



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.10.2010  
SEC(2010) 1194 final

**COMMISSION STAFF WORKING DOCUMENT**

**Accompanying document to the**

**28th ANNUAL REPORT FROM THE COMMISSION**

**TO THE EUROPEAN PARLIAMENT**

**ON THE EU'S ANTI-DUMPING, ANTI-SUBSIDY**

**AND SAFEGUARD ACTIVITIES**

**(2009)**

COM(2010) 558

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## EXECUTIVE SUMMARY

This report is submitted to the European Parliament following its resolution of 16 December 1981 on the EU's anti-dumping activities<sup>1</sup>, and the report of the European Parliament's Committee on industry, external trade, research and energy<sup>2</sup>.

This report, as in previous years, gives an overview of the EU 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 2009.

2009 saw a slight increase in the number of new cases initiated when compared to the previous year, 21 as compared to 20 in 2008. Regarding other activities, 2009 saw a doubling in the number of provisional measures imposed (10) while the number of investigations terminated without measures increased from 3 in 2008 to 11 in 2009. There was a drop in the number of definitive measures imposed down from 16 in 2008 to 11 in 2009.

As regards review investigations initiated, there was a significant increase from 23 in 2008 to 34 in 2009. These included 11 expiry reviews and 14 interim reviews. In the period 5 expiry reviews were concluded with confirmation of the measures and 13 interim reviews were concluded with the measures being confirmed and/or amended.

There was no new activity in the area of safeguards. There were no safeguard measures in place at the start of 2009 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. In 2009, the Court of Justice (COJ) and the General Court (GC) rendered 13 judgments in total relating to the areas of anti-dumping or anti-subsidy. 2009 was the second 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 European Parliament's INTA Committee was regularly informed about developments in the EU's trade defence activities.

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

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<sup>1</sup> OJ C 11, 18.1.1982, p. 37.

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

This report is also available to the general public.

Internet Website : <http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence/anti-dumping/>

## 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 EU played an active role in the negotiation of these relevant criteria which are reflected in its own legislation. The EU'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 EU plays as a prudent user has therefore also an exemplary function at WTO level.

#### 1.1.2. *The EU legislation*

The EU'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 EU, 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 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Union – Codified Version<sup>3</sup>
- Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidized imports from countries not members of the European Union – Codified Version<sup>4</sup>.

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

The EU legislation contains a number of provisions aimed at ensuring a balanced application of the EU's Anti-Dumping and Anti-Subsidy rules on all interested

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<sup>3</sup> OJ L 343, 22.12.2009, p.51 Codified version

<sup>4</sup> OJ L 188, 18.07.2009, p. 93 Codified Version

parties. These provisions include the “EU interest test” and the “lesser duty rule”, which go beyond the WTO obligations.

The EU 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 EU. This requires an analysis of all the economic interests involved, including those of the EU industry, users, consumers and traders of the product concerned. The EU interest test does not involve wider aspects such as foreign or development policy considerations.

The lesser duty rule requires the measures imposed by the EU to be lower than the dumping or subsidy margin, if such lower duty rate is sufficient to remove the injury suffered by the EU industry. Such a “no-injury” rate is determined by using the cost of production of the EU 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 EU 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 EU producers and d) a causal link between the imports and the injury. WTO Accession Protocols may provide for specific requirements.



### 1.2.2. *The EU legislation*

The above-mentioned principles are all reflected in the relevant EU regulations, except for the “unforeseen development requirement” (which is not in the EU law but has been confirmed as a self-standing condition by WTO jurisprudence). Additionally, the adoption of measures in the EU 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 EU’s interest to do so. The current EU safeguard instruments are covered by the following regulations:

- Council Regulation (EC) No 260/2009<sup>5</sup> on the common rules of imports – Codified Version
- Council Regulation (EC) No 519/94<sup>6</sup> 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 adopted<sup>7</sup>. 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 517/94<sup>8</sup> 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 EU 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 868/2004<sup>9</sup> 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.

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<sup>5</sup> 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).

<sup>6</sup> 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)

<sup>7</sup> 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)

<sup>8</sup> 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).

<sup>9</sup> 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 EU's anti-dumping legislation defines anti-dumping as selling a product in the EU 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 EU. 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 EU at dumped or subsidised prices. Measures can only be taken if these exports cause material injury to EU 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 EU 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 EU 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 EU 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 EU 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. EU 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 EU. 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 EU 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 EU 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 EU 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 EU to the 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 EU 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 EU 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 EU 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 EU 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 EU legislation<sup>10</sup> 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 EU in such increased quantities and/or on such terms and conditions as to cause, or threaten to cause, serious injury to EU 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.

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<sup>10</sup> Council Regulation (EC) No 260/2009 on common rules for imports (Codified version).

### 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 EU 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 EU 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 EU 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. TDI REVIEW – REFLECTION TIME**

The process launched by former Trade Commissioner Mandelson ("Green Paper process") addressing the possibility of reforming the anti-dumping rules with a view to modernising and making the system more transparent was put on hold at the beginning of 2008 due to clear lack of consensus among Member States (and European Parliament). This reflection process continued in 2009.

The new Trade Commissioner's portfolio includes e.g. the question of updating and modernising our current trade defence instruments. At the European Parliament hearing in 2009 the new Trade Commissioner signalled openness to this debate but subject to clear conditions including that the results of the DDA WTO negotiations on the TDI must be awaited before launching the process again. This is a view which is shared by most stakeholders. A further pre-condition is that sufficient support is needed by all stakeholders to proceed.

Despite the postponement of "reform" due to insufficient consensus at the time, the Commission, Member States and stakeholders have last year identified transparency as an area where the EU's TDI system could be modernised. In mid 2009, after an intensive and wide ranging consultation, the Commission agreed with EU Member States on ways in which transparency in TDI proceedings can be improved. The measures proposed (e.g. a greatly enhanced TDI website; the provision of specific assistance to SMEs; the simplification of TDI questionnaires; more extensive disclosure to interested parties in TDI proceeding and an enhanced role for the Hearing Officer) can be carried out without any legislative changes and are now being implemented. The full implementation is expected to be concluded in 2010.



#### **4. COUNTRY-WIDE MARKET ECONOMY STATUS (MES)**

A normal anti-dumping investigation can only be conducted if costs and prices are reliable and the result of market forces. 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.

2009 saw the continued evaluation of five requests for country-wide MES by the Commission (China, Vietnam, Armenia, Kazakhstan and Mongolia). The Government of the Republic of Belarus also lodged an official request to be granted market economy status in May 2009 and analysis of the Belarus file will start once additional information has been received from them.

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 six countries 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.

In July 2009 the 9<sup>th</sup> thematic MES Working Group China met in Brussels. The meeting took place in a good atmosphere and provided some constructive proposals for the future work of this Working Group. Following comprehensive consultation the Chinese authorities finally provided feed-back on the terms of reference of the study on the accounting practices of China and declared that they would provide the

necessary support for the study. The study will be financed by the Commission and therefore the Commission published the relevant tender document late autumn last year. A contractor has been selected and the results of the study will be available at the end of 2010. After the presentation of the last preliminary assessment report in mid 2008, the year 2009 was used as a period for further assessment of China's progress towards a market economy. The Commission will continue their evaluation in close cooperation with relevant Chinese's authorities and a further report is expected for early 2010

#### **4.2 Vietnam**

Vietnam's second preliminary assessment report was near completion at the end of 2009. To prepare this report a number of bilateral meetings with Vietnamese's authorities took place in the course of the year. Efforts also focussed on identifying steps which are needed to achieve fast results in terms of Vietnam's goal to be granted market economy status.

#### **4.3 Armenia**

The first assessment report of Armenia's requests to be granted market economy status was completed at the end of 2009 and transmitted to the Council. The report concluded that Armenia had made significant progress towards MES already fulfilling two of the five criteria for MES.

#### **4.4 Kazakhstan**

Following the replies submitted to the European Commission by the Kazakh Government at the end of May 2008, there have been a number of legislative developments which may have had a bearing, directly or indirectly, on costs and prices in the context of anti-dumping investigations. As a result, in August 2009, the Commission requested certain information concerning these legal developments. In the meantime, the drafting of the first assessment report was ongoing during 2009.

#### **4.5 Mongolia**

After the decision of the Mongolian Government to postpone the on spot verification mission scheduled for autumn 2008 the Commission repeated its readiness for a further mission. At the end of May 2009 Mongolia responded positively on this Commission's proposal. The mission is scheduled to take place around mid 2010. The Commission provided information on progress of the MES assessment at the Joint EU-Mongolia Trade Committee in September 2009.

#### **4.6. Belarus**

In May 2009 the Minister of Foreign Affairs of the Republic of Belarus addressed an official request to the EU for market economy status. A number of meetings took place with the Belarus authorities to explain the MES assessment procedure and the decision making process. The Commission also invited the Belorussian authorities to submit more substantial background information concerning the concrete market situation and the existence and application of laws which are relevant in the context of the MES assessment.

### **5. TRADE DEFENCE INSTRUMENTS – RAW MATERIAL STRATEGY**

TDI provides certain tools to address some consequences of distortions in the supply of raw materials in line with the overall Commission's trade policy on raw materials.

In 2009 definitive anti-dumping measures were imposed on fasteners originating in China. In the context of this investigation five Chinese companies selected in the sample had requested Market economy treatment. However all five were denied MET on the grounds that the costs of the major input, steel wire rod, did not substantially reflect market values, as required by Article 2(7)(c) of the basic Regulation. The investigation had found that the prices of steel wire rod on the Chinese market were significantly lower than those charged on other markets, such as Europe, India, North America and Japan. It was found that, as China has to import the majority of its iron ore at international market prices it does not benefit from any natural comparative advantage, which could have explained the abnormally low prices of steel wire rod on their domestic market. Further investigation into various studies pointed to significant State interference in the sector including significant Government subsidies, various tax concessions and grants. This state interference in the sector clearly gave Chinese fasteners an unfair competitive advantage over their European counterparts and demonstrated very clearly that the companies concerned were not operating in market economy conditions as claimed. This was the first case where MET was refused on these grounds.

The existence of such distortions is also taken into account when assessing requests for global Market Economy Status (MES) by non-market economies. In this context the role of the country concerned is examined vis-à-vis their interference in the market and any policies which result in distorted prices of raw materials.

## **6. INFORMATION AND COMMUNICATION ACTIVITIES / BILATERAL CONTACTS**

### **6.1. Small and medium sized enterprises (SMEs)**

The Commission recognises the important role that SMEs have in the EU's economy. The Commission is also aware of the fact that SME's involved either as EU producers, importers or users in trade defence investigations initiated by the Commission or as exporters in investigations initiated by third countries find it difficult to participate in such investigations.

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. This TDI website was completely revised, making it more accessible and user-friendly, especially for SMEs.

In 2009 these contact points received many requests for information, which were all immediately addressed. These requests concerned both the procedures and content of TDI proceedings.

At the end of 2009, the Commission launched a study to identify the needs of SMEs in the 27 EU Member States when submitting a complaint or participating in trade defence investigations as an importer or as a user. The outcome of the study should also include specific proposals on how the Commission could better assist SMEs in all areas of such investigations.

A contractor is selected and the final study report will be ready at the last quarter 2010.

## **6.2. Bilateral contacts/information activities – industry and third countries**

Explaining the legislation and practice of the EU's trade defence activity is an important part of the work of the TDI services.

A seminar on trade defence for officials from third countries had been scheduled to take place in 2009 but had to be deferred to 2010. However there were a number of bilateral contacts dedicated to discussing various trade defence related topics with a number of third countries including China, Korea and Ukraine held in 2009.

There were also several meetings with key stakeholder associations and companies in 2009, including a number of events with Business Europe (namely a general meeting with all the most relevant members of the association and several bilateral meetings with Business Europe's Committee on Trade Policy), as well as a one-day seminar with the most relevant associations of importers and distributors in April 2009.

## **7. THE HEARING OFFICER**

2009 was the second 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 on any issues arising out of trade proceedings, where appropriate.

In 2009 the Hearing Officer had 30 interventions in 24 cases and held 14 hearings. He intervened at different stages of the investigations – at complaint's stage, sampling, MET/IT, choice of an analogue country, provisional, undertaking and definitive stage. The requests concerned issues covering almost all aspects of an investigation. The analysis of the cases shows that interested parties see advantages in involving the Hearing Officer as a mediator and as a neutral authority through which they can invoke reconsideration of their arguments and receive more detailed explanations on their factual and legal situation. The participation in hearings with the Hearing Officer and the implementation of the improved transparency policy also showed the need and the willingness of the investigation services to request the advice of the Hearing Officer.

The majority of requests for intervention of the Hearing Officer in 2009 concerned the access to and the quality of the non-confidential files. The other main field of activity of the Hearing Officer concerned the timing and content of disclosures. In the opinion of the Hearing Officer, interested parties must have significantly more than 10 days for comments on disclosure in review cases. In addition, interested parties could obtain more detailed explanations which would enable them to better understand the facts and considerations on which the Commission made its decisions.

The Hearing Officer continued to be associated in a number of policy discussions related to due process issues undertaken by the TDI services and welcomed improvement for example by the new Notice of Initiation and the improved policy on the non-confidential files.

An update of the Guidelines on cooperation between the Hearing Officer and the trade investigation services should be approved during 2010. Thereafter information about their content will be made available on the internet site of the Hearing Officer. The discussion about a Commission decision on the terms of reference for the Hearing Officer of DG Trade will follow soon. Such a decision will be based on the experience gained during the first years and will provide a formal legal basis which will define the status and the mandate of the Hearing Officer.

## **8. GENERAL OVERVIEW OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS AND MEASURES**

The number of new investigations initiated in 2009 increased very slightly over 2008 levels, 21 compared to 20. The number of definitive measures imposed dropped while the number of provisional measures imposed in 2009 was double the number imposed in 2008. Below are details on new investigations and review investigations.

### **8.1. New investigations**

At the end of 2009, the EU had 135 anti-dumping measures and 8 countervailing measures in force<sup>11</sup>. The anti-dumping measures covered 69 products and 28 countries (see Annex O); the countervailing measures covered 6 products and 4 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 135 anti-dumping measures in force at the end of 2009 the main countries affected were China 54, India, Russia and Thailand 8 each, Taiwan and Ukraine 6 each, USA, Korea and Indonesia 5 each and Vietnam and Malaysia 4 each. Of the 8 anti-subsidy measures in place the majority concern imports from India – 5 in total, with 1 each for Brazil, Israel and USA.

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 2009, only

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<sup>11</sup> The measures are counted per product and country concerned.

0.6%<sup>12</sup> of total imports into the EU was affected by anti-dumping or anti-subsidy measures.

Table 1 below provides statistical information on the new investigations for the years 2005 – 2009.

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<sup>12</sup> Source Comext.

**TABLE 1**  
**Anti-dumping and anti-subsidy new investigations**  
**during the period 1 January 2005 - 31 December 2009<sup>13</sup>**

	2005	2006	2007	2008	2009
Investigations in progress at the beginning of the period	31	28	33	20	26
Investigations initiated during the period	26	36	9	20	21
Investigations in progress during the period	57	64	42	42	47
Investigations concluded :					
- imposition of definitive duty or acceptance of undertakings	19	13	12	16	11
- terminations <sup>14</sup>	10	18	10	3	11
Total investigations concluded during the period	29	31	22	16	22
Investigations in progress at the end of period	28	33	20	26	25
Provisional measures imposed during the period	15	13	12	5	10

Details on the conclusions can be found under heading 9.1.

