteen months in anti-subsidy cases. This leads to significant time constraints, taking into account, *inter alia*, internal consultations and the necessity to publish regulations and decisions 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 exporters. Measures are taken on a countrywide 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, under certain conditions, request a review of measures or the refund of anti-dumping duties paid. Measures may also be suspended for a certain period, subject to given criteria.

2.1.3. *Review of measures*

The basic Regulations provide for administrative reviews and distinguish between interim reviews, newcomer reviews and expiry reviews.

The *expiry review* is initiated at the end of the five year life-time of the measures. Initiation of such a review requires a request by the Community industry evidencing that the expiry of the measures would lead to continuation or recurrence of dumping and injury. Since the amendment to the basic Regulations, expiry reviews initiated after 20 March 2004 are subject to strict deadlines, i.e. they shall normally be concluded within 12 months of the date of initiation of the review, but in all cases be concluded within 15 months.

During the five year life-time of measures, the Commission may perform an *interim review*. Under the latter procedure, the Commission will consider whether the circumstances with regard to subsidy/dumping and injury have changed significantly or whether existing measures are achieving the intended results in removing the injury. Since 20 March 2006, the deadline for concluding an interim review is set at 12 months, but no later than 15 months.

Finally, the basic Regulations provide that a review shall be carried out to determine individual margins for new exporters in the exporting country concerned. Since 20 March 2006, the deadline for conclusion of *newcomer reviews* is nine months.

During these reviews, the main procedural rules outlined in chapter 2.1.2 are also applicable.

2.1.4. *Judicial reviews*

The procedural rights of the parties, including hearings and access to non-confidential files, are respected in the course of the proceeding, and a system of judicial review is in place to ensure their correct implementation. The competence to review anti-dumping and anti-subsidy cases lies with the Court of First Instance and the Court of Justice in Luxembourg. Furthermore, WTO members may recourse to the WTO dispute settlement mechanism .

2.2. **Safeguards**

2.2.1. *What are safeguard measures?*

Safeguard measures allow temporary protection against the adverse effects of import surges. Under the Community legislation¹⁰ implementing the WTO Safeguards Agreement, they can be applied under the following conditions: safeguard measures may be imposed if, as a result of unforeseen developments, a product is being imported into the Community in such increased quantities and/or on such terms and conditions as to cause, or threaten to cause, serious injury to Community producers of like or directly competitive products. Safeguard measures may only be imposed to the extent and for such time as may be necessary to prevent or remedy the injury.

¹⁰ Council Regulation (EC) No 3285/94 on common rules for imports.

2.2.2. *Procedure*

Investigations are carried out in accordance with the procedural rules laid down in the basic safeguard Regulations. These rules guarantee a transparent, fair and objective proceeding. In addition, the results of safeguard investigations are published in the Official Journal, and the Community is obliged to justify its decisions in this publication.

Initiation

The Commission is informed by one or more Member States should trends in imports of a certain product appear to call for safeguard measures. This information must contain evidence available, of the following criteria : a) the volume of imports, b) the price of imports, c) trends in certain economic factors such as production, capacity utilisation, stocks, sales, market share, prices, profits, employment, etc.. Where there is a threat of serious injury, the Commission must also examine whether it is clearly foreseeable that a particular situation is likely to develop into actual injury.

This information is immediately passed on by the Commission to all other Member States, at which stage consultations are held within the Advisory Safeguard Committee. If there is sufficient evidence to justify an investigation, the Commission publishes a notice of initiation in the Official Journal within one month of receipt of the information and commences the investigation, acting in co-operation with the Member States.

Provisional measures

Provisional measures may be imposed at any stage of the investigation. They shall be applied in critical circumstances where delay would cause damage which would be difficult to repair, making immediate action necessary, and where a preliminary determination provides clear evidence that increased imports have caused, or are threatening to cause, serious injury.

The duration of the provisional measures can, however, not exceed 200 days (i.e. six months).

Definitive measures

If, at the end of the investigation, the Commission considers that definitive safeguard measures are necessary, it will take the necessary decisions no later than nine months from the initiation of the investigation, at which stage the results of the investigation are being published in the Official Journal. In exceptional circumstances, this time limit may be extended by a further maximum period of two months, provided a notice is published in the Official Journal specifying the duration of the extension and a summary of its reasons.

Safeguard measures shall be applied only to the extent to prevent or remedy serious injury, thereby maintaining as far as possible traditional trade flows. As to the form of the measures, the Community will choose the measures most suitable in order to achieve these objectives. These measures could consist of quantitative quotas, tariff quotas, duties, etc.

Duration and review of the measures

The duration of safeguard measures must be limited to the period of time necessary to prevent or remedy serious injury and to facilitate adjustments on the part of the Community producers, but should not exceed four years, including the duration of the provisional measures, if any. Under certain circumstances, extensions may be necessary but the total period of application of safeguard measures should not exceed eight years.

If the duration of the measures exceeds one year, the measures must be progressively liberalised at regular intervals during the period of application. If the duration exceeds three years, the Commission should seek consultations with the Advisory Safeguard Committee in order to examine the effects of the measures, to determine the appropriateness of further liberalisation and to ascertain that the application of the measures is still necessary. Depending on the consultations, the measures may be revoked or amended.

3. CONTINUATION OF THE TDI REVIEW PROCESS

In January 2008 the Trade Commissioner concluded that more reflection time is needed to seek the right answers to questions which were raised during the intensive and somewhat controversial discussion on the TDI review process ("Green Paper discussion"). The objective is that a reinforced consensus among Member States regarding the application of our TDI rules would substantially increase the efficiency of our system. In the course of the year 2008 – taking into account the approach of reflection time – exchanges of views between all stakeholders concerned took place.

4. COUNTRY-WIDE MARKET ECONOMY STATUS (MES)

There are five criteria to determine whether a country can be considered a full market economy for the purpose of anti-dumping investigations (according to Article 2 (7) of the basis antidumping Regulation). These criteria are:

- i. a low degree of government influence over the allocation of resources and decisions of enterprises, whether directly or indirectly (e.g. public bodies), for example through the use of state-fixed prices, or discrimination in the tax, trade or currency regimes;
- ii. an absence of state-induced distortions in the operation of enterprises linked to privatisation and the use of non-market trading or compensation system;
- iii. the existence and implementation of a transparent and non-discriminatory company law which ensures adequate corporate governance (application of international accounting standards, protection of shareholders, public availability of accurate company information);

iv. the existence and implementation of a coherent, effective and transparent set of laws which ensure the respect of property rights and the operation of a functioning bankruptcy regime;

v. the existence of a genuine financial sector which operates independently from the state and which in law and practice is subject to sufficient guarantee provisions and adequate supervision.

To obtain Market Economy Status for trade defence investigations all five criteria must be met.

2008, saw the continued evaluation of five requests for country-wide MES by the Commission (China, Vietnam, Armenia, Kazakhstan and Mongolia).

These five applicant countries are at different stages of progress in terms of meeting the five criteria for MES. Companies from these applicant countries have the possibility to request market economy treatment on an individual basis in the context of anti-dumping investigations.

4.1 China

China is undoubtedly the most important MES applicant country and the first of the five to have requested the status.

The first preliminary assessment was prepared in 2004 which concluded at that time that China fulfilled only one of the five MES criteria i.e. the second criteria outlined above.

The eight meeting of the EU-bilateral MES Working Group took place in China in April 2008. Following on from that the Commission completed a comprehensive evaluation of China's progress towards fulfilling the four outstanding criteria for MES. The resulting technical assessment report was discussed with Member States in September 2008 and got unanimous support. The report concluded that China had the legislation largely in place which is necessary to obtain MES but that the effective implementation of these laws is necessary before MES can be granted. Although none of the four outstanding criteria have reached the necessary level the Commission considered that the progress provided a clear platform for success, provided the right targeted measures are taken. The results of the report were shared with the Chinese at a high level meeting in the latter half of 2008. At the end of 2008 China has requested to organise a next meeting of the MES Working Group which is scheduled to take place mid-2009. The Commission will continue their evaluation in close cooperation with relevant Chinese's authorities.

4.2 Vietnam

The last preliminary assessment report on Vietnam had been prepared in 2006. Up to the end of 2007 several bilateral meetings took place at which Vietnam provided comprehensive information and documents relevant for further assessment. Additional meetings took place in the course of 2008 at which Vietnam's MES request were discussed. At the end of 2008 the Commission started to draft a further assessment report which is expected to be ready for discussion with Member States in the second half of 2009.

4.3 Armenia

During 2008 a number of bilateral contacts with Armenia took place where the MES issue was further discussed. Additional information was provided by the authorities

during the year. In addition the first anti-dumping case was initiated concerning Armenia which involved a claim for MET by an Armenian exporter. The information gathered in that context was also analysed in the context of the overall assessment of Armenia's progress towards MES which was ongoing during 2008.

4.4 Kazakhstan

The Commission had sent to the Kazakh authorities a number of questions regarding their progress in relevant areas at the beginning of 2007. The final official replies to these questions from the Kazakh authorities have been received by the Commission in May 2008. Subsequently, the Commission started analysing the information which the Kazakh authorities have submitted as well as information from external sources.

4.5 Mongolia

During 2008, work continued on the assessment of Mongolia's request for MES. In this context a specific fact-finding MES mission was planned to Mongolia for October 2008. However Mongolia postponed the mission. The mission is scheduled to take place in 2009.

5. INFORMATION AND COMMUNICATION ACTIVITIES / BILATERAL CONTACTS

5.1. Small and medium sized enterprises (SMEs)

The Trade Defence Helpdesk for SMEs was set up in view of the complexity of TDI proceedings, especially for SME's, because of their small size and their fragmentation. Its role is to address specific SME questions and problems regarding TDIs, both of a general nature or case-specific. A part of the TDI website is dedicated to SMEs, and refers to the Trade Defence Helpdesk contact points. In 2008 these contact points received many requests for information, which were all immediately addressed. These requests concerned both the procedures and content of TDI proceedings.

5.2. Seminars

In 2008 the TDI Services continued with information and training seminars for third country government representatives and for economic operators, both within and outside the EU. Regarding third countries, seminars on anti-dumping have been held for the following: Indonesia, Serbia, Jordan, Ukraine, GCC, Albania and Lebanon. In addition a round table discussion was held with India on subsidy issues. There were also a number of meetings with key stakeholder associations and companies in 2008, including a number of events with Business Europe as well as a one-day seminar with the most important industry associations in October 2008.

6. THE HEARING OFFICER

2008 was the first full year of activity for the Hearing Officer for DG Trade, who became operational in April 2007. The Hearing Officer is administratively attached to the Director General of DG Trade but acts independently. He reports to the Director General.

The main task of the Hearing Officer is to guarantee the full exercise of rights of defence in trade proceedings before the European Commission. The rights of defence include not only the right to be heard and to have access to the file but comprises a wider set of rights described in the EU Charter of Fundamental Rights as follows: the right of every person (i) "to be heard, before any individual measure which would affect him or her adversely is taken", (ii) "to have his or her affairs handled impartially, fairly and within a reasonable time" and (iii) "to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy". The Hearing Officer also advises the Director General of DG Trade on issues related to due process and good administration and on any issues arising out of trade proceedings, where appropriate.

In 2008 the Hearing Officer received 19 requests for hearings in 11 anti-dumping proceedings (including one undertaking) and held 16 hearings. In three cases the Hearing Officer resolved the issues without holding a hearing. Most of the hearings were individual hearings chaired by the Hearing Officer between an interested party and the Commission investigation services. The Hearing Officer also held two adversarial meetings during which interested parties, including the Community industry, the exporting producers and the importers could present their arguments.

The most frequent reason for interested parties to refer to the Hearing Officer appears to be a need for more detailed explanations provided by the investigation services, in particular when the claims or the arguments of these parties are rejected. A number of interested parties also addressed the quality of the non-confidential files. Six of the 16 hearings held related to objections to the party being considered non-cooperating pursuant to Article 18 of the basic AD Regulation. The Hearing Officer intervened on a number of requests to review MET/IT conclusions and on arguments concerning injury and Community interest. In two cases the product scope of the investigation was put into question. Until now, the intervention of the Hearing Officer with regard to issues pertaining to dumping calculations is limited.

In the majority of the cases (about 70%) the Hearing Officer organised a hearing within two to five days after the request. This is partly due to the fact that the Hearing Officer's intervention was requested at the very last moment in the proceeding. Nevertheless, in most of the cases the intervention of the Hearing Officer helped the parties to identify the main problems and receive additional explanations from the investigation services. In two cases the consideration of some additional arguments of the parties led to substantial changes to the situation of the parties concerned. The analysis of the Hearing Officer's interventions, however, shows that the latter are more effective if the Hearing Officer is involved at an earlier stage of an investigation.

The Hearing Officer was also associated in a number of policy discussions related to due process issues undertaken by the TDI services. He also cooperated with the Directorate responsible for the implementation of the Trade Barriers Regulation on a couple of issues.

In most cases, the interventions of the Hearing Officer were assessed positively by both interested parties and the investigation services.

The adoption of a Commission decision on the terms of reference for the Hearing Officer of DG Trade is currently being discussed. Such a decision will be based on the experience gained during the first two years and will provide a formal legal basis which enhances the role of the Hearing Officer.

7. GENERAL OVERVIEW OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS AND MEASURES

2008 saw a significant increase in the number of new investigations initiated as compared to the previous year. The number of definitive measures imposed showed a slight increase while the number of provisional measures imposed was less than half of the previous year. Below are details on new investigations and review investigations.

7.1. New investigations

At the end of 2008, the Community had 128 anti-dumping measures and 8 countervailing measures in force¹¹. The anti-dumping measures covered 64 products and 29 countries (see Annex O); the countervailing measures covered 6 products and 3 countries (see Annex P). Of the measures, the large majority was in the form of duties; however, in a number of cases, undertakings were accepted.

Of the 128 anti-dumping measures in force at the end of 2008 the main countries affected were China 48, Russia and India 8 each, Thailand 7, Ukraine and Taiwan 6 each, Korea and Indonesia – 5 each and Malaysia, USA and Vietnam – 4 each. Of the 8 anti-subsidy measures in place the majority concern imports from India – 6 in total, with 1 each for Brazil and Israel.

Regarding the of anti-dumping measures one has to look at the trade volume of the products concerned, which varies considerably depending on the sector concerned. The largest trade volumes are often generated by high technology, such as electronics, which are high-value products. It should be noted that in 2008, only 0.6%¹² of total imports into the Community was affected by anti-dumping or anti-subsidy measures.

Table 1 below provides statistical information on the new investigations for the years 2004 – 2008.

¹¹ The measures are counted per product and country concerned.

¹² Source Comext.

TABLE 1

**Anti-dumping and anti-subsidy new investigations
during the period 1 January 2004 - 31 December 2008¹³**

	2004	2005	2006	2007	2008
Investigations in progress at the beginning of the period	15	31	28	33	42
Investigations initiated during the period	29	26	36	9	20
Investigations in progress during the period	44	57	64	42	62
Investigations concluded :					
- imposition of definitive duty or acceptance of undertakings	11	19	13	12	16
- terminations ¹⁴	2	10	18	10	3
Total investigations concluded during the period	13	29	31	22	16
Investigations in progress at the end of period	31	28	33	20	46
Provisional measures imposed during the period	6	15	13	12	5

Details on the conclusions can be found under heading 9.1.

7.2. Review investigations

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

¹³ The initiation of a case concerning several countries is accounted as separate investigations/proceedings per country involved.

¹⁴ Investigations might be terminated for reasons such as the withdrawal of the complaint, *de minimis* dumping or injury, etc.

Also anti-subsidy measures may be subject, under the basic Regulation, to five different types of reviews: expiry reviews (Article 18), interim reviews (Article 19), absorption investigations (Article 19(3)), accelerated reviews (Article 20) and circumvention investigations (Article 23).

These reviews continue to represent a major part of the work of the Commission's TDI services. In the period from 2004 to 2008, a total of 202 review investigations were initiated. These review investigations represented 65% of all investigations initiated in that period.

In 2008, 23 reviews were initiated. Of these, 7 were expiry reviews, 13 interim reviews, 1 newcomer review, 1 other review and 1 circumvention investigation.

An overview of the review investigations in 2008 can be found in Annexes F to K. Table 2 provides statistical information for the years 2004 - 2008.

TABLE 2
Reviews of anti-dumping and anti-subsidy investigations
during the period 1 January 2003 - 31 December 2007¹⁵

	2004	2005	2006	2007	2008
Reviews in progress at the beginning of the period	53	42	63	52	46
Reviews initiated during the period	43	57	35	41	23
Reviews in progress during the period	96	99	98	93	68
Total reviews concluded during the period ¹⁶	54 ¹⁷	36	46	47	37
Reviews in progress at the end of the period	42	63	52	46	31

Details on the conclusions can be found under heading 9.2.

¹⁵ The initiation of a case concerning several countries is accounted as separate investigations/proceedings per country involved.

¹⁶ Investigations which were conducted and concluded under the specific provisions of the Regulation imposing the original measures are not counted as there was no publication of the initiation.

¹⁷ Including 7 reviews concerning acceding countries which were automatically terminated.

8. OVERVIEW OF ACTIVITIES IN 2008

8.1. New investigations

8.1.1. Initiations

In 2008, 18 new anti-dumping investigations and 2 new anti-subsidy investigations were initiated in the period. The anti-dumping investigations involved 10 different products from 11 different countries. The anti-subsidy investigations involve 2 products both from the USA. Details of these investigations are given in Annex A. The country most affected by the anti-dumping investigations is China with 6 investigations, followed by the Turkey and USA with 2 each and Armenia, Belarus, Brazil, Korea, Moldova, Taiwan, Thailand and Ukraine all with 1 each. The main sector concerned by these new cases is steel.

In the five-year period from 2004 to 2008, 120 investigations were initiated on imports from 29 countries. The main sectors concerned by the investigations were iron and steel with 34 investigations, chemical and allied with 28 investigations and both electronics and other metals with 12 investigations each. A breakdown of the product sectors is given in Annex B(A).

The main countries concerned during the period from 2004 to 2008 were the People's Republic of China with 41 investigations, Taiwan and USA with 8 each, Russia with 7, Korea, Malaysia and Thailand with 6 each, Ukraine with 5, Vietnam with 4, Belarus, India and Turkey with 3 each and Hong Kong, Kazakhstan and Romania with 2 each. A table showing all the investigations initiated over the last five years broken down by country of export is at Annex B(B).

The alphabetical list of cases initiated in 2008 can be found below, together with the name of the complainant. More information can be obtained from the Official Journal to which reference is given in Annex A.

Product	Originating from	Complainant
Stainless steel cold rolled flat products - AD	P.R. China Korea (Rep.of) Taiwan	EUROFER
PSC Wires and strands - AD	P.R. China	Eurostress Informaion Service (ESIS)
Candles, tapers and the like - AD	P.R. China	Community Producers
Wire rod - AD	P.R. China Moldova (Rep.of) Turkey	EUROFER
Biodiesel - AD	USA	European Biodiesel Board
Seamless pipes and tubes of iron or steel - AD	P.R. China	Defence Committee of the seamless steel tubes industry of EU.
Aluminium foil - AD	Armenia	EUROMETAUX

	Brazil P.R. China	
Sodium metal - AD	USA	Métaux Spéciaux
Hollow sections - AD	Belarus Turkey Ukraine	Defence Committee of the Welded Steel Tubes industry of the EU
Ring binder mechanisms - AD	Thailand	Ring Alliance Ringbuchtechnik GmbH
Biodiesel (AS)	USA	European Biodiesel Board
Sodium Metal (AS)	USA	Métaux Spéciaux

8.1.2. *Provisional measures*

In 2008, provisional duties were imposed in 5 anti-dumping proceedings. They involved imports of 5 products all from P.R. China. As shown in Table 1 (see point 8.1), this figure compares to 12 in 2007 and 13 in 2006.

The alphabetical list of cases where provisional measures were imposed during 2008 can be found below, together with the measure(s) imposed. More information can be obtained from the Official Journal to which reference is given in Annex C.

Product	Originating from	Type ¹⁸ and level of measure
Citric Acid	P.R. China	AD: 13.2% - 49.3%
Monosodium glutamate	P.R. China	AD: 33.8% - 39.7%
Citrus Fruits	P.R. China	AD: €/tonne 330 – 482.2
PSC Wires and Strands	P.R. China	AD: 2.1% – 52.2%
Candles, tapers and the like	P.R. China	AD: €per tonne of fuel 0-671.41

8.1.3. *Definitive measures*

During 2008, definitive duties were imposed in 16 anti-dumping cases. They involved imports from 9 different countries and covered 10 products. The People's Republic of China featured with 7 measures, followed by Russia with 2 measures and Belarus, Thailand, South Africa, Egypt, F.Y.R.O.M., India and Kazakhstan with 1 measure each.

The alphabetical list of cases where definitive measures were imposed during 2008 can be found below, together with the measure(s) imposed. More information can be obtained from the Official Journal to which reference is given in Annex D. Annex D also gives some additional information on import and consumption volumes.

¹⁸ AD = anti-dumping duty, CVD = countervailing duty, UT = undertaking.

Product	Originating from	Type ¹⁹ and level of measure
Dihydromyrcenol	India	AD: 3.1% - 7.5%
Ferro-silicon	P.R. China Egypt Kazakhstan F.Y.R.O.M Russia	AD: 15.6% - 31.2% AD: 15.4% - 18% AD: 33.9% AD: 5.4% AD: 17.8% - 22.7%
Manganese dioxides	South Africa	AD 17.1%
Coke of coal in pieces with a diameter of more than 80 mm	P.R. China	AD 25.8%
Compressors	P.R. China	AD: 10.6% - 77.6%
Sweet corn (prepared or preserved, in kernels)	Thailand	AD: 3.1% - 14.3%
Monosodium glutamate	P.R. China	AD:33.8%-39.7%
Citric acid	P.R. China	AD: 66% - 42.7%
Welded tubes and pipes, of iron or non-alloy steel	Belarus P.R. China Russia	AD: 38.1% AD: 90.6% AD: 10.1% - 20.5%
Citrus fruits	P.R. China	AD: €tonne 361.4 – 531.2

8.1.4 Details on individual cases (in alphabetical order)

Compressors originating in P.R. China

The proceeding was initiated on 21 December 2006, following a complaint lodged by Federazione ANIMA/COMPO on behalf of Community producers. The investigation period ran from 1 October 2005 to 30 September 2006 and injury was considered over a period of 2 years and 9 months, from 1 January 2003 to 30 September 2006. There were no provisional measures imposed.

Dumping

Owing to the large number of exporters sampling was applied. 6 companies or groups were selected. Of those five requested MET. It was granted in two cases. Three companies were granted IT.

For those companies who were granted MET, normal value could not be based on their domestic sales given that they had almost non-existent sales on their home market. Normal value was therefore constructed using manufacturing costs to which

¹⁹ AD = anti-dumping duty, CVD = countervailing duty, UT = undertaking.

a reasonable amount for selling, general and administrative expenses and profit was added.

For other Chinese companies, normal value was calculated using data from an analogue country, i.e. Brazil. The normal value and export prices were compared on an ex-works basis and at the same level of trade. This resulted in margins ranging between 10.6% and 77.6%.

Injury

Between 2003 and the IP, the volume of the dumped imports of the product concerned originating in the PRC increased massively, by 182 % and their share of the Community market grew by over 35 percentage points. The average prices of the dumped imports were considerably lower than those of the Community industry during the period considered. Moreover, during the IP, the prices of imports from the PRC significantly undercut those of the Community industry. On a weighted average basis, price undercutting was in the IP, between 22 % and 43 %. Injury margins ranged between 61.3% and 160.8%, all higher than the dumping margins.

Causation

The investigation found that the coincidence in time between, on the one hand, the massive increase in dumped imports from the PRC, the corresponding increase in market shares and the undercutting found and, on the other hand, caused the deterioration in the situation of the Community industry and that the dumped imports caused the material injury suffered by the Community industry.

The investigation showed that the export performance of the Community industry might have contributed, to a limited degree, to the injury suffered, but not to the extent that would break the causal link. Other known factors were analysed but were found not to have contributed to the injury suffered.

Community Interest

The investigation found that, in view of the high dumping and injury margins, in this particular case, and on the basis of the information submitted there was not enough evidence to conclude that the imposition of measures would be against the Community interest.

Should, however, in spite of the imposition of duties, the situation prevailing prior to the imposition of measures (in particular the 53 % market share of imports from the PRC and the relatively small market share of cooperating producers in the Community) remain unchanged, the cost of the possible duty to be borne by consumers and economic operators in the Community (including importers, traders and retailers) might be considered, in the long run, to be greater than the benefit for the Community industry. Therefore, the measures were imposed for two years with certain reporting requests made, in particular, to Community producers.

Measures

Given that the injury margins were between 61,3 % and 160,8 % and in all cases higher than the respective dumping margins, measures were imposed in March 2008 at the level of the dumping duties ranging between 10.6% and 77.6%.

Ferro-silicon originating in the People's Republic of China, Egypt, Kazakhstan, F.Y.F.O.M. and Russia

The proceeding was initiated in November 2006, following a complaint lodged by the Comité de Liaison des Industries de Ferro-Alliages (Euroalliages) on behalf of producers representing more than 90% of the total Community production of FeSi.

FeSi is used in the iron and steel industry as an alloy and deoxidiser. FeSi production takes place in electric arc furnaces by means of reducing quartz using carbon-bearing products. The investigation period (IP) was 1 October 2005 to 30 September 2006. The examination of trends relevant for the injury assessment covered the period from 1 January 2003 to 30 September 2006.

Dumping

The People's Republic of China

Of the cooperating exporting producers, three applied for Market Economy Treatment (MET), but only one was successful. One of the two cooperating exporters, who had failed to fulfil the MET criteria, demonstrated that it met all the requirements for Individual Treatment (IT).

As the PRC is an economy in transition, an appropriate analogue country had to be used in order to establish normal value for exporting producers who had not been granted MET. Norway was chosen, as it is one of the biggest FeSi producers worldwide with a competitive market.

For the companies granted MET or IT, the comparison of the weighted average normal value of each type of the product concerned with the weighted average export price of the corresponding type of the product concerned yielded margins of 15.6% and 29.0%. As cooperation with the investigation was low, the country-wide dumping margin applicable to all other exporters in the PRC was calculated at 55.6%. This was set at a level corresponding to the weighted average dumping margin of the most representative product type with the highest dumping and injury margin on the basis of an assessment per cooperating exporting producer.

Egypt

Two exporting producers cooperated with the investigation. The comparison of the normal value and export prices on an ex-works basis yielded duty margins of 15.4% and 24.8%. Given the high level of cooperation, the residual margin applicable to all other Egyptian exporters was set at the same level as the highest dumping margin established for a cooperating producer, i.e., 24.8%.

Kazakhstan

In the absence of cooperation, a countrywide dumping margin was calculated at 37.1%. This was based on a comparison between export price data provided by Eurostat and the normal value in the analogue country.

Former Yugoslav Republic of Macedonia

The cooperating exporting producer is the only known FeSi producer in the country. The comparison of the normal value and export prices on an ex-works basis yielded a duty margin of 5.4%. The residual margin applicable to all other exporters was set at the same level as the dumping margin established for the sole producer, i.e., 5.4%.

Russia

The two cooperating exporting producers are the only known FeSi producers in Russia. The comparison of the normal value and export prices on an ex-works basis yielded duty margins of 22.7% and 17.8%. Given the high level of cooperation, the residual margin applicable to all other Russian exporters was set at the same level as the highest dumping margin established for a cooperating producer, i.e., 22.7%.

Injury

In order to ascertain the existence of material injury to the Community industry (CI), the effects of the imports from the countries under investigation were assessed cumulatively.

The investigation found clear evidence of injury to the Community industry. It was found that the volume of dumped imports increased significantly during the period considered, as did their market share to the detriment of the market share of the CI. Furthermore, during the IP, the import prices undercut the prices of the CI between 4% and 11% depending on the exporting producer concerned, with the exception of a Russian, Egyptian and the sole exporting producer in the former Yugoslav Republic of Macedonia for which no undercutting was found. Price levels during the IP were found to be unsustainable since the CI was forced to sell below full cost in order to stay in the market.

The analysis of the injury indicators shows a significant deterioration in the condition of the Community industry: production, capacity utilisation and market shares all declined. Although some injury indicators showed positive trends, the overall analysis demonstrated that the Community industry had suffered material injury.

Causation

The coincidence in time between the increase in dumped imports and the deterioration in the situation of the Community industry was found to be a clear indication that the injury was caused by the dumped imports. The effect of other factors was examined such as the sharp increase in costs, in particular raw materials and electricity suffered by the CI. Nevertheless, it was found that the presence of low-priced dumped imports did not allow the CI to pass on the full effect of its increases in costs in its sales prices. As such, the effect of other factors was not found to be a cause of the injury suffered by the Community industry.

Community Interest

The Commission carefully examined the interests of importers and users, in particular foundries and steel producers. Out of the 500 questionnaires sent to users, only eight cooperated - representing around 24 % of the total Community consumption of FeSi during the IP. However, it was concluded that the impact of anti-dumping duties would have a negligible effect on the overall turnover of the importers and steel producers, which in any event could be passed on to consumers. What is more, the possible price increases would be likely, in any event, limited due to the availability of alternative sources without any duties and it was concluded that there were no compelling reasons against the imposition of measures.

Definitive Measures

Definitive measures were imposed on 28 February 2008, some based on dumping margins, some on the injury margins whichever was lower, on imports from the PRC (ranging from 15.6% to 31.2%), Egypt (15.4% to 18%), Kazakhstan (33.9%), the former Yugoslav Republic of Macedonia (5.4%) and Russia (17.8% to 22.7%).

Undertakings

Following disclosure of the definitive findings, four exporters offered price undertakings. However, in view of the high volatility in prices for the product concerned, the undertakings offered could not be accepted and the undertaking offered by the exporting producer in the former Yugoslav Republic of Macedonia, and accepted at provisional stage, was withdrawn.

Welded tubes or pipes, of iron or non-alloy steel originating in the People's Republic of China

An investigation was initiated on imports of Welded tubes and pipes, of iron or non-alloy steel originating in Belarus, PR. China and Russia in September 2007 on the basis of a complaint lodged by the Defence Committee of the Welded Steel Tube Industry of the European Union (the Defence Committee).

The investigation period was from 1 July 2006 to 30 June 2007 with injury analysis covering the period from 1 January 2004 to 30 June 2007.

Dumping

China.

Due to the large number of exporters a sample of 6 Chinese producers was selected, all of which claimed MET or IT (should they fail to meet the criteria for the former). None of the companies fulfilled either the MET or the IT criteria.

Normal value for China was therefore established on the basis an analogue country, namely the USA.

The dumping margin was calculated using the export price provided by the cooperating exporters in the questionnaire replies, with the exception of one entity owing to incomplete information. The country-wide level of dumping was established at 130,8 % of the CIF Community frontier price.

Russia

Two exporters co-operated with the investigation. Normal value was based on prices paid or payable, in the ordinary course of trade, by independent customers in the Russian Federation

Regarding manufacturing costs it was established that the price paid for gas was a quarter of the export price of gas from Russia. As a result, for those product types where the normal value was constructed, an adjustment for the gas cost was made.

The export price was based on prices paid or payable by independent customers in the Community. For those cases where exports to the Community were made via a related importer located in the Community, a constructed export price was established in accordance with the basic Regulation. Appropriate adjustments concerning credit, transport costs and ancillary charges were made where they were found to be warranted and supported by verified evidence.

The comparison of normal value and export price showed dumping ranging from 10.1% to 22.7%. Given the high level of cooperation from Russian exporters the residual dumping margin was also set at 22.7%.

Belarus

Belarus is not considered a market-economy country. Therefore the normal value was determined on the basis of data obtained from a producer in the analogue country, i.e. USA.

The export price had to be constructed for the only known Belorussian exporter. This was due to the existence of a tolling agreement with a German importer who supplied the exporter with raw materials covering the expenses relating to their importation into Belarus as well as transport costs for the final product into the Community all the while remaining the owner of the product coming from Belarus. The export price was constructed on the basis of the price of the product concerned sold to the first independent customer of the cooperating German importer to which certain adjustments had to be made. On this basis the level of dumping was established at 92,4 % of the CIF Community frontier price.

Injury

Since 2005, import volumes increased considerably both in absolute and relative terms. Together, their market share increased from around 6 % in the year 2004 to around 10 % in 2005 and from that level to around 19 % in the IP. Moreover the dumped imports from these countries showed individually a significant level of price undercutting. Underselling margins were substantial, reflecting the fact that the Community industry was incurring losses. Community industry indicators also showed an overall negative evolution during the period under consideration and demonstrated that material injury has taken place.

Causation

The coincidence in time between, on the one hand, the increase of dumped imports from the cumulated countries, their increase in market share, the undercutting and

underselling found, and on the other hand, the deterioration of the situation of the Community industry led to the conclusion that the dumped imports caused the material injury suffered by the Community industry.

Other factors were examined in the context of the causation analysis including, the export performance of the Community industry, rise in the unit cost of production for Community producers as well as the effect of imports from other third countries. It was concluded that these factors did not break the causal link between the dumped imports and the injury suffered

Community interest

It was considered that the imposition of anti-dumping measures on imports from the countries concerned would help the Community industry to stop losing market share, regain lost sales and return to adequate profitability. It was considered that if anti-dumping measures were not imposed, the Community industry would likely face growing unfair competition problem which would drive certain Community producers out of the market. Certain negative effects of the imposition of anti-dumping measures were also addressed including a decrease in the volume imported and moderate costs increases for importers/stockists and users/ consumers, due to a higher sales price of the product concerned in the Community. However this was not found to outweigh the benefits of measures.

Anti-dumping measures

Based on the lesser duty rule, anti-dumping duties were imposed in December 2008 at the following levels: for Chinese companies 90,6%; for Russian companies 10,1% and for Belarus' companies: 38,1%. Two exporting producers in Russia and the sole in Belarus offered price undertakings but both were rejected owing to the volatile nature of the pricing for this product as well as the many different product types involved.

8.1.5. Investigations terminated without measures

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 measures are unnecessary (i.e. no dumping/no subsidies, no injury resulting therefrom, measures not in the interest of the Community).

In 2008, 3 new anti-dumping proceedings (no anti-subsidy proceedings terminated without measures) were concluded without measures, compared to 10 in 2007 and 18 in 2006.

The alphabetical list of cases which were terminated without the imposition of measures during 2008 can be found below. More information can be obtained from the Official Journal to which reference is given in Annex E.

Product (type of investigation²⁰)	Originating from	Main reason for termination
Polyvinyl alcohol	P.R. China Taiwan	P.R. China: Lack of causal link Taiwan: De minimis dumping
Welded tubes and pipes, of iron or non-alloy steel	Bosnia & herzegovina	De minimis dumping

8.1.6. Details on some individual cases

Polyvinyl alcohol originating in the People's Republic of China and Taiwan

The proceeding was initiated in December 2006 based on a complaint lodged in November 2006 by Kuraray Specialties Europe GmbH representing the Community industry. The investigation period covered 1 October to 30 September with injury trends analysed over the period January 2003 to September 2006. Provisional measures were imposed on imports from PRC in September 2007 with no provisional measures imposed on imports from Taiwan.

Product concerned is defined as certain copolymeric polyvinyl alcohols (PVA) based on a homopolymeric polymerisation with a viscosity (measured in 4 % solution) of 3 mPas or more but not exceeding 61 mPas and a degree of hydrolysis of 84,0 mol % or more but not exceeding 99,9 mol % declared within CN code ex 3905 30 00.

Dumping

Taiwan

The sole cooperating Taiwanese company, Chang Chun Petrochemical Co. Ltd. (CCP) was the only exporting producer of the product concerned in Taiwan,

²⁰ AD = anti-dumping investigation; AS = anti-subsidy investigation, AD + AS = parallel anti-dumping and anti-subsidy investigation.

accounting for 100 % of the Taiwanese exports to the EC during the I.P. Normal value was based on domestic sales in Taiwan. Export prices were based on prices to the Community for the product concerned. The comparison revealed a dumping margin of less than 2%. Given the de minimis margin the investigation concerning Taiwanese imports was terminated.

People's Republic of China (PRC)

One company applied for MET or IT if the former was not successful. However they failed on both counts. As the PRC is an economy in transition, an appropriate analogue country had to be used in order to establish normal value. In this case Taiwan was chosen and normal value based on prices paid on their domestic market. Export prices were based on those of the cooperating exporters to the Community with the data cross-checked with that of Eurostat. The comparison between the normal value and the export price revealed a dumping margin of 10%.

Injury

As the dumping margin found for Taiwan was de minimis, imports originating in that country were excluded from the injury assessment.

Between 2003 and the IP, a number of injury indicators developed positively: the Community industry managed to increase its sales volumes and market share, and it invested significantly in additional production capacity. However, its financial indicators developed dramatically: the reasonable profit margin achieved in 2003 decreased very rapidly and continuously as from 2004 to the end of the IP. Return of investment and cash flow situation developed exponentially negative. This was due to the steep increase in raw material prices which could not be reflected in the sales prices of the like product. During the IP, the prices of the imports from the PRC undercut those of the Community industry, on a weighted average basis by 3,3%. It was therefore concluded that the Community industry suffered material injury.

Causation

The investigation confirmed that the dumped imports did not have a material impact on the injury of the Community industry. Given the relatively limited and only slightly increasing market share of the dumped imports from the PRC (from 11,3 % to 12,9 %) and the much more important and slightly increasing market share of Community industry sales (during the IP more than threefold the market share of the PRC) and the limited undercutting of the imports from the PRC, it was concluded that the low prices on the Community market in a context of increasing raw material prices, strongly contributed to the injury suffered by the Community industry and it could not be attributed to the dumped imports from the PRC. The causal link between the dumped imports from the PRC and the material injury suffered by the Community industry could therefore not be sufficiently established.

Termination of the proceeding

Given the dumping margin determined for Taiwan was de minimis the lack of evidence for a casual link between dumping and injury for imports from the PRC the proceeding was terminated in March 2008.

8.2. Review investigations

8.2.1. Expiry reviews

Article 11(2) and Article 18 of the basic Regulations provide for the expiry of measures after five years, unless an expiry review demonstrates that they should be maintained in their original form.

In 2008, 2 anti-dumping measures were allowed to expire automatically. The references for these measures are set out in Annex N.

Since the expiry (or "sunset") provision of the basic Regulations came into force in 1985, a total of 434 measures have been allowed to expire automatically.

8.2.1.1. Initiations

During 2008, 7 expiry review investigations were initiated. It should be noted that investigations initiated after 20 March 2004 are under deadline, i.e. conclusions should be reached within 12 months but not later than 15 months from the date of initiation.

The alphabetical list of these cases can be found below, together with the name of the complainant. It should be noted that some expiry reviews may be carried out in parallel with interim reviews, which allow the amendment of the duty rates. In such case, these reviews **are marked with an asterisk**. More information can be obtained from the Official Journal to which reference is given in Annex F.

Product (type of investigation ²¹)	Originating from	Complainant
Tube or pipe fittings of iron or steel *	P.R. China Thailand	Defence Committee of the steel butt-welding fittings industry of the EU.
Footwear with uppers of leather	P.R. China Vietnam	European Confederation of the Footwear Industry
Ethanolamines	USA	Community Producers
Furfuryl alcohol	P.R. China	International Furan Chemicals BV

²¹ A = anti-dumping investigation; AS = anti-subsidy investigation, AD + AS = parallel anti-dumping and anti-subsidy investigation.

Ring binder mechanisms	P.R. China	Ring Alliance Ringbuchtechnik GmbH
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8.2.1.2. Reviews concluded with confirmation of duties

During 2008, 9 expiry reviews concluded that there was a need for the duties to continue for a further five years.

The alphabetical list of the cases which were concluded with confirmation of duty during 2008, together with the result of the investigation, can be found below. More information can be obtained from the Official Journal to which reference is given in Annex F.

Product	Originating from	Result of the investigation/ Type ²² and level of measure
Powdered activated carbon (PAC)	P.R. China	Confirmation of duty/ AD Level of duty 38.6%
Coumarin	P.R. China	Confirmation of duty/ AD Level of duty €3479 per tonne
Ammonium nitrate	Russia	Confirmation of duty/ AD fixed rate of duty depending on product and also supplier ranging from €28.88 to €47.07 per tonne
Sulphanilic acid	P.R. China India	Confirmation of duty/ China:AD 33.7% India:AD 18.3%
Tube or pipe fittings of iron or steel	Korea (Rep. of) Malaysia	Confirmation of duty/ AD Korea: 44% Malaysia:59.2% to 75%
Sulphanilic acid (AS)	India	Confirmation of duty / AS/ 4.7%
Welded tubes and pipes, of iron or non-alloy steel	Thailand Ukraine	Confirmation of duty/ AD Thailand: 21.7% - 35.2% Ukraine:10.7% to 44.1%

8.2.1.3 Details on some individual cases

Ammonium nitrate (AN) originating in Russia

The expiry review was initiated in April 2007, following a request lodged by the European Fertiliser Manufacturers Association (EFMA), on behalf of producers representing more than 50% of the total Community production of AN. The expiry review was combined with a partial interim review limited in scope to dumping with

²² AD = anti-dumping duty, CVD = countervailing duty, UT = undertaking.

regard to one exporting producer. The product concerned is solid fertilisers with an ammonium nitrate content exceeding 80% by weight.

The investigation period for the expiry review (RIP) covered the period from 1 April 2006 to 31 March 2007. The examination of trends relevant for the assessment of the likelihood or a continuation or recurrence of injury covered the period from 1 January 2003 to 31 March 2007 (period considered).

Dumping

Only three Russian exporting producers/distributors replied to the questionnaires. In view of the large number of Community producers, sampling was applied in accordance with Article 17 of the basic Regulation.

The comparison of the weighted average export prices with a weighted average normal value showed dumping margins for the three Russian companies of over 54%, 74% and 92% respectively. There was thus strong evidence of continued dumping at significant levels.

Likelihood of continuation of dumping

The Community market was found to be a very attractive market for Russian exporters given the fact that the price level in the Community was higher than in third countries; that Russian exporters had well-established distribution channels and that the Community market is closely located to Russia. In addition, spare capacity of known Russian exporters was almost one-fourth of total Community consumption of AN, which meant that there might be a likelihood of substantial increase of quantities exported to the EU. It was also found that Russian exporters had previously tried to increase their exports to the Community in different ways.

Therefore, it was concluded that should anti-dumping measures in force be lifted, there would be likelihood of dumping and of substantial increase of the quantities exported to the Community.

Situation on the Community market

The investigation revealed that the Community industry's (CI) situation had been improving to a large degree due to the anti-dumping measures imposed. Nevertheless, this improvement was nuanced. Market share increased not because of sales (which decreased) but due to a decrease in consumption. Although unit sales prices increased, this was due to a large extent to an increase in input cost. The CI was able to pass on this increase in costs only because the anti-dumping measures showed some effect. Although profitability had also improved, there was still a certain underlying fragility in this respect given that 2006 and the RIP had shown a decrease.

Furthermore, imports from Russia were undercutting the prices of the CI by more than 30% (not counting the duty in place) and by more than 7% (adding the duty) during the RIP. The decrease in consumption in the Community market resulted into a doubling of the level of closing stocks of the sampled producers between 2003 and the IP.

Likelihood of continuation of injury

As it was outlined above, the Community market was very attractive for Russian exporters. If measures were allowed to lapse, it would be likely that Russian exporters would increase their market share by selling at a low price. Given that undercutting already existed, this would all the more increase due to the drop in prices. Profits would also strongly decrease as prices for this commodity were highly volatile. Under these conditions, the CI would most likely have to significantly decrease its sales prices to maintain its customers.

Therefore, it was concluded that should the measures be repealed, it would be likely that increased imports at dumped prices would occur thereby causing injury to the Community industry by exerting a downward pressure on the sales prices which would endanger its currently positive financial situation.

Community interest

It was established that there were no compelling reasons against the maintenance of the current anti-dumping measures and that it would have no major impact on importers and users. However, if the measures were to be repealed, the Community industry would be injured.

Measures

In light of the above, it was concluded that the anti-dumping measures applicable to imports of AN originating in Russia should be maintained in order to prevent a recurrence of injury being caused to the Community industry by the dumped imports.

8.2.1.3. Reviews concluded by termination

During 2008, 5 expiry reviews were concluded by termination. It should be noted that some expiry reviews may be carried out in parallel with interim reviews. These reviews are marked with an asterisk.

The alphabetical list of cases which were concluded by termination during 2008, together with the result of the investigation, can be found below. More information can be obtained from the Official Journal to which reference is given in Annex F.

Product (type of investigation²³)	Originating from	Main reason for termination
Urea	Belarus Croatia Libya Ukraine	No continuation of material injury or risk of recurrence of either dumping or injury.
Welded tubes and pipes, of	Turkey	No likelihood of recurrence

²³ AD = anti-dumping investigation; AS = anti-subsidy investigation; AD + AS = parallel anti-dumping and anti-subsidy investigation

iron or non-alloy steel		of dumping.
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8.2.1.4 Details on individual cases

Urea originating in Belarus, Croatia, Libya and Ukraine

An expiry review was initiated in December 2006, following a request lodged by the European Fertiliser Manufacturers Association (EFMA). The product concerned is solid urea, whether or not in aqueous solution. The investigation period for the expiry review (RIP) covered 1 October 2005 to 30 September 2006 with injury trends assessed over the period October 2002 to September 2006.

Dumping

Croatia: The dumping margin in respect of Croatia was determined on the basis of a comparison of a weighted average normal value with a weighted average export price from the sole exporter, which led to a dumping margin in excess of 20%.

Belarus, Libya and Ukraine: As Belarus is considered a non-market economy, normal value was based on information from an analogue country, in this case the USA. Normal value for Libya was based on the cost of production plus a reasonable amount for selling, general and administrative costs and profits (8%). This approach also applied for three of the four cooperating companies in Ukraine with domestic prices being used for the remaining company's normal value. It was found that the quantities exported were of such low levels that the export prices would not be sufficiently reliable, in isolation, to establish a finding regarding the continuance of dumping. Therefore the normal values were compared to export prices from the countries concerned to other third countries. It was considered in all cases that dumping behaviour was evident. In addition the normal values were compared to what the export prices would be if exports were made at prices pertaining in the EU market at the time and it was also found that this would result in dumping.

Likelihood of continuation of dumping

The extra capacities in the countries concerned were also examined to evaluate the development of imports should measures be repealed. While all countries had spare capacity it was considered that while it was possible these increased quantities could be exported to the EU it was unlikely given that other export markets could yield prices equal to, if not higher than, those to the Community. It was also considered that given trends for large scale agricultural production in other regions of the world, exports of this spare capacity could be made to other third countries. For Croatia it was found that the anti-dumping measures had not prevented exports of urea to the EU and they could have already increased the quantities if wished but had not done so.

On the basis of the analysis it was concluded that dumping of significant quantities of urea would be unlikely to continue in the case of Croatia, nor to recur in the case of the other countries concerned should measures be repealed.

Situation on the Community market

Between 2002 and the RIP, the market share of the Community industry decreased slightly, together with sales volume on the Community market. However, the overall situation of the Community industry improved during the period .

Most other injury indicators, with the exception of the increase of stock volumes, developed positively: production volume and unit sales prices of the Community industry increased and profitability was, after 2002, significantly above the level of profit set as a target profit in the original investigation. Return on investment and cash flow evolved positively, wages developed moderately and the Community industry continued to invest. Productivity increased also substantially reflecting the positive evolution of production and the efforts of the Community industry to improve it through investments.

The applicant claimed that the long-term profitability requirements, measured as a return on sales, for the urea industry should be at the level of 25 % after tax (in the original investigation a profit margin of 8 % was established as reasonable). However they failed to show how this higher level of return could be achieved in the absence of the dumped imports. It was therefore concluded that there was no continuation of material injury to the Community industry.

Likelihood of recurrence of injury

The analysis then focused on the likelihood of recurrence of injury by examining possible export volumes and prices of the countries concerned and their effect on the Community industry. The analysis was done in a general market context of continuing high prices and profits not only in the Community but across the world, due to a large extent, to demand outstripping supply. There was nothing to indicate that this situation would change significantly in the short to medium term.

It was considered that export volumes from Ukraine, Libya and Belarus would not increase significantly should measures expire. For Croatia it was considered unlikely that exports would increase significantly from their current level.

Regarding export prices to the Community the analysis concluded that, given the likely development of key cost drivers such as gas, export prices would remain high and as a result it was unlikely that undercutting and/or underselling the Community industry's prices or costs would occur. .

The urea market is forecast to grow significantly in the coming years both in the Community and worldwide, mainly due to increased agricultural production (for biofuel applications) and also due to expanding industrial use for AdBlue (trade mark for an aqueous urea solution). It was concluded that there was no likelihood of recurrence of injury to the Community industry if existing measures to be repealed.

Termination of Measures

In light of the above, it was concluded that the anti-dumping measures applicable to imports of Urea originating in Ukraine, Croatia, Belarus and Libya should be repealed and the proceeding was terminated in March 2008.