## 8.2. 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).

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

<sup>14</sup> 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 2005 to 2009, a total of 190 review investigations were initiated. These review investigations represented 63% of all investigations initiated in that period.

In 2009, 34 reviews were initiated. Of these, 11 were expiry reviews, 14 interim reviews, 6 newcomer review, 2 other review and 1 circumvention investigation.

An overview of the review investigations in 2009 can be found in Annexes F to K. Table 2 provides statistical information for the years 2005 - 2009.

**TABLE 2**  
**Reviews of anti-dumping and anti-subsidy investigations**  
**during the period 1 January 2005 - 31 December 2009<sup>15</sup>**

	2005	2006	2007	2008	2009
Reviews in progress at the beginning of the period	42	63	52	46	32
Reviews initiated during the period	57	35	41	23	34
Reviews in progress during the period	99	98	93	69	66
Total reviews concluded during the period <sup>16</sup>	36	46	47	37	30
Reviews in progress at the end of the period	63	52	46	32	33

Details on the conclusions can be found under heading 9.2.

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

<sup>16</sup> 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.



## 9. OVERVIEW OF ACTIVITIES IN 2009

### 9.1. New investigations

#### 9.1.1. Initiations

In 2009, 15 new anti-dumping investigations and 6 new anti-subsidy investigations were initiated in the period. The anti-dumping investigations involved 10 different products from 9 different countries. The anti-subsidy investigations involve 3 products 6 different countries. Details of these investigations are given in Annex A. The country most affected by the anti-dumping investigations is China with 7 investigations and 1 investigation each opened concerning India, Iran, Korea, Malaysia, Pakistan, Taiwan, Thailand and United Arab Emirates. The main sector concerned by these new cases is chemicals.

In the five-year period from 2005 to 2009, 112 investigations were initiated on imports from 27 countries. The main sectors concerned by the investigations were chemical and allied - 29 investigations, iron and steel – 20 investigations, electronics - 13 investigations and other metals - 10 investigations. A breakdown of the product sectors is given in Annex B(A).

The main countries concerned during the period from 2005 to 2009 were the People's Republic of China with 39 investigations, Malaysia and Thailand with 7 each, Taiwan and USA with 6 each, India with 5, Korea, Russia and Ukraine with 4 each, Pakistan and Turkey with 3 each, Belarus, Hong Kong, Iran, Kazakhstan, Romania (prior to accession) and UAE with 2 each and Armenia, Bosnia & Herzegovina, Brazil, Croatia, Egypt, Guatemala, Japan, FYROM, Republic of Moldova, South Africa and Vietnam all with 1 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 list of cases initiated in 2009 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.

<b>Product</b>	<b>Originating from</b>	<b>Complainant</b>
Cargo scanning systems (AD)	P.R. China	Smiths Detection Group Ltd
Molybdenum wires (AD)	P.R. China	European Association of Metals (EUROMETAUX)
Sodium gluconate (AD)	P.R. China	European Chemical Industry Council (CEFIC)
Aluminium road wheels (AD)	P.R. China	Association of European Wheel Manufacturers (EUWA)
Stainless steel fasteners (AD &AS)	India Malaysia	European Industrial Fasteners Institute (EIFI)

Polyethylene terephthalate (PET) (AD & AS)	Iran Pakistan UAE	Polyethylene terephthalate committee of plastics Europe.
High tenacity yarn of polyesters (AD)	P.R. China Korea (Rep. of) Taiwan	European man-made fibres association (CIRFS)
Ironing boards (AD)	P.R. China	Since Hardware (Guangzhou) Co. Ltd.
Continuous filament glass fibre products (AD)	P.R. China	European Glass Fiber Producers Association
Purified terephthalic acid and its salts (AD &AS)	Thailand	BP Aromatics Limited NV and CEPSA Quimica S.A.

### 9.1.2. Provisional measures

In 2009, provisional duties were imposed in 9 anti-dumping proceedings and 1 anti-subsidy proceeding. They involved imports of 6 products covering 5 countries. As shown in Table 1 (see point 8.1), this figure compares to 5 in 2008 and 12 in 2007.

The list of cases where provisional measures were imposed during 2009 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 <sup>17</sup> and level of measure
Aluminium foil	Armenia Brazil P.R. China	AD: 20% AD: 27.6% AD: 10.7% - 31.9%, Others 42.9%
Biodiesel	USA	AD: €per tonne Ranging from €23.6 – €208.2 Others €182.4
Biodiesel	USA	AS: €per tonne Ranging from €11.2– €237
Cargo scanning systems	P.R. China	AD: 36.6%
Molybdenum wires	P.R. China	AD: 64.3%
Seamless pipes and tubes of iron or steel	P.R. China	AD: 15.1% - 22.3% Others 24.2%
Wire rod	P.R. China	AD: 8.6% - 24.3% AD: 3.7%

<sup>17</sup> AD = anti-dumping duty, CVD = countervailing duty, UT = undertaking.

	Moldova (Rep. of)	
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### 9.1.3. Definitive measures

During 2009, definitive duties were imposed in 10 anti-dumping cases and one anti-subsidy case. They involved imports from 4 different countries and covered 7 products. The People's Republic of China featured with 6 measures, followed by USA with 2 measures (1 AS and 1 AD) with Armenia and Brazil each with 1 measure.

The list of cases where definitive measures were imposed during 2009 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.

Product	Originating from	Type <sup>18</sup> and level of measure
Fasteners, iron or steel	P.R. China	AD: 26.5 % – 79.5% Others 85%
PSC wires and strands	P.R. China	AD: 0% - 31.1% Others: 85%
Candles, tapers and the like	P.R. China	AD: 0% - 48.4% Others: 62.9%
Biodiesel	USA	AD: €68.7 - €198 per tonne Others €72.2
Wire rod	P.R. China	AD 7.9% Others: 24%
Aluminium foil	Armenia Brazil P.R. China	AD: 13.4% AD: 17.6% UT Minimum Import price AD: 3.4% - 24.2% Others 30%
Seamless pipes and tubes of iron or steel	P.R. China	AD: 17.7% - 27.2% Others : 39.2%
Biodiesel (AS)	USA	€111.2 - €237 per tonnee Others €237 per tonne

<sup>18</sup> AD = anti-dumping duty, CVD = countervailing duty, UT = undertaking.

#### 9.1.4 Details on individual cases (in alphabetical order)

##### Certain iron or steel fasteners originating in P.R. China

The proceeding was initiated on 9 November 2007, following a complaint lodged by The European Industrial Fasteners Institute (EIFI) on behalf of EU producers. The investigation period ran from 1 October 2006 to 30 September 2007 and injury was considered over the period 1 January 2003 to 30 September 2007. There were no provisional measures imposed. The product concerned are certain iron or steel fasteners which are used to mechanically join two or more elements in construction, engineering, etc., and are used in a wide variety of industrial sectors, as well as by consumers.

##### Dumping

Owing to the large number of exporters who came forward (120) sampling was applied. 9 companies or groups were selected representing 61% of exports from cooperating exporters. All of the companies in the sample requested both market economy treatment (MET) or individual treatment (IT). None of the companies were granted MET. While some had provided misleading information it was nevertheless found that the costs of the major input, steel wire rod, did not substantially reflect market values pointing to significant State interference in the sector. IT was granted to 5 of the companies in the sample and to 3 companies which had requested individual treatment.

Given that no company had been granted MET, normal value for the case was established on the basis of data from an analogue country, India. For those companies granted IT this normal value was compared to their own export prices and individual dumping margins were calculated accordingly. For remaining exporters, given that the level of cooperation was low (53% of total exports from PRC), the dumping margin was calculated on the basis of an average of Eurostat data and the highest dumping margins found for co-operating exporters. The normal value and export prices were compared on an ex-works basis. Adjustments had been made to take account of such costs as the cost of quality control in India as well as transport, insurance, handling, packing credit etc. This resulted in margins ranging between 0% and 105.3% for individual companies and 115.4% for all others.

##### Injury

The injury in this case was reflected in the form of loss of potential sales volume in a growing market. Between 2003 and the IP, the volume of the dumped imports of the product concerned originating in the PRC increased massively, by 180% while their share of the EU market grew to 26% in the IP. The average prices of the dumped imports undercut those of the EU industry during the IP by an average of 40%. Between 2004 and the IP even though EU consumption increased by 29%, the market share of the EU industry fell by 6,8 percentage points in the same period. Production did not increase at the same pace as EU consumption and capacity utilisation remained very low at 50% having a negative impact on profitability. Cash flow and return on investment did not reflect the growing consumption levels. Injury margins ranged between 64.4% and 99%.

##### Causation

The investigation found that the lack of improvement in the injury indicators of the EU industry coincided with a sharp increase in dumped imports and an increase in the market share from the PRC at prices which undercut the EU. Imports from other countries were found not to have contributed to the injury suffered by the EU industry as these imports were made at prices higher than those emanating from the and in any event the market share of these imports had decreased.

The investigation showed that the export performance of the EU industry could not have contributed to the injury suffered as there was positive evolution in this regard and therefore did not break the causal link. Other known factors such as an unprecedented increase in raw material prices were also analysed but it was considered that this would have affected all operators in the market and in addition the time pattern of the injury indicators did not suggest this was a factor in causing injury.

#### EU Interest

The effects of imposing measures or not on all parties concerned was taken into account. While it was not excluded that the imposition of measures would have a negative effect of some importers and traders in the EU, it was concluded that there would be benefits for both the EU industry as well as their suppliers such as increased production and employment. It was further concluded that in view of the high dumping and injury margins found that no sufficient evidence existed to show that the imposition of measures would be against the EU interest.

#### Measures

Definitive anti-dumping measures ranging between 26.5% and 85% were imposed in January 2009, some based on the dumping margin and some on injury margins whichever was the lower. A special monitoring mechanism was also introduced in order to minimise the risk of circumvention given the high variation in duty rates among the exporting producers.

#### Candles, tapers and the like originating in the People's Republic of China.

The proceeding was initiated in February 2008, following a complaint lodged by the certain EU producers of candles, tapers and the like representing around 60% of the total EU production of the product concerned. The product concerned is certain candles and tapers but excluding memory lights and other outdoor burners. The product is manufactured from mainly paraffin wax and stearin. Provisional measures were imposed in November 2008.

#### Dumping

Owing to the large number of exporters who came forward (40) sampling was applied. 8 companies were selected representing 73% of exports of the product from Chinese cooperating exporters. All of the companies in the sample requested both market economy treatment (MET) or individual treatment (IT). Two companies were granted MET and five were granted IT.

For those companies not granted MET the Commission had proposed a number of countries as the analogue country on which to base normal value, including Brazil.

However no co-operation from the exporters contacted was forthcoming. As a result normal value for non-MET companies was established on the basis of prices paid in the EU for the like product, duly adjusted to include a reasonable profit margin (6.5%). For the companies granted MET, normal value was based on prices actually paid in China while for the other it was constructed as their domestic sales proved not representative. The comparison between normal value and export price was made on an ex-works level with adjustments made transport, ocean freight, packing costs, credit costs and commissions etc. For those companies granted MET and IT individual dumping margins were calculated ranging between 0% and 48.4%. The dumping margin applicable to the cooperating exporters not included in the sample was the weighted average of those in the sample – 31.8%. For all others, given that the level of co-operation was considered low it was decided to set the 'all others' rate at a higher level of 62.9%.

### Injury

Imports of candles from the PRC increased by 35% between 2004 and the IP resulting in an increase in market share from 28.9% to 34.5% in the same period. The prices of the Chinese exports to the EU were found to undercut the European producers by 9% on average.

During the period used to assess injury, certain indicators on the situation of the EU industry improved including production, production capacity, productivity and sales volume. However indicators regarding the financial situation declined with a negative return on investments in the IP and profitability decreasing from 6.9% in 2004 to a loss of 0.6% in the IP. Other injury indicators also showed a negative development such as drop in capacity utilisation (4%), employment (13%), and drop in market share from 39.8% in 2004 to 36.1% in the IP despite an increase in demand of 13%. It was therefore concluded that there was evidence of injury to the EU industry.

### Causation

The coincidence in time between the increase in dumped imports and the deterioration in the situation of the EU 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 effect of imports from other third countries, the export performance of the EU producers, imports of candles by the EU industry (self-injury), the relocation of production by the EU industry and the effects of the existence of a cartel among European paraffin wax(main raw material). The effect of other factors was not found to be a cause of the injury suffered by the EU industry.

### EU Interest

The Commission carefully examined the interests of EU producers, importers, raw material suppliers and consumers in order to determine if it was in the interest of the EU to impose measures. For producers it was considered that there were a large number of companies in the EU which depend of the candle industry supplying raw materials. The industry itself employs around 5000; No consumer groups participated. Regarding retailers it was found that the profit margins enjoyed on these products were every high and would therefore allow the retailer to absorb and

dumping margins imposed and not pass the increased price on to the consumers. It was therefore concluded that there were no compelling reasons against the imposition of measures.

#### Definitive Measures

Definitive measures were imposed on 11 May 2009, based on the injury elimination levels as these were lower than the dumping margins found. The duty was applied in the form of a fixed amount of euro per tonne of fuel content and ranged between € and €367.09 for individual companies with n all other rate of €549.33. Undertakings had been requested by a number of exporters. However owing to the difficulties to monitor such undertakings they were refused.

#### Biodiesel originating in the USA – Anti-dumping measures

An investigation was initiated on imports of Biodiesel originating in the USA in June 2008 on the basis of a complaint lodged by the European Biodiesel Board on behalf of European Biodiesel producers representing over 25% of the total EU production of the product. The product concerned was defined as fatty-acid monoalkyl esters and/or paraffinic gasoils from synthesis and/or hydrotreatment, of non-fossil origin (commonly known as ‘biodiesel’), whether in pure form or in a blend, mainly but not exclusively used as renewable fuel. An anti-subsidy proceeding on the product originating in the USA was also opened on the same day. Provisional anti-dumping measures were imposed in March 2009.

The investigation period was from 1 April 2007 to 31 March 2008 with injury analysis covering the period from 1 January 2004 to the end of the I.P.

#### Dumping

Due to the large number of US exporters who co-operated in the proceeding sampling was used. Six exporting producers were selected which accounted for 73% of the total exports of the co-operating exporters. Normal value was based on domestic sales of the product concerned except for one exporter where normal value had to be constructed. Export prices were based on prices actually paid or payable for the product concerned. The comparison between normal value and export prices was made on an ex-works level with allowances being made for certain costs including transport, ocean freight and insurance costs, handling loading and ancillary costs, credit costs and commissions where appropriate. This resulted in dumping margins for the companies included in the sample, ranging between 10.4% and 73.4%. The weighted average dumping margin of the sample (33.7%) was applicable to other cooperating producers while for all others a dumping margin of 57.3% was applied.

#### Injury

Sampling was also applied to the EU producers with 11 companies being selected for the sample. While the period of assessment for injury covered Jan 2004 to the end of the I.P. the investigation showed that the EU industry was in a start-up phase in 2004 and therefore the analysis for injury was based on information from 2005 to the end of the I.P.

The volume of imports of biodiesel from the USA increased from 11,500 tonnes in 2005 to over 1.1 m tonnes in the IP thereby increasing their market share from 0.4% to 17.2%. Consumption in the EU of the product concerned more than doubled in the same period. While the price of the imports from the US increased between 2005 and the IP by 7% nevertheless they undercut the EU prices by amounts ranging from 18.9% to 33%.

Certain injury indicators for the EU industry between 2004 and the IP showed positive development such as production, production capacity, sales volume, modest market share increase, employment and investment. However the production volume did not follow the market growth hence production capacity fell by 9% and productivity also. In addition profitability fell from around 18% in 2005 to 8% in the IP and return on investments dropped dramatically. The EU producers also experienced a sharp increase in the cost of raw materials which they were unable to pass to their customers due to competition from dumped imports.

#### Causation

The coincidence in time between, on the one hand, the increase of dumped biodiesel from the USA, their increase in market share, the undercutting and on the other hand, the deterioration of the economic situation of the EU industry led to the conclusion that the dumped imports caused the material injury suffered by the EU industry.

Other factors were examined in the context of the causation analysis including, imports from other third countries, development of demand, reintroduction of energy taxes in Germany for biodiesel, idle production capacity, increasing prices of raw material for EU producers and the location of the biodiesel plants in the EU. It was concluded that these factors did not break the causal link between the dumped imports and the injury suffered

#### EU interest

It was considered that the imposition of anti-dumping measures on imports of biodiesel from the USA would allow the EU industry to grow and recover. It was also considered that the imposition of measures would impact favourably on the suppliers of raw material in the EU. No conclusions could be reached on the impact of measures on importers and users owing to poor cooperation from them.

#### Anti-dumping measures

The fact that there was also an anti-subsidy proceeding ongoing was taken into account in establishing the levels of the duties to be applied. Given that none of the subsidies found in the parallel investigation were export subsidies and hence not affecting the export price, it was considered that the anti-dumping duties could be imposed along with the countervailing duties as long as they did not exceed the injury elimination level established. On this basis anti-dumping duties in the form of a fixed duty per tonne were imposed on July 2009 ranging from €0 to €198 and €172.2 for all others.



## Biodiesel originating in the USA – Anti-subsidy measures

An anti-subsidy investigation was initiated on imports of Biodiesel originating in the USA in June 2008 on the basis of a complaint lodged by the European Biodiesel Board on behalf of European Biodiesel producers representing over 25% of the total EU production of the product. The product concerned was defined as fatty-acid monoalkyl esters and/or paraffinic gasoils from synthesis and/or hydrotreatment, of non-fossil origin (commonly known as 'biodiesel'), whether in pure form or in a blend, mainly but not exclusively used as renewable fuel. An anti-dumping proceeding on the product originating in the USA was also opened on the same day.

Prior to the initiation of the case consultations were held between the Commission Services and the US authorities in accordance with the basic Regulation. While no mutually agreed solution was found information was provided which resulted in certain state schemes being excluded from the scope of the investigation. Provisional anti-subsidy measures were imposed in March 2009.

The investigation period was from 1 April 2007 to 31 March 2008 with injury analysis covering the period from 1 January 2004 to the end of the I.P.

### Subsidisation

Due to the large number of cooperating companies in the USA sampling was used in the case. Six companies were selected accounting for 50% of total imports of Biodiesel from the US. Three federal and twelve state subsidy schemes were investigated.

Two of the Federal schemes were found to be countervailable: the Excise Tax/income tax credit scheme and the Small Agri-biodiesel Producer Income tax credit. Under the U.S. Department of Agriculture Bioenergy Program it was found that incentives were provided to certain biodiesel producers but that no benefit had been received during the IP.

Of the state schemes investigated, four were not used by any of the companies and were therefore not analysed. These were the North Dakota biodiesel equipment tax exemption, Washington State energy freedom program, Washington state biofuels retail tax exemption and the Washington State biofuels tax deduction. No conclusions were drawn in relation to the Washington State biofuels production tax exemption as none of the sampled companies had benefitted from it. Two schemes were found to be not countervailable – these were the Illinois biodiesel tax exemption and the Texas ethanol and biodiesel blend tax exemption. Five schemes were found to be countervailable. However, in three of these schemes the benefit to the companies was found to be negligible. Only two schemes were countervailed: the Missouri qualified biodiesel producer incentive fund and the Texas fuel ethanol and biodiesel production incentive program.

The amount of the countervailable subsidies expressed ad valorem for the investigated companies ranges between 29.1% and 41.1%. For those cooperating companies not included in the sample the weighted average of these rates was used resulting in 36%. For all others the rate was 81%.

### Injury

Imports of biodiesel from the US increased their share of the EU market from 0.4% in 2005 to 17.2% during the IP. These prices of these imports were found to undercut the EU prices by amounts ranging from 18.9% to 33%.

Sampling was used for the EU industry with ten companies selected. Some of the injury indicators examined showed positive developments in the IP including production, production capacity, sales volume, market share, employment and investments. However there was an increase in demand which was not matched by production volume, hence capacity utilisation and productivity decreased. Profitability also decreased from around 18% in 2005 and 2006 to below 6% during the IP. In addition, owing to competition from low priced imports, the EU industry was unable to pass on increased costs in production to their customers in the EU market. It was therefore concluded that the EU industry had suffered material injury.

#### Causality

The imports from the US of biodiesel increased 100 times during the period analysed and had an increase in market share of 16.8 percentage points in just 15 months. Other factors were examined in the context of the causation analysis including imports from other third countries, development of demand, public policy decisions, idle production capacity, price development of mineral diesel and the location of the biodiesel plants in the EU. It was concluded that these factors did not break the causal link between the subsidised imports and the injury suffered.

#### EU interest

It was considered that the imposition of anti-subsidy measures on imports of biodiesel from the USA would allow the EU industry to grow and recover. It was also considered that the imposition of measures would impact favourably on the suppliers of raw material in the EU. No conclusions could be reached on the impact of measures on importers/traders owing to poor cooperation from them.

#### Anti-subsidy measures

A number of US companies offered undertaking in the case. However it was considered that these should be rejected as the method to determine minimum import prices was inappropriate and the undertakings were not at a level which would eliminate the injurious effects of the subsidised imports. Definitive anti-subsidy measures were imposed on imports of biodiesel from the USA in July 2009 ranging from €111.2 per tonne to a residual duty of €37 per tonne.

#### Seamless pipes or tubes of iron or steel originating in the People's Republic of China

An anti-dumping investigation on imports of seamless pipes and tubes originating in the PRC was initiated in July 2008 on the basis of a complaint lodged by the Defence Committee of the Seamless Steel Tube Industry of the EU representing more than 50% of the EU production of the product. Provisional anti-dumping measures were imposed in April 2009. The investigation period (IP) covered 1 July 2007 to 30 June 2009 and injury was assessed over the period 1 January 2005 to the end of the IP.

#### Dumping

Due to the large number of exporters that co-operated with the investigation sampling was applied. Four groups of exporting companies were selected for the sample representing 70% of the exports of cooperating exporters from the PRC. Three of these companies requested market economy treatment (MET). However none were granted MET as they did not successfully meet all the criteria. However one of the companies was granted individual treatment (IT). Normal value for all Chinese companies was based on data from an analogue country, in this case the USA. This normal value was compared to the export prices of the Chinese products to the EU duly adjusted to allow comparison at an ex-works level. This resulted in a dumping margin of 64.8% for the one company who received IT and 48.6% for the cooperating companies (being a weighted average of the results of the four companies in the sample). Given that the cooperation level overall was low the residual duty was set at 73.1% being the highest margin found for one co-operating exporter.

#### Injury/Threat of injury

Given the large number of EU producers who expressed interest in co-operating with the case, sampling was also applied with 5 producers selected representing 62% of total EU production. The investigation showed some signs of injury with the EU only increasing its sales by 14% while consumption grew by 24% resulting in loss of market share. The EU industry did however manage to maintain high capacity utilisation and prices ensuring good levels of profitability of 15% on the IP. It was therefore concluded that there was no material injury suffered by the EU industry. However it was also noted that the EU industry was emerging from a period where it had been subject to injurious dumping with anti-dumping measures having been imposed in 2006. While the industry had partially recovered largely due to the market expansion between 2005 and the IP there were also Chinese dumped products on the market place. It was considered that if the expansion of the market was to stop then the EU industry would be in a vulnerable state. As a result the threat of injury was examined.

An assessment of information including the likely development of EU consumption, imports from the PRC, the situation of the EU industry after the IP, the development of imports, free capacity of exporters, level of prices of PRC imports and the level of inventories was made to examine threat of injury. It was concluded that the historical volume increase of Chinese imports indicated a policy of market penetration while their unused capacity would allow for further volumes to be directed to the EU. This added to the significant price differences from other suppliers lead to the conclusion that the absence of measures against Chinese imports would cause material injury to the vulnerable EU industry.

#### Causation

The coincidence in time of the increase in dumped imports from China (26,273 tonnes in 2005 to 542,840 in the IP) which undercut EU prices to the order of 24% on average and the imminent threat of injury to the EU industry led to the conclusion that the dumped imports would be the cause of material injury to the EU industry. Other factors were examined including the import/export activity of the EU industry, imports from other third countries, increases in costs of raw materials and the

economic downturn. None were found to be a determining reason for the injury likely to be suffered.

#### Anti-dumping measures

It was concluded that it was in the EU interest to impose measures and therefore in October 2009, anti-dumping duties on imports of seamless pipes and tubes from China were imposed ranging from 15.1% to 24.2%.

#### 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 there from, measures not in the interest of the EU).

In 2009, 11 new proceedings (10 anti-dumping and 1 anti-subsidy) were terminated without measures, compared to 3 in 2008 and 10 in 2007.

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.

<b>Product (type of investigation<sup>19</sup>)</b>	<b>Originating from</b>	<b>Main reason for termination</b>
Flat-rolled products (hot-dipped metallic-coated iron or steel) (AD)	P.R. China	No material injury - Complaint withdrawn
Stainless steel cold rolled flat products (AD)	P.R. China Korea (Rep. of) Taiwan	No causal link between dumping and injury - Complaint withdrawn
Sodium metal (AD)	USA	Complaint withdrawn
Wire rod (AD)	Turkey Moldova (Rep. of)	<i>De minimis</i> dumping margins
Hollow sections (AD)	Belarus Turkey Ukraine	Complaint withdrawn
Sodium metal (AS)	USA	Complaint withdrawn

<sup>19</sup> AD = anti-dumping investigation; AS = anti-subsidy investigation, AD + AS = parallel anti-dumping and anti-subsidy investigation.

#### 9.1.6. Details on some individual cases

##### Anti-dumping and Anti-subsidy proceedings concerning Sodium Metal originating in the USA

In July 2008, simultaneous anti-dumping and anti-subsidy proceedings were initiated concerning imports of sodium metal originating in the USA. Both proceedings were opened on the basis of complaints lodged by Métaux Speciaux, the only producer of Sodium Metal in the EU. In both proceedings the investigation period was from 1 July 2005 to 30 June 2008 with injury trends being examined over a period starting from January 2005 to the end of the IP.

In the anti-subsidy case consultations were held with the USA in order to find a mutually agreeable in July 2008. However no solution was found.

Information regarding dumping, subsidies and injury was collected and verified with verification visits taking place at the premises of exporters in the US, the EU producer as well as at EU users.

On 1 April 2009, the complainant formally withdrew both complaints. According to the complainant this was prompted by changed circumstances. The Commission considered that the investigation had not brought to light any reasons why terminating the proceedings would not be in the EU interest. As a result both proceedings were terminated in June 2009.

##### Stainless steel cold-rolled flat products originating in the People's Republic of China (PRC), The Republic of Korea and Taiwan.

In February 2008, the Commission initiated an anti-dumping investigation concerning imports of stainless steel cold-rolled flat products originating in the PRC, Korea and Taiwan. This was based on a complaint lodged by EUROFER representing a major proportion of the EU production of the product concerned.

In order to establish dumping it was necessary to use sampling as regards Taiwanese exporters owing to the large number of companies which came forward. Regarding exporters in the PRC and Taiwan sampling, though originally foreseen, was not necessary. In November 2008 the Commission disclosed its interim report on the case where it set out that dumping was provisionally established from the countries concerned. However the report did not conclude on the existence of a material link between the dumped imports and any injury suffered by the EU industry and proposed to continue with the investigation without imposing provisional measures.

In March 2009, EUROFER formally withdrew its complaint stating that the market situation differed significantly from the situation which existed at the time the complaint had been lodged. Demand had collapsed which had in turn led to a decline in imports. EUROFER considered that it was preferable to respond to any unfair injurious practices by way of a new case if warranted. The Commission considered that the economic situation was volatile and that the appearance of injurious dumping could not be excluded. It was also considered appropriate to monitor imports of the product concerned into the EU in order to enable the Commission to react quickly to developments and open a new investigation if

justified. The monitoring period was for 2 years from the termination of the case which took place in April 2009.

## 9.2. Review investigations

### 9.2.1. 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 2009, 3 anti-dumping measures and 1 anti-subsidy measure expired 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 438 measures have been allowed to expire automatically.

#### 9.2.1.1. Initiations

During 2008, 11 expiry review investigations were initiated, 10 anti-dumping and 1 anti-subsidy. 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 <sup>20</sup> )	Originating from	Complainant
Silicon*	P.R. China	Euroalliages (Liaison Committee of the Ferro-Alloy Industry)
Sodium cyclamate	P.R. China Indonesia	Productos Aditivos SA
Ammonium nitrate	Ukraine	European Fertilizer Manufacturers Association (EFMA)
Polyethylene terephthalate (PET)	P.R. China	Polyethylene terephthalate (PET) Committee of PlasticsEurope
Graphite electrode systems	India	SGL Carbon, Erftcarbon and

<sup>20</sup> A = anti-dumping investigation; AS = anti-subsidy investigation, AD + AS = parallel anti-dumping and anti-subsidy investigation.

		GrafTech
Graphite electrode systems (AS)	India	SGL Carbon, Erftcarbon and GrafTech
Glyphosate	P.R. China	European Glyphosate Association
Synthetic fibre ropes	P.R. China	Liaison Committee of EU Twine, Cordage and Netting Industries of Eurocord
Okoumé plywood*	P.R. China	European Federation of the Plywood Industry
Tungsten carbide and fused tungsten carbide	P.R. China	Eurometaux

#### 9.2.1.2. Reviews concluded with confirmation of duties

During 2009, 5 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 2009, 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.

<b>Product</b>	<b>Originating from</b>	<b>Result of the investigation/ Type<sup>21</sup> and level of measure</b>
Tube or pipe fittings of iron or steel	P.R. China Thailand	Confirmation of duty/ AD  PRC: 58.6%; Thailand: Ranging 0% - 7.4%, All others 58.9%
Furfuryl alcohol	P.R. China	Confirmation of duty/ AD  Fixed rate of duty €per tonne ranging from €84 – €160. and all others rate €250
Footwear with uppers of leather	P.R. China Vietnam	Confirmation of duty/ AD  PRC: 9.7% and All others : 16.5%  Vietnam: 10%

<sup>21</sup> AD = anti-dumping duty, CVD = countervailing duty, UT = undertaking.