8.2.2. Interim reviews

Article 11(3) and Article 19 of the basic Regulations provide 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 carrying out the investigations, it is being considered, *inter alia*, whether the circumstances with regard to dumping/subsidization and injury have changed significantly. Reviews can be limited to dumping/subsidization or injury aspects.

During 2008, a total of 13 interim reviews were initiated. 20 interim reviews were concluded with confirmation or amendment of duty and 6 investigations were concluded by terminating the measures. The alphabetical list of cases which were concluded during 2008 by confirming or amending the duties, together with the result of the investigation, can be found below. It should be noted that some interim reviews may be carried out in parallel with expiry reviews, which allow the amendment of the duty rates. In such case, these reviews are marked with an asterisk. More information can be obtained from the Official Journal to which reference is given in Annex G.

Product	Originating from	Result of the investigation/ Type²⁴
Grain oriented flat-rolled products of silicon-electrical steel (GOES)	Russia USA	Product scope redefined/ AD
Tartaric acid	P.R. China	Product scope redefined/ AD
Bicycle parts	P.R. China	Anti-circumvention measure maintained/AD
Plastic sacks and bags	P.R. China	MET granted to Xinhui Alida resulting in revised duty of 4.3%/AD
Seamless pipes and tubes	Russia	Revised level of duty for TMK of 27.2%
Sulphanilic acid (AS)	India*	Level of duty revised from 7.1% to 4.7%/AS
Antibiotics (broad spectrum) (AS)	India	Revised duty rate for 1 co-operating exporter down from 30.3% to 11.9%/AS
PET (polyethylene terephthalate) (AS)	India	Amendment of fixed duty rate EUR/Tonne AS: Individual €-106.5 Residual €9.4 AD: Individual €87.5 – €200.9 Residual €153.6

²⁴ AD = anti-dumping, AS = anti-subsidy, UT = undertaking.

Bedlinen (cotton-type) (AS)	India	Amendment of duty rate /AS Individual: 5.2% - 9.7%; Cooperating 7.7%; Residual 9.7%
Graphite electrode systems (AS)	India	Amendment of duties/ AS: Individual 6.3% - 7%, Residual 7.2% AD: Individual 0% - 9.4% Residual 8.5%
Okoumé plywood	P.R. China	Termination of review owing to withdrawal of review request – no change to measures/AD
Ammonium nitrate	Russia*	Termination of review without amending measures/AD
Ammonium nitrate	Ukraine	Termination of review without amending measures/AD
Urea and ammonium nitrate solutions	Russia	Termination of review without amending measures/AD
Polyester staple fibres	Belarus P.R. China Korea (Rep. of) Saudi Arabia	Termination of review without amending measures/AD
Welded tubes and pipes, of iron or non-alloy steel	Ukraine*	Lowering of dumping margin for one company, INterpipe to 107% - Residual duty remained unchanged

8.2.2.4 Details on individual cases

Grain oriented flat-rolled products of silicon-electrical steel (GOES) originating in the United States of America and Russia

The Commission decided, on its own initiative, to initiate a partial interim review in October 2006 limited in scope to the definition of the product. The product concerned is grain oriented flat-rolled products of silicon-electrical steel. The review concerned the exclusion of very thin GOES used typically in the aircraft and medical engineering industries.

Results of the investigation

The investigation showed that there was no known production in the Community of very thin GOES. Consequently, no Community producer had a direct interest and none of them objected to a possible exclusion of thin GOES from the scope of the measures.

It was examined whether the product concerned could be distinguished from 'ordinary' GOES on the basis of technical characteristics. It was found that the product concerned had to be re-rolled, re-annealed and re-coated which fundamentally altered the technical specifications of the product. Furthermore, the thin GOES had very specific end-uses in the aircraft industry and were not interchangeable with other GOES.

As a result, it was concluded that thin GOES had different basic physical and technical characteristics and end-uses than other GOES.

Measures

In light of the above, it was considered appropriate to exempt imports of GOES of a thickness of maximum 0.16 mm from the anti-dumping measures in force and the original definitive Regulation was amended accordingly, with retroactive effect to the date of the original measures. .

Seamless pipes and tubes of iron or steel (SPT) originating, inter alia, in Russia

The Commission decided on its own initiative to initiate a partial interim review in June 2007 in accordance with Article 11(3) of the basic Regulation, limited in scope to the level of dumping as far as one group of exporting producers (OAO TMK (TMK)) is concerned.

The product concerned is the same as that in the original investigation, i.e., certain seamless pipes and tubes of iron or steel originating in Russia. The review investigation period (RIP) for dumping covered the period from 1 April 2006 to 31 March 2007.

Results of the investigation

The company had not cooperated fully in the original investigation and therefore its dumping margin had been calculated on the basis of facts available. Nevertheless, the company managed to show that the insufficient cooperation was caused mainly by significant and lasting internal changes within the group which had begun to take place during the original investigation. It was due to these exceptional circumstances, which had an impact on the corporate governance of the group as well as on its accounting and auditing practices, that TMK could not provide adequate evidence of its prices and costs during the original investigation.

However, TMK did cooperate fully in the review investigation. Since the group provided reliable data, the dumping margin could be calculated on the basis of its own data.

Dumping

The comparison of the weighted average normal value by type with the weighted average export price of the corresponding type of the product concerned showed the existence of dumping. TMK's dumping margin expressed as a percentage of the net, free-at-Community-frontier price, duty unpaid, was found to be 27.2%.

Measures

In light of the above, it was considered appropriate to amend the anti-dumping measures applicable to imports of the product concerned from TMK to 27.2% since the level of the dumping margin found was lower than the injury margin established in the original investigation.

Solutions of urea and ammonium nitrate (UAN) originating in Russia

The partial interim review was initiated in December 2006, following a request lodged by Novomoskovskiy Azot and Nevinnomyssky Azot, members of Joint Stock Company 'Mineral and Chemical Company Eurochem', exporting producers from Russia. The scope of the review was limited to dumping as far as the applicant was concerned.

The product concerned is a solution of urea and ammonium nitrate (UAN), a liquid fertiliser commonly used in agriculture. The review investigation period (RIP) for dumping covered the period from 1 October 2005 to 30 September 2006.

Results of the investigation

Dumping

Due to the fact that the applicant did not sell representative quantities of UAN on the domestic market, normal value was constructed on the basis of the manufacturing costs incurred by the applicant plus a reasonable amount for selling, general and administrative costs and for profits. It was established that during this period the applicant did not have export sales of UAN to the European Community. As a result, it was considered appropriate to calculate the dumping margin during the RIP by comparing the normal value with export sales prices of the applicant to a third country, the USA. However, since export sales of the applicant to the USA during the RIP were made via a related trader, the export price was constructed on the basis of prices actually paid or payable to the applicant by the first independent customer in the USA.

This comparison showed a dumping margin of 33.95% expressed as a percentage of the cif North American frontier price, duty unpaid. This dumping margin was found to be higher than the one in the original investigation period .

The definitive duty in the original investigation was established at the level of the injury margin found, which was lower than the dumping margin as it was deemed that such a lesser duty would be adequate to remove the injury to the Community industry.

Measures

Although the circumstances on the basis of which the determination of dumping was based changed since the imposition of the definitive duties, the lesser duty rule applied and therefore it was concluded that the level of the anti-dumping duty in force should remain the same i.e. at the level of the injury margin. Therefore the review was terminated without amending the anti-dumping measures in force.

Bicycle Parts

Anti-dumping measures on bicycle parts originating in China were imposed in January 1997. This followed an anti-circumvention investigation into measures on bicycles which had been imposed in September 1993. In June 1997, the Commission authorised the exemption of Community assemblers not circumventing from the duty on bicycle parts.

Since the extension of the measures to imports of certain bicycle parts, the Commission had granted exemption from the anti-circumvention measure to a large number of companies based in the Community. The Commission also received exemption requests and the number of parties requesting an exemption had significantly increased. At the same time, there had been no apparent indications of circumvention practices by companies having been granted an exemption. In addition the Commission had at its disposal sufficient prima facie evidence that if the anti-circumvention measure was removed, there would be no continuation or recurrence of circumvention practices. In addition, the anti-circumvention measure has been in force for 10 years and it had never been reviewed since its introduction.

On this basis the Commission initiated a review of the anti-circumvention measure in 28 November 2006. The investigation covered the period from 1 October 2005 to 30 September 2006 (review investigation period or RIP) with trends relevant for the assessment of a likelihood of a continuation or recurrence of circumvention covering the period from 2003 up to the end of the RIP (period considered).

Findings and conclusion of the review

Owing to the large number of Community assemblers a sample of 8 companies was selected (all were exempted from the anti-circumvention duties).

The investigation found that the proportion of imports of Chinese origin of bicycle parts was far below the 60% threshold i.e. 37% among the sampled companies. However it was concluded that Chinese bicycle assemblers would have a strong incentive to import more Chinese bicycle parts (and exceed the 60% threshold) owing to their low price if the anti-circumvention measure was repealed.

With regard to the value-added rule it was found that on average the Community assemblers' value added was 22% during the RIP. It was considered that if the assemblers were, owing to the lack of measures, to exceed the 60% threshold on the value of imports, it would be unlikely that they would add more than 25% value in the process.

With regard to undermining the remedial effects of the duty it was impossible to carry out a reasonable analysis owing to the then market conditions (anti-circumvention measure and exemption scheme). In the absence of data in the RIP, the findings of the anti-circumvention investigation were found to remain valid i.e. the remedial effects of the duty were undermined in terms of sales prices and existence of dumping.

While it was concluded that no circumvention was taking place it was nevertheless decided that the anti-circumvention measure should be maintained, in order to ensure that the principal measure, i.e. the anti-dumping duty on bicycles, remained effective

and not undermined by circumvention in the form of assembly operations in the Community.

Polyester staple fibres originating in Belarus, the People's Republic of China, Saudi Arabia and Korea

On 30 August 2007 the Commission initiated, on its own initiative, a partial interim review of the measure applicable to imports of polyester staple fibres (PSF) originating in Belarus, Korea, Saudi Arabia and the People's Republic of China (PRC). The review was limited to whether or not the continued imposition of measures is not against the Community interest. Since the anti-dumping measures imposed on imports originating in Belarus lapsed on 11 October 2007, the review concerning this country has been discontinued.

Likelihood of a Continuation or Recurrence of Dumping

Spare capacities and the world wide PSF market were analysed in order to determine if dumping would continue or recur should the anti-dumping measures be repealed. Spare capacity in the PRC and Korea was found to be around 3 million and 114 000 tonnes respectively. There was no data available for Saudi Arabia and for Belarus the review was terminated owing to the AD measures having lapsed in October 2007. It was considered the spare capacity of these countries could be directed to the Community should measures be repealed. This would also be likely given that some of the other large export markets for PSF in the world are protected by anti-dumping duties for imports of PSF originating in the PRC. It was therefore concluded that there was a likelihood that significant quantities will be exported to the Community, should the anti-dumping measures in force be lifted.

Continuation or recurrence of injury

Despite efforts in terms of expansion and investments by the Community, in particular by the appearance of new industry in Poland and Romania and the foreseen expansion in Bulgaria, it was found that the situation of the Community industry in terms of profitability was still precarious. If the measures were lifted large import volumes at dumped prices would lead to additional price pressure on Community industry, reduced profit margins and profitability and increased losses. It was considered that this could result in likely cancellation of further investment, a decline in innovation, the erosion of the competitive position of integrated industry, cutbacks and closures. Therefore it was concluded that the repeal of the measures would be against the interest of Community industry.

Community interest aspects

Although most of the users that participated in the investigation considered that the maintenance of duties was against their interest, the investigation showed that the continuation of measures would not have a significantly negative effect on their economic and financial situation. Although most of the asked the Commission to repeal the antidumping duties, among those which cooperated in the investigation there was also a significant number that were against the termination of duties.

Conclusion

It was therefore concluded that the anti-dumping duties on imports of PSF originating in the People's Republic of China, Saudi Arabia and Korea should be maintained and a Regulation to that effect was published in September 2008.

Termination of the CVD measures in place on imports of Dynamic Random Access Memories (DRAMs) originating in the Republic of Korea

Definitive countervailing duties of 34,8 % on imports of certain electronic microcircuits known as Dynamic Random Access Memories (DRAMs) originating in the Republic of Korea were imposed in August 2003 . In April 2006, following a report adopted by the Dispute Settlement Body of the World Trade Organisation, the Council implemented the recommendations made by the Panel Report also lowering the definitive countervailing duty to 32,9%.

Prima facie evidence was received by the Commission from the Community producers Micron Europe Ltd and Qimonda AG indicating that Hynix Semiconductor Inc. (Hynix) was in receipt of additional subsidies in the period following the investigation period of the original investigation. In addition, Hynix submitted a request for a partial interim review alleging that the subsidies found to be countervailable in the original investigation had ceased to exist. In view of these submissions, in March 2006 the Commission initiated, ex officio, a partial interim review limited in scope to the examination of subsidisation of Hynix, in order to assess the need for the continuation, removal or amendment of the existing measures.

The investigation period ran from 1 January 2005 to 31 December 2005 (IP) and the product concerned was the same as that covered in the original investigation, i.e. certain electronic microcircuits known as Dynamic Random Access Memories (DRAMs) of all types.

Information was received from Hynix, the Government of Korea and a number of Korean banks, as well as Deutsche Bank AG. The Commission verified the information received including verification visit at premises of various co-operating parties.

The investigation

On the basis of the information available to the Commission at initiation and the replies received the following were investigated: a rescue package approved by the Hynix Creditors' and Financial Institutions Council (CFIC) in December 2002 (the new restructuring); alleged preferential financing provided by Korean banks to Beijing Orient Electronics (BOE) to facilitate the purchase of Hydis, a Hynix operation; alleged preferential financing provided by Korean banks to CVC to facilitate the purchase of System IC, a Hynix operation, including the transfer of Hynix debt to another entity at a discount; a discounted cash buyout of the Hynix debt; preferential tax treatment allegedly given to Hynix by GOK and a refinancing of Hynix debt in July 2005.

Financial contribution

The investigation showed that GOK had a keen interest in Hynix. In fact, Hynix's "structural adjustment" was cited as a main policy issue for the second half of 2002 in a report by the Ministry of Finance and Economy.

Various meetings took place between GOK and Hynix's creditors regarding Hynix. However, evidence on the record suggests that the GOK, mindful of the previous investigations in its involvement in Hynix by the European Communities and the United States, directed that any communication relating to Hynix should be made orally to avoid being traceable.

The GOK, in the meetings of April 2002, communicated its official position to Hynix's creditors, which was either to sell Hynix or to rescue it to buffer the shock to the economy. Although the GOK insisted that the decision of whether liquidation was on the table or not was left to the creditors, its statements regarding the importance of rescuing Hynix (by a restructuring or a sale) in order to restore confidence in the Korean markets belied such insistence. The various press articles and reports on record also demonstrated clearly that the GOK would not allow Hynix to fail.

The investigation also showed that GOK is a major shareholder in a large number of Hynix creditor banks. The information on the record provided by the banks, Hynix and the GOK shows that the GOK has at least a significant shareholding (> 20 %) in creditor banks/financial institutions holding at least 75 % of the voting rights in the CFIC. The GOK's involvement in the decisions taken by the Creditors' Council could not be doubted. Another example of GOK involvement in the Hynix creditor banks was the appointment of a former Minister of Industry and Commerce as Chairman of the Restructuring Committee of Hynix's CFIC, by the Steering Committee of that body, only for him to be re-appointed Minister a few months later. In addition the evidence also indicated that the creditors institutions' decision to approve the restructuring plan in December 2002 did not appear to be consistent with a market oriented approach given Hynix poor rating. Furthermore one of the wholly-owned GOK banks purchased Hynix debt from the other creditors to ease the financial burden on the banks that had been entrusted to save Hynix.

The evidence on the record regarding the GOK's policy as regards Hynix and its involvement in the decision-making process of Hynix's creditors, as well as the evidence relating to the dire state of Hynix and the market's unwillingness to advance capital, as well as the lack of evidence that the existing creditors acted in accordance with a market benchmark, itself undistorted by subsidies led to the conclusion that the GOK entrusted and directed Hynix's creditors to rescue Hynix by approving a new restructuring in December 2002. This constituted a financial contribution within the meaning of Article 2(1) of the basic Regulation.

Benefit

Hynix claimed that the new restructuring was market-based, as it was devised by external advisors after months of due diligence and was based on a Deutsche Bank (DB Report) report which recommended the course of action which was eventually followed. However in general terms, the relevant standard is whether or not a market-oriented investor with or without an existing exposure to Hynix, would have assessed the proposed investment in Hynix as one worth making. The DB report contained no evidence that outside private investors would have had any interest in putting money into Hynix. In any event, the financial situation of Hynix at the time of the new restructuring was dire and it was evident that Hynix was not in a position to service its liabilities. The express purpose of the new restructuring was to re-

finance Hynix and it could not be divorced from the initial 2001 bail-out. It was therefore considered that the new restructuring conferred a benefit to the company, within the meaning of Article 2(2) of the basic Regulation.

Specificity

As the measures comprising the new restructuring were taken exclusively for Hynix, the debt rollover, the principalisation of interest and a debt-to-equity swap were considered to be specific within the meaning of Article 3 of the basic Regulation.

Other alleged subsidy schemes investigated

A number of other alleged subsidy schemes were also investigated but these were not considered to constitute a subsidy in the context of the meaning of Article 2 of the basic Regulation. These included funding to a company to purchase Hynix assets and a discounted debt transfer to Magnachip, a company formed to buy System IC assets from Hynix – in both cases there was no evidence that the benefit passed through to Hynix. The investigation also addressed a cash buyout plan but there was no evidence suggesting that the participating creditors' behaviour was commercially unreasonable and finally a preferential tax treatment of Hynix which was found not to constitute a subsidy in accordance with the regulation. A refinancing of Hynix in July 2005 was also investigated but there was no evidence to show that this was not done on commercial terms.

Measures

The benefit from the subsidies countervailed in the original investigation was deemed to have been received on 1 January 2001 and was allocated over a period of five years, which corresponded to the normal depreciation period of the assets in the semiconductor industry.

The measures imposed in the original investigation related to one-off, non-recurring subsidies, allocated over a set period of time and as such allocation period is deemed to begin at the time the benefit was actually received, it was considered that the measures imposed by the definitive duty Regulation expired on 1 January 2006. As the debt rollover and the principalised interest of December 2002 ceased to confer a benefit on Hynix on 13 July 2005 and as the debt-to-equity swap of December 2002 expired on 31 December 2007, it was considered that the measures should be repealed with effect from 31 December 2007 and the proceeding terminated. It was also decided that any duties paid on DRAMS since that date up to April 2008 (the date of the regulation terminating the proceeding) should be repaid.

Termination of measures on Salmon originating in Norway.

Definitive anti-dumping duties, in the form of a minimum import price (MIP), were imposed on imports of farmed salmon originating in Norway in January 2006.

On the basis of a request received from a number of Member States alleging that there was a reduction in the level of dumping, the Commission initiated a partial interim review in April 2007 limited in scope to dumping.

The investigation covered the period from 1 January 2006 to 31 December 2006 (review investigation period or RIP). The product under review was the same as in the original investigation, i.e. farmed (other than wild) salmon. In view of the large number of exporting companies who responded to the requests for information, sampling had to be applied.

Dumping

The comparison between normal value and export prices was made on an ex-works basis adjusted for differences in discounts, rebate, transport, insurance, handling, loading and ancillary costs, packing, credit and import duties.

For the exporting producers which were included in the sample, an individual dumping margin was calculated. For exporters not included in the sample it was found that, for the bulk of their sales, their export prices were generally in line with those of the sampled exporters and therefore the sampling results were considered representative for all other exporters. Given almost 100% cooperation, it was also concluded that the dumping margins found for the sampled cooperating exporting producers were representative for Norway. Calculation of the dumping margins revealed that dumping during the RIP was at de minimis levels.

Likelihood of recurrence of dumping.

Since the dumping found during the RIP was de minimis, it was examined whether there was a likelihood of recurrence of dumping should measures lapse.

The investigation revealed that there were no reasons to believe that the production volume in Norway would increase above the traditional growth rate and thus lead to significantly increased export volumes from Norway to the Community. The investigation also established that the risk of a significant decrease in Norwegian export prices to dumped levels was limited in the foreseeable future, mainly due to the fact that a significant over-production in Norway, possibly the main trigger for a decline in prices, was not expected. Finally, it was considered that the changed situation of the Norwegian aquaculture sector which has become highly profitable and the shares of which are traded at the stock exchange, as well as the important presence of Norwegian owned production in the Community, made the recurrence of dumping practices in the future unlikely. It was therefore concluded that the likelihood of recurrence of dumping was low and did not warrant the continued imposition of the anti-dumping measures in force.

Consequently the measures on salmon were repealed on 17 July 2008. A monitoring mechanism was put in place until the original foreseen expiry of the definitive measures i.e. to January 2011, given a certain unpredictability of market conditions mainly due to the nature of the product (perishable goods). If market conditions seem to change significantly consideration will be given to the initiation of an investigation on an ex officio basis, should it be deemed necessary.

8.2.3. *“Other” interim reviews*

A number of other reviews, not falling under Article 11(3) or Article 19 of the basic Regulations were concluded during 2008.

A list of the cases concerned is given in Annex H which shows, in footnotes, the main issues concerned. More information can be obtained from the Official Journal to which reference is given in the Annex .

8.2.4. *New exporter reviews*

As far as anti-dumping measures are concerned, Article 11(4) of the basic Regulation allows for a review ("newcomer" review) to be carried out in order to determine individual margins of dumping for new exporters located in the exporting country in question which did not export 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 started to export 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.

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 Article 14(5) of the basic Regulation 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.

As far as anti-subsidy measures are concerned, Article 20 of the basic Regulation allows for a review ("accelerated" review) to be carried out in order to establish promptly an individual countervailing duty. Any exporter whose exports are subject to a definitive countervailing duty but who was not individually investigated during the original investigation for reasons other than a refusal to co-operate with the Commission can request such review.

In 2008, 1 new exporter review was initiated. Since the Commission carried out the first reviews of this type in 1990, a total of 54 investigations have been initiated. There were 3 new exporter reviews concluded during 2008, 2 of which were terminated and 1 (anti-subsidy) was concluded with the imposition of measures.

More information can be obtained from the Official Journal to which reference is given in Annex I.

8.2.5. *Absorption investigations*

Where there is sufficient information showing that, after the original investigation period and prior to or following the imposition of measures, export prices have decreased or that there has been no or insufficient movement in the resale prices or subsequent selling prices of the imported product in the Community, an "absorption" review may be opened to examine whether the measure has had effects on the above-mentioned prices. Dumping margins may as such be recalculated and the duty increased to take account of such lower export prices. The possibility of "absorption" reviews is included in Articles 12 and 19(3) of basic Regulations.

In 2008, there were no anti-absorption investigations initiated or concluded. – Annex J.

8.2.6 *Circumvention investigations*

The possibility of investigations being re-opened in circumstances where evidence is brought to show that measures are being circumvented was introduced by Article 13 and Article 23 of the basic Regulations.

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. The duties may be extended to imports from third countries of like products, or parts thereof, if circumvention is taking place.

In 2008, 1 anti-circumvention investigation was initiated. 2 such investigations were concluded, 1 with an extension of the duty and 1 without. More information can be obtained from the Official Journal to which reference is given in Annex K.

Footwear originating in the People's Republic of China (PRC)

In 2006 the Council imposed definitive antidumping duties ranging from 9.7% to 16.5 % on imports of footwear with uppers of leather originating in the People's Republic of China. The Commission monitored imports to detect any changes in the pattern of trade which could indicate circumvention of the measures. On the basis of evidence collected, the Commission initiated an anti-circumvention investigation on an ex-officio basis in September 2007. The investigation period (the 'IP') covered 1 July 2006 to 30 June 2007. Data was collected from 2004 up to the end of the IP to investigate the alleged change in the pattern of trade and other aspects.

Circumvention

The investigation revealed that imports of footwear from China diminished after the imposition of provisional measures in the original investigation (April 2006) while in contrast, imports from the Macao SAR increased enormously, constituting a change in the pattern of trade . It was also found that circumvention via assembly operations in Macao SAR also existed. For 8 exporters in Macao SAR, it was found that more than 60% of their materials were provided by Chinese companies and that the value added in the assembly operation to the parts brought in did not exceed 25% of the value of the cost of manufacturing. Furthermore there was a massive increase in the manufacturing of footwear in Macao SAR following the imposition of the measures on imports from China. This was caused by new companies being formed and pre-existing companies increasing and/or restarting production. There was also evidence of transshipment of footwear via Macao for which no justification could be found other than avoiding the measures.

A dumping test was carried out regarding the exports from Macao and it was found that when compared to the normal value from the original investigation significant dumping existed ranging from 8% to 57%. It was also found that the imports from Macao SAR undermined the remedial effects of the original measures owing to increased quantities and dumped prices significantly below the injury elimination level established for the original investigation.