### 9.2.1.3 Details on some individual cases

#### Footwear with uppers of leather originating in Peoples Republic of China (PRC) and Vietnam

Anti-dumping measures had been imposed on imports of footwear originating in the People's Republic of China and Vietnam in October 2006 for a period of 2 years. These measures were later extended to imports of footwear from the Macau Special Administrative Region (SAR) following an anti-circumvention investigation. In October 2008, following a request by the European Confederation of the Footwear industry (CEC), the Commission initiated an expiry review. In this case the identity of the complainants was kept confidential owing to fears of significant adverse effects if their identity was known.

The review investigation period (RIP) covered 1 July 2007 to 30 June 2008, while for the purpose of assessing the likelihood of recurrence of injury the period covered was 1 January 2006 to the 30 June 2008.

#### Likelihood of continuation of dumping

Owing to the large number of both Chinese and Vietnamese exporters who cooperated in the investigation, sampling had to be applied. 7 Chinese companies were selected representing 13% of total exports to the EU from PRC and 3 Vietnamese companies were selected representing 22% of exports to the EU. In the case of one Chinese exporter, Golden Step, normal value was based on the companies' own data as they had been granted market economy treatment in the original investigation. Given that Golden Step had had no domestic sales of the product concerned, normal value was constructed. For all remaining companies, in accordance with the rules on non-market economies, normal value was based on data from an analogue country, in this case Brazil. Indonesian exporters had also cooperated as analogue country producers. However Brazil was found to have the most representative volume of domestic sales in the RIP.

Normal values were compared to the export prices of the Vietnamese and Chinese exporters on a ex-works level with certain adjustments made to ensure comparability. These included adjustments for R&D and design to reflect costs incurred by the Brazilian exporters. This resulted in dumping margins ranging between: 5% and 16% for Golden Step; 35% and 38% for PRC and 43.8% for Vietnam. The volumes and prices of imports from PRC and Vietnam were also examined. It was found that imports from PRC had increased significantly since the original IP from 63,403 (1000 pairs) to 125,052 (1000 pairs) while imports from Vietnam had dropped after the original IP but rose again between 2007 and the RIP - from 52,503 (1000 pairs) to 68,852 (1000 pairs). Their combined market share in the RIP was 28.7%, higher than that of the IP of 23.2%. Eurostat figures showed that the average prices of these imports rose between the original IP and the 2006, but found after that prices from PRC stabilised and those of Vietnam fell. It was found that prices from the companies included in the sample fell over the period from 2006 to the RIP. It was therefore concluded that a continuation of dumping had taken place regarding the product from PRC and Vietnam.



The investigation also concluded that if measures were repealed there would be a likelihood of a continuation of dumping both from the PRC and Vietnam. This was based on the attractiveness of the EU market in terms of size and price levels as well as other factors including spare capacities of the exporting countries.

## Injury

Sampling was used for EU producers with 8 companies selected representing 3.1% of the total EU production. Given the highly fragmented nature of the EU industry, it was unavoidable that the companies in the sample covered a small proportion of the EU industry. The sample was selected taking into account geographical spread, production types and distribution as well as representing all major business models. The analysis of injury was based on both macro and micro economic factors. It was found that the measures had allowed the EU industry to redefine their business models concentrating on higher added value, mid to high end product segment with better distribution channels. It was considered that a period of further adjustment was needed for the industry to complete this process.

Analysis of the injury indicators showed that EU production as well as sales volume decreased in line with EU consumption in the same period. As a result sales, market share and employment have remained stable. There was a slight decrease in productivity. The investigation also showed, at micro level, an increase in sales prices, cash-flow investment and profit. However it was also found that the industry has not been able to recover to normal profit and investment levels and continue to have problems raising capital and in salary development. This indicated that the EU situation was still fragile and that injury had not been totally removed. The volume and prices of the dumped imports were found to adversely affect the EU industry with undercutting levels found of 31.9% for PRC and 38.9% for Vietnam which represent very large increases over the original IP. It was also concluded that given that the dumped imports were likely to continue if the measures were repealed this would result in a continuation of the injury to the EU industry.

## Causal link

The investigation examined if any other factors were the case of the injury suffered by the EU industry. It was found that none of these factors would break the causal link in this case. The elements examined included the lack of competition between the EU producers shoes and those imported, the lack of efficiency of EU producers, impact of globalisation, imports from other countries, changes in consumption and consumer preferences and the EU producers export performance.

## EU interest

From the point of EU interest it was concluded that the investigation did not bring to light any compelling reasons why the measures should not be maintained. It was found that the measures had helped EU producers to improve their situation including adapting their business models to face the challenges of the globalised market. The continuation of the measures would allow this process to go on. It was also found that the impact on the importers (who had also been sampled), retailers/distributors and consumers was not disproportionate. It was concluded that, assuming consumer demand would weaken further in the wake of the economic

crisis, the measures would have a greater impact on these economic operators than in the past. However it was assumed that given the healthy state and proven flexibility of importers and the general strong market position of retailers/distributors these operators would not suffer disproportionately in the short to medium term. Regarding consumers, given that there had been no noticeable price-increase following the imposition of the original measures there were no indications that prices would increase disproportionately in the future.

## Measures

In light of the findings it was concluded that measures should be maintained for a further period. However given that the EU industry was undergoing significant changes and certain parts of industry were adapting their business model and returning to near target profits it was considered that there was a likelihood of injury for the short to medium term until the process of adjustment by the industry was complete. It was therefore considered to be inappropriate to propose measures for a full period of 5 years and therefore the definitive measures imposed on imports of footwear from PRC, Vietnam and extended to Macau were imposed for a further period of 15 months from December 2009.

### 9.2.1.3. Reviews concluded by termination

During 2009, 0 expiry reviews were concluded by termination.

### 9.2.2. *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 EU 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 2009, a total of 14 interim reviews were initiated. 13 interim reviews were concluded with confirmation or amendment of duty and 1 interim review was concluded by terminating the measures. The alphabetical list of cases which were concluded during 2009 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.

<b>Product</b>	<b>Originating from</b>	<b>Result of the investigation/ Type<sup>22</sup></b>
Polyethylene terephthalate (PET) film (AS)	India	Amendment of the AS duty to amounts ranging between 5.4% to 19.1% (AS)
Steel ropes and cables	India	Repeal of measures for company UML owing to negative margin found (AD)
Polyester staple fibres	P.R. China	Clarification of the product definition (AD)
Stainless steel fasteners	Vietnam	Repeal of measures for company HPC owing to no dumping found (AD)
Tube or pipe fittings of iron or steel*	P.R. China Taiwan	Continuation of measures and repeal of exemption of measures for Chup Hsin and Niam Hong and residual PRC duty applied (AD)
Sweet corn (prepared or preserved in kernels)	Thailand	Interim review terminated without the rejection of all undertaking offers. (AD)
Magnesia bricks	P.R. China	No dumping found for BRC - dumping duty applicable to the company changed to 0%.(AD)
Magnesia bricks	P.R. China	MET granted to DSRM resulting in a drop in the dumping duty applicable to the company from 27.7% to 14.4%(AD)
Hand pallet trucks and their essential parts	P.R. China	Review terminated without changing measures as Yale (applicant company) did not meet MET or IT criteria (AD)
Graphite electrode systems	India	De minimis dumping found for HEG. Review concluded without change to the measure owing to 0% applicable duty from original investigation.(AD)
Plastic sacks and bags	P.R. China	Investigation terminated as review request withdrawn (AD)
Polyester filament fabrics (finished)	P.R. China	Review terminated without amending the product scope of the measures. (AD)

<sup>22</sup> AD = anti-dumping, AS = anti-subsidy, UT = undertaking.

Ferro-silicon	F.Y.R.O.M.	Measures repealed owing to no more dumping for Silmak (sole FYROM exporter)(AD)
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#### 9.2.2.4 Details on individual cases

##### Sweet corn originating in Thailand

Definitive anti-dumping measures had been imposed on imports of sweet corn originating in Thailand in June 2007. The measures imposed were in the form of an ad valorem duty with undertakings accepted from two exporters. At the time of the imposition of the measures the Commission had allowed, as an exceptional measure, co-operating exporters in Thailand to submit undertaking offers after the date of the imposition of the definitive measures. Ten undertaking offers were made within the relevant deadline. The EU industry opposed the acceptance of undertakings as an appropriate form of measure because of the increasing price of the product concerned. The Commission initiated a partial interim in September 2008 limited in scope to the form of the measure applied to the two exporters from whom undertaking had already been accepted as well as the 10 undertaking offers received. The review period of investigation (RIP) covered 1 July 2007 – 30 June 2008.

##### Results of the investigation

Price developments of the product concerned were examined covering the period from the original investigation up to the RIP. This showed a clear upward trend since the original investigation despite a decrease during the RIP. The investigation also showed that there were significant variations in price since the original investigation. As a result fixed minimum import prices no longer seemed appropriate. The Commission also examined the possibility of indexation of the minimum import prices on the basis of a correlation between the cost of the two main components (sweet corn and tins) and sale price of the product concerned. It was found however that this was not feasible owing to the absence of a correlation. As a result the Commission decided that undertakings were not a suitable measure in this case and therefore all the offers of undertakings were rejected as well as the existing undertakings being withdrawn. The ad valorem duties were applied to all exporters effective in September 2009.

##### Magnesia Bricks originating in People's Republic of China

Definitive anti-dumping measures were imposed on imports of magnesia bricks originating in the PRC in October 2005. An ad valorem dumping duty was imposed of 39.9% on all imports except for six companies who had individual dumping rates applied to them. Following the imposition of definitive measures a Chinese exporter, Bayuquan Refractories Co. Ltd (BRC). Applied for an interim review on the basis that it had not cooperated in the original investigation and that it met the criteria for Market economy treatment (MET) or individual treatment (IT). The company claimed that their level of dumping was substantially lower than the then level of the measure. The Commission initiated an interim review in June 2008. The review investigation period covered 1 April 2007 to 31 March 2008.

##### Results of the investigation

The investigation found that the company did not meet the criteria for MET. It was found that BRC did not have accounts of the required standard for the investigation as they showed breaches of IAS and accounting principles. In addition it was found that the company had obtained land use rights for well below market price thus showing that they were not free from distortions carried over from the former non-market economy. The company did however meet all the criteria for IT.

As is the norm for imports from non-market economy countries, normal value was established on the basis of data from an analogue country, in this case the USA. Export prices of BRC to the EU were made via related importers and these were duly adjusted for all costs between importation and resale. A comparison of the normal value with export price revealed no dumping. It was considered that the changes which led to the initiation of the review were of a lasting nature and it was therefore decided that the residual duty of 39.9% should no longer apply to BRC and this was amended by a Council Regulation to 0% in September 2009.

#### Graphite electrode systems originating in India

On the basis of a request from Hindustan Electro Graphite Ltd (HEG), an Indian exporter, in July 2008 the Commission initiated a partial interim review of the measures in place on graphite electrode systems originating in India. The company had alleged that they had increased their export prices and that as a result the level of anti-dumping duties was no longer warranted. The investigation period was from 1 April 2007 to 31 March 2008.

#### Results of the investigation

Normal value was based on both domestic selling prices where these were profitable and sold in representative quantities as well as constructed for certain types of the product where domestic prices could not be used. The export prices used were those of HEG which were all made to independent customers. A comparison of normal value and export prices revealed a de minimis dumping margin. The Commission also examined whether the changes in prices were of a lasting nature and it was concluded that this was indeed the case. This was based on the fact that import prices from HEG were found to have been high and stable since the review investigation period as well as the fact that HEG's prices to other export market were also found to be higher than those prevailing on the domestic market.

While the original investigation had found dumping margins for HEG of 22.4% the actual duty in force for the company was 0% owing to the fact that parallel countervailing duties were also in force for the product. As a result the de minimis finding of the review had no impact on the actual measure in force for the company. Hence in July 2009 the interim review was concluded without any change to the measures.

#### Plastic sacks and bags originating in the Peoples Republic of China (PRC)

Definitive anti-dumping measures had been imposed on plastic sacks and bags originating in the PRC in September 2006. Individual dumping duty rates ranging from 4.3% to 12.8% were imposed. In July 2008, on the basis of a request from a Chinese exporter, CeDo Shanghai Ltd., the Commission opened a partial interim review of the measures in place for that company. The company claimed that export

prices had increased significantly since the original investigation thereby reducing or eliminating the dumping. The review investigation period was from 1 July 2007 to 30 June 2008.

In March 2009, the company withdrew its request for the interim review. The Commission considered whether or not the termination of the review would affect the measures in force or go against the Union interest. This was considered not to be the case and in July 2009 the investigation was terminated without any change to the measure for the company concerned.

#### Ferro-silicon originating in former Yugoslav Republic of Macedonia (F.Y.R.O.M.)

Definitive anti-dumping measures had been imposed on imports of ferro-silicon originating, inter alia, in FYROM in February 2008. The only known exporter of the product concerned in FYROM, Silmak Dooel Export Import (Silmak), was subject to a duty of 5.4%. The company requested an interim review claiming that a comparison of its constructed normal value and export price saw substantially lower than the measures it was subject to. The Commission initiated an interim review in April 2009. The investigation period for dumping was 1 January 2008 to 31 December 2008.

The Commission constructed normal value for the company as they had no representative sales of the product concerned in FYROM. In constructing normal value the Commission followed the same method as had applied in the original investigation using SG&A incurred by the Egyptian producers (also subject to the measure) as well as an amount of 5% for profit. The export prices of Silmak were used for the comparison. The comparison between normal value and export prices, duly adjusted to ensure fair comparison revealed no dumping. The investigation showed that Silmak had changed its production to higher grade product types resulting in higher export prices to the EU. It was considered that these changes were of a lasting nature. Given that Silmak was the only exporter of the product concerned to the EU from FYROM, a fact verified by data from Eurostat, it was decided to terminate the measures as regards that country. The measures were therefore repealed in December 2009.

#### 9.2.3. *“Other” interim reviews*

A number of other reviews, not falling under Article 11(3) or Article 19 of the basic Regulations were concluded during 2009.

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 .

#### 9.2.4. *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 EU following the investigation period, or that they have entered into an irrevocable contractual obligation to export a significant quantity to the EU.

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 2009, 6 new exporter review were initiated. Since the Commission carried out the first reviews of this type in 1990, a total of 60 such investigations have been initiated. There were 4 new exporter reviews concluded during 2008, 3 of which were terminated with confirmation of the duty and 1 concluded with amendment of the duty.

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

#### 9.2.5. *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 EU, 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 2009, there were no anti-absorption investigations initiated or concluded. – Annex J.

#### 9.2.6 *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 EU 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 2009, 1 anti-circumvention investigation was initiated. 1 such investigations was concluded with an extension of the duty. More information can be obtained from the Official Journal to which reference is given in Annex K.

#### Hand pallet trucks originating in the People's Republic of China (PRC)

In July 2005 the Council imposed definitive antidumping duties on hand pallet trucks and their essential parts (HPT) originating in the People's Republic of China. Following the imposition of measures, evidence at the disposal of the Commission indicated that the measures were being circumvented by means of assembly operation in Thailand. On the basis of prima facie evidence available, the Commission initiated an anti-circumvention investigation on an ex-officio basis in September 2008. The investigation period (the 'IP') covered 1 September 2007 to 31 August 2008. Data was collected from 2005 up to the end of the IP to investigate the alleged change in the pattern of trade and other aspects.

#### Circumvention

Neither exporters nor the authorities co-operated from Thailand and only one Chinese exporter co-operated. Nine EU importers cooperated and the information they provided indicated that there was indeed an increase in imports of HPT from Thailand and a simultaneous decrease in imports from China in 2006, the year after the imposition of measures. It also showed that while imports from the PRC increased again in the following years the imports from Thailand decreased slightly yet stayed well above the 2005 levels. Due to the lack of co-operation by Thai exporters findings regarding exports from Thailand were based on best information available.

Statistics from Member States and compiled by the Commission showed an increase in imports of the product concerned from Thailand of 868% between 2005 to 2007 stabilising in 2005 at 564% when compared to 2005. While imports from the PRC also showed an increase this was mainly attributed to the sole Chinese exporter which had the lowest duty rate. Information available to the Commission indicated a significant number of HPT assembly operations in Thailand but no genuine production of HPPT in the country. It was concluded that in the absence of any information to the contrary that the change in the pattern in trade stemmed only from the imposition of the anti-dumping measures on imports from PRC;

A dumping test was carried out regarding the exports from Thailand and it was found that when compared to the normal value from the original investigation significant dumping existed 22.5%. It was also found that the imports from Thailand 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 - 48.9%. This was further compounded by the fact that had imports into the EU originated in China it would have been likely that the quantities would have been lower owing to the existence of the duty.

#### Extension of the measures



The investigation concluded that there was clear circumvention of the measures on the product concerned from the PRC via assembly operations in Thailand. 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 Thailand, whether declared as originating in Thailand or not.

### **9.3. 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 EU industry.

The Commission expects the EU'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 EU 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 2009 there were no safeguard measures was in place. During 2009 no safeguard investigations were initiated or ongoing.

## **10. 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 2009 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).

### **10.1. 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.

## **10.2. Monitoring of undertakings**

Monitoring of undertakings is 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 2009, there were undertakings in force accepted from 46 companies, covering 11 products originating in 10 different countries.

During 2009, the following changes to the portfolio of undertakings took place:

Undertakings of 5 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 (sweet corn originating in Thailand – 2 companies);
- the undertaking of three companies expired since the measures concerning those countries expired (Rainbow trout from the Faeroe Islands -2 companies, PET (Polyethylene terephthalate) from Australia -1 company);

In addition, one offer for an undertaking has been accepted:

- in one new proceeding, an undertaking of one company was accepted (Aluminium foil originating in Brazil);

This brings the total number of undertakings in force at the end of 2009 to 42, covering 10 products originating in 8 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 Union), 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) or where the method offered to determine the minimum import prices was considered inappropriate.

## **11. 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 2009, 39 new refund requests were submitted. At the end of 2009, 7 investigations were ongoing, covering 25 requests. 5 Commission Decisions were adopted: 3 were granting partial refund and 2 were rejecting the refund request. 7 requests were withdrawn.

## **12. JUDICIAL REVIEW: DECISIONS GIVEN BY THE COURT OF JUSTICE / COURT OF FIRST INSTANCE**

### **12.1. Overview of the judicial reviews in 2008**

In 2009, the Court of Justice (COJ) and the General Court (GC) rendered 13 judgments in total relating to the areas of anti-dumping or anti-subsidy. Of these, one was a judgment interpreting another judgment.

### **12.2. 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 2009 is given in Annex S (35 before the GC and 9 before the COJ).

### **12.3. New cases**

17 new cases were lodged in 2009 (compared to 16 in 2008, 10 in 2007 and 19 in 2006). 10 of these were lodged before the GC and 7 before the COJ.

### **12.4. Judgments rendered and orders issued by the General Court**

8 judgments relating to the anti-dumping or anti-subsidy areas were rendered by the GC. Details of some of the cases are set out below.

12.4.1 *Certain seamless pipes and tubes of iron or non-alloy steel originating in, inter alia, Ukraine – T-249/06 – Interpipe Nikopolsky Seamless Tubes Plant Niko Tube ZAT and Interpipe Nizhnedneprovsky Tube Rolling Plant VAT v. Council of the European Union – Judgment of 10 March 2009 (OJ C 90 of 18.04.2009, p.25)*

The applicants, two related Ukrainian producers of seamless tubes and pipes, sought the annulment of Regulation (EC) No 954/2006, which imposed an anti-dumping duty on imports of seamless pipes and tubes of iron or non-alloy steel originating in, inter alia, Ukraine, applying to the applicants a duty of 25,1%. The applicants put forward six pleas in support of their action. The main findings are set out below.

The applicants argued, among other, that the Union producers selected to be in the sample did not fully cooperate and the Council was thus wrong to use their data for the purposes of determining injury. Furthermore, on account of this lack of full and entire cooperation, there was insufficient support for the complaint and the anti-dumping proceeding should have been terminated.

The Court found that although the parties to an anti-dumping proceeding are in principle required to lodge a reply to the Commission's questionnaire, the Basic Regulation allows for information presented in another form or in the context of another document to be used as long as certain conditions are fulfilled. The Court examined the facts in detail for each of the companies - including looking at what data was available and what impact that data had on the analysis, and concluded that the non-submission of questionnaire replies by related Union industry companies did not distort the calculation of the injury margin, nor the determination of injury.

In relation to the level of support for the complaint, the Court found that the Commission has an option but not an obligation to terminate an anti-dumping proceeding in progress where the level of support for the complaint falls below a minimal threshold. In any case, since the sampled Union producers were regarded as cooperating, there was no diminution in the degree of support for the complaint.

In another plea, the applicants argued that the Council, in comparing the normal value and the export price, should not have made an adjustment by deducting from the sale price of Sepco (a sales company related to the applicants) an amount corresponding to the commission which an agent, working on a commission basis, would have charged. The Court applied, by analogy, the case-law concerning the calculation of the normal value, to the calculation of the export price. According to this case-law, the fact that certain activities are shared by legally distinct companies within a group does not alter the fact that one is dealing with a single economic entity. The Court went on to dismiss, in relation to one of the applicants, the factors relied on by the Commission in concluding that Sepco carried out functions comparable to those of an agent working on a commission basis. The Court held that the fact that the relationship between Sepco and one of the applicants is one of buyer and seller is of no relevance in this regard. The Council had thus committed a manifest error of assessment. The claim was, however, rejected in relation to the other applicant since only an indirect connection between that applicant and Sepco had been established. In addition, the Court found that there had been a breach of the applicants' rights of defence in the late notification to them of the justification for the above adjustment.

The Court thus annulled Article 1 of Regulation (EC) No 954/2006 in so far as the anti-dumping duty fixed for exports by the applicants exceeds that which would have been applicable had the export price not been adjusted for a commission when sales took place through Sepco.

The Council and the Commission appealed the judgement. The appeal cases are pending before the Court of Justice.

12.4.2 *Certain electronic weighing scales (REWS) originating in, inter alia, China – T-299/05 – Shanghai Excell M&E Enterprise Co. Ltd and Shanghai Adaptech Precision Co. Ltd v. Council of the European Union – Judgment of 18 March 2009 (OJ C 113 of 16.05.2009, p.30)*

The applicants, two related Chinese companies, sought the annulment of the relevant part of Regulation (EC) No 692/2005, which was adopted following a new exporter review and which amended the original Regulation imposing an anti-dumping duty on imports of certain electronic weighing scales (REWS), originating in, inter alia, China, applying to the applicants a duty of 52,6%. The applicants put forward eight pleas on a range of issues.

The most important findings of the Court can be summarised as follows:

- The fact that Chinese companies are not subject under their domestic law to certain accounting standards (in this case international accounting standards (IAS)) does not mean that the accounts of those companies cannot be assessed in line with those standards. In any event the applicants' accounts were in breach of fundamental accounting concepts and the Council was thus correct in its assessment that the applicants do not fulfil the second criterion for being granted market economy treatment (MET).

The three-month deadline for making an MET determination is intended to ensure that the question of whether a producer meets the MET criteria is not decided on the basis of its effect on the calculation of the dumping margin. The practical effect of the time-limit is not called in question if, between the expiry of the three months and the actual MET decision, the companies claiming MET had made it impossible for the Commission to know what effect its MET decision would have on the dumping margin. Furthermore, the Commission needs a reasonable time period from the receipt of information to enable it to assess the information correctly and to consult the Advisory Committee and give the Union industry an opportunity to comment.

- The failure to comply with the three-month MET time-limit can only lead to a (partial) annulment of the MET determination if it is shown that the determination might have been substantively different if the deadline was adhered to – which was not the case in this instance.

- A change of methodology between original investigation and review does not breach Article 11(9) of the Basic Regulation if the method used in the original investigation does not comply with the provisions of Article 2 of the Basic Regulation.

- The adjustment to the export price for commissions (under Article 2(10)(i)) was correctly made. Such adjustments can be made not only for differences in

commissions paid in respect of the sales under consideration, but also for mark-up received by traders if they carry out functions which are similar to those of an agent working on a commission basis.

The Court rejected all eight pleas put forward by the applicants and dismissed the action.

12.4.3 *Lever arch mechanisms originating in China – T-296/06 – Dongguan Nanzha Leco Stationery Mfg. Co., Ltd v. Council of the European Union – Judgment of 23 September 2009 (OJ C 267 of 07.11.2009, p.55)*

The applicant, a Chinese manufacturer of lever arch mechanisms (LAMs), sought the annulment of Regulation (EC) No 1136/2006, which imposed an anti-dumping duty on imports of that product originating in China. The applicant was subject to a duty 27.1%.

The applicant argued that in making an adjustment to the export price for direct sales, general and administrative expenses and for profit of the applicant's two related companies, the institutions compared the normal value and export price at different levels of trade. The Court found that the comparison of normal value and export price had been done at the same level of trade – at ex-factory stage. If no deduction from the export price of sales costs had been made, an imbalance would have resulted since no sales expenses had been included in the constructed normal value.

In relation to the applicant's second plea, by which it challenged the institutions' change of position from the regulation imposing provisional measures to the Regulation imposing definitive measures, the Court stated that an anti-dumping investigation is an ongoing process during which many findings are constantly revised. Definitive findings may thus differ from previous findings.

The Court thus dismissed the action for partial annulment. The applicant appealed. The appeal case is pending before the Court of Justice.

12.4.4 *Certain footwear with uppers of leather originating in, inter alia, China – T-1/07 – Apache Footwear Ltd and Apache II Footwear Ltd (Qingxin) v. Council of the European Union – Judgment of 9 December 2009 (OJ C 24 of 30.01.2010, p.46)*

The applicants, two related footwear producing and exporting companies established in China, sought the annulment of Regulation (EC) No 1472/2006, which imposed an anti-dumping duty on imports of seamless certain footwear with uppers of leather originating in, inter alia, China, making the applicants subject to a duty of 16.5%.

The applicants made two main claims – they disputed the institutions' decision not to grant them Market Economy Treatment ('MET') and they asserted that children's shoes should have been excluded from the scope of the measure.

The Court found that the additional information relating to the MET assessment, which, according to the applicants had been wrongly rejected by the institutions had no evidential value as it did not show that the applicant in question pays rent at the market price. Furthermore, the Commission had correctly established a link with the Chinese state authorities (representation on the Board of Directors of one of the

applicants). In view of the above, the Commission could reasonably conclude that the third MET criterion had not been satisfied.

With regard to the second claim, the Court stated that the applicants have not shown that the fact that children need new shoes more frequently than adults, thus potentially offsetting the advantage of those shoes being less expensive, affects the position of consumers to the extent that the definitive duties would be contrary to the Union interest. In addition, the Council's assessment was also based on the unlikelihood of consumers bearing the full brunt of any measures. The Council had explained the reasons for its assessment in the Regulation imposing definitive measures.

The Court thus dismissed the action for annulment.

## **12.5. Judgments rendered by the Court of Justice**

In 2009, the COJ rendered 5 judgments relating to the anti-dumping or anti-subsidy areas.

### *12.5.1 Ironing boards originating in, inter alia, China – C-141/08 P – Foshan Shunde Yongjian Housewares & Hardware Co. Ltd. (appellant) Council of the European Union (defendant at first instance) – Judgment of 1 October 2009 (OJ C 282 of 21.11.2009, p.9)*

Foshan Shunde Yongjian (the applicant), a Chinese exporting producer had sought annulment of Council Regulation (EC) No. 452/2007 imposing definitive measures on ironing boards originating in, inter alia, China. The General Court had dismissed the action. The applicant appealed.

The Court of Justice rejected the first ground of appeal. The applicant had claimed that the Commission had not granted it MET because it wrongly considered itself prohibited from changing its original decision on this issue. On the basis of evidence before it, the General Court concluded that the final decision of the Commission not to grant the applicant MET was based on substantive grounds (non-fulfilment of the criteria) and not on a wrong interpretation of the rules as suggested by the applicant. The Court of Justice held that the General Court had not distorted the evidence and was entitled to conclude as it did.

The second ground of appeal concerned rights of defence. 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.

The applicant had been given time to comment, but the Commission sent its proposal for the definitive regulation to the Council prior to the expiry of the 10-day deadline for comments. The General Court had held that in so doing the Commission had breached the Basic Regulation, which stipulates that parties shall have at least 10 days to comment on final disclosure. However, it had found that this breach did not

affect the content of the regulation and thus the applicant's rights of defence - thus it could not lead to an annulment of the regulation.

The Court of Justice disagreed, stating that it could not be ruled out that the breach could affect the content of the regulation, and finding that the appellant's rights of defence were in fact adversely affected.

The Court of Justice thus set aside a part of the judgment of the General Court and annulled the regulation in so far as it imposed an anti-dumping duty on the applicant.

### **13. ACTIVITIES IN THE FRAMEWORK OF THE WORLD TRADE ORGANIZATION (WTO)**

#### **13.1. Dispute settlement in the field of anti-dumping, anti-subsidy and safeguards**

##### *13.1.1. 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.

##### *13.1.2. Dispute settlement procedures against the Union*

###### India - Polyethylene terephthalate (PET) – Request for consultations

In December 2008 India had 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. Consultations were held on 3 April 2009.



### China - certain iron or steel fasteners

By Council Regulation (EC) No 91/2009, the Council imposed anti-dumping measures on imports of certain iron or steel fasteners originating in the People's Republic of China. In July 2009, China submitted a request for consultations with the European Union on the above Regulation. Consultations were held on 14 September 2009. China then requested the establishment of a panel. The panel was established on 23 October 2009 and its members were elected on 9 December 2009.

### **13.2. Other WTO activities**

In 2009, the DDA Negotiating Group on rules met regularly to discuss the revised Chair's draft text which was circulated in December 2008 and the fisheries subsidies "roadmap". In this revised version, 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.

No progress could be achieved on any of these issues in the anti-dumping and horizontal subsidies areas. In fisheries, the group conducted intensive discussions on the basis of the questions contained in the Chair's roadmap. While this allowed the views of Members to be clarified on key issues, it did not help positions to converge.