Extension of the measures

The investigation concluded that there was clear circumvention of the measures on the product concerned from the PRC within via the Macao SAR. As a result the anti-dumping measures imposed by the original definitive Regulation on imports of the product concerned originating in the PRC were extended to the same product consigned from the Macao SAR, whether declared as originating in the Macao SAR or not.

Ring binder mechanisms (RBMs) originating in the People's Republic of China (PRC) and RBMs consigned from Thailand, whether declared as originating in Thailand or not

The anti-circumvention investigation was initiated in December 2007, following a complaint lodged by Ring Alliance Ringbuchtechnik GmbH, a Community producer of certain ring binder mechanisms.

The product concerned by the possible circumvention is certain ring binder mechanisms (RBM) originating in the PRC. For the purpose of the investigation, certain ring binder mechanisms consisted of two rectangular steel sheets or wires with at least four half rings made of steel wire fixed on it and which were kept together by a steel cover. They could be opened either by pulling the half rings or with a small steel-made trigger mechanism fixed to the ring binder mechanism.

The products under investigation were certain ring binder mechanisms which were slightly modified originating in the People's Republic of China and certain ring binder mechanisms, whether slightly modified or not, consigned from Thailand (the products under investigation).

The investigation covered the period from 1 October 2006 to 30 September 2007 (the IP). Data was collected from 2004 to the end of the IP in order to investigate the change in the pattern of trade (the period investigated).

Slightly modified RBMs from PRC

Essential characteristics

The investigation established that one of the two cooperating Chinese exporting producers was producing slightly modified RBMs. The modification consisted in changing the rectangular shape of the sheets so that the classification of these product types would fall under codes not subject to the measures. Nevertheless, it was found that the modification did not alter the essential characteristics of the product so as to exclude it from the scope of the product concerned.

Change in pattern of trade

This type of RBM was designed at the request of an operator in the Community and their import into the Community started in 2003, after the initiation of the expiry review investigation of the measures applicable to imports of RBMs originating in the PRC. As such, it was considered that there was a change in the pattern of trade between the exporting producer and the Community stemming from the practice of slightly modifying the product concerned.

Insufficient due cause or economic justification

Since the modifications were very minor and all sales of the slightly modified product were only to the operator in the Community upon whose request they were designed, it was concluded that there was no economic justification, other than the imposition of anti-dumping duties, for the change in the pattern of trade.

Dumping

The comparison of the weighted average normal value as established in the review investigation and the weighted average export price established during the IP revealed dumping above the de minimis threshold.

Undermining the remedial effects of the duty

On the basis of the above, it was concluded that the change in trade flows, together with the abnormally low export price of the slightly modified products, had undermined the remedial effects of the anti-dumping measures in terms of both quantities and prices of the like products.

Alleged transshipment via Thailand

Thai Stationery Industry Co. Ltd. (TSI), the sole exporter of RBMs in Thailand, was established in 1998, i.e. one year after the imposition of anti-dumping duties on certain RBMs from the PRC. TSI was a subsidiary of a Hong-Kong-based company that also owned a RBMs production plant in the PRC.

Nevertheless the investigation showed that, during the period investigated, TSI was producing RBMs and that the quantity of raw materials imported by the company was sufficient to produce the quantity of RBMs exported to the Community. Therefore, it was considered that TSI was a genuine producer of certain RBMs. Moreover, the investigation did not reveal that any slightly modified RBMs were produced and exported by TSI to the Community during the IP.

Thus, it was concluded that transshipment of RBMs via Thailand had not taken place in the IP.

Measures

As regards the possible circumvention by imports of slightly modified RBMs from the PRC, it was concluded that the existing anti-dumping measures on imports of the product concerned originating in the PRC should be extended to the slightly modified RBMs originating in the same country. Furthermore, the definition of the product concerned should be amended so as to extend the anti-dumping measures to certain slightly modified RBMs.

As regards the possible circumvention by imports of RBMs consigned from Thailand, it was concluded that the investigation should be terminated and that registration of imports should

8.3. Safeguard investigations

Safeguard measures have always been and remain an exceptional instrument which the Commission would only apply in truly exceptional circumstances. Indeed, they

are only used where it is clear that, applying the highest standards, such measures are necessary and justified because, due to unforeseen circumstances, there has been a surge in imports and this has caused or threatens to cause serious damage to the Community industry.

The Commission expects the Community's commercial partners to follow a similarly strict approach. However, more and more countries are adopting safeguard measures, often in circumstances which do not appear to be entirely in line with Article XIX of the GATT 1994, the WTO Agreement on Safeguards and other WTO rules. Consequently, the activities of the Commission in relation to safeguards is more and more driven towards the defence of the export interests of Community producers, if necessary at WTO level.

As regards conventional trade regimes, the Commission has agreed within the various bilateral agreements to which it is a party (Europe Agreements, Agreements with Mediterranean countries, Free Trade Agreements with South Africa, Mexico, Chili, etc.) to introduce special safeguard clauses, which apply to cases, which arise between the partners. These clauses normally entail rights and obligations additional to those arising under WTO safeguard rules (in particular special notification and consultation procedures). In this regard, the Commission carefully monitors any cases, which are initiated by partners with which it has a preferential trade agreement.

At the start of 2008 there were no safeguard measures in place. During 2008 no safeguard investigations were initiated or ongoing.

9. ENFORCEMENT OF ANTI-DUMPING/COUNTERVAILING MEASURES

Globalisation of trade led to greater possibilities for circumventing or otherwise reducing the effectiveness of anti-dumping and countervailing measures. To address this problem, throughout 2008 the TDI services continued their follow-up activities aimed at ensuring that measures were effectively enforced. In the framework of an integrated approach measures were considered in all their forms - duties and undertakings – and synergy was sought between the TDI services and enforcement-oriented services (OLAF, DG Taxud and customs authorities in Member States).

9.1. Follow-up of measures

The follow-up activities concerning measures in force are centred on four main areas: (1) to pre-empt fraud, by defining risk-related areas, alerting customs authorities and assessing the feedback from customs and economic operators; (2) to monitor trade flows and market developments; (3) to improve the effectiveness with the appropriate instruments (new investigation, interim review, newcomer review, contact with national administrations) and (4) to react to irregular practices by enhancing the co-operation with enforcement-related services (OLAF and national customs) and by initiating anti-absorption or anti-circumvention investigations.

9.2. Monitoring of undertakings

Monitoring of undertakings forms part of the enforcement activities, since undertakings are a form of anti-dumping or countervailing measure. They are

accepted by the Commission if it is satisfied that they can effectively eliminate the injurious effects of dumping or subsidisation. To achieve this goal, exporters normally pledge to raise their prices. The necessary price increase stems from the findings of the investigation and directly depends on the level of dumping or subsidisation found, or on the injury elimination level, whichever is the lower.

In order to allow the Commission to monitor whether or not the undertakings are being respected, the parties concerned have to submit regular sales reports, normally every quarter. They also have to provide the Commission with any other information that is considered necessary, and to allow verification of such data and any other relevant information at their premises, even at short notice.

At the beginning of 2008, there were undertakings in force accepted from 38 companies, covering 13 products originating in 11 different countries.

During 2008, the following changes to the portfolio of undertakings took place:

Undertakings of 3 companies came to an end:

- two companies were found to breach their undertakings and therefore the Commission withdrew the acceptance of their undertakings and the applicable anti-dumping duties became payable (ferro silicon originating in Former Yugoslav Republic of Macedonia – 1 company; castings originating in the People's Republic of China – 1 company);
- the undertaking of one company was repealed since the measures concerning that country were repealed as a result of a interim review (grain oriented flat-rolled products of silicon-electrical steel originating in Russia– 1 company);

In addition, 11 offers for undertakings have been accepted:

- in three new proceedings, undertakings of 11 companies were accepted (ammonium nitrate originating in Russia - 2 companies and Ukraine – 1 company; urea ammonium nitrate originating in Russia – 1 company and citric acid originating in China – 7 companies);

This brings the total number of undertakings in force at the end of 2008 to 46, covering 11 products originating in 10 different countries. Details concerning the above can be found in Annex M and an overview of all undertakings in force can be found in Annex Q.

As undertakings have to provide the same remedial effect as the alternative duties would do, the examination, adaptation and drafting of undertaking offers has to be based on a double assessment of risk and effectiveness. This has led to situations in which undertakings were not considered to be acceptable, notably where the trading patterns of the company allow too much scope for cross-compensation (i.e. the price increase charged for products subject to the undertaking being compensated through the granting of rebates on products not subject to the undertaking, if sold to the same customer in the Community) or where the product concerned was not suitable for a price undertaking (i.e. high price fluctuations of the product concerned which cannot be explained by the fluctuation in the price of the raw material and thus does not allow to index the minimum import prices) .

10. REFUNDS

Articles 11(8) and 21(1) of the basic Regulations allow importers to request the reimbursement of the relevant collected duties where it is shown that the dumping/subsidy margin, on the basis of which duties were paid, has been eliminated or reduced to a level below that of the duty in force.

During 2008, 25 new refund requests were lodged (covering 55 submissions). 9 cases were closed, no full or partial refunds were granted, 3 refund requests were rejected and 6 requests were withdrawn.

11. JUDICIAL REVIEW: DECISIONS GIVEN BY THE COURT OF JUSTICE / COURT OF FIRST INSTANCE

11.1. Overview of the judicial reviews in 2008

In 2008, the Court of Justice (CoJ) and the Court of First Instance (CFI) rendered 8 judgments and issued 10 orders in total relating to the areas of anti-dumping or anti-subsidy.

11.2. Cases pending

A list of the anti-dumping/anti-subsidy cases before the CFI and the Court of Justice still pending at the end of 2008 is given in Annex S (33 before the CFI and 7 before the CoJ).

11.3. New cases

16 new cases were lodged in 2008 (compared to 10 in 2007 and 19 in 2006). 10 of these were lodged before the CFI and 6 before the CoJ.

11.4. Judgments rendered and orders issued by the Court of First Instance

6 judgments relating to the anti-dumping or anti-subsidy areas were rendered by the Court of First Instance (CFI). The CFI also issued 6 orders dismissing the application for leave to intervene, deciding there is no need to adjudicate on the action, dismissing the action as manifestly inadmissible or removing cases from the register due for example to the proceedings being discontinued by the applicant. Details of some of the cases are set out below.

11.4.1 *Ironing boards originating in, inter alia, China – T-206/08 – Foshan Shunde Yongjian Housewares & Hardware Co. Ltd. v. Council of the European Union – Judgment of 29 January 2008 (OJ C 64 of 08.03.2008, p. 37)*

Foshan Shunde Yongjian (the applicant), a Chinese exporting producer sought annulment of Council Regulation (EC) No. 452/2007 imposing definitive measures on ironing boards originating in the People's Republic of China and Ukraine. The applicant based its claim on two pleas alleging that (i) the institutions committed an error of law in the application of Article 2(7)(c) of the Basic AD Regulation relating to market economy treatment (MET) and (ii) that its rights of defence had been violated.

The applicant's request for MET had been rejected at the stage of provisional measures. Thereafter the Commission analysed the issue further, also in light of further information submitted, and informed the applicant that it intended to grant it MET and calculate its normal value on the basis of the company's own data. Following comments by the complainants and some Member States, the Commission reconsidered and confirmed the position it had taken at the provisional stage – i.e. it rejected the applicant's MET request.

In its first plea, the applicant alleged that the institutions had based its final rejection of its MET request on an incorrect interpretation of case-law concerning MET. That case-law did not permit a reassessment of old facts.

The Court examined the facts and allegations and found that the institutions had in fact based their rejection of the applicant's MET request on the non-fulfilment of the substantive criteria and not on a prohibition of reassessment of old facts. It thus dismissed the applicant's claims.

On the second plea the applicant alleged that by sending the proposal for the Regulation to the Council six days after sending the revised final disclosure to the applicant (and four days prior to the deadline for the applicant to submit comments), the Commission violated the applicant's rights of defence.

The Court found that the Commission had breached the provision of the Basic AD Regulation requiring that parties have at least 10 days to submit their comments. However, such a breach could only result in the annulment of the regulation in question, if there was a possibility that due to that irregularity, the administrative procedure could have resulted in a different outcome, thus affecting the applicant's rights of defence. That was not the case here. The applicant had already had the opportunity to give its view on the position set out again in the revised final disclosure. The applicant had not put forward any new arguments that could have affected the outcome of the investigation.

The Court rejected both pleas and dismissed the action.

The applicant appealed. The appeal case is pending before the Court of Justice.

11.4.2 Seamless pipes and tubes - T-429/04 - Trubowest Handel and Makarov v Council and Commission - Judgment of 9 July 2008 (OJ C 209 of 15.8.2008, p.43)

The applicants, an importer of seamless pipes and tubes in the European Community and its managing director, requested to be compensated for the damage they allegedly suffered as a result of the adoption of Regulation 2320/97 imposing definitive anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Hungary, Poland, Russia, the Czech Republic, Romania and the Slovak Republic.

The applicants argued that in the context of proceedings under Article 81 EC, a fine was imposed on several community producers of seamless pipes and tubes. According to the applicants, it is very likely, if not certain, that the anti-competitive conduct of the seamless pipes and tubes producers affected the injury and causality analysis of the anti-dumping proceedings, given the overlap in the product scope, in the companies involved and in the periods of investigation of the competition and

anti-dumping proceedings. Nevertheless, the applicants contend, the Commission entirely failed to take into account that anti-competitive conduct when determining the injury caused by the allegedly dumped imports, as required by Regulation 384/1996.

In its analysis the Court concentrated on whether a sufficiently direct causal link existed between the alleged wrongful conduct of the Council and Commission and the alleged damage. It considered that that causal could not be regarded as having been sufficiently direct. Consequently, the Court dismissed the applicants' claims for compensation as unfounded.

As the conditions for establishing non-contractual liability on the part of the Community are cumulative, the Court considered that there was no need to examine whether the other conditions laid down by the case-law had been satisfied. The decision on the appeal lodged by the applicants against this judgement is still pending.

11.4.3 Ammonium Nitrate originating in Russia – T-384/05 – JSC Kirovo-Chepetsky Khimichesky Kombinat v Council of the European Union : Judgment of 10th September 2008 (OJ C 272 of 25.10.2008, p.17)

In 2002 measures were imposed against imports of ammonium nitrate originating in Russia. The product concerned was defined as "ammonium nitrate other than in aqueous solution and mixtures of ammonium nitrate with calcium carbonate or other inorganic non-fertilising substances, with a nitrogen content exceeding 28% by weight..." In 2005, following a partial interim review limited to 'scope' under Article 11(3) of the basic Regulation, the contested Regulation amended the product scope to "solid fertilisers with an ammonium nitrate content exceeding 80% by weight." The applicant, a Russian exporter, challenged the extension of the duty to solid fertilisers.

The Court found that the Council does not have the power, in an interim review, to extend measures to non products concerned, even if the duty is applied only in proportion of the amount of product concerned incorporated in the non product concerned. Therefore it annulled the contested regulation as it concerns the applicant.

11.4.4 Polyester staple fibres from Korea - T-221/05 - Huvis v Council of the European Union: Judgment of the Court of 8 July 2008 (OJ C 209 of 15.8.2008, p.44)

The applicant, a Korean-based company specialising in the production of polyester filament yarn, polyester staple fibre and polyethylene terephthalate requested annulment of Council Regulation (EC) No 428/20051, by which the Council imposed a definitive anti-dumping duty of 5.7% on imports of polyester staple fibre manufactured by the applicant and originating in Korea.

The judgement deals mainly with two issues:

The change between the review and the initial investigation of the method used to calculate the adjustment made under the duty drawback scheme for import charges and indirect taxes and

The rejection of a credit cost adjustment claim based on the so-called "open account system" used in South Korea.

Concerning the first issue, the Court stated that using the same method in the context of a review as the method used in the initial investigation which led to the duty being imposed is a general rule set by Article 11(9). The exception to this rule must be interpreted strictly: it is for the institutions to demonstrate that the circumstances have changed. The Court considered that the institutions failed to do so in the present case. Therefore, it annulled the contested regulation to the extent to which the anti-dumping duty imposed exceeds that which would be applicable if the method used in the original investigation, had been used to calculate the adjustment to the normal value.

As to the second issue, the Court upheld the Institutions' decision to reject the credit costs adjustment. It confirmed that 'it is for the party claiming an adjustment under Article 2(10)(g) of the basic regulation to demonstrate, first, that a credit has been granted and, second, that it affects the prices and their comparability'. This means, *inter alia*, that the party claiming for an adjustment must show that the credit terms were known at the time the price was agreed with the customer and that the credit terms influenced the price.

11.4.5 *Polyethylene terephthalate (PET) originating in, inter alia, India – T-45/06 – Reliance Industries v. Council of the European Union and Commission of the European Communities – Judgment of 24 September 2008 (OJ C 285 of 08.11.2008, p. 35)*

The applicant, an Indian company, sought the annulment of

- Commission Notices of initiation of 1 December 2005 of expiry reviews of (i) countervailing measures (OJ 2005 C 304, p. 4) and (ii) anti-dumping measures (OJ 2005 C 304, p. 9) applicable to imports of certain polyethylene terephthalate (PET) originating in, *inter alia*, India;
- Council Regulations (EC) No 2603/2000 and (EC) No 2604/2000 imposing definitive countervailing and anti-dumping duties on PET originating in, *inter alia*, India, and Commission decision 2000/745/EC accepting undertakings in relation to those proceedings, - in so far as those measures purported to apply to the applicant after 1 December 2005;

or, alternatively, Article 11(2) of the Basic AD Regulation and Article 18(1) of the Basic AS Regulation (i.e. the provisions relating to expiry reviews).

The Court first ruled on admissibility and held that the action for annulment was admissible only in so far as it sought annulment of the Notices of initiation and in so far as it was directed against the Commission. The plea of illegality was held admissible only in so far as it related to the lawfulness of the specified articles of the Basic Regulations.

The Court then examined the substance. The single plea relied upon by the applicant related to the belated initiation of the expiry reviews of the definitive anti-dumping and countervailing measures (and undertakings) on PET. The Court found that a review which is initiated before midnight on the last day of the normal period for the application of measures must be regarded as being in conformity with Article 11.3 of the WTO Anti-Dumping Agreement and Article 21.3 of the WTO Anti-Subsidy Agreement. The expiry reviews in the present case were thus initiated within the

time-limits prescribed by the Basic Regulations, interpreted in light of the WTO Agreements. The Court also found those provisions sufficiently legally certain and ruled that the Commission did not breach the principle of sound administration.

The Court thus dismissed the action and ordered the applicant to pay the costs.

No appeal was made to the European Court of Justice. However, at the end of 2008, in the context of WTO dispute settlement, India requested consultations with the EC pertaining to the measures on PET – see Para 12.1.2.

11.4.6 Imports of certain graphite electrode systems originating in India- T-462/04 - HEG and Graphite India v Council of the European Union: Judgment of the Court of 17 December 2008 (OJ C 32 of 7.2.2009, p.25)

The applicants were two Indian companies which manufacture and export certain graphite electrode systems to the European Community.

The Court rejected the application in its entirety. The most important findings of the Court can be summarised as follows:

- Failure to open an investigation against other potential sources of dumping cannot be considered as a breach of the principle of non-discrimination set in Article 9(5).
- The applicants cannot claim their rights of defence were infringed if they have failed to sufficiently alert the Commission and then the Council about the difficulties caused by the alleged defective nature of the non-confidential version of the complaint.

11.5. Judgments rendered by the Court of Justice

In 2008, the Court of Justice (CoJ) rendered 2 judgments relating to the anti-dumping or anti-subsidy areas and issued 4 orders dismissing the appeal against the Court of First Instance order dismissing the party's application for leave to intervene.

12. ACTIVITIES IN THE FRAMEWORK OF THE WORLD TRADE ORGANIZATION (WTO)

12.1. Dispute settlement in the field of anti-dumping, anti-subsidy and safeguards

12.1.1. Overview of the WTO dispute settlement procedure

The WTO provides for a rigorous procedure for the settlement of disputes between WTO Members concerning the application of the WTO agreements. The procedure is divided into two main stages. The first stage, at the level of the WTO Members concerned, consists of a bilateral consultation. Upon failure of the consultation, the second stage can be opened by requesting the WTO Dispute Settlement Body to establish a panel. WTO Members, other than the complaining and defending party, with an interest in a given case, can intervene as "third parties" before the panel. The panel issues a report, which can be appealed before the Appellate Body (AB) (each appeal being heard by three members of a permanent seven-member body set up by the Dispute Settlement Understanding). Both the panel report and the report by the

Appellate Body are adopted by the Dispute Settlement Body (DSB) unless the latter rejects the report by unanimity.

The findings of a panel or Appellate Body report have to be implemented by the WTO Member whose measures have been found to be inconsistent with the relevant WTO Agreements. If the complaining WTO Member is not satisfied with the way the reports are implemented, it can ask for the establishment of a so-called “implementation panel”. Here too, appeal against the findings of the panel is possible.

It should be noted that the anti-dumping, anti-subsidy and safeguards measures are among the most popular subject matters in WTO dispute settlement.

12.1.2. Dispute settlement procedures against the Community

Norway – farmed salmon

In January 2008 the WTO adopted a panel report in a dispute brought by Norway against the EU's AD measures on farmed salmon. The panel report had been issued in November 2007. Norway had challenged the EU measure in extraordinarily numerous claims pertaining to all aspects of the investigation and covering most of the provisions of the Anti-Dumping Agreement.

The EC won on a number of points that are important for its anti-dumping policy and practice – including, for example, the confirmation that sampling is permissible in the context of the injury analysis. A further significant victory for the EC was the panel's rejection of Norway's request for the EC to withdraw the measures. In contrast, most of the points on which the EC lost are of a technical nature or specific to certain Norwegian companies, although certain minor changes regarding the methodology for calculating dumping, for example, may be required.

After the adoption of the panel report, the EU began the process of implementing the findings i.e. putting the measure into conformity with the Panel ruling. However, the process was terminated owing to the repeal of the measure in July 2008 following an unrelated interim review.

India - Polyethylene terephthalate (PET) – Request for consultations

In December 2008 India lodged a request in the WTO for consultations with the EU regarding the AD and AS measures in place on Polyethylene terephthalate (PET). The request covered issues such as the allegedly late initiation of the expiry reviews, the cumulation of imports and rights of defence issues.

12.2. Other WTO activities

In 2008, the DDA Negotiating Group on rules met in the first half of the year to discuss the first Chair's draft text which was circulated in November 2007. A vast majority of the WTO membership, including the EU, stressed the unbalance of the text overall. This was particularly the case of the anti-dumping and fisheries subsidies draft texts. Many called for the Chair to issue a new, more balanced, text at the earliest possible time.

As an interim step, the Chair tabled in May 2008 a working document covering anti-dumping, horizontal subsidies and fisheries subsidies (WTO document TN/RL/W/232). The working document purported to convey the full spectrum and intensity of the reactions to the Chair's first draft texts and to identify the many suggested changes put forward by Members.

In the Ministerial Conference of July 2008, the Chair announced that he intended to issue revised draft texts on anti-dumping and horizontal subsidies (WTO document TN/RL/22). In fisheries subsidies however, the Chair considered that the Members' views still diverged too widely to allow him to produce a new draft text. Instead, he announced a list of issues ("roadmap") that the Group will have to address in 2009.

In December 2008, the Chair circulated a revised draft text on anti-dumping, subsidies and fisheries subsidies (WTO document TN/RL/W/236). Most contentious issues were taken out from the anti-dumping and subsidies texts and were replaced by "placeholders" which summarised the points of contention among Members on each issue. The Chair also attached his fisheries subsidies "roadmap".

In parallel to these activities, participation by the Commission services in the regular work of the Anti-dumping, Subsidies and Countervailing and Safeguards Committees continued. The Committees met twice in regular sessions to review notifications and raise issues of special interest. On Anti-dumping a new common format for the semi-annual reporting of Anti-dumping actions was agreed in the committee. On Subsidies the EC's 2007 New and Full Subsidy notification was being dealt with in the committee and numerous replies were provided to Members' questions.

13. CONCLUSION

2008 saw a significant increase in the number of new cases initiated while the number of investigations terminated without the imposition of measures dropped. The number of definitive measures imposed, increased in comparison to the previous year while the number of provisional measures was less than half compared to 2007. Regarding reviews, there was a drop in initiations in 2008 compared to the previous year.