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.

## **14. CONCLUSION**

The level of activity in 2009 over 2008 changed very little when based on the initiation of new cases – 21 as compared to 20. 2009 did however show a significant increase in the number of anti-subsidy cases initiated – up from 2 in 2008 to 6 in 2009. There was a significant decrease in the number of definitive measures imposed – this is related to the low number of initiations in 2007. There was a considerable increase in the number of investigations terminated without the imposition of measures (from 3 to 11 between the two years) and a doubling of the number provisional measures imposed (10) over the previous year. 2009 also saw the number of reviews initiated increase significantly while the number of reviews terminated dropped considerably over 2008 figures.

In 2009 a number of initiatives to improve the transparency of trade defence investigations began. The actions which include a revamp of the TDI website, as well as specific assistance for SMEs and improved disclosure in cases were some of the elements agreed with Member States. In 2009 a study regarding the needs of SMEs in TDI was launched and results are expected during 2010. The TDI services also continued their information role through organising seminars aimed at third country officials and held a number of bilateral contacts with industry.

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## ANNEX A

### New investigations initiated

during the period 1 January – 31 December 2009

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

<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Cargo scanning systems	P.R. China	C 63 18.03.2009, p. 20
Molybdenum wires	P.R. China	C 84 08.04.2009, p. 5
Sodium gluconate	P.R. China	C 188 11.08.2009, p. 24
Aluminium road wheels	P.R. China	C 190 13.08.2009, p. 22
Stainless steel fasteners	India Malaysia	C 190 13.08.2009, p. 27
Polyethylene terephthalate (PET)	Iran Pakistan UAE	C 208 03.09.2009, p. 12
High tenacity yarn of polyesters	P.R. China Korea (Rep. of) Taiwan	C 213 08.09.2009, p. 16
Ironing boards (Since Hardware)	P.R. China	C 237 02.10.2009, p. 5
Continuous filament glass fibre products	P.R. China	C 307 17.12.2009, p. 39
Purified terephthalic acid and its salts	Thailand	C 313 22.12.2009, p. 17

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

<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Stainless steel fasteners (AS)	India Malaysia	C 190 13.08.2009, p. 32
Polyethylene terephthalate (PET) (AS)	Iran Pakistan UAE	C 208 03.09.2009, p. 7
Purified terephthalic acid and its salts (AS)	Thailand	C 313 22.12.2009, p. 22

**ANNEX B**

A) New investigations initiated by product sector during the period 2005 – 2009  
(31 December)

<b>Product</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Chemical and allied	3	13	2	2	9
Textiles and allied	1	2	-	-	3
Wood and paper	-	-	-	-	-
Electronics	7	5	-	-	1
Other mechanical engineering	2	2	-	-	-
Iron and Steel	4	-	6	6	4
Others metal	-	9	-	-	1
Other	9	5	1	1	3
	<b>26</b>	<b>36</b>	<b>9</b>	<b>20</b>	<b>21</b>
Of which anti-dumping	24	35	9	18	15
anti-subsidy	2	1	0	2	6

B) New investigations initiated by country of export during the period 2005 – 2009 (31 December)

Country of origin	2005	2006	2007	2008	2009
Armenia	-	-	-	1	-
Australia	-	-	-	-	-
Belarus	-	-	1	1	-
Bosnia & Herzegovina	-	-	1	-	-
Brazil	-	-	-	1	-
China (People's Republic of)	8	12	6	6	7
Croatia	1	-	-	-	-
Egypt	-	1	-	-	-
Guatemala	1	-	-	-	-
Hong Kong	2	-	-	-	-
India	1	2	-	-	2
Indonesia	-	-	-	-	-
Iran	-	-	-	-	2
Japan	-	1	-	-	-
Kazakhstan	-	2	-	-	-
Korea (Rep. of)	1	1	-	1	1
F.Y.R.O.M.	-	1	-	-	-
Malaysia	3	2	-	-	2
Moldova (Rep. of)	-	-	-	1	-
Norway	-	-	-	-	-
Pakistan	1	-	-	-	2
Philippines	-	-	-	-	-
Romania	2	-	-	-	-
Russia	1	2	1	-	-
South Africa	-	1	-	-	-
Taiwan	1	3	-	1	1
Thailand	2	2	-	1	2
Turkey	-	1	-	2	-
Ukraine	-	3	-	1	-
UAE	-	-	-	-	2
USA	-	2	-	4	-
Vietnam	1	-	-	-	-
	26	36	9	20	21

## ANNEX C

New investigations concluded by the imposition of provisional duties

during the period 1 January – 31 December 2009

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

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Wire rod	P.R. China Moldova (Rep. of)	Council Reg. (EC) No 112/2009 06.02.2009	L 38 07.02.2009 p. 3
Biodiesel	USA	Council Reg. (EC) No 193/2009 11.03.2009	L 67 12.03.2009 p. 22
Aluminium foil	Armenia Brazil P.R. China	Council Reg. (EC) No 287/2009 07.04.2009	L 94 08.04.2009 p. 17
Seamless pipes and tubes of iron or steel	P.R. China	Council Reg. (EC) No 289/2009 07.04.2009	L 94 08.04.2009 p. 48
Cargo scanning systems	P.R. China	Commission Reg. (EC) No 1242/2009 16.12.2009	L 332 17.12.2009 p. 60
Molybdenum wires	P.R. China	Commission Reg. (EC) No 1247/2009 17.12.2009	L 336 18.12.2009 p. 16

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

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Biodiesel (AS)	USA	Council Reg. (EC) No 194/2009 11.03.2009	L 67 12.03.2009 p. 50

## ANNEX D

New investigations concluded by the imposition of definitive duties  
during the period 1 January – 31 December 2009

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

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Fasteners, iron or steel	P.R. China	Council Reg. (EC) No 91/2009 26.01.2009	L 29 31.01.2009 p. 1
PSC wires and strands	P.R. China	Council Reg. (EC) No 383/2009 05.05.2009	L 118 13.05.2009 p. 1
Candles, tapers and the like	P.R. China	Council Reg. (EC) No 393/2009 11.05.2009	L 119 14.05.2009 p. 1
Biodiesel	USA	Council Reg. (EC) No 599/2009 07.07.2009	L 179 10.07.2009 p. 26
Wire rod	P.R. China	Council Reg. (EC) No 703/2009 27.07.2009	L 203 05.08.2009 p. 1
Aluminium foil	Armenia Brazil P.R. China	Council Reg. (EC) No 925/2009 24.09.2009	L 262 06.10.2009 p. 1
Seamless pipes and tubes of iron or steel	P.R. China	Council Reg. (EC) No 926/2009 24.09.2009	L 262 06.10.2009 p. 19

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

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Biodiesel (AS)	USA	Council Reg. (EC) No 598/2009 07.07.2009	L 179 10.07.2009 p. 1



## ANNEX E

New investigations terminated without the imposition of measures  
during the period 1 January – 31 December 2009

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

<b>Product</b>	<b>Country of origin</b>	<b>Decision N°</b>	<b>OJ Reference</b>
Flat-rolled products (hot-dipped metallic-coated iron or steel)	P.R. China	Commission Dec. No 2009/106/EC 06.02.2009	L 38 07.02.2009 p. 34
Stainless steel cold rolled flat products	P.R. China Korea (Rep. of) Taiwan	Commission Dec. No 2009/327/EC 16.04.2009	L 98 17.04.2009 p. 39
Sodium metal	USA	Commission Dec. No 2009/453/EC 11.06.2009	L 149 12.06.2009 p. 76
Wire rod	Turkey Moldova (Rep. of)	Council Reg. (EC) No 703/2009 27.07.2009	L 203 05.08.2009 p. 1
Hollow sections	Belarus Turkey Ukraine	Commission Dec. No 2009/698/EC 04.09.2009	L 237 09.09.2009 p. 34

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

<b>Product</b>	<b>Country of origin</b>	<b>Decision N°</b>	<b>OJ Reference</b>
Sodium metal (AS)	USA	Commission Dec. No 2009/452/EC 11.06.2009	L 149 12.06.2009 p. 74

## ANNEX F

Expiry reviews initiated or concluded

during the period 1 January – 31 December 2009

(chronological by date of publication)

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Silicon	P.R. China	C 51 04.03.2009 p. 17
Sodium cyclamate	P.R. China Indonesia	C 56 10.03.2009 p. 42
Ammonium nitrate	Ukraine	C 94 23.04.2009 p. 15
Polyethylene terephthalate (PET)	P.R. China	C 194 18.08.2009 p. 9
Graphite electrode systems	India	C 224 17.09.2009 p. 20
Graphite electrode systems (AS)	India	C 224 17.09.2009 p. 24
Glyphosate	P.R. China	C 234 29.09.2009 p. 9
Synthetic fibre ropes	P.R. China	C 240 07.10.2009 p. 6
Okoumé plywood	P.R. China	C 270 11.11.2009 p. 24
Tungsten carbide and fused tungsten carbide	P.R. China	C 322 30.12.2009 p. 23

<b>Concluded : confirmation of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
Tube or pipe fittings of iron or steel	P.R. China Thailand	Council Reg. (EC) No 803/2009 27.08.2009	L 233 04.09.2009 p. 1
Furfuryl alcohol	P.R. China	Council Impl. Reg. (EU) No 1202/2009 07.12.2009	L 323 10.12.2009 p. 48
Footwear with uppers of leather	P.R. China Vietnam	Council Impl. Reg. (EU) No 1294/2009 22.12.2009	L 352 30.12.2009 p. 1

<b>Concluded : termination and repeal of the measures</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
None	-	-	-

## **ANNEX G**

Interim reviews initiated or concluded  
during the period 1 January – 31 December 2009  
(chronological by date of publication)

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Ironing boards	P.R. China	C 3 08.01.2009 p. 14
Silicon	P.R. China	C 51 04.03.2009 p. 17
Ironing boards	Ukraine	C 85 09.04.2009 p. 28
Ferro-silicon	F.Y.R.O.M.	C 93 22.04.2009 p. 22
Castings	P.R. China	C 131 10.06.2009 p. 18
Polyester staple fibres	Korea (Rep. of)	C 142 23.06.2009 p. 4
Trichloroisocyanuric acid	P.R. China	C 150 02.07.2009 p. 14
Ammonium nitrtate	Russia	C 152 03.07.2009 p. 40
Polyethylene terephthalate (PET) film	India	C 215 09.09.2009 p. 17
Polyethylene terephthalate (PET) film	India	C 215 09.09.2009 p. 19
Polyethylene terephthalate (PET) film (AS)	India	C 215 09.09.2009 p. 19

Okoumé plywood	P.R. China	C 270 11.11.2009 p. 24
Polyester staple fibres	Korea (Rep. of)	C 284 25.11.2009 p. 30
Polyethylene terephthalate (PET) film	India	C 291 01.12.2009 p. 28

<b>Concluded : confirmation/amendment of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
Polyethylene terephthalate (PET) film (AS)	India	Council Reg. (EC) No 15/2009 08.01.2009	L 6 10.01.2009 p. 1
Steel ropes and cables	India	Council Reg. (EC) No 283/2009 06.04.2009	L 94 08.04.2009 p. 5
Polyester staple fibres	P.R. China	Council Reg. (EC) No 500/2009 11.06.2009	L 151 16.06.2009 p. 6
Stainless steel fasteners	Vietnam	Council Reg. (EC) No 768/2009 17.08.2009	L 221 25.08.2009 p. 1
Tube or pipe fittings of iron or steel	P.R. China Taiwan	Council Reg. (EC) No 803/2009 27.08.2009	L 233 04.09.2009 p. 1
Sweet corn (prepared or preserved in kernels)	Thailand	Council Reg. (EC) No 847/2009 15.09.2009	L 246 18.09.2009 p. 1
Magnesia bricks	P.R. China	Council Reg. (EC) No 825/2009 07.09.2009	L 240 11.09.2009 p. 1
Magnesia bricks	P.R. China	Council Reg. (EC) No 826/2009 07.09.2009	L 240 11.09.2009 p. 7

<b>Concluded by termination of review/confirmation of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
Hand pallet trucks and their essential parts	P.R. China	Council Reg. (EC) No 188/2009 09.03.2009	L 67 12.03.2009 p. 1
Graphite electrode systems	India	Council Reg. (EC) No 626/2009 13.07.2009	L 185 17.07.2009 p. 16
Plastic sacks and bags	P.R. China	Council Reg. (EC) No 682/2009 27.07.2009	L 197 29.07.2009 p. 20
Polyester filament fabrics (finished)	P.R. China	Council Reg. (EC) No 862/2009 15.09.2009	L 248 22.09.2009 p. 1

<b>Concluded : termination of measures</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
Ferro-silicon	F.Y.R.O.M.	Council Impl. Reg. (EU) No 1297/2009 22.12.2009	L 351 30.12.2009 p. 1

## ANNEX H

Other reviews initiated or concluded

during the period 1 January – 31 December 2009

(chronological by date of publication)

<b>Initiated</b>			
<b>Product</b>	<b>Country of origin</b>		<b>OJ Reference</b>
Ammonium nitrate <sup>23</sup>	Russia	Commission Notice 2009/C 229/07	C 229 23.09.2009 p. 30
Ironing boards <sup>24</sup>	P.R. China	Commission Notice 2009/C 308/12	C 308 18.12.2009 p. 44

<b>Concluded : confirmation/amendment of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
Plastic sacks and bags <sup>25</sup>	P.R. China Thailand	Council Reg. (EC) No 189/2009 09.03.2009	L 76 19.03.2008 p. 8
Castings <sup>26</sup>	P.R. China	Council Reg. (EC) No 282/2009 06.04.2009	L 94 08.04.2009 p. 1
Salmon (farmed) <sup>27</sup>	Norway	Council Reg. (EC) No 319/2009 16.04.2009	L 101 21.04.2009 p. 1
Polyester staple fibres <sup>28</sup>	Korea (Rep. of)	Council Reg. (EC) No 412/2009 18.05.2009	L 125 21.05.2009 p. 1
Ammonium nitrate <sup>29</sup>	Russia	Council Reg. (EC) No 989/2009 19.10.2009	L 278 23.10.2009 p. 1

<sup>23</sup> Notice following GC (ex-CFI) judgement

<sup>24</sup> Partial reopening of the anti-dumping investigation

<sup>25</sup> Amendment following new exporters' request

<sup>26</sup> Amendment following new exporters' request

<sup>27</sup> Clarification of the scope of measures

<sup>28</sup> Amendment following GC (ex-CFI) judgement

<sup>29</sup> Amendment following GC (ex-CFI) judgement

## ANNEX I

New exporter reviews initiated or concluded  
during the period 1 January – 31 December 2009  
(chronological by date of publication)

### A. Anti-dumping investigations

<b>Initiated</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/Decision No</b>	<b>OJ Reference</b>
Hand pallet trucks and their essential parts	P.R. China	Commission Reg. (EC) No 52/2009 21.01.2009	L 17 22.01.2009 p. 19
Urea and ammonium nitrate solutions	Russia	Commission Reg. (EC) No 241/2009 20.03.2009	L 75 21.03.2009 p. 5
Ironing boards	P.R. China	Commission Reg. (EC) No 356/2009 29.04.2009	L 109 30.04.2009 p. 6
Furfuryl alcohol	P.R. China	Commission Reg. (EC) No 512/2009 16.06.2009	L 153 17.06.2009 p. 6
Chamois leather	P.R. China	Commission Reg. (EC) No 573/2009 29.06.2009	L 172 02.07.2009 p. 3
Tube and pipe fittings	Malaysia	Commission Reg. (EC) No 692/2009 30.07.2009	L 199 31.07.2009 p. 9



<b>Concluded : imposition/amendment of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
Urea and ammonium nitrate solutions	Russia	Council Impl. Reg. (EU) No 1251/2009 18.12.2009	L 338 19.12.2009 p. 5

<b>Concluded : termination of the review / confirmation of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
Polyethylene terephthalate (PET)	Malaysia	Commission Reg. (EC) No 681/2009 27.07.2009	L 197 29.07.2009 p. 18
Hand pallet trucks	P.R. China	Council Reg. (EC) No 913/2009 24.09.2009	L 258 01.10.2009 p. 1
Chamois leather	P.R. China	Council Impl. Reg. (EU) No 1252/2009 18.12.2009	L 338 19.12.2009 p. 12

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

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

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

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

## ANNEX J

Anti-absorption investigations initiated or concluded

during the period 1 January – 31 December 2009

(chronological by date of publication)

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
None	-	-

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

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

## ANNEX K

Anti-circumvention investigations initiated or concluded

during the period 1 January – 31 December 2009

(chronological by date of publication)

<b>Initiated</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
Steel ropes and cables	P.R. China	Council Reg. (EC) No 734/2009 11.08.2009	L 208 12.08.2009 p. 7

<b>Concluded with extension of duty</b>			
<b>Product</b>	<b>Country of consignment</b>	<b>Regulation No</b>	<b>OJ Reference</b>
Hand pallet trucks and their essential parts	P.R. China (Thailand)	Council Reg. (EC) No 499/2009 11.06.2009	L 151 16.06.2009 p. 1

<b>Concluded without extension of duty / termination</b>			
<b>Product</b>	<b>Country of consignment</b>	<b>Regulation No</b>	<b>OJ Reference</b>
None	-	-	-

<b>Exemptions granted and/or rejected</b>			
<b>Product</b>	<b>Country of consignment</b>	<b>Regulation No</b>	<b>OJ Reference</b>
Bicycle parts	P.R. China	Commission Dec. No 2009/48/EC 22.01.2009	L 19 19.01.2009 p. 62

## ANNEX L

Safeguard investigations initiated and concluded

during the period 1 January – 31 December 2009

(chronological by date of publication)

<b>New investigations initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
None	-	-

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

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

<b>Safeguard measures which expired</b>		
<b>Product</b>	<b>Country of origin</b>	<b>Date of expiry</b>
None	-	-

## ANNEX M

Undertakings accepted or repealed

during the period 1 January – 31 December 2009

(chronological by date of publication)

<b>Undertakings accepted</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Aluminium foil	Brazil	Commission Dec. No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50

<b>Undertakings withdrawn or repealed</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Sweet corn (prepared or preserved, in kernels)	Thailand	Commission Dec. No 2009/708/EC 19.09.2009	L 246 18.09.2009 p. 29

<b>Undertakings which expired/lapsed</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Original measure(s) &amp; OJ Reference</b>	<b>OJ Reference</b>
Trout (large rainbow)	Faroe Islands	Council Reg. (EC) No 437/2004 (OJ L 72, 11.03.2004, p. 23)	C 57 11.03.2009 p. 7
Polyethylene terephthalate (PET)	Australia	Council Reg. (EC) No 1467/2004 (OJ L 271, 19.08.2004, p. 1)	C 181 04.08.2009 p. 41

## ANNEX N

Measures which expired / lapsed

during the period 1 January – 31 December 2009

(chronological by date of publication)

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

<b>Product</b>	<b>Country of origin</b>	<b>Original measure &amp; OJ Reference</b>	<b>Publication</b>
Bedlinen (cotton-type)	Pakistan	Council Reg. (EC) No 397/2004 (OJ L 66, 4.03.2004, p. 1)	C 52 05.03.2009 p. 25
Trout (large rainbow)	Faroe Islands	Council Reg. (EC) No 437/2004 (OJ L 72, 11.03.2004, p. 23)	C 57 11.03.2009 p. 7
Polyethylene terephthalate (PET)	Australia	Council Reg. (EC) No 1467/2004 (OJ L 271, 19.08.2004, p. 1)	C 181 04.08.2009 p. 41

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

<b>Product</b>	<b>Country of origin</b>	<b>Original measure &amp; OJ Reference</b>	<b>Publication</b>
Bedlinen (cotton-type) (AS)	India	Council Reg. (EC) No 74/2004 (OJ L 12, 17.01.2004, p. 1)	C 4 09.01.2009 p. 4

## ANNEX O

Definitive anti-dumping measures in force on 31 December 2009

### 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 corrected by L 339, 22.12.2009, p. 59 as last amended by Council Reg. (EC) No 989/2009 19.10.2009	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 corrected by L 339, 22.12.2009, p. 59	L 278 23.10.2009 p. 1  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 corrected by L 339, 22.12.2009, p. 59	L 185 12.07.2007 p. 43	
Aluminium foil	Armenia Brazil P.R. China	Duties	Council Reg. (EC) No 925/2009 24.09.2009	L 262 06.10.2009 p. 1
		Undertakings	Commission Decision No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50



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
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  L 183 14.07.05 p. 1  L 55 28.02.08 p. 1
Biodiesel	USA	Duties	Council Reg. (EC) No 599/2009 07.07.2009	L 179 10.07.2009 p. 26
Candles, tapers and the like	P.R. China	Duties	Council Reg. (EC) No 393/2009 11.05.2009	L 119 14.05.2009 p. 1

Castings	P.R. China	Duties	Council Reg. (EC) No 1212/2005 25.07.2005 corrected by L 26, 30.01.2009, p. 6 as last amended by Council Reg. (EC) No 426/2008 14.05.2008	L 199 29.07.2005 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 129 17.05.2008 p. 1
				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 corrected by L 97, 16.04.2009, p. 27 & corrected by L 166, 27.06.2009, p. 79	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
Fasteners, iron or steel	P.R. China	Duties	Council Reg. (EC) No 91/2009 26.01.2009	L 29 31.01.2009 p. 1
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 (15 months)	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 and maintained by Council Impl.Reg. (EU) No 1294/2009 22.12.2009	L 275 06.10.2006 p. 1  L 117 01.05.2008 p. 1  L 352 30.12.2009 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 and maintained by Council Impl.Reg. (EU) No 1202/2009 07.12.2009	L 283 31.10.2003 p. 1  L 323 10.12.2009 p. 48
Glyphosate	P.R. China Malaysia (ext) Taiwan (ext)	Duties (suspended until 16.02.2010)	Council Reg. (EC) No 1683/2004 24.09.2004 extended to such imports consigned from Malaysia & Taiwan as last amended by Council Reg. (EC) No 383/2009 14.05.2009	L 303 30.09.2004 p. 1  L 120 15.05.2009 p. 20
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 Thailand (ext)	Duties	Council Reg. (EC) No 1174/2005 18.07.2005 as last amended by Council Reg. (EC) No 684/2008 17.07.2008 and extended to such imports consigned from Thailand by Council Reg. (EC) No 499/2009 11.06.2009	L 189 21.07.2005 p. 1  L 192 19.07.2008 p. 1  L 151 16.06.2009 p. 1
Ironing boards	P.R. China Ukraine	Duties	Council Reg. (EC) No 452/2007 23.04.2007 corrected in PL by L 353, 31.12.2009, p. 70	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, as last amended by Council Reg. (EC) No 825/2009 07.09.2009 and by Council Reg. (EC) No 826/2009 07.09.2009	L 267 12.10.2005 p. 1  L 251 19.09.2008 p. 1  L 240 11.09.2009 p. 1 L 240 11.09.2009 p. 7
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 and Council Regulation (EC) No 189/2009 09.03.2009	L 270 29.09.2006 p. 4  L 76 19.03.2008 p. 8  L 67 12.03.2009 p. 5
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  India Indonesia	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
	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

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 as last amended by Council Reg. (EC) No 15/2009 08.01.2009	L 288 06.11.2007 p. 1  L 6 10.01.2009 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 and Council Reg. (EC) No 412/2009 18.05.2009	L 332 28.12.2000 p. 17  L 71 17.03.2005 p. 1  L 125 21.05.2009 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  Russia	Duties  Undertakings	Council Reg. (EC) No 1050/2006 11.07.2006  Commission Dec. No 2005/802/EC 17.10.2005 as last amended by Commission Dec. No 2006/557/EC 08.08.2006	L 191 12.07.2006 p. 1  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	Duties	Council Reg.	L 359

	Vietnam (ext.) Laos (ext.)	(4 years)	(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	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
PSC wires and strands	P.R. China	Duties	Council Reg. (EC) No 383/2009 05.05.2009	L 118 13.05.2009 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
Seamless pipes and tubes of iron or steel	P.R. China	Duties	Council Reg. (EC) No 926/2009 24.09.2009	L 262 06.10.2009 p. 19
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 Korea (Rep. of) 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	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
	Vietnam	Duties	Council Reg. (EC) No 1890/2005 14.11.2005 corrected by L 256, 02.10.2007, p. 31 as last amended by Council Reg. (EC) No 768/2009 17.08.2009	L 302 19.11.2005 p. 1  L 221 25.08.2009 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 corrected by L 96, 15.04.2009, p. 39	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 and by Council Reg. (EC) No 847/2009 15.09.2009	L 159 20.06.2007 p. 14  L 260 30.09.2008 p. 1  L 246 18.09.2009 p. 1
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

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 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	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  L 233 04.09.2009 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 and Council Impl. Reg. (EU) No 1251/2009 18.12.2009	L 365 21.12.2006 p. 26  L 213 08.08.2008 p. 14  L 338 19.12.2009 p. 5
	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
Wire rod	P.R. China	Duties	Council Reg. (EC) No 703/2009 27.07.2009	L 203 05.08.2009 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

Armenia	Aluminium foil	Duties	Council Reg. (EC) No 925/2009 24.09.2009	L 262 06.10.2009 p. 1
		Undertakings	Commission Decision No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50
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	Aluminium foil	Duties	Council Reg. (EC) No 925/2009 24.09.2009	L 262 06.10.2009 p. 1
		Undertakings	Commission Decision No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50
	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 as last amended by Council Reg. (EC) No 15/2009 08.01.2009	L 288 06.11.2007 p. 1  L 6 10.01.2009 p. 1
P.R. China	Aluminium foil	Duties	Council Reg. (EC) No 925/2009 24.09.2009	L 262 06.10.2009 p. 1
		Undertakings	Commission Decision No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50

	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  L 55 28.02.2008 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
	Candles, tapers and the like	Duties	Council Reg. (EC) No 393/2009 11.05.2009	L 119 14.05.2009 p. 1

	Castings	Duties	Council Reg. (EC) No 1212/2005 25.07.2005 corrected by L 26, 30.01.2009, p. 6 as last amended by Council Reg. (EC) No 426/2008 14.05.2008	L 199 29.07.2005 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 129 17.05.2008 p. 1
				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 corrected by L 97, 16.04.2009, p. 27 & corrected by L 166, 27.06.2009, p. 79	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
	Fasteners, iron or steel	Duties	Council Reg. (EC) No 91/2009 26.01.2009	L 29 31.01.2009 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 (15 months)	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 and maintained by Council Impl.Reg. (EU) No 1294/2009 22.12.2009	L 275 06.10.2006 p. 1  L 117 01.05.2008 p. 1  L 352 30.12.2009 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 and maintained by Council Impl.Reg. (EU) No 1202/2009 07.12.2009	L 283 31.10.2003 p. 1  L 323 10.12.2009 p. 48
	Glyphosate	Duties (suspended until 16.02.2010)	Council Reg. (EC) No 1683/2004 24.09.2004 extended to such imports consigned from Malaysia & Taiwan as last amended by Council Reg. (EC) No 1683/2009 14.05.2009	L 303 30.09.2004 p. 1  L 120 15.05.2009 p. 20
	Granular polytetrafluoro-ethylene (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 corrected in PL by L 353, 31.12.2009, p. 70	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, as last amended by Council Reg. (EC) No 825/2009 07.09.2009 and by Council Reg. (EC) No 826/2009 07.09.2009	L 267 12.10.2005 p. 1  L 251 19.09.2008 p. 1  L 240 11.09.2009 p. 1  L 240 11.09.2009 p. 7
	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 and Council Regulation (EC) No 189/2009 09.03.2009	L 270 29.09.2006 p. 4     L 76 19.03.2008 p. 8  L 67 12.03.2009 p. 5
	Polyester filament fabrics (finished)	Duties	Council Reg. (EC) No 1487/2005 12.09.2005 as last amended by	L 240 16.09.2005 p. 1

			Council Reg. (EC) No 1087/2007 18.09.2007	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 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
	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
	PSC wires and strands	Duties	Council Reg. (EC) No 383/2009 05.05.2009	L 118 13.05.2009 p. 1

	Saddles	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	Duties	Council Reg. (EC) No 926/2009 24.09.2009	L 262 06.10.2009 p. 19
	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 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	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  L 233 04.09.2009 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
	Wire rod	Duties	Council Reg. (EC) No 703/2009 27.07.2009	L 203 05.08.2009 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
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	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
		Undertakings		

	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 as last amended by Council Reg. (EC) No 15/2009 08.01.2009	L 288 06.11.2007 p. 1  L 6 10.01.2009 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	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
		Undertakings	Commission Dec. No 2006/37/EC 05.12.2005	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.)	<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 and maintained by Council Reg. (EC) No 803/2009 27.08.2009</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> <p>L 233 04.09.2009 p. 1</p>
Israel	PET (polyethylene terephthalate) film (ext.)	Duties	<p>Council Reg. (EC) No 1292/2007 30.10.2007 and extended to imports consigned from Brazil and from Israel by the same Regulation as last amended by Council Reg. (EC) No 15/2009 08.01.2009</p>	<p>L 288 06.11.2007 p. 1</p> <p>L 6 10.01.2009 p. 1</p>
Kazakhstan	Ferro-silicon	Duties	<p>Council Reg. (EC) No 172/2008 25.02.2008</p>	<p>L 55 28.02.2008 p. 6</p>

	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 17.03.2005 and Council Reg. (EC) No 412/2009 18.05.2009	L 332 28.12.2000 p. 17  L 71 17.03.2005 p. 1  L 125 21.05.2009 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 (15 months)	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 and maintained by Council Impl.Reg. (EU) No 1294/2009 22.12.2009	L 275 06.10.2006 p. 1  L 117 01.05.2008 p. 1  L 352 30.12.2009 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 (suspended until 16.02.2010)	Council Reg. (EC) No 1683/2004 24.09.2004 extended to such imports consigned from Malaysia & Taiwan as last amended by Council Reg. (EC) No 1683/2009 14.05.2009	L 303 30.09.2004 p. 1  L 120 15.05.2009 p. 20
	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.)	<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>
Philippines	Tube or pipe fittings, 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 and maintained by Council Reg. (EC) No 803/2009 27.08.2009</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> <p>L 233 04.09.2009 p. 1</p>