LIST OF ANNEXES

ANNEXES : SUMMARY

- ANNEX A** New investigations initiated during the period 1 January - 31 December 2008
A. Anti-dumping investigations
B. Anti-subsidy investigations
- ANNEX B** New investigations initiated
A. by product sector during the period 2004 – 2008 (31 December)
B. by country of export during the period 2004 – 2008 (31 December)
- ANNEX C** New investigations concluded by the imposition of provisional duties during the period 1 January - 31 December 2008
A. Anti-dumping investigations
B. Anti-subsidy investigations
- ANNEX D** New investigations concluded by the imposition of definitive duties during the period 1 January - 31 December 2008
A. Anti-dumping investigations
B. Anti-subsidy investigations
- ANNEX E** New investigations terminated without imposition of measures during the period 1 January - 31 December 2008
A. Anti-dumping investigations
B. Anti-subsidy investigations
- ANNEX F** Expiry reviews initiated or concluded during the period 1 January – 31 December 2008
- ANNEX G** Interim reviews initiated or concluded during the period 1 January – 31 December 2008
- ANNEX H** Other reviews concluded during the period 1 January - 31 December 2008
- ANNEX I** New exporter reviews initiated or concluded during the period 1 January – 31 December 2008
A. Anti-dumping investigations
B. Anti-subsidy investigations
- ANNEX J** Anti-absorption investigations initiated or concluded during the period 1 January - 31 December 2008
- ANNEX K** Anti-circumvention investigations initiated or concluded during the period 1 January - 31 December 2008
- ANNEX L** Safeguard investigations initiated or concluded during the period 1 January - 31 December 2008
- ANNEX M** Undertakings accepted or repealed during the period 1 January – 31 December 2008
- ANNEX N** Measures which expired during the period 1 January - 31 December 2008
- ANNEX O** Definitive anti-dumping measures in force on 31 December 2008
A. Ranked by product
B. Ranked by country
- ANNEX P** Definitive anti-subsidy measures in force on 31 December 2008
A. Ranked by product
B. Ranked by country

- ANNEX Q** Undertakings in force on 31 December 2008
- A. Ranked by product
 - B. Ranked by country
- ANNEX R** Anti-dumping & anti-subsidy investigations pending on 31 December 2008 :
- A. New investigations (ranked by product)
 - B. Review investigations (ranked by product)
 - C. Ranked by country (new & review investigations)
- ANNEX S** Court cases
- A. Court cases pending before the Court of Justice and the Court of First Instance of the European Communities on 31 December 2008
 - B. Judgments, orders and other decisions rendered by the Court of Justice and the Court of First Instance of the European Communities during 2008
- ANNEX T** Safeguard and surveillance measures in force on 31 December 2008

ANNEX A

New investigations initiated

during the period 1 January – 31 December

A. Anti-dumping investigations (chronological by date of publication)

Product	Country of origin	OJ Reference
Stainless steel cold rolled flat products	P.R. China Korea (Rep. of) Taiwan	C 29 01.02.2008, p. 13
PSC wires and strands	P.R. China	C 43 16.02.2008, p. 9
Candles, tapers and the like	P.R. China	C 43 16.02.2008, p. 14
Wire rod	P.R. China Moldova (Rep. of) Turkey	C 133 08.05.2008, p. 20 corrected by C 145 11.06.2008, p. 14
Biodiesel	USA	C 147 13.06.2008, p. 5
Seamless pipes and tubes of iron or steel	P.R. China	C 174 09.07.2008, p. 7
Aluminium foil	Armenia Brazil P.R. China	C 177 12.07.2008, p. 13
Sodium metal	USA	C 186 23.07.2008, p. 32
Hollow sections	Belarus Turkey Ukraine	C 290 13.11.2008, p. 13
Ring binder mechanisms	Thailand	C 322 17.12.2008, p. 13

B. Anti-subsidy investigations (chronological by date of publication)

Product	Country of origin	OJ Reference
Biodiesel (AS)	USA	C 147 13.06.2008, p. 10
Sodium metal (AS)	USA	C 186 23.07.2008, p. 35

ANNEX B

A) New investigations initiated by product sector during the period 2004 – 2008
(31 December)

Product	2004	2005	2006	2007	2008
Chemical and allied	8	3	13	2	2
Textiles and allied	4	1	2	-	-
Wood and paper	-	-	-	-	-
Electronics	-	7	5	-	-
Other mechanical engineering	2	2	2	-	1
Iron and Steel	13	4	-	6	11
Others metal	-	-	9	-	3
Other	2	9	5	1	3
	29	26	36	9	20
Of which anti-dumping	29	24	35	9	18
anti-subsidy	0	2	1	0	2

B) New investigations initiated by country of export during the period 2004 – 2008 (31 December)

Country of origin	2004	2005	2006	2007	2008
Armenia	-	-	-	-	1
Australia	-	-	-	-	-
Belarus	1	-	-	1	1
Bosnia & Herzegovina	-	-	-	1	-
Brazil	-	-	-	-	1
China (People's Republic of)	9	8	12	6	6
Croatia	-	1	-	-	-
Egypt	-	-	1	-	-
Guatemala	-	1	-	-	-
Hong Kong	-	2	-	-	-
India	-	1	2	-	-
Indonesia	1	-	-	-	-
Japan	-	-	1	-	-
Kazakhstan	-	-	2	-	-
Korea (Rep. of)	3	1	1	-	1
F.Y.R.O.M	-	-	1	-	-
Malaysia	1	3	2	-	-
Moldova (Rep. of)	-	-	-	-	1
Norway	1	-	-	-	-
Pakistan	-	1	-	-	-
Philippines	1	-	-	-	-
Romania	-	2	-	-	-
Russia	3	1	2	1	-
South Africa	-	-	1	-	-
Taiwan	3	1	3	-	1
Thailand	1	2	2	-	1
Turkey	-	-	1	-	2
Ukraine	-	-	3	-	1
USA	2	-	2	-	4
Vietnam	3	1	-	-	-
	29	26	36	9	20

ANNEX C

New investigations concluded by the imposition of provisional duties

during the period 1 January – 31 December 2008

A. Anti-dumping investigations (chronological by date of publication)

Product	Country of origin	Regulation N°	OJ Reference
Citric acid	P.R. China	Commission Reg. (EC) No 488/2008 02.06.2008	L 143 03.06.2008 p. 13
Monosodium glutamate	P.R. China	Commission Reg. (EC) No 492/2008 03.06.2008	L 144 04.06.2008 p. 14
Citrus fruits	P.R. China	Commission Reg. (EC) No 642/2008 04.07.2008 Corrigendum in all languages	L 178 05.07.2008 p. 19 L 258 26.09.2008 p. 74
PSC wires and strands	P.R. China	Commission Reg. (EC) No 1129/2008 14.11.2008	L 306 15.11.2008 p. 5
Candles, tapers and the like	P.R. China	Commission Reg. (EC) No 1130/2008 14.11.2008	L 306 15.11.2008 p. 22

B. Anti-subsidy investigations (chronological by date of publication)

Product	Country of origin	Regulation N°	OJ Reference
None	-	-	-

ANNEX D

New investigations concluded by the imposition of definitive duties

during the period 1 January – 31 December 2008

A. Anti-dumping investigations (chronological by date of publication)

Product	Country of origin	Regulation N°	OJ Reference
Dihydromyrcenol	India	Council Reg. (EC) No 63/2008 21.01.2008	L 23 26.01.2008 p. 1
Ferro-silicon	P.R. China Egypt Kazakhstan F.Y.R.O.M Russia	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
Manganese dioxides	South Africa	Council Reg. (EC) No 221/2008 10.03.2008	L 69 13.03.2008 p. 1
Coke of coal in pieces with a diameter of more than 80 mm	P.R. China	Council Reg. (EC) No 239/2008 17.03.2008	L 75 18.03.2008 p. 22
Compressors	P.R. China	Council Reg. (EC) No 261/2008 17.03.2008	L 81 20.03.2008 p. 1
Sweet corn (prepared or preserved, in kernels)	Thailand	Council Reg. (EC) No 954/2008 25.09.2008	L 260 30.09.2008 p. 1
Monosodium glutamate	P.R. China	Council Reg. (EC) No 1187/2008 27.11.2008	L 322 02.12.2008 p. 1
Citric acid	P.R. China	Council Reg. (EC) No 1193/2008 01.12.2008	L 323 03.12.2008 p. 1
Welded tubes and pipes, of iron or non-alloy steel	Belarus P.R. China Russia	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1
Citrus fruits	P.R. China	Commission Reg. (EC) No 1355/2008 18.12.2008	L 350 30.12.2008 p. 35

B. Anti-subsidy investigations (chronological by date of publication)

Product	Country of origin	Regulation N°	OJ Reference
None	-	-	-

ANNEX E

New investigations terminated without the imposition of measures

during the period 1 January – 31 December 2008

A. Anti-dumping investigations (chronological by date of publication)

Product	Country of origin	Decision N°	OJ Reference
Polyvinyl alcohol	P.R. China Taiwan	Commission Dec. No 2008/227/EC 17.03.2008	L 75 18.03.2008 p. 66
Welded tubes and pipes, of iron or non-alloy steel	Bosnia & Herzegovina	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1

B. Anti-subsidy investigations (chronological by date of publication)

Product	Country of origin	Decision N°	OJ Reference
None	-	-	-

ANNEX F

Expiry reviews initiated or concluded

during the period 1 January – 31 December 2008

(chronological by date of publication)

Initiated		
Product	Country of origin	OJ Reference
Tube or pipe fittings of iron or steel	P.R. China Thailand	C 138 05.06.2008 p. 42
Footwear with uppers of leather	P.R. China Vietnam	C 251 03.10.2008 p. 21
Ethanolamines	USA	C 270 25.10.2008 p. 26
Furfuryl alcohol	P.R. China	C 275 30.10.2008 p. 21
Ring binder mechanisms	P.R. China	C 310 05.12.2008 p. 15

Concluded : confirmation of duty			
Product	Country of origin	Regulation/ Decision No	OJ Reference
Powdered activated carbon (PAC)	P.R. China	Council Reg. (EC) No 649/2008 08.07.2008	L 181 10.07.2008 p. 1
Coumarin	P.R. China	Council Reg. (EC) No 654/2008 29.04.2008	L 183 11.07.2008 p. 1
Ammonium nitrate	Russia	Council Reg. (EC) No 661/2008 08.07.2008	L 185 12.07.2008 p. 1
Sulphanilic acid	P.R. China India	Council Reg. (EC) No 1000/2008 13.10.2008	L 275 16.10.2008 p. 1
Tube or pipe fittings of iron or steel	Korea (Rep. of)	Council Reg. (EC) No 1001/2008 13.10.2008	L 275 16.10.2008 p. 18

Sulphanilic acid (AS)	India	Council Reg. (EC) No 1010/2008 13.10.2008	L 276 17.10.2008 p. 3
Welded tubes and pipes, of iron or non-alloy steel	Thailand Ukraine	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1

Concluded : termination and repeal of the measures			
Product	Country of origin	Regulation/ Decision No	OJ Reference
Urea	Belarus Croatia Libya Ukraine	Council Reg. (EC) No 240/2008 17.03.2008	L 75 18.03.2008 p. 33
Welded tubes and pipes, of iron or non-alloy steel	Turkey	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1

ANNEX G

Interim reviews initiated or concluded
during the period 1 January – 31 December 2008
(chronological by date of publication)

Initiated		
Product	Country of origin	OJ Reference
Steel ropes and cables	India	C 4 09.01.2008 p. 22
Welded tubes and pipes	Ukraine	C 17 24.01.2008 p. 14
Castings	P.R. China	C 74 20.03.2008 p. 66
Tube or pipe fittings of iron or steel	P.R. China Taiwan	C 138 05.06.2008 p. 42
Magnesia bricks	P.R. China	C 146 12.06.2008 p. 27
Magnesia bricks	P.R. China	C 146 12.06.2008 p. 30
Finished polyester filament fabrics	P.R. China	C 163 26.06.2008 p. 38
Graphite electrodes	India	C 164 27.06.2008 p. 15
Plastic sacks and bags	P.R. China	C 176 11.07.2008 p. 9
Salmon (farmed)	Norway	C 181 18.07.2008 p. 25
Stainless steel fasteners and parts thereof	Vietnam	C 206 13.08.2008 p. 12
Sweet corn (prepared or preserved in kernels)	Thailand	C 237 16.09.2008 p. 18

Tungsten electrodes	P.R. China	C 309 04.12.2008 p. 11
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Concluded : confirmation/amendment of duty			
Product	Country of origin	Regulation/ Decision No	OJ Reference
Grain oriented flat-rolled products of silicon-electrical steel (GOES)	Russia USA	Council Reg. (EC) No 41/2008 14.01.2008	L 16 19.01.2008 p. 1
Tartaric acid	P.R. China	Council Reg. (EC) No 150/2008 18.02.2008	L 48 22.02.2008 p. 1
Bicycle parts	P.R. China	Council Reg. (EC) No 171/2008 25.02.2008	L 55 28.02.2008 p. 1
Plastic sacks and bags	P.R. China	Council Reg. (EC) No 249/2008 17.03.2008	L 76 19.03.2008 p. 8
Seamless pipes and tubes	Russia	Council Reg. (EC) No 812/2008 11.08.2008	L 220 15.08.2008 p. 1
Sulphanilic acid (AS)	India	Council Reg. (EC) No 1010/2008 13.10.2008	L 276 17.10.2008 p. 3
Antibiotics (broad spectrum) (AS)	India	Council Reg. (EC) No 1176/2008 27.11.2008	L 319 29.11.2008 p. 1
PET (polyethylene terephthalate) (AS)	India	Council Reg. (EC) No 1286/2008 16.12.2008	L 340 19.12.2008 p. 1
Bedlinen (cotton-type) (AS)	India	Council Reg. (EC) No 1353/2008 18.12.2008	L 350 30.12.2008 p. 1
Graphite electrode systems (AS)	India	Council Reg. (EC) No 1354/2008 18.12.2008	L 350 30.12.2008 p. 24

Concluded by termination of review/confirmation of duty			
Product	Country of origin	Regulation/ Decision No	OJ Reference
Okoumé plywood	P.R. China	Commission Reg. (EC) No 138/2008 15.02.2008	L 42 16.02.2008 p. 9
Ammonium nitrate	Russia	Council Reg. (EC) No 236/2008 10.03.2008	L 75 18.03.2008 p. 1
Ammonium nitrate	Ukraine	Council Reg. (EC) No 237/2008 10.03.2008	L 75 18.03.2008 p. 8
Urea and ammonium nitrate solutions	Russia	Council Reg. (EC) No 238/2008 10.03.2008	L 75 18.03.2008 p. 14
Polyester staple fibres	Belarus P.R. China Korea (Rep. of) Saudi Arabia	Council Reg. (EC) No 893/2008 10.09.2008	L 247 16.09.2008 p. 1
Welded tubes and pipes, of iron or non-alloy steel	Ukraine	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1

Concluded : termination of measures			
Product	Country of origin	Regulation/ Decision No	OJ Reference
Ferro molybdenum	P.R. China	Council Reg. (EC) No 83/2008 21.01.2008	L 26 30.01.2008 p. 1
DRAMs (AS)	Korea (Rep. of)	Council Reg. (EC) No 320/2008 07.04.2008	L 96 09.04.2008 p. 1
Grain oriented flat-rolled products of silicon-electrical steel (small + big)	Russia	Commission Reg. (EC) No 435/2008 22.05.2008	L 132 22.05.2008 p. 1
Salmon (farmed)	Norway	Commission Reg. (EC) No 685/2008 17.07.2008	L 192 19.07.2008 p. 5
Trout (large rainbow)	Norway	Commission Reg. (EC) No 805/2008 07.08.2008	L 217 13.08.2008 p. 1
Welded tubes and pipes, of iron or non-alloy steel	Turkey	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1

ANNEX H

Other reviews initiated or concluded
during the period 1 January – 31 December 2008
(chronological by date of publication)

Initiated		
Product	Country of origin	OJ Reference
Sweet corn (prepared or preserved in kernels) ²⁵	Thailand	C 7 12.01.2008 p. 21

Concluded : confirmation/amendment of duty			
Product	Country of origin	Regulation/ Decision No	OJ Reference
Bed linen ²⁶	Pakistan	Council Reg. (EC) No 396/2008 29.04.2008	L 118 06.05.2008 p. 1
Castings ²⁷	P.R. China	Council Reg. (EC) No 426/2008 14.05.2008	L 129 17.05.2008 p. 1
Salmon ²⁸	Norway	Notice	C 127 24.05.2008 p. 32
Ammonium nitrate ²⁹	Ukraine	Council Reg. (EC) No 662/2008 08.07.2008	L 185 12.07.2008 p. 35

²⁵ Partial reopening of the investigation limited in scope to the examination of dumping as far as one exporting producer is concerned

²⁶ Amendment following new exporters' request

²⁷ Amendment following new exporters' request

²⁸ Notice following report adopted by the Dispute Settlement Body of the WTO

²⁹ Amendment setting up the conditions for the effective monitoring of the undertaking

Hand pallet trucks and their essential parts ³⁰	P.R. China	Council Reg. (EC) No 684/2008 17.07.2008	L 192 19.07.2008 p. 1
Urea and ammonium nitrate ³¹	Algeria Belarus Russia Ukraine	Council Reg. (EC) No 789/2008 24.07.2008	L 213 08.08.2008 p. 14
Silico-manganese ³²	P.R. China Kazakhstan	Council Reg. (EC) No 865/2008 27.08.2008	L 237 04.09.2008 p. 1
Salmon ³³	Norway	Notice	C 298 21.11.2008 p. 7
Bicycle parts (extension to bicycles) ³⁴	P.R. China	Notice	C 310 05.12.2008 p. 19

³⁰ Clarification of the scope of measures

³¹ Amendment following an expiry review

³² Extension of suspension of measures

³³ Notice regarding the termination of the process concerning the implementation of the Panel report adopted by the Dispute Settlement Body of the WTO

³⁴ Notice updating the list of parties under examination for exemption from extended duties

ANNEX I

New exporter reviews initiated or concluded
during the period 1 January – 31 December 2008
(chronological by date of publication)

A. Anti-dumping investigations

Initiated			
Product	Country of origin	Regulation/Decision No	OJ Reference
PET (polyethylene terephthalate)	Malaysia	Commission Reg. (EC) No 1082/2008 04.11.2008	L 296 05.11.2008 p. 5

Concluded : imposition/amendment of duty			
Product	Country of origin	Regulation/ Decision No	OJ Reference
None	-	-	-

Concluded : termination of the review / confirmation of duty			
Product	Country of origin	Regulation/ Decision No	OJ Reference
Tartaric acid	P.R. China	Council Reg. (EC) No 727/2008 24.07.2008	L 200 29.07.2008 p. 1
Magnesia bricks	P.R. China	Council Reg. (EC) No 906/2008 15.09.2008	L 251 19.09.2008 p. 1

B. Anti-subsidy investigations ("accelerated" investigations)

Initiated			
Product	Country of origin	Regulation/Decision No (if applicable)	OJ Reference
None	-	-	-

Concluded : imposition/amendment of duty			
Product	Country of origin	Regulation/ Decision No	OJ Reference
Bed linen (AS)	India	Council Reg. (EC) No 813/2008 11.08.2008	L 220 15.08.2008 p. 6

Concluded : termination			
Product	Country of origin	Regulation/ Decision No	OJ Reference
None	-	-	-

ANNEX J

Anti-absorption investigations initiated or concluded

during the period 1 January – 31 December 2008

(chronological by date of publication)

Initiated		
Product	Country of origin	OJ Reference
None	-	-

Concluded with increase of duty			
Product	Country of origin	Regulation/ Decision No	OJ Reference
None	-	-	-

Concluded without increase of duty / termination			
Product	Country of origin	Regulation/ Decision No	OJ Reference
None	-	-	-

ANNEX K

Anti-circumvention investigations initiated or concluded

during the period 1 January – 31 December 2008

(chronological by date of publication)

Initiated			
Product	Country of origin	Regulation/ Decision No	OJ Reference
Hand pallet trucks and their essential parts	P.R. China (Thailand)	Commission Reg. (EC) No 923/2008 12.09.2008	L 252 20.09.2008 p. 3

Concluded with extension of duty			
Product	Country of consignment	Regulation No	OJ Reference
Footwear with uppers of leather	P.R. China (Macau SAR)	Council Reg. (EC) No 388/2008 29.04.2008	L 117 01.05.2008 p. 1

Concluded without extension of duty / termination			
Product	Country of consignment	Regulation No	OJ Reference
Ring binder mechanisms	P.R. China (Thailand)	Council Reg. (EC) No 818/2008 13.08.2008	L 221 19.08.2008 p. 1

Exemptions granted and/or rejected			
Product	Country of consignment	Regulation No	OJ Reference
Bicycle parts	P.R. China	Commission Dec. No 2008/260/EC 18.03.2008	L 81 20.03.2008 p. 73

ANNEX L

Safeguard investigations initiated and concluded

during the period 1 January – 31 December 2008

(chronological by date of publication)

New investigations initiated		
Product	Country of origin	OJ Reference
None	-	-

New investigations terminated without imposition of measures			
Product	Country of origin	Regulation/ Decision No	OJ Reference
None	-	-	-

Issue of licences			
Product	Country of origin	Regulation/ Decision No	OJ Reference
None	-	-	-

Safeguard measures which expired		
Product	Country of origin	Date of expiry
None	-	-

ANNEX M

Undertakings accepted or repealed

during the period 1 January – 31 December 2008

(chronological by date of publication)

Undertakings accepted			
Product	Country of origin	Regulation N°	OJ Reference
Ammonium nitrate	Russia Ukraine	Commission Decision No 2008/577/EC 04.07.2008	L 185 12.07.2008 p. 43
Urea and ammonium nitrate solutions	Russia	Commission Decision No 2008/649/EC 03.07.2008 Corrigendum in all languages	L 213 08.08.2008 p. 39 L 249 18.09.2008 p. 47

Undertakings withdrawn or repealed			
Product	Country of origin	Regulation N°	OJ Reference
Ferro-silicon	F.Y.R.O.M	Commission Reg. (EC) No 174/2008 27.02.2008	L 55 28.02.2008 p. 23
Grain oriented flat-rolled products of silicon-electrical steel (small + big)	Russia	Commission Decision No 2008/384/EC 21.05.2008	L 132 22.05.2008 p. 20
Castings	P.R. China	Commission Decision No 2008/437/EC 11.06.2008	L 153 12.06.2008 p. 37

Undertakings which expired/lapsed			
Product	Country of origin	Original measure(s) & OJ Reference	OJ Reference
None	-	-	-

ANNEX N

Measures which expired / lapsed

during the period 1 January – 31 December 2008

(chronological by date of publication)

A. Anti-dumping investigations (chronological by date of publication)

Product	Country of origin	Original measure & OJ Reference	Publication
Salmon (farmed)	Norway	Council Reg. (EC) No 85/2006 (OJ L 15, 20.01.2006, p. 1)	L 192 19.07.2008 p. 5
Lamps (integrated electronic compact fluorescent)	P.R. China	Council Reg. (EC) No 1205/2007 (OJ L 272, 17.10.2007, p. 1)	C 258 10.10.2008 p. 8
Para-cresol	P.R. China	Council Reg. (EC) No 1656/2003 (OJ L 234, 20.09.2003, p. 1)	C 264 17.10.2008 p. 15
Silicon	Russia	Council Reg. (EC) No 2229/2003 (OJ L 339, 24.12.2003, p. 3)	C 320 16.12.2008 p. 15
Welded tubes and pipes, of iron or non-alloy steel	Turkey	Council Reg. (EC) No 1697/2002 23.09.2002 (OJ L 259, 27.09.2002, p. 8)	L 343 19.12.2008 p. 1

B. Anti-subsidy investigations (chronological by date of publication)

Product	Country of origin	Original measure & OJ Reference	Publication
None	-	-	-

ANNEX O

Definitive anti-dumping measures in force on 31 December

A. Ranked by product (alphabetical)

Product	Origin	Measure	Regulation N°	Publication
Ammonium nitrate	Russia	Duties	Council Reg. (EC) No 658/2002 15.04.2002 as last amended by Council Reg. (EC) No 945/2005 21.06.2005 and maintained by Council Reg. (EC) No 661/2008 08.07.2008	L 102 18.04.2002 p. 1 L 160 23.06.2005 p. 1 L 185 12.07.2008 p. 1
		Undertakings	Commission Decision No 2008/577/EC 04.07.2008	L 185 12.07.2007 p. 43
	Ukraine	Duties (2 years)	Council Reg. (EC) No 442/2007 19.04.2007	L 106 24.04.2007 p. 1
		Undertakings	Commission Decision No 2008/577/EC 04.07.2008	L 185 12.07.2007 p. 43
Barium carbonate	P.R. China	Duties	Council Reg. (EC) No 1175/2005 18.07.2005 corrected by L 181, 04.07.2006, p. 111	L 189 21.07.2005 p. 15
Bed linen (cotton-type)	Pakistan	Duties	Council Reg. (EC) No 397/2004 02.03.2004 as last amended by Council Reg. (EC) No 396/2008 29.04.2008	L 66 04.03.2004 p. 1 L 118 06.05.2008 p. 1

Bicycles	P.R. China	Duties	Council Reg. (EC) No 1524/2000 10.07.2000 and extended to bicycle parts by Council Reg. (EC) No 71/97 10.01.97 as last amended by Council Reg. (EC) No 1095/2005 12.07.2005 and maintained by Council Reg. (EC) No 171/2008 25.02.2008	L 175 14.07.2000 p. 39 L 16 18.01.97 p. 1 L 183 14.07.2005 p. 1 L 55 28.02.2008 p. 1
	Vietnam	Duties	Council Reg. (EC) No 1095/2005 12.07.2005	L 183 14.07.2005 p. 1
Bicycle parts (extension to bicycles)	P.R. China	Duties	Council Reg. (EC) No 71/97 10.01.97 as last amended by Council Reg. (EC) No 1095/2005 12.07.2005 and maintained by Council Reg. (EC) No 171/2008 25.02.2008	L 16 18.01.97 p. 1
Castings	P.R. China	Duties	Council Reg. (EC) No 1212/2005 25.07.2005 as last amended by Council Reg. (EC) No 426/2008 14.05.2008	L 199 29.07.2005 p. 1 L 129 17.05.2008 p. 1
		Undertakings	Commission Dec. No 2006/109/EC 19.01.2006 corrected by L 95, 04.04.2006, p. 12 as last amended by Commission Dec. No 2008/437/EC 11.06.2008	L 47 17.02.2006 p. 59 L 153 12.06.2008 p. 37
Citric acid	P.R. China	Duties Undertakings	Council Reg. (EC) No 1193/2008 01.12.2008	L 323 03.12.2008 p. 1

Citrus fruits	P.R. China	Duties	Commission Reg. (EC) No 1355/2008 18.12.2008	L 350 30.12.2008 p. 35
Chamois leather	P.R. China	Duties	Council Reg. (EC) No 1338/2006 08.09.2006	L 251 14.09.2006 p. 1
Coke of coal in pieces with a diameter of more than 80 mm	P.R. China	Duties	Council Reg. (EC) No 239/2008 17.03.2008	L 75 18.03.2008 p. 22
Compressors	P.R. China	Duties (2 years)	Council Reg. (EC) No 261/2008 17.03.2008	L 81 20.03.2008 p. 1
Coumarin	P.R. China India (ext.) Thailand (ext.) Indonesia (ext.) Malaysia (ext.)	Duties	Council Reg. (EC) No 769/2002 07.05.2002 as last amended by Council Reg. (EC) No 1854/2003 20.10.2003 and extended as concerns China to imports consigned from India and Thailand by Council Reg. (EC) No 2272/2004 22.12.2004 and extended as concerns China to imports consigned from Indonesia and Malaysia by Council Reg. (EC) No 1650/2006 07.11.2006 and maintained by Council Reg. (EC) No 654/2008 29.04.2008	L 123 09.05.2002 p. 1 L 272 23.10.2003 p. 1 L 396 31.12.2004 p. 18 L 311 10.11.2006 p. 1 L 183 11.07.2008 p. 1
	India	Undertaking	Commission Dec. No 2005/3/EC 03.01.2005	L 1 04.01.2005 p. 15
Dicyandiamide	P.R. China	Duties	Council Reg. (EC) No 1331/2007 13.11.2007	L 296 15.11.2007 p. 1
Dihydromyrcenol	India	Duties	Council Reg. (EC) No 63/2008 21.01.2008	L 23 26.01.2008 p. 1
Ethanolamines	USA	Duties (2 years)	Council Reg. (EC) No 1583/2006 23.10.2006	L 294 25.10.2006 p. 2

Ferro-silicon	P.R. China Egypt Kazakhstan F.Y.R.O.M. Russia	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
Footwear with uppers of leather	P.R. China Macau (SAR) (ext.) Vietnam	Duties (2 years)	Council Reg. (EC) No 1472/2006 05.10.2006 and extended as concerns China to imports consigned from Macau (SAR) by Council Reg. (EC) No 388/2008 29.04.2008	L 275 06.10.2006 p. 1 L 117 01.05.2008 p. 1
Furfuraldehyde	P.R. China	Duties	Council Reg. (EC) No 639/2005 25.04.2005	L 107 28.04.2005 p. 1
Furfuryl alcohol	P.R. China	Duties	Council Reg. (EC) No 1905/2003 27.10.2003	L 283 31.10.2003 p. 1
Glyphosate	P.R. China Malaysia (ext) Taiwan (ext)	Duties	Council Reg. (EC) No 1683/2004 24.09.2004 extended to such imports consigned from Malaysia & Taiwan	L 303 30.09.2004 p. 1
Grain oriented flat-rolled products of silicon-electrical steel (small + big)	USA	Duties	Council Reg. (EC) No 1371/2005 19.07.2005 as last amended by Council Reg. (EC) No 435/2008 22.05.2008	L 223 27.08.2005 p. 1 L 132 22.05.2008 p. 1
	USA	Undertakings	Commission Dec. No 2005/622/EC 05.08.2005 as last amended by Commission Dec. No 2008/384/EC 21.05.2008	L 223 27.08.2005 p. 42 L 132 22.05.2008 p. 20
Granular polytetrafluoroethylene (PTFE)	P.R. China Russia	Duties	Council Reg. (EC) No 1987/2005 02.12.2005	L 320 08.12.2005 p. 1
Graphite electrode systems	India	Duties	Council Reg. (EC) No 1629/2004 13.09.2004 as last amended by Council Reg. (EC) No 1354/2008 18.12.2008	L 295 18.09.2004 p. 10 L 350 30.12.2008 p. 24

Hand pallet trucks and their essential parts	P.R. China	Duties	Council Reg. (EC) No 1174/2005 18.07.2005 as last amended by Council Reg. (EC) No 684/2008 17.07.2008	L 189 21.07.2005 p. 1 L 192 19.07.2008 p. 1
Ironing boards	P.R. China Ukraine	Duties	Council Reg. (EC) No 452/2007 23.04.2007	L 109 26.04.2007 p. 12
Lever arch mechanisms	P.R. China	Duties	Council Reg. (EC) No 1136/2006 24.07.2006	L 205 27.07.2006 p. 1
Lighters (non-refillable and refillable)	P.R. China Taiwan	Duties	Council Reg. (EC) No 1458/2007 12.12.2007	L 326 12.12.2007 p. 1
Magnesia (deadburned)	P.R. China	Duties	Council Reg. (EC) No 716/2006 05.05.2006	L 125 12.05.2006 p. 1
Magnesia bricks	P.R. China	Duties	Council Reg. (EC) No 1659/2005 06.10.2005 as last amended by Council Reg. (EC) No 906/2008 15.09.2008	L 267 12.10.2005 p. 1 L 251 19.09.2008 p. 1
Magnesium oxide (caustic magnesite)	P.R. China	Duties	Council Reg. (EC) No 778/2005 25.05.2005	L 131 25.05.2005 p. 1
Manganese dioxides	South Africa	Duties	Council Reg. (EC) No 221/2008 10.03.2008	L 69 13.03.2008 p. 1
Monosodium glutamate	P.R. China	Duties	Council Reg. (EC) No 1187/2008 27.11.2008	L 322 02.12.2008 p. 1
Okoumé plywood	P.R. China	Duties	Council Reg. (EC) No 1942/2004 02.11.2004	L 336 12.11.2004 p. 4
Peroxosulphates	P.R. China Taiwan USA	Duties	Council Reg. (EC) No 1184/2007 09.10.2007	L 265 11.10.2007 p. 1
Plastic sacks and bags	P.R. China Thailand	Duties	Council Reg. (EC) No 1425/2006 25.09.2006 corrected by L 49, 18.02.2007, p. 36 and by L 233, 05.09.2007, p. 7 as last amended by Council Regulation (EC) No 249/2008 17.03.2008	L 270 29.09.2006 p. 4 L 76 19.03.2008 p. 8

Polyester filament fabrics (finished)	P.R. China	Duties	Council Reg. (EC) No 1487/2005 12.09.2005 as last amended by Council Reg. (EC) No 1087/2007 18.09.2007	L 240 16.09.2005 p. 1 L 246 21.09.2007 p. 1
PET (polyethylene terephthalate)	India Indonesia Korea (Rep. of) Malaysia Taiwan Thailand	Duties	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	India Indonesia	Undertakings		
	Australia P.R. China	Duties	Council Reg. (EC) No 1467/2004 13.08.2004 as last amended by Council Reg. (EC) No 2167/2005 20.12.2005	L 271 19.08.2004 p. 1 L 345 28.12.2005 p. 11
	Australia	Undertakings	Commission Dec. No 2004/600/EC 04.08.2004	L 271 19.08.2004 p. 38
PET (polyethylene terephthalate) film	India Brazil (ext.) Israel (ext.)	Duties	Council Reg. (EC) No 1292/2007 30.10.2007 and extended to imports consigned from Brazil and from Israel by the same Regulation	L 288 06.11.2007 p. 1
Polyester staple fibres	Korea (Rep. of)	Duties	Council Reg. (EC) No 2852/2000 22.12.2000 as last amended by Council Reg. (EC) No 428/2005 17.03.2005	L 332 28.12.2000 p. 17 L 71 17.03.2005 p. 1
	P.R. China Saudi Arabia	Duties	Council Reg. (EC) No 428/2005 10.03.2005 as last amended by Council Reg. (EC) No 1333/2005 09.08.2005	L 71 17.03.2005 p. 1 L 211 13.08.2005 p. 1

Potassium chloride	Belarus Russia	Duties	Council Reg. (EC) No 1050/2006 11.07.2006	L 191 12.07.2006 p. 1
	Russia	Undertakings	Commission Dec. No 2005/802/EC 17.10.2005 as last amended by Commission Dec. No 2006/557/EC 08.08.2006	L 302 19.11.2005 p. 79 L 218 09.08.2006 p. 22
Powdered activated carbon (PAC)	P.R. China	Duties	Council Reg. (EC) No 1011/2002 10.06.2002 as last amended by Council Reg. (EC) No 931/2003 26.05.2003 and maintained by Council Reg. (EC) No 649/2008 08.07.2008	L 155 14.06.2002 p. 1 L 133 29.05.2003 p. 36 L 181 10.07.2008 p. 1
Refrigerators (side-by-side)	Korea (Rep. of)	Duties	Council Reg. (EC) No 1289/2006 25.08.2006	L 236 31.08.2006 p. 11
Ring binder mechanisms	P.R. China Vietnam (ext.) Laos (ext.)	Duties (4 years)	Council Reg. (EC) No 2074/2004 29.11.2004 extended to imports from Vietnam by Council Reg. (EC) No 1208/2004 28.06.2004 and extended to imports from Laos by Council Reg. (EC) No 33/2006 09.01.2006 as last amended by Council Reg. (EC) No 818/2008 13.08.2008	L 359 04.12.2004 p. 11 L 232 01.07.2004 p. 1 L 7 12.01.2006 p. 1 L 221 19.08.2008 p. 1
Saddles	P.R. China	Duties	Council Reg. (EC) No 691/2007 18.06.2007	L 160 21.06.2007 p. 1
Seamless pipes and tubes of iron or steel	Croatia Russia Ukraine	Duties	Council Reg. (EC) No 954/2006 27.06.2006 as last amended by Council Reg. (EC) No 812/2008 11.08.2008	L 175 29.06.2006 p. 4 L 220 15.08.2008 p. 1

Silico-manganese	P.R. China Kazakhstan	Duties (suspended until 06.09.2009)	Council Reg. (EC) No 1420/2007 04.12.2007 as last amended by Council Reg. (EC) No 865/2008 27.08.2008	L 317 05.12.2007 p. 5
Silicon carbide	P.R. China	Duties	Council Reg. (EC) No 1264/2006 21.08.2006	L 232 25.08.2006 p. 1
Silicon	P.R. China Korea (Rep. of) (ext.)	Duties	Council Reg. (EC) No 398/2004 02.03.2004 extended to imports of silicon consigned from the Republic of Korea by Council Reg. (EC) No 42/2007 15.01.2007	L 66 04.03.2004 p. 15 L 13 19.01.2007 p. 1
Sodium cyclamate	P.R. China Indonesia	Duties	Council Reg. (EC) No 435/2004 08.03.2004	L 72 11.03.2004 p. 1
Stainless steel fasteners and parts thereof	P.R. China Indonesia Taiwan Thailand Vietnam	Duties	Council Reg. (EC) No 1890/2005 14.11.2005 corrected by L 256, 02.10.2007, p. 31	L 302 19.11.2005 p. 1
Steel ropes and cables	P.R. China India South Africa Ukraine Moldova (Rep. of) (ext.) Morocco (ext.)	Duties	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004	L 299 16.11.2005 p. 1 L 326 12.12.2007 p. 18 L 120 24.04.2004 p. 1 L 328 30.10.2004 p. 1
	Russia	Duties	Council Reg. (EC) No 1279/2007 30.10.2007	L 285 31.10.2007 p. 1
Strawberries (frozen)	P.R. China	Duties	Council Reg. (EC) No 407/2007 16.04.2007	L 100 17.04.2007 p. 1

Sulphanilic acid	P.R. China India	Duties	Council Reg. (EC) No 1339/2002 22.07.2002 as last amended by Council Reg. (EC) No 123/2006 23.01.2006 and maintained by Council Reg. (EC) No 1000/2008 13.10.2008	L 196 25.07.2002 p. 11 L 22 26.01.2006 p. 5 L 275 16.10.2008 p. 1
	India	Undertakings	Commission Dec. No 2006/37/EC 05.12.2005	L 22 26.01.2006 p. 52
Sweet corn (prepared or preserved, in kernels)	Thailand	Duties	Council Reg. (EC) No 682/3007 18.06.2007 corrected by L 252 of 27.09.2007, p. 7 as last amended by Council Reg. (EC) No 954/2008 25.09.2008	L 159 20.06.2007 p. 14 L 260 30.09.2008 p. 1
		Undertakings	Commission Dec. No 2007/424/EC 18.06.2007	L 159 20.06.2007 p. 42
Synthetic fibre ropes	India	Duties	Council Reg. (EC) No 1736/2004 08.10.2004	L 311 08.10.2004 p. 1
Tartaric acid	P.R. China	Duties	Council Reg. (EC) No 130/2006 23.01.2006 as last amended by Council Reg. (EC) No 150/2008 18.02.2008	L 23 27.01.2006 p. 1 L 48 22.02.2008 p. 1
Trichloroisocyanuric acid	P.R. China USA	Duties	Council Reg. (EC) No 1631/2005 03.10.2005	L 261 07.10.2005 p. 1
Trout (large rainbow)	Faeroe Islands	Duties	Council Reg. (EC) No 437/2004 08.03.2004 as last amended by Council Reg. (EC) No 805/2008 13.08.2008	L 72 11.03.2004 p. 23 L 217 13.08.2008 p. 1
		Undertakings	Commission Reg. (EC) No 117/2004 23.01.2004	L 17 24.01.2004 p. 4

Tube and pipe fitting, of iron or steel	P.R. China Thailand Taiwan (ext.) Indonesia (ext.) Sri Lanka (ext.) Philippines (ext.)	Duties	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006	L 139 06.06.2003 p. 1 L 275 25.08.2004 p. 1 L 355 01.12.2004 p. 4 L 355 01.12.2004 p. 9 L 116 29.04.2006 p. 1
	Korea (Rep. of) Malaysia	Duties	Council Reg. (EC) No 1514/2002 19.08.2002 as last amended by Council Reg. (EC) No 778/2003 06.05.2003 and maintained by Council Reg. (EC) No 1001/2008 13.10.2008	L 228 24.08.2002 p. 1 L 114 08.05.2003 p. 1 L 275 16.10.2008 p. 18
Tungsten carbide and fused tungsten carbide	P.R. China	Duties	Council Reg. (EC) No 2268/2004 22.12.2004 as last amended by Council Reg. (EC) No 1275/2005 25.07.2005	L 395 31.12.2004 p. 56 L 202 03.08.2005 p. 1
Tungsten electrodes	P.R. China	Duties	Council Reg. (EC) No 260/2007 09.03.2007	L 72 13.03.2007 p. 1

Urea and ammonium nitrate solutions	Algeria Belarus Russia Ukraine	Duties	Council Reg. (EC) No 1911/2006 19.12.2006 as last amended by Council Reg. (EC) No 789/2008 24.07.2008	L 365 21.12.2006 p. 26 L 213 08.08.2008 p. 14
	Algeria	Undertakings	Commission Reg. (EC) No 617/2000 16.03.2000	L 75 24.03.2000 p. 3
	Russia		Commission Decision No 2008/649/EC 03.07.2008	L 213 08.08.2008 p. 39
Welded tubes and pipes, of iron or non-alloy steel	Thailand Ukraine	Duties	Council Reg. (EC) No 1697/2002 23.09.2002 and maintained by Council Reg. (EC) No 1256/2008 19.12.2008	L 259 27.09.2002 p. 8 L 343 19.12.2008 p. 1
Welded tubes and pipes, of iron or non-alloy steel	Belarus P.R. China Russia	Duties	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1

B. Ranked by country (alphabetical)

Origin	Product	Measure	Regulation N°	Publication
Algeria	Urea and ammonium nitrate solutions	Duties	Council Reg. (EC) No 1911/2006 19.12.2006 as last amended by Council Reg. (EC) No 789/2008 24.07.2008	L 365 21.12.2006 p. 26 L 213 08.08.2008 p. 14
		Undertakings	Commission Reg. (EC) No 617/2000 16.03.2000	L 75 24.03.2000 p. 3
Australia	Polyethylene terephthalate	Duties	Council Reg. (EC) No 1467/2004 13.08.2004 as last amended by Council Reg. (EC) No 2167/2005 20.12.2005	L 271 19.08.2004 p. 1 L 345 28.12.2005 p. 11
		Undertakings	Commission Dec. No 2004/600/EC 04.08.2004	L 271 19.08.2004 p. 38

Belarus	Potassium chloride	Duties	Council Reg. (EC) No 1050/2006 11.07.2006	L 191 12.07.2006 p. 1
	Urea and ammonium nitrate solutions	Duties	Council Reg. (EC) No 1911/2006 19.12.2006 as last amended by Council Reg. (EC) No 789/2008 24.07.2008	L 365 21.12.2006 p. 26 L 213 08.08.2008 p. 14
	Welded tubes and pipes, of iron or non-alloy steel	Duties	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1
Brazil	PET (polyethylene terephthalate) film (ext.)	Duties	Council Reg. (EC) No 1292/2007 30.10.2007 and extended to imports consigned from Brazil and from Israel by the same Regulation	L 288 06.11.2007 p. 1
P.R. China	Barium carbonate	Duties	Council Reg. (EC) No 1175/2005 18.07.2005 corrected by L 181, 04.07.2006, p. 111	L 189 21.07.2005 p. 15
	Bicycles	Duties	Council Reg. (EC) No 1524/2000 10.07.2000 and extended to bicycle parts by Council Reg. (EC) No 71/97 10.01.97 as last amended by Council Reg. (EC) No 1095/2005 12.07.2005 and maintained by Council Reg. (EC) No 171/2008 25.02.2008	L 175 14.07.2000 p. 39 L 16 18.01.97 p. 1 L 183 14.07.2005 p. 1
	Bicycle parts	Duties	Council Reg. (EC) No 71/97 10.01.97 as last amended by Council Reg. (EC) No 1095/2005 12.07.2005 and maintained by Council Reg. (EC) No 171/2008 25.02.2008	L 16 18.01.97 p. 1

	Castings	Duties	Council Reg. (EC) No 1212/2005 25.07.2005 as last amended by Council Reg. (EC) No 426/2008 14.05.2008	L 199 29.07.2005 p. 1 L 129 17.05.2008 p. 1
		Undertakings	Commission Dec. No 2006/109/EC 19.01.2006 corrected by L 95, 04.04.2006, p. 12 as last amended by Commission Dec. No 2008/437/EC 11.06.2008	L 47 17.02.2006 p. 59 L 153 12.06.2008 p. 37
	Citric acid	Duties Undertakings	Council Reg. (EC) No 1193/2008 01.12.2008	L 323 03.12.2008 p. 1
	Citrus fruits	Duties	Commission Reg. (EC) No 1355/2008 18.12.2008	L 350 30.12.2008 p. 35
	Chamois leather	Duties	Council Reg. (EC) No 1338/2006 08.09.2006	L 251 14.09.2006 p. 1
	Coke of coal in pieces with a diameter of more than 80 mm	Duties	Council Reg. (EC) No 239/2008 17.03.2008	L 75 18.03.2008 p. 22
	Compressors	Duties (2 years)	Council Reg. (EC) No 261/2008 17.03.2008	L 81 20.03.2008 p. 1

	Coumarin	Duties	Council Reg. (EC) No 769/2002 07.05.2002 as last amended by Council Reg. (EC) No 1854/2003 20.10.2003 and extended as concerns China to imports consigned from India and Thailand by Council Reg. (EC) No 2272/2004 22.12.2004 and extended as concerns China to imports consigned from Indonesia and Malaysia by Council Reg. (EC) No 1650/2006 07.11.2006 and maintained by Council Reg. (EC) No 654/2008 29.04.2008	L 123 09.05.2002 p. 1 L 272 23.10.2003 p. 1 L 396 31.12.2004 p. 18 L 311 10.11.2006 p. 1 L 183 11.07.2008 p. 1
	Dicyandiamide	Duties	Council Reg. (EC) No 1331/2007 13.11.2007	L 296 15.11.2007 p. 1
	Ferro-silicon	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
	Footwear with uppers of leather	Duties (2 years)	Council Reg. (EC) No 1472/2006 05.10.2006 and extended as concerns China to imports consigned from Macau (SAR) by Council Reg. (EC) No 388/2008 29.04.2008	L 275 06.10.2006 p. 1 L 117 01.05.2008 p. 1
	Furfuraldehyde	Duties	Council Reg. (EC) No 639/2005 25.04.2005	L 107 28.04.2005 p. 1
	Furfuryl alcohol	Duties	Council Reg. (EC) No 1905/2003 27.10.2003	L 283 31.10.2003 p. 1
	Glyphosate	Duties	Council Reg. (EC) No 1683/2004 24.09.2004 extended to such imports consigned from Malaysia & Taiwan	L 303 30.09.2004 p. 1

	Granular polytetrafluoroethylene (PTFE)	Duties	Council Reg. (EC) No 1987/2005 02.12.2005	L 320 08.12.2005 p. 1
	Hand pallet trucks and their essential parts	Duties	Council Reg. (EC) No 1174/2005 18.07.2005 as last amended by Council Reg. (EC) No 684/2008 17.07.2008	L 189 21.07.2005 p. 1 L 192 19.07.2005 p. 1
	Ironing boards	Duties	Council Reg. (EC) No 452/2007 23.04.2007	L 109 26.04.2007 p. 12
	Lever arch mechanisms	Duties	Council Reg. (EC) No 1136/2006 24.07.2006	L 205 27.07.2006 p. 1
	Lighters (non-refillable and refillable)	Duties	Council Reg. (EC) No 1458/2007 12.12.2007	L 326 12.12.2007 p. 1
	Magnesia (deadburned)	Duties	Council Reg. (EC) No 716/2006 05.05.2006	L 125 12.05.2006 p. 1
	Magnesia bricks	Duties	Council Reg. (EC) No 1659/2005 06.10.2005 as last amended by Council Reg. (EC) No 906/2008 15.09.2008	L 267 12.10.2005 p. 1 L 251 19.09.2008 p. 1
	Magnesium oxide (caustic magnesite)	Duties	Council Reg. (EC) No 778/2005 25.05.2005	L 131 25.05.2005 p. 1
	Monosodium glutamate	Duties	Council Reg. (EC) No 1187/2008 27.11.2008	L 322 02.12.2008 p. 1
	Okoumé plywood	Duties	Council Reg. (EC) No 1942/2004 02.11.2004	L 336 12.11.2004 p. 4
	Peroxosulphates	Duties	Council Reg. (EC) No 1184/2007 09.10.2007	L 265 11.10.2007 p. 1
	Plastic sacks and bags	Duties	Council Reg. (EC) No 1425/2006 25.09.2006 corrected by L 49, 18.02.2007, p. 36 and by L 233, 05.09.2007, p. 7 as last amended by Council Regulation (EC) No 249/2008 17.03.2008	L 270 29.09.2006 p. 4 L 76 19.03.2008 p. 8

	Polyester filament fabrics (finished)	Duties	Council Reg. (EC) No 1487/2005 12.09.2005 as last amended by Council Reg. (EC) No 1087/2007 18.09.2007	L 240 16.09.2005 p. 1 L 246 21.09.2007 p. 1
	Polyester staple fibres	Duties	Council Reg. (EC) No 428/2005 10.03.2005 as last amended by Council Reg. (EC) No 1333/2005 09.08.2005	L 71 17.03.2005 p. 1 L 211 13.08.2005 p. 1
	PET (polyethylene terephthalate)	Duties	Council Reg. (EC) No 1286/2008 16.12.2008	L 340 19.12.2008 p. 1
	Powdered activated carbon (PAC)	Duties	Council Reg. (EC) No 1011/2002 10.06.2002 as last amended by Council Reg. (EC) No 931/2003 26.05.2003 and maintained by Council Reg. (EC) No 649/2008 08.07.2008	L 155 14.06.2002 p. 1 L 133 29.05.2003 p. 36 L 181 10.07.2008 p. 1
	Ring binder mechanisms	Duties (4 years)	Council Reg. (EC) No 2074/2004 29.11.2004 extended to imports from Vietnam by Council Reg. (EC) No 1208/2004 28.06.2004 and extended to imports from Laos by Council Reg. (EC) No 33/2006 09.01.2006 as last amended by Council Reg. (EC) No 818/2008 13.08.2008	L 359 04.12.2004 p. 11 L 232 01.07.2004 p. 1 L 7 12.01.2006 p. 1 L 221 19.08.2008 p. 1
	Saddles	Duties	Council Reg. (EC) No 691/2007 18.06.2007	L 160 21.06.2007 p. 1
	Silico-manganese	Duties (suspended until 06.09.2009)	Council Reg. (EC) No 1420/2007 04.12.2007 as last amended by Council Reg. (EC) No 865/2008 27.08.2008	L 317 05.12.2007 p. 5

	Silicon carbide	Duties	Council Reg. (EC) No 1264/2006 21.08.2006	L 232 25.08.2006 p. 1
	Silicon	Duties	Council Reg. (EC) No 398/2004 02.03.2004 extended to imports of silicon consigned from the Republic of Korea by Council Reg. (EC) No 42/2007 15.01.2007	L 66 04.03.2004 p. 15 L 13 19.01.2007 p. 1
	Sodium cyclamate	Duties	Council Reg. (EC) No 435/2004 08.03.2004	L 72 11.03.2004 p. 1
	Stainless steel fasteners and parts thereof	Duties	Council Reg. (EC) No 1890/2005 14.11.2005 corrected by L 256, 02.10.2007, p. 31	L 302 19.11.2005 p. 1
	Steel ropes and cables	Duties	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004	L 299 16.11.2005 p. 1 L 326 12.12.2007 p. 18 L 120 24.04.2004 p. 1 L 328 30.10.2004 p. 1
	Strawberries (frozen)	Duties	Council Reg. (EC) No 407/2007 16.04.2007	L 100 17.04.2007 p. 1
	Sulphanilic acid	Duties	Council Reg. (EC) No 1339/2002 22.07.2002 as last amended by Council Reg. (EC) No 123/2006 23.01.2006 and maintained by Council Reg. (EC) No 1000/2008 13.10.2008	L 196 25.07.2002 p. 11 L 22 26.01.2006 p. 5 L 275 16.10.2008 p. 1

	Tartaric acid	Duties	Council Reg. (EC) No 130/2006 23.01.2006 as last amended by Council Reg. (EC) No 150/2008 18.02.2008	L 23 27.01.2006 p. 1 L 48 22.02.2008 p. 1
	Trichloroisocyanuric acid	Duties	Council Reg. (EC) No 1631/2005 03.10.2005	L 261 07.10.2005 p. 1
	Tube and pipe fitting, of iron or steel	Duties	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006	L 139 06.06.2003 p. 1 L 275 25.08.2004 p. 1 L 355 01.12.2004 p. 4 L 355 01.12.2004 p. 9 L 116 29.04.2006 p. 1
	Tungsten carbide and fused tungsten carbide	Duties	Council Reg. (EC) No 2268/2004 22.12.2004 as last amended by Council Reg. (EC) No 1275/2005 25.07.2005	L 395 31.12.2004 p. 56 L 202 03.08.2005 p. 1
	Tungsten electrodes	Duties	Council Reg. (EC) No 260/2007 09.03.2007	L 72 13.03.2007 p. 1
	Welded tubes and pipes, of iron or non-alloy steel	Duties	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1
Croatia	Seamless pipes and tubes of iron or steel	Duties	Council Reg. (EC) No 954/2006 27.06.2006	L 175 29.06.2006 p. 4
Egypt	Ferro-silicon	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6

Faeroe Islands	Trout (large rainbow)	Duties	Council Reg. (EC) No 437/2004 08.03.2004 as last amended by Council Reg. (EC) No 805/2008 13.08.2008	L 72 11.03.2004 p. 23 L 217 13.08.2008 p. 1
		Undertakings	Commission Reg. (EC) No 117/2004 23.01.2004	L 17 24.01.2004 p. 4
India	Coumarin (ext.)	Duties	Council Reg. (EC) No 769/2002 07.05.2002 as last amended by Council Reg. (EC) No 1854/2003 20.10.2003 and extended as concerns China to imports consigned from India and Thailand by Council Reg. (EC) No 2272/2004 22.12.2004 and extended as concerns China to imports consigned from Indonesia and Malaysia by Council Reg. (EC) No 1650/2006 07.11.2006 and maintained by Council Reg. (EC) No 654/2008 29.04.2008	L 123 09.05.2002 p. 1 L 272 23.10.2003 p. 1 L 396 31.12.2004 p. 18 L 311 10.11.2006 p. 1 L 183 11.07.2008 p. 1
		Undertaking	Commission Dec. No 2005/3/EC 03.01.2005	L 1 04.01.2005 p. 15
	Dihydromyrcenol	Duties	Council Reg. (EC) No 63/2008 21.01.2008	L 23 26.01.2008 p. 1
	Graphite electrode systems	Duties	Council Reg. (EC) No 1629/2004 13.09.2004 as last amended by Council Reg. (EC) No 1354/2008 18.12.2008	L 295 18.09.2004 p. 10 L 350 30.12.2008 p. 24

	PET (polyethylene terephthalate)	Duties Undertakings	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	PET (polyethylene terephthalate) film	Duties	Council Reg. (EC) No 1292/2007 30.10.2007 and extended to imports consigned from Brazil and from Israel by the same Regulation	L 288 06.11.2007 p. 1
	Steel ropes and cables	Duties	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004	L 299 16.11.2005 p. 1 L 326 12.12.2007 p. 18 L 120 24.04.2004 p. 1 L 328 30.10.2004 p. 1
	Sulphanilic acid	Duties Undertakings	Council Reg. (EC) No 1339/2002 22.07.2002 as last amended by Council Reg. (EC) No 123/2006 23.01.2006 and maintained by Council Reg. (EC) No 1000/2008 13.10.2008 Commission Dec. No 2006/37/EC 05.12.2005	L 196 25.07.2002 p. 11 L 22 26.01.2006 p. 5 L 275 16.10.2008 p. 1 L 22 26.01.2006 p. 52

	Synthetic fibre ropes	Duties	Council Reg. (EC) No 1736/2004 04.10.2004	L 311 08.10.2004 p. 1
Indonesia	Coumarin (ext.)	Duties	Council Reg. (EC) No 769/2002 07.05.2002 as last amended by Council Reg. (EC) No 1854/2003 20.10.2003 and extended as concerns China to imports consigned from India and Thailand by Council Reg. (EC) No 2272/2004 22.12.2004 and extended as concerns China to imports consigned from Indonesia and Malaysia by Council Reg. (EC) No 1650/2006 07.11.2006	L 123 09.05.2002 p. 1 L 272 23.10.2003 p. 1 L 396 31.12.2004 p. 18 L 311 10.11.2006 p. 1
	PET (polyethylene terephthalate)	Duties Undertakings	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	Sodium cyclamate	Duties	Council Reg. (EC) No 435/2004 08.03.2004	L 72 11.03.2004 p. 1
	Stainless steel fasteners and parts thereof	Duties	Council Reg. (EC) No 1890/2005 14.11.2005 corrected by L 256, 02.10.2007, p. 31	L 302 19.11.2005 p. 1

	Tube and pipe fitting, of iron or steel	Duties (ext.)	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006	L 139 06.06.2003 p. 1 L 275 25.08.2004 p. 1 L 355 01.12.2004 p. 4 L 355 01.12.2004 p. 9 L 116 29.04.2006 p. 1
Israel	PET (polyethylene terephthalate) film (ext.)	Duties	Council Reg. (EC) No 1292/2007 30.10.2007 and extended to imports consigned from Brazil and from Israel by the same Regulation	L 288 06.11.2007 p. 1
Kazakhstan	Ferro-silicon	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
	Silico-manganese	Duties (suspended until 06.09.2009)	Council Reg. (EC) No 1420/2007 04.12.2007 as last amended by Council Reg. (EC) No 865/2008 27.08.2008	L 317 05.12.2007 p. 5
Korea (Rep. of)	PET (polyethylene terephthalate)	Duties	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1

	Polyester staple fibres	Duties	Council Reg. (EC) No 2852/2000 22.12.2000 as last amended by Council Reg. (EC) No 428/2005 10.03.2005	L 332 28.12.2000 p. 17 L 71 17.03.2005 p. 1
	Refrigerators (side-by-side)	Duties	Council Reg. (EC) No 1289/2006 25.08.2006	L 236 31.08.2006 p. 11
	Silicon	Duties (ext.)	Council Reg. (EC) No 398/2004 02.03.2004 extended to imports of silicon consigned from the Republic of Korea by Council Reg. (EC) No 42/2007 15.01.2007	L 66 04.03.2004 p. 15 L 13 19.01.2007 p. 1
	Tube and pipe fittings, of iron or steel	Duties	Council Reg. (EC) No 1514/2002 19.08.2002 as last amended by Council Reg. (EC) No 778/2003 06.05.2003 and maintained by Council Reg. (EC) No 1001/2008 13.10.2008	L 228 24.08.2002 p. 1 L 114 08.05.2003 p. 1 L 275 16.10.2008 p. 18
Laos	Ring binder mechanisms (extension from same imports from China)	Duties (4 years)	Council Reg. (EC) No 2074/2004 29.11.2004 extended to imports from Vietnam by Council Reg. (EC) No 1208/2004 28.06.2004 and extended to imports from Laos by Council Reg. (EC) No 33/2006 09.01.2006	L 359 04.12.2004 p. 11 L 232 01.07.2004 p. 1 L 7 12.01.2006 p. 1

Macau (SAR)	Footwear with uppers of leather (ext.)	Duties (2 years)	Council Reg. (EC) No 1472/2006 05.10.2006 and extended as concerns China to imports consigned from Macau (SAR) by Council Reg. (EC) No 388/2008 29.04.2008	L 275 06.10.2006 p. 1 L 117 01.05.2008 p. 1
F.Y.R.O.M	Ferro-silicon	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
Malaysia	Coumarin (ext.)	Duties	Council Reg. (EC) No 769/2002 07.05.2002 as last amended by Council Reg. (EC) No 1854/2003 20.10.2003 and extended as concerns China to imports consigned from India and Thailand by Council Reg. (EC) No 2272/2004 22.12.2004 and extended as concerns China to imports consigned from Indonesia and Malaysia by Council Reg. (EC) No 1650/2006 07.11.2006 and maintained by Council Reg. (EC) No 654/2008 29.04.2008	L 123 09.05.2002 p. 1 L 272 23.10.2003 p. 1 L 396 31.12.2004 p. 18 L 311 10.11.2006 p. 1 L 183 11.07.2008 p. 1
	Glyphosate	Duties	Council Reg. (EC) No 1683/2004 24.09.2004 extended to such imports consigned from Malaysia & Taiwan	L 303 30.09.2004 p. 1
	PET (polyethylene terephthalate)	Duties	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1

	Tube and pipe fittings, of iron or steel	Duties	Council Reg. (EC) No 1514/2002 19.08.2002 as last amended by Council Reg. (EC) No 778/2003 06.05.2003 and maintained by Council Reg. (EC) No 1001/2008 13.10.2008	L 228 24.08.2002 p. 1 L 114 08.05.2003 p. 1 L 275 16.10.2008 p. 18
Moldova (Rep. of)	Steel ropes and cables	Duties (ext.)	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004	L 299 16.11.2005 p. 1 L 326 12.12.2007 p. 18 L 120 24.04.2004 p. 1 L 328 30.10.2004 p. 1
Morocco	Steel ropes and cables	Duties (ext.)	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004	L 299 16.11.2005 p. 1 L 326 12.12.2007 p. 18 L 120 24.04.2004 p. 1 L 328 30.10.2004 p. 1

	Granular polytetrafluoroethylene (PTFE)	Duties	Council Reg. (EC) No 1987/2005 02.12.2005	L 320 08.12.2005 p. 1
	Potassium chloride	Duties	Council Reg. (EC) No 1050/2006 11.07.2006	L 191 12.07.2006 p. 1
		Undertakings	Commission Dec. No 2005/802/EC 17.10.2005 as last amended by Commission Dec. No 2006/557/EC 08.08.2006	L 302 19.11.2005 p. 79 L 218 09.08.2006 p. 22
	Seamless pipes and tubes of iron or steel	Duties	Council Reg. (EC) No 954/2006 27.06.2006 as last amended by Council Reg. (EC) No 812/2008 11.08.2008	L 175 29.06.2006 p. 4 L 220 15.08.2008 p. 1
	Steel ropes and cables	Duties	Council Reg. (EC) No 1279/2007 30.10.2007	L 285 31.10.2007 p. 1
	Urea and ammonium nitrate solutions	Duties	Council Reg. (EC) No 1911/2006 19.12.2006 as last amended by Council Reg. (EC) No 789/2008 24.07.2008	L 365 21.12.2006 p. 26 L 213 08.08.2008 p. 14
		Undertakings	Commission Decision No 2008/649/EC 03.07.2008	L 213 08.08.2008 p. 39
	Welded tubes and pipes, of iron or non-alloy steel	Duties	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1
Saudi Arabia	Polyester staple fibres	Duties	Council Reg. (EC) No 428/2005 10.03.2005 as last amended by Council Reg. (EC) No 1333/2005 09.08.2005	L 71 17.03.2005 p. 1 L 211 13.08.2005 p. 1
South Africa	Manganese dioxides	Duties	Council Reg. (EC) No 221/2008 10.03.2008	L 69 13.03.2008 p. 1

	Steel ropes and cables	Duties	<p>Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004</p>	<p>L 299 16.11.2005 p. 1</p> <p>L 326 12.12.2007 p. 18</p> <p>L 120 24.04.2004 p. 1</p> <p>L 328 30.10.2004 p. 1</p>
Sri Lanka	Tube and pipe fitting, of iron or steel	Duties (ext.)	<p>Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006</p>	<p>L 139 06.06.2003 p. 1</p> <p>L 275 25.08.2004 p. 1</p> <p>L 355 01.12.2004 p. 4</p> <p>L 355 01.12.2004 p. 9</p> <p>L 116 29.04.2006 p. 1</p>

Taiwan	Glyphosate	Duties	Council Reg. (EC) No 1683/2004 24.09.2004 extended to such imports consigned from Malaysia & Taiwan	L 303 30.09.2004 p. 1
	Lighters (non-refillable and refillable)	Duties	Council Reg. (EC) No 1458/2007 12.12.2007	L 326 12.12.2007 p. 1
	Peroxosulphates	Duties	Council Reg. (EC) No 1184/2007 09.10.2007	L 265 11.10.2007 p. 1
	PET (polyethylene terephthalate)	Duties	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	Stainless steel fasteners and parts thereof	Duties	Council Reg. (EC) No 1890/2005 14.11.2005 corrected by L 256, 02.10.2007, p. 31	L 302 19.11.2005 p. 1
	Tube and pipe fitting, of iron or steel	Duties	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006	L 139 06.06.2003 p. 1 L 275 25.08.2004 p. 1 L 355 01.12.2004 p. 4 L 355 01.12.2004 p. 9 L 116 29.04.2006 p. 1

Thailand	Coumarin (ext.)	Duties	Council Reg. (EC) No 769/2002 07.05.2002 as last amended by Council Reg. (EC) No 1854/2003 20.10.2003 and extended as concerns China to imports consigned from India and Thailand by Council Reg. (EC) No 2272/2004 22.12.2004 and extended as concerns China to imports consigned from Indonesia and Malaysia by Council Reg. (EC) No 1650/2006 07.11.2006 and maintained by Council Reg. (EC) No 654/2008 29.04.2008	L 123 09.05.2002 p. 1 L 272 23.10.2003 p. 1 L 396 31.12.2004 p. 18 L 311 10.11.2006 p. 1 L 183 11.07.2008 p. 1
	Plastic sacks and bags	Duties	Council Reg. (EC) No 1425/2006 25.09.2006 corrected by L 49, 18.02.2007, p. 36 and by L 233, 05.09.2007, p. 7 as last amended by Council Regulation (EC) No 249/2008 17.03.2008	L 270 29.09.2006 p. 4 L 76 19.03.2008 p. 8
	PET (polyethylene terephthalate)	Duties	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	Stainless steel fasteners and parts thereof	Duties	Council Reg. (EC) No 1890/2005 14.11.2005 corrected by L 256, 02.10.2007, p. 31	L 302 19.11.2005 p. 1

	Sweet corn (prepared or preserved, in kernels)	Duties	Council Reg. (EC) No 682/3007 18.06.2007 corrected by L 252 of 27.09.2007, p. 7 as last amended by Council Reg. (EC) No 954/2008 25.09.2008	L 159 20.06.2007 p. 14 L 260 30.09.2008 p. 1
		Undertakings	Commission Dec. No 2007/424/EC 18.06.2007	L 159 20.06.2007 p. 42
	Tube and pipe fitting, of iron or steel	Duties	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006	L 139 06.06.2003 p. 1 L 275 25.08.2004 p. 1 L 355 01.12.2004 p. 4 L 355 01.12.2004 p. 9 L 116 29.04.2006 p. 1
	Welded tubes and pipes, of iron or non-alloy steel	Duties	Council Reg. (EC) No 1697/2002 23.09.2002 and maintained by Council Reg. (EC) No 1256/2008 19.12.2008	L 259 27.09.2002 p. 8 L 343 19.12.2008 p. 1

Ukraine	Ammonium nitrate	Duties (2 years)	Council Reg. (EC) No 442/2007 19.04.2007	L 106 24.04.2007 p. 1
		Undertakings	Commission Decision No 2008/577/EC 04.07.2008	L 185 12.07.2007 p. 43
	Ironing boards	Duties	Council Reg. (EC) No 452/2007 23.04.2007	L 109 26.04.2007 p. 12
	Seamless pipes and tubes of iron or steel	Duties	Council Reg. (EC) No 954/2006 27.06.2006	L 175 29.06.2006 p. 4
	Steel ropes and cables	Duties	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004	L 299 16.11.2005 p. 1 L 326 12.12.2007 p. 18 L 120 24.04.2004 p. 1 L 328 30.10.2004 p. 1
	Urea and ammonium nitrate solutions	Duties	Council Reg. (EC) No 1911/2006 19.12.2006 as last amended by Council Reg. (EC) No 789/2008 24.07.2008	L 365 21.12.2006 p. 26 L 213 08.08.2008 p. 14
	Welded tubes and pipes, of iron or non-alloy steel	Duties	Council Reg. (EC) No 1697/2002 23.09.2002 and maintained by Council Reg. (EC) No 1256/2008 16.12.2008	L 259 27.09.2002 p. 8 L 343 19.12.2008 p. 1

USA	Ethanolamines	Duties (2 years)	Council Reg. (EC) No 1583/2006 23.10.2006	L 294 25.10.2006 p. 2
	Grain oriented flat-rolled products of silicon-electrical steel (small + big)	Duties Undertakings	Council Reg. (EC) No 1371/2005 19.07.2005 as last amended by Council Reg. (EC) No 435/2008 22.05.2008 Commission Dec. No 2005/622/EC 05.08.2005 as last amended by Commission Dec. No 2008/384/EC 21.05.2008	L 223 27.08.2005 p. 1 L 132 22.05.2008 p. 1 L 223 27.08.2005 p. 42 L 132 22.05.2008 p. 20
	Peroxosulphates	Duties	Council Reg. (EC) No 1184/2007 09.10.2007	L 265 11.10.2007 p. 1
	Trichloroisocyanuric acid	Duties	Council Reg. (EC) No 1631/2005 03.10.2005	L 261 07.10.2005 p. 1
Vietnam	Bicycles	Duties	Council Reg. (EC) No 1095/2005 12.07.2005	L 183 14.07.2005 p. 1
	Footwear with uppers of leather	Duties (2 years)	Council Reg. (EC) No 1472/2006 05.10.2006	L 275 06.10.2006 p. 1
	Ring binder mechanisms (extension from same imports from China)	Duties (4 years)	Council Reg. (EC) No 2074/2004 29.11.2004 extended to imports from Vietnam by Council Reg. (EC) No 1208/2004 28.06.2004 and extended to imports from Laos by Council Reg. (EC) No 33/2006 09.01.2006	L 359 04.12.2004 p. 11 L 232 01.07.2004 p. 1 L 7 12.01.2006 p. 1
	Stainless steel fasteners and parts thereof	Duties	Council Reg. (EC) No 1890/2005 14.11.2005 corrected by L 256, 02.10.2007, p. 31	L 302 19.11.2005 p. 1

ANNEX P

Definitive anti-subsidy measures in force on 31 December

A. Ranked by product (alphabetical)

Product	Origin	Measure	Regulation N°	Publication
Antibiotics (broad spectrum) (AS)	India	Duties	Council Reg. (EC) No 713/2005 10.05.2005 as amended by Council Reg. (EC) No 1176/2008 29.11.2008	L 121 13.05.2005 p. 1 L 319 29.11.2008 p. 1
Bed linen (cotton-type) (AS)	India	Duties	Council Reg. (EC) No 74/2004 13.01.2004 as amended by Council Reg. (EC) No 1840/2006 11.12.2006 as last amended by Council Reg. (EC) No 813/2008 11.08.2008 as last amended by Council Reg. (EC) No 1353/2008 18.12.2008	L 12 17.01.2004 p. 1 L 355 15.12.2006 p. 4 L 220 15.08.2008 p. 6 L 350 30.12.2008 p. 1
Graphite electrode systems (AS)	India	Duties	Council Reg. (EC) No 1628/2004 13.09.2004 as last amended by Council Reg. (EC) No 1354/2008 18.12.2008	L 295 18.09.2004 p. 4 L 350 30.12.2008 p. 24
PET (polyethylene terephthalate) (AS)	India	Duties	Council Reg. (EC) No 193/2007 22.02.2007 as last amended by Council Reg. (EC) No 1286/2008 16.12.2008	L 59 27.02.2007 p. 34 L 340 19.12.2008 p. 1
		Undertakings	Council Reg. (EC) No 193/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 34

PET film (polyethylene terephthalate) (AS)	India Brazil (ext.) Israel (ext.)	Duties	Council Reg. (EC) No 367/2006 27.02.2005 as last amended by Council Reg. (EC) No 1124/2007 28.09.2007 and extended to imports consigned from Brazil and from Israel by Council Reg. (EC) No 1976/2004 15.11.2004 as last amended by Council Reg. (EC) No 101/2006 20.01.2006	L 68 08.03.2006 p. 15 L 255 29.09.2007 p. 1 L 342 18.11.2004 p. 8 L 17 21.01.2006 p. 1
Sulphanilic acid (AS)	India	Duties	Council Reg. (EC) No 1338/2002 22.07.2002 as last amended by Council Reg. (EC) No 123/2006 23.01.2006 and maintained by Council Reg. (EC) No 1010/2008 13.10.2008	L 196 25.07.2002 p. 1 L 22 26.01.2006 p. 5 L 276 17.10.2008 p. 3
		Undertakings	Commission Dec. No 2006/37/EC 05.12.2005	L 22 26.01.2006 p. 52

B. Ranked by country (alphabetical)

Origin	Product	Measure	Regulation N°	Publication
Brazil	PET film (polyethylene terephthalate) (AS) (ext.)	Duties	Council Reg. (EC) No 367/2006 27.02.2005 as last amended by Council Reg. (EC) No 1124/2007 28.09.2007 and extended to imports consigned from Brazil and from Israel by Council Reg. (EC) No 1976/2004 15.11.2004 as last amended by Council Reg. (EC) No 101/2006 20.01.2006	L 68 08.03.2006 p. 15 L 255 29.09.2007 p. 1 L 342 18.11.2004 p. 8 L 17 21.01.2006 p. 1

India	Antibiotics (broad spectrum) (AS)	Duties	Council Reg. (EC) No 713/2005 10.05.2005 as amended by Council Reg. (EC) No 1176/2008 29.11.2008	L 121 13.05.2005 p. 1 L 319 29.11.2008 p. 1
	Bedlinen (cotton-type) (AS)	Duties	Council Reg. (EC) No 74/2004 13.01.2004 as amended by Council Reg. (EC) No 1840/2006 11.12.2006 as last amended by Council Reg. (EC) No 813/2008 11.08.2008 as last amended by Council Reg. (EC) No 1353/2008 18.12.2008	L 12 17.01.2004 p. 1 L 355 15.12.2006 p. 4 L 220 15.08.2008 p. 6 L 350 30.12.2008 p. 1
	Graphite electrode systems (AS)	Duties	Council Reg. (EC) No 1628/2004 13.09.2004 as last amended by Council Reg. (EC) No 1354/2008 18.12.2008	L 295 18.09.2004 p. 4 L 350 30.12.2008 p. 24
	PET (polyethylene terephthalate) (AS)	Duties	Council Reg. (EC) No 193/2007 22.02.2007 as last amended by Council Reg. (EC) No 1286/2008 19.12.2008	L 59 27.02.2007 p. 34 L 340 19.12.2008 p. 1
		Undertakings	Council Reg. (EC) No 193/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 34

	PET film (polyethylene terephthalate) (AS)	Duties	Council Reg. (EC) No 367/2006 27.02.2005 as last amended by Council Reg. (EC) No 1124/2007 28.09.2007 and extended to imports consigned from Brazil and from Israel by Council Reg. (EC) No 1976/2004 15.11.2004 as last amended by Council Reg. (EC) No 101/2006 20.01.2006	L 68 08.03.2006 p. 15 L 255 29.09.2007 p. 1 L 342 18.11.2004 p. 8 L 17 21.01.2006 p. 1
	Sulphanilic acid (AS)	Duties	Council Reg. (EC) No 1339/2002 22.07.2002 as last amended by Council Reg. (EC) No 123/2006 23.01.2006 and maintained by Council Reg. (EC) No 1010/2008 13.10.2008	L 196 25.07.2002 p. 11 L 22 26.01.2006 p. 5 L 276 17.10.2008 p. 3
		Undertakings	Commission Dec. No 2006/37/EC 05.12.2005	L 22 26.01.2006 p. 52
Israel	PET film (polyethylene terephthalate) (AS) (ext.)	Duties	Council Reg. (EC) No 367/2006 27.02.2005 as last amended by Council Reg. (EC) No 1124/2007 28.09.2007 and extended to imports consigned from Brazil and from Israel by Council Reg. (EC) No 1976/2004 15.11.2004 as last amended by Council Reg. (EC) No 101/2006 20.01.2006	L 68 08.03.2006 p. 15 L 255 29.09.2007 p. 1 L 342 18.11.2004 p. 8 L 17 21.01.2006 p. 1

ANNEX Q

Undertakings in force on 31 December 2008

A. Ranked by product (alphabetical)

Product	Origin	Measure	Regulation N°	Publication
Ammonium nitrate	Russia Ukraine	Undertakings	Commission Decision No 2008/577/EC 04.07.2008	L 185 12.07.2008 p. 43
Castings	P.R. China	Undertakings	Commission Dec. No 2006/109/EC 19.01.2006 corrected by L 95, 04.04.2006, p. 12 as last amended by Commission Dec. No 2008/437/EC 11.06.2008	L 47 17.02.2006 p. 59 L 153 12.06.2008 p. 37
Citric acid	P.R. China	Undertakings	Commission Dec. No 2008/899/EC 02.12.2008	L 323 03.12.2008 p. 62
Coumarin	India	Undertakings	Commission Dec. No 2005/3/EC 03.01.2005	L 1 04.01.2005 p. 15
Grain oriented flat-rolled products of silicon-electrical steel (small + big)	USA	Undertakings	Commission Dec. No 2005/622/EC 05.08.2005 as last amended by Commission Dec. No 2008/384/EC 21.05.2008	L 223 27.08.2005 p. 42 L 132 22.05.2008 p. 20
PET (polyethylene terephthalate)	India Indonesia	Undertakings	Council Reg. (EC) No 192/2007 22.02.2007	L 59 27.02.2007 p. 1
	Australia	Undertakings	Commission Dec. No 2004/600/EC 04.08.2004	L 271 19.08.2004 p. 38
PET (polyethylene terephthalate) (AS)	India	Undertakings	Council Reg. (EC) No 193/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 34
Potassium chloride	Russia	Undertakings	Commission Dec. No 2005/802/EC 17.10.2005 as last amended by Commission Dec. No 2006/557/EC 08.08.2006	L 302 19.11.2005 p. 79 L 218 09.08.2006 p. 22
Sulphanilic acid (AD + AS)	India	Undertakings	Commission Dec. No 2006/37/EC 05.12.2006	L 22 26.01.2006 p. 52
Sweet corn (prepared or preserved, in kernels)	Thailand	Undertakings	Commission Dec. No 2007/424/EC 18.06.2007	L 159 20.06.2007 p. 42

Trout (large rainbow)	Faeroe Islands	Undertakings	Commission Reg. (EC) No 117/2004 23.01.2004	L 17 24.01.2004 p. 4
Urea and ammonium nitrate solutions	Algeria	Undertakings	Commission Reg. (EC) No 617/2000 16.03.2000	L 75 24.03.2000 p. 3
	Russia	Undertakings	Commission Decision No 2008/649/EC 03.07.2008	L 213 08.08.2008 p. 39

B. Ranked by country (alphabetical)

Origin	Product	Measure	Regulation N°	Publication
Algeria	Urea and ammonium nitrate solutions	Undertakings	Commission Reg. (EC) No 617/2000 16.03.2000	L 75 24.03.2000 p. 3
Australia	PET (polyethylene terephthalate)	Undertakings	Commission Dec. No 2004/600/EC 04.08.2004	L 271 19.08.2004 p. 38
P.R. China	Castings	Undertakings	Commission Dec. No 2006/109/EC 19.01.2006 corrected by L 95, 04.04.2006, p. 12 as last amended by Commission Dec. No 2008/437/EC 11.06.2008	L 47 17.02.2006 p. 59 L 153 12.06.2008 p. 37
	Citric acid	Undertakings	Commission Dec. No 2008/899/EC 02.12.2008	L 323 03.12.2008 p. 62
Faeroe Islands	Trout (large rainbow)	Undertakings	Commission Reg. (EC) No 117/2004 23.01.2004	L 17 24.01.2004 p. 4
India	Coumarin	Undertakings	Commission Dec. No 2005/3/EC 03.01.2005	L 1 04.01.2005 p. 15
	PET (polyethylene terephthalate)	Undertakings	Council Reg. (EC) No 192/2007 22.02.2007	L 59 27.02.2007 p. 1
	PET (polyethylene terephthalate) (AS)	Undertakings	Council Reg. (EC) No 193/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 34
	Sulphanilic acid (AD + AS)	Undertakings	Commission Dec. No 2006/37/EC 05.12.2006	L 22 26.01.2006 p. 52
Indonesia	PET (polyethylene terephthalate)	Undertakings	Council Reg. (EC) No 192/2007 22.02.2007	L 59 27.02.2007 p. 1
Russia	Ammonium nitrate	Undertakings	Commission Decision No 2008/577/EC 04.07.2008	L 185 12.07.2008 p. 43

	Potassium chloride	Undertakings	Commission Dec. No 2005/802/EC 17.10.2005 as last amended by Commission Dec. No 2006/557/EC 08.08.2006	L 302 19.11.2005 p. 79 L 218 09.08.2006 p. 22
	Urea and ammonium nitrate solutions	Undertakings	Commission Decision No 2008/649/EC 03.07.2008	L 213 08.08.2008 p. 39
Thailand	Sweet corn (prepared or preserved, in kernels)	Undertakings	Commission Dec. No 2007/424/EC 18.06.2007	L 159 20.06.2007 p. 42
Ukraine	Ammonium nitrate	Undertakings	Commission Decision No 2008/577/EC 04.07.2008	L 185 12.07.2008 p. 43
USA	Grain oriented flat-rolled products of silicon-electrical steel (small + big)	Undertakings	Commission Dec. No 2005/622/EC 05.08.2005 as last amended by Commission Dec. No 2008/384/EC 21.05.2008	L 223 27.08.2005 p. 42 L 132 22.05.2008 p. 20

ANNEX R

Anti-dumping & anti-subsidy investigations pending

on 31 December 2008

A. New investigations (ranked by product - in alphabetical order)

Product	AD/AS	Origin	Type	Publication
Aluminium foil	AD.534	Armenia Brazil P.R. China	Initiation	C 177 12.07.2008, p. 13
Biodiesel	AD.531	USA	Initiation	C 147 13.06.2008, p. 5
Biodiesel (AS)	AS.532	USA	Initiation	C 147 13.06.2008, p. 10
Candles, tapers and the like	AD.528	P.R. China	Initiation Prov. duty	C 43 16.02.2008, p. 14 L 306 15.11.2008, p. 22
Fasteners, iron or steel	AD.525	P.R. China	Initiation	C 267 09.11.2007, p. 31
Flat-rolled products (hot-dipped metallic-coated iron or steel)	AD.526	P.R. China	Initiation	C 302 14.12.2007, p. 24
Hollow sections	AD. 537	Belarus Turkey Ukraine	Initiation	C 290 13.11.2008, p. 13
PSC wires and strands	AD.529	P.R. China	Initiation Prov. duty	C 43 16.02.2008, p. 9 L 306 15.11.2008, p. 5
Ring binder mechanisms	AD.538	Thailand	Initiation	C 322 17.12.2008, p. 13
Seamless pipes and tubes of iron or steel	AD.533	P.R. China	Initiation	C 174 09.07.2008, p. 7
Stainless steel cold rolled flat products	AD.527	P.R. China Korea (Rep. of) Taiwan	Initiation	C 29 01.02.2008, p. 13
Wire rod	AD.530	P.R. China Moldova (Rep. of) Turkey	Initiation	C 133 08.05.2008, p. 20
Sodium metal	AD.531	USA	Initiation	C 186 23.07.2008, p. 32
Sodium metal (AS)	AS.532	USA	Initiation	C 186 23.07.2008, p. 35

B. Review investigations (ranked by product - in alphabetical order)

Product	R. No	Origin	Type of review	Publication
Castings	R.448	P.R. China	Partial interim review	C 74 20.03.2008, p. 66
Ethanolamines	R.460	USA	Expiry review	C 270 25.10.2008, p. 26
Footwear with uppers of leather	R.459	P.R. China Vietnam	Expiry review	C 251 03.10.2008, p. 21
Furfuryl alcohol	R.461	P.R. China	Expiry review	C 275 30.10.2008, p. 11
Graphite electrode systems	R.449	India	Partial interim review	C 164 27.06.2008, p. 15
Hand pallet trucks and their essential parts	R.444	P.R. China	Partial interim review	C 308 19.12.2007, p. 15
Hand pallet trucks and their essential parts	R.458	P.R. China	Anti-Circumvention investigation	L 252 20.09.2008, p. 3
Magnesia bricks	R. 452	P.R. China	Partial interim review	C 146 12.06.2008, p. 27
Magnesia bricks	R. 453	P.R. China	Partial interim review	C 146 12.06.2008, p. 30
Plastic sacks and bags	R. 450	P.R. China	Partial interim review	C 176 11.07.2008, p. 9
Polyester filament fabrics (finished)	R. 454	P.R. China	Partial interim review	C 163 26.06.2008, p. 38
PET (polyethylene terephthalate)	R. 462	Malaysia	Newcomer review	L 296 05.11.2008, p. 5
Polyethylene terephthalate (PET) film (AS)	R.441	India	Partial interim review	C 240 12.10.2007, p. 6
Ring binder mechanisms	R. 463	P.R. China	Expiry review	C 310 05.12.2008, p. 15
Salmon (farmed)	R.455	Norway	Partial interim review	C 181 18.07.2008, p. 25
Stainless steel fasteners and parts thereof	R. 457	Vietnam	Partial interim review	C 206 13.08.2008, p. 12
Steel ropes and cables	R.446	India	Partial interim review	C 4 09.01.2008, p. 22
Sweet corn (prepared or preserved in kernels)	R.456	Thailand	Partial interim review	C 237 16.09.2008, p. 18
Tube or pipe fittings of iron or steel	R.451	P.R. China Thailand	Expiry review	C 138 05.06.2008, p. 42
Tube or pipe fittings of iron or steel	R.451	P.R. China Taiwan	Partial interim review	C 138 05.06.2008, p. 42
Tungsten electrodes	R. 464	P.R. China	Partial interim review	C 309 04.12.2008, p. 11

C. Ranked by country (new and review investigations) (alphabetical)

Origin	Product	Type	Publication
Armenia	Aluminium foil	New investigation	C 177 12.07.2008, p. 13
Belarus	Hollow sections	New investigation	C 290 13.11.2008, p. 13
Brazil	Aluminium foil	New investigation	C 177 12.07.2008, p. 13
P.R. China	Aluminium foil	New investigation	C 177 12.07.2008, p. 13
	Candles, tapers and the like	New investigation Prov. duty	C 43 16.02.2008, p. 14 L 306 15.11.2008, p. 22
	Castings	Partial interim review	C 74 20.03.2008, p. 66
	Fasteners, iron or steel	New investigation	C 267 09.11.2007, p. 31
	Flat-rolled products (hot-dipped metallic-coated iron or steel)	New investigation	C 302 14.12.2007, p. 24
	Footwear with uppers of leather	Expiry review	C 251 03.10.2008, p. 21
	Furfuryl alcohol	Expiry review	C 275 30.10.2008, p. 21
	Hand pallet trucks and their essential parts	Partial interim review	C 308 19.12.2007, p. 15
	Hand pallet trucks and their essential parts	Anti-Circumvention investigation	L 252 20.09.2008, p. 3
	Magnesia bricks	Partial interim review	C 146 12.06.2008, p. 27
	Magnesia bricks	Partial interim review	C 146 12.06.2008, p. 30
	Plastic sacks and bags	Partial interim review	C 176 11.07.2008, p. 9
	Polyester filament fabrics (finished)	Partial interim review	C 163 26.06.2008, p. 38
	PSC wires and strands	New investigation Prov. duty	C 43 16.02.2008, p. 9 L 306 15.11.2008, p. 5
	Ring binder mechanisms	Expiry review	C 310 05.12.2008, p. 15
	Seamless pipes and tubes of iron or steel	New investigation	C 174 09.07.2008, p. 7
	Stainless steel cold rolled flat products	New investigation	C 29 01.02.2008, p. 13
	Tube or pipe fittings or iron or steel	Expiry review	C 138 05.06.2008, p. 42
	Tube or pipe fittings or iron or steel	Partial interim review	C 138 05.06.2008, p. 42

	Tungsten electrodes	Partial interim review	C 309 04.12.2008, p. 11
	Wire rod	New investigation	C 133 08.05.2008, p. 20
India	Graphite electrode systems	Partial interim review	C 164 27.06.2008, p. 15
	Polyethylene terephthalate (PET) film (AS)	Partial interim review	C 240 12.10.2007, p. 6
	Steel ropes and cables	Partial interim review	C 4 09.01.2008, p. 22
Korea (Rep. of)	Stainless steel cold rolled flat products	New investigation	C 29 01.02.2008, p. 13
Malaysia	PET (polyethylene terephthalate)	Newcomer review	L 296 05.11.2008, p. 5
Moldova (Rep. of)	Wire rod	New investigation	C 133 08.05.2008, p. 20
Norway	Salmon (farmed)	Partial interim review	C 181 18.07.2008, p. 25
Taiwan	Stainless steel cold rolled flat products	New investigation	C 29 01.02.2008, p. 13
	Tube or pipe fittings or iron or steel	Partial interim review	C 138 05.06.2008, p. 42
Thailand	Ring binder mechanisms	New investigation	C 322 17.12.2008, p. 13
	Sweet corn (prepared or preserved in kernels)	Partial interim review	C 237 16.09.2008, p. 18
	Tube or pipe fittings or iron or steel	Expiry review	C 138 05.06.2008, p. 42
Turkey	Hollow sections	New investigation	C 290 13.11.2008, p. 13
	Wire rod	New investigation	C 133 08.05.2008, p. 20
Ukraine	Hollow sections	New investigation	C 290 13.11.2008, p. 13
USA	Biodiesel	New investigation	C 147 13.06.2008, p. 5
	Biodiesel (AS)	New investigation	C 147 13.06.2008, p. 10
	Ethanolamines	Expiry review	C 270 25.10.2008, p. 26
	Sodium metal	New investigation	C 186 23.07.2008, p. 32
	Sodium metal (AS)	New investigation	C 186 23.07.2008, p. 35
Vietnam	Footwear with uppers of leather	Expiry review	C 251 03.10.2008, p. 21
	Stainless steel fasteners and parts thereof	Partial interim review	C 206 13.08.2008, p. 12

ANNEX S

Court cases

A. Court cases pending before the Court of Justice and the Court of First Instance of the European Communities on 31 December 2008

Court of Justice	
Case C-535/06	Moser Baer
Case C-56/08	Pärlitigu OÜ
Case C-141/08 P	Foshan Shunde Yongjian Housewares & Hardware v. Council
Case C-158/08	Agenzia Dogane Ufficio delle Dogane Trieste (Trieste Customs Authority)
Case C-260/08	HEKO Industrieerzeugnisse GmbH
Case C-373/08	Hoesch Metals and Alloys GmbH
Case C-419/08 P	Trubowest
Court of First Instance	
Case T-199/04	Gul Ahmed Textile Mills Ltd. v. Council
Case T-498/04	Zhejiang Chemical v. Council
Case T-299/05	Shangai Excel & Shanghai Adeptech v. Council
Case T-113/06	Fjord Seafood Norway AS et al v. Council
Case T-115/06	Fiskeri og Havbruksnaeringens et al v. Council
Case T-119/06	Usha Martin Ltd. v. Council and Commission
Case T-143/06	MTZ Polyfilms Ltd. v. Council
Case T-249/06	Niko Tube & Nyzhniodniprovskiy v. Council
Case T-314/06	Whirlpool v. Commission
Case T-296/06	Dongguan Nanzha Leco Stationery Mfg. v. Council
Case T-401/06	Brossman Footwear (HK) and others v. Council
Case T-407/06	Zhejiang Aokang Shoes Ltd. v. Council
Case T-408/06	Wenzhou Taima Shoes Co. Ltd. v. Council
Case T-409/06	Sun Sang Kong Yuen Shoes Factory v. Council
Case T-410/06	Foshan City Nanhai Golden Step Industrial Co. Ltd. v. Council
Case T-1/07	Apache Footwear Ltd. & Apache II Footwear Ltd. v. Council
Case T-84/07	Eurochem v. Council

Case T-167/07	Far Eastern Textile Ltd. v. Council
Case T-225/07	Thomson Sales Europe v. Commission
Case T-274/07	Zhejiang Harmonic Hardware Products v. Council
Case T-330/07	Kuiburi v Council
Case T-469/07	Philips Lighting Poland SA and Philips Lighting BV v Council
Case T-459/07	Hangzhou Duralamp Electronics Co., Ltd v Council
Case T-108/07	TNC Kazchrome and ENRC Marketing AG v Council and Commission
Case T-190/08	Chelyabinskij electrometalurgicheskiy kombinat and Kuznetskie Ferrosplavy v. Council and Commission
Case T-192/08	TNK Kazchrome and ENRC Marketing v. Council
Case T-234/08	EuroChem Mineral and Chemical Company OAO (EuroChem MCC) v. Council
Case T-235/08	Acron OAO and Dorogobuzh OAO v. Council
Case T-259/08	Global Digital Disc GmbH & Co. KG v. Commission
Case T-369/08	EWRIA and others vs. Commission
Case T-459/08	EuroChem Mineral and Chemical Company OAO (EuroChem MCC) v. Council
Case T-536/08	Huvis v. Council
Case T-537/08	Cixi Jiangnan Chemical Fiber and others v. Council

B. Judgments, orders and other decisions rendered by the Court of Justice and the Court of First Instance of the European Communities in 2008.

Court of Justice	
Case C-461/07 P(I)*	Provincia di Ascoli Piceno, Comune di Monte Urano, (Sun Sang Kong Yuen Shoes Factory (Hui Yang) Corp., Ltd, Council of the European Union)
Case C-462/07 P(I)*	Provincia di Ascoli Piceno, Comune di Monte Urano, (Zhejiang Aokang Shoes Co., Ltd, Council of the European

* appeal against Court of First Instance order dismissing right to intervene

	Union)
Case C-463/07 P(I)*	Provincia di Ascoli Piceno, Comune di Monte Urano, (Wenzhou Taima Shoes Co., Ltd, Council of the European Union)
Case C-464/07 P(I)*	Provincia di Ascoli Piceno, Comune di Monte Urano, (Apache Footwear Ltd, Apache II Footwear Ltd, Council of the European Union)
Case C-398/05	AGST Draht- und Biegetechnik
Case C-263/06	Carboni e Derivati
Court of First Instance	
Case T-314/06**	Whirlpool (CECED) v. Council (LG Electronics) [Electrolux application for leave to intervene]
Case T-151/06	Aluminium Silicon Mill Products GmbH v. Commission
Case T-206/07	Foshan Shunde Yongjian Housewares & Hardware v. Council
Case T-429/04	Trubowest Handel and Makarov v. Council
Case T-348/05	JSC Kirovo-Chepetsky v. Council
Case T-466/07	Osram v Council
Case T-221/05	Huvis Corporation v. Council
Case T-364/06	Xinhui Alida Polythene Ltd. v. Council
Case T-301/06	Lemaître Sécurité SAS v. Commission
Case T-45/06	Reliance Industries Ltd. v. Council
Case T-383/03	Hynix v. Council
Case T-462/04	Heg Ltd. and Graphite India Ltd. v. Council

** application for leave to intervene

ANNEX T

Safeguard and surveillance measures in force on 31 December 2008

A. Safeguard measures

List of safeguard measures in force			
Product	Country of origin	Regulation/ Decision No	OJ Reference
None	-	-	-

B. Surveillance measures

List of surveillance measures in force			
Product	Country of origin	Regulation/ Decision No	OJ Reference
Footwear products (surveillance)	P.R. China	Commission Reg. (EC) No 117/2005 26.01.2005	L 24 27.01.2005 p. 8
Steel products (surveillance)	Erga omnes	Commission Reg. (EC) No 469/2005 23.03.2005	L 78 24.03.2005 p. 12

ANNEX U

Refunds during the period 1 January - 31 December 2008

LODGED		
PRODUCT	ORIGIN	REFERENCE
PET	Malaysia	RF 39/02
FPPAF	PR China	RF 41/04
FPPAF	PR China	RF 41/05
Castings	PR China	RF 42/03
Castings	PR China	RF 42/04
Shoes	PR China	RF 47/05
Plastic Sacs and bags	PR China	RF 49/03
Plastic Sacs and bags	PR China	RF 49/04
Ironing boards	PR China	RF 51/08
Ironing boards	Ukraine	RF 51/01
Ironing boards	Ukraine	RF 51/02
Ironing boards	Ukraine	RF 51/03
Ironing boards	Ukraine	RF 51/04
Ironing boards	Ukraine	RF 51/05
Ironing boards	Ukraine	RF 51/06
Ironing boards	Ukraine	RF 51/07
Ironing boards	Ukraine	RF 51/09
Ironing boards	Ukraine	RF 51/10
Ironing boards	Ukraine	RF 51/11
Ironing boards	Ukraine	RF 51/12
Ferro Silicon	FYROM	RF 52/01
Ferro Silicon	FYROM	RF 52/02
Ferro Silicon	FYROM	RF 52/03

Ferro Silicon	FYROM	RF 52/04	
Compressors	PR China	RF 53/01	
ONGOING ANALYSES			
PRODUCT	ORIGIN	REFERENCE	
Hand pallet trucks	PR China	RF 37/04	
Hand pallet trucks	PR China	RF 37/05	
Castings	PR China	RF 42/01	
Magnesia Bricks	PR China	RF 45/01	
Tungsten electrodes	PR China	RF 50/01	
Plastic sacs and bags	PR China	RF 49/02	
DRAMs	South Korea	RF 40/01	
DRAMs	South Korea	RF 40/02	
Shoes	PR China	RF 47/03	
DECISIONS ADOPTED			
PRODUCT	ORIGIN	DECISION	REFERENCE
Bed linen	Pakistan	C (2008) 1067	RF 33/07
Bed linen	Pakistan	C (2008) 1066	RF 33/08
Bed linen	Pakistan	C (2008) 1068	RF 33/09