Russia	Ammonium nitrate	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 corrected by L 339, 22.12.2009, p. 59 as last amended by Council Reg. (EC) No 989/2009 19.10.2009	L 102 18.04.2002 p. 1  L 160 23.06.2005 p. 1  L 185 12.07.2008 p. 1  L 278 23.10.2009 p. 1
		Undertakings	Commission Decision No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59	L 185 12.07.2007 p. 43
	Ferro-silicon	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
	Granular polytetrafluoro- ethylene (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 corrected by L 96, 15.04.2009, p. 39	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 and Council Impl. Reg. (EU) No 1251/2009 18.12.2009	L 365 21.12.2006 p. 26  L 213 08.08.2008 p. 14  L 338 19.12.2009 p. 5
		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	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
Sri Lanka	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 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	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  L 233 04.09.2009 p. 1
Taiwan	Glyphosate	Duties (suspended until	Council Reg. (EC) No 1683/2004 24.09.2004 extended	L 303 30.09.2004 p. 1

		16.02.2010)	to such imports consigned from Malaysia & Taiwan as last amended by Council Reg. (EC) No 1683/2009 14.05.2009	L 120 15.05.2009 p. 20
	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	<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 and maintained by Council Reg. (EC) No 803/2009 27.08.2009</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> <p>L 233 04.09.2009 p. 1</p>
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Thailand	Coumarin (ext.)	Duties	<p>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</p>	<p>L 123 09.05.2002 p. 1</p> <p>L 272 23.10.2003 p. 1</p> <p>L 396 31.12.2004 p. 18</p> <p>L 311 10.11.2006 p. 1</p> <p>L 183 11.07.2008 p. 1</p>
	Hand pallet trucks and their essential parts (ext.)	Duties	<p>Council Reg. (EC) No 1174/2005 18.07.2005 as last amended by Council Reg. (EC) No 684/2008 17.07.2008 extended to such imports consigned from Thailand by Council Reg. (EC) No 499/2009 11.06.2009</p>	<p>L 189 21.07.2005 p. 1</p> <p>L 192 19.07.2008 p. 1</p> <p>L 151 16.06.2009 p. 1</p>

	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 and Council Regulation (EC) No 189/2009 09.03.2009	L 270 29.09.2006 p. 4  L 76 19.03.2008 p. 8  L 67 12.03.2009 p. 5
	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 and by Council Reg. (EC) No 847/2009 15.09.2009	L 159 20.06.2007 p. 14  L 260 30.09.2008 p. 1  L 246 18.09.2009 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 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	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  L 233 04.09.2009 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)  Undertakings	Council Reg. (EC) No 442/2007 19.04.2007  Commission Decision No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59	L 106 24.04.2007 p. 1  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	Biodiesel	Duties	Council Reg. (EC) No 599/2009 07.07.2009	L 179 10.07.2009 p. 26
	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 (15 months)	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 and maintained by Council Impl.Reg. (EU) No 1294/2009 22.12.2009	L 275 06.10.2006 p. 1  L 117 01.05.2008 p. 1  L 352 30.12.2009 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 as last amended by Council Reg. (EC) No 768/2009 17.08.2009	L 302 19.11.2005 p. 1  L 221 25.08.2009 p. 1
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## ANNEX P

### Definitive anti-subsidy measures in force on 31 December 2009

#### A. Ranked by product (alphabetical)

<b>Product</b>	<b>Origin</b>	<b>Measure</b>	<b>Regulation N°</b>	<b>Publication</b>
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
Biodiesel (AS)	USA	Duties	Council Reg. (EC) No 598/2009 07.07.2009	L 179 10.07.2009 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

<p>PET film (polyethylene terephthalate) (AS)</p>	<p>India Brazil (ext.) Israel (ext.)</p>	<p>Duties</p>	<p>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 as last amended by Council Reg. (EC) No 15/2009 08.01.2009</p>	<p>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  L 6 10.01.2009 p. 1</p>
<p>Sulphanilic acid (AS)</p>	<p>India</p>	<p>Duties</p> <p>Undertakings</p>	<p>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</p> <p>Commission Dec. No 2006/37/EC 05.12.2005</p>	<p>L 196 25.07.2002 p. 1  L 22 26.01.2006 p. 5  L 276 17.10.2008 p. 3  L 22 26.01.2006 p. 52</p>

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 as last amended by Council Reg. (EC) No 15/2009 08.01.2009	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  L 6 10.01.2009 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
	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	<p>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 as last amended by Council Reg. (EC) No 15/2009 08.01.2009</p>	<p>L 68 08.03.2006 p. 15</p> <p>L 255 29.09.2007 p. 1</p> <p>L 342 18.11.2004 p. 8</p> <p>L 17 21.01.2006 p. 1</p> <p>L 6 10.01.2009 p. 1</p>
	Sulphanilic acid (AS)	<p>Duties</p> <p>Undertakings</p>	<p>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</p> <p>Commission Dec. No 2006/37/EC 05.12.2005</p>	<p>L 196 25.07.2002 p. 11</p> <p>L 22 26.01.2006 p. 5</p> <p>L 276 17.10.2008 p. 3</p> <p>L 22 26.01.2006 p. 52</p>

Israel	PET film (polyethylene terephthalate) (AS) (ext.)	Duties	<p>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 as last amended by Council Reg. (EC) No 15/2009 08.01.2009</p>	<p>L 68 08.03.2006 p. 15</p> <p>L 255 29.09.2007 p. 1</p> <p>L 342 18.11.2004 p. 8</p> <p>L 17 21.01.2006 p. 1</p> <p>L 6 10.01.2009 p. 1</p>
USA	Biodiesel (AS)	Duties	<p>Council Reg. (EC) No 598/2009 07.07.2009</p>	<p>L 179 10.07.2009 p. 1</p>

## ANNEX Q

Undertakings in force on 31 December 2009

### A. Ranked by product (alphabetical)

<b>Product</b>	<b>Origin</b>	<b>Measure</b>	<b>Regulation N°</b>	<b>Publication</b>
Aluminium foil	Brazil	Undertakings	Commission Dec. No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50
Ammonium nitrate	Russia Ukraine	Undertakings	Commission Dec. No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59	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
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
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 Dec. 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
Brazil	Aluminium foil	Undertakings	Commission Dec. No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50
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
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 Dec. No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59	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 Dec. No 2008/649/EC 03.07.2008	L 213 08.08.2008 p. 39
Ukraine	Ammonium nitrate	Undertakings	Commission Dec. No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59	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 2009

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

<b>Product</b>	<b>AD/AS</b>	<b>Origin</b>	<b>Type</b>	<b>Publication</b>
Aluminium road wheels	AD.541	P.R. China	Initiation	C 190 13.08.2009, p. 22
Cargo scanning systems	AD.539	P.R. China	Initiation	C 63 18.03.2009, p. 20
			Prov. Duty	L 332 17.12.2009, p. 60
Continuous filament glass fibre products	AD.549	P.R. China	Initiation	C 307 17.12.2009, p. 39
High tenacity yarn of polyesters	AD.547	P.R. China Korea (Rep. of) Taiwan	Initiation	C 213 08.09.2009, p. 16
Ironing boards (Since Hardware)	AD.548	P.R. China	Initiation	C 237 02.10.2009, p. 5
Molybdenum wires	AD.540	P.R. China	Initiation	C 84 08.04.2009, p. 5
			Prov. Duty	L 336 18.12.2009, p. 16
Polyethylene terephthalate (PET)	AD.545	Iran Pakistan UAE	Initiation	C 208 03.09.2009, p. 12
Polyethylene terephthalate (PET) (AS)	AS.546	Iran Pakistan UAE	Initiation	C 208 03.09.2009, p. 7
Purified terephthalic acid and its salts	AD.550	Thailand	Initiation	C 313 22.12.2009, p. 17
Purified terephthalic acid and its salts (AS)	AS.551	Thailand	Initiation	C 313 22.12.2009, p. 22
Ring binder mechanisms	AD.538	Thailand	Initiation	C 322 17.12.2008, p. 13
Sodium gluconate	AD.544	P.R. China	Initiation	C 188 11.08.2009, p. 24
Stainless steel fasteners	AD.542	India Malaysia	Initiation	C 190 13.08.2009, p. 27
Stainless steel fasteners (AS)	AD.542	India Malaysia	Initiation	C 190 13.08.2009, p. 32

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

<b>Product</b>	<b>R. No</b>	<b>Origin</b>	<b>Type of review</b>	<b>Publication</b>
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Ammonium nitrate	R.472	Ukraine	Expiry review	C 94 23.04.2009, p. 15
Ammonium nitrate	R.479	Russia	Partial interim review	C 152 03.07.2009, p. 40
Castings	R.474	P.R. China	Partial interim review	C 131 10.06.2009, p. 18
Ethanolamines	R.460	USA	Expiry review	C 270 25.10.2008, p. 26
Furfuryl alcohol	R.475	P.R. China	Newcomer review	L 153 17.06.2009, p. 6
Glyphosate	R.487	P.R. China	Expiry review	C 234 29.09.2009, p. 9
Graphite electrode systems	R.485	India	Expiry review	C 224 17.09.2009, p. 20
Graphite electrode systems (AS)	R.486	India	Expiry review	C 224 17.09.2009, p. 24
Ironing boards	R.465	P.R. China	Partial interim review	C 3 08.01.2009, p. 14
Ironing boards	R.470	Ukraine	Partial interim review	C 85 09.04.2009, p. 28
Ironing boards	R.473	P.R. China	Newcomer review	L 109 30.04.2009, p. 6
Okoumé plywood	R.489	P.R. China	Expiry review	C 270 11.11.2009, p. 24
Okoumé plywood	R.489	P.R. China	Partial interim review	C 270 11.11.2009, p. 24
Polyester staple fibres	R.476	Korea (Rep. of)	Partial interim review	C 142 23.06.2009, p. 4
Polyester staple fibres	R.490	Korea (Rep. of)	Partial interim review	C 248 25.11.2009, p. 30
Polyethylene terephthalate (PET)	R.481	P.R. China	Expiry review	C 194 18.08.2009, p. 9
Polyethylene terephthalate (PET) film	R.483	India	Partial interim review	C 215 09.09.2009, p. 17
Polyethylene terephthalate (PET) film	R.484	India	Partial interim review	C 215 09.09.2009, p. 19
Polyethylene terephthalate (PET) film (AS)	R.484	India	Partial interim review	C 215 09.09.2009, p. 19
Polyethylene terephthalate (PET) film	R.491	India	Partial interim review	C 291 01.12.2009, p. 28
Ring binder mechanisms	R. 463	P.R. China	Expiry review	C 310 05.12.2008, p. 15
Silicon	R.467	P.R. China	Expiry review	C 51 04.03.2009, p. 17
Silicon	R.467	P.R. China	Partial interim review	C 51 04.03.2009, p. 17
Sodium cyclamate	R.468	P.R. China Indonesia	Expiry review	C 56 10.03.2009, p. 42
Steel ropes and cables	R.482	P.R. China	Anti-circumvention investigation	L 208 12.08.2009, p. 7
Synthetic fibre ropes	R.488	India	Expiry review	C 240 07.10.2009, p. 6 corrected by L 266, 07.11.2009, p. 20
Trichloroisocyanuric acid	R.478	P.R. China	Partial interim	C 150

			review	02.07.2009, p. 14
Tube or pipe fittings of iron or steel	R.480	Malaysia	Partial interim review	L 199 31.07.2009, p. 9
Tungsten electrodes	R. 464	P.R. China	Partial interim review	C 309 04.12.2008, p. 11
Tungsten carbide and fused tungsten carbide	R.493	P.R. China	Expiry review	C 322 30.12.2009, p. 23

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

Origin	Product	Type	Publication
P.R. China	Aluminium road wheels	New investigation	C 190 13.08.2009, p. 22
	Cargo scanning systems	New investigation  Prov. Duty	C 63 18.03.2009, p. 20  L 332 17.12.2009, p. 60
	Castings	Partial interim review	C 131 10.06.2009, p. 18
	Continuous filament glass fibre products	New investigation	C 307 17.12.2009, p. 39
	Furfuryl alcohol	Newcomer review	L 153 17.06.2009, p. 6
	Glyphosate	Expiry review	C 234 29.09.2009, p. 9
	High tenacity yarn of polyesters	New investigation	C 213 08.09.2009, p. 16
	Ironing boards	Partial interim review	C 3 08.01.2009, p. 14
	Ironing boards	Newcomer review	L 109 30.04.2009, p. 6
	Ironing boards (Since Hardware)	New investigation	C 237 02.10.2009, p. 5
	Molybdenum wires	New investigation  Prov. Duty	C 84 08.04.2009, p. 5  L 336 18.12.2009, p. 16
	Okoumé plywood	Expiry review	C 270 11.11.2009, p. 24
	Okoumé plywood	Partial interim review	C 270 11.11.2009, p. 24
	Polyethylene terephthalate (PET)	Expiry review	C 194 18.08.2009, p. 9
	Ring binder mechanisms	Expiry review	C 310 05.12.2008, p. 15
	Silicon	Expiry review	C 51 04.03.2009, p. 17
	Silicon	Partial interim review	C 51 04.03.2009, p. 17
	Sodium cyclamate	Expiry review	C 56 10.03.2009, p. 42
	Sodium gluconate	New investigation	C 188

			11.08.2009, p. 24
	Steel ropes and cables	Anti-circumvention investigation	L 208 12.08.2009, p. 7
	Trichloroisocyanuric acid	Partial interim review	C 150 02.07.2009, p. 14
	Tungsten electrodes	Partial interim review	C 309 04.12.2008, p. 11
	Tungsten carbide and fused tungsten carbide	Expiry review	C 322 30.12.2009, p. 23
India	Graphite electrode systems	Expiry review	C 224 17.09.2009, p. 20
	Graphite electrode systems (AS)	Expiry review	C 224 17.09.2009, p. 24
	Polyethylene terephthalate (PET) film	Partial interim review	C 215 09.09.2009, p. 17
	Polyethylene terephthalate (PET) film	Partial interim review	C 215 09.09.2009, p. 19
	Polyethylene terephthalate (PET) film (AS)	Partial interim review	C 215 09.09.2009, p. 19
	Polyethylene terephthalate (PET) film	Partial interim review	C 291 01.12.2009, p. 28
	Stainless steel fasteners	New investigation	C 190 13.08.2009, p. 27
	Stainless steel fasteners (AS)	New investigation	C 190 13.08.2009, p. 32
	Synthetic fibre ropes	Expiry review	C 240 07.10.2009, p. 6 corrected by L 266, 07.11.2009, p. 20
Indonesia	Sodium cyclamate	Expiry review	C 56 10.03.2009, p. 42
Iran	Polyethylene terephthalate (PET)	New investigation	C 208 03.09.2009, p. 12
	Polyethylene terephthalate (PET) (AS)	New investigation	C 208 03.09.2009, p. 7
Korea (Rep. of)	High tenacity yarn of polyesters	New investigation	C 213 08.09.2009, p. 16
	Polyester staple fibres	Partial interim review	C 142 23.06.2009, p. 4
	Polyester staple fibres	Partial interim review	C 248 25.11.2009, p. 30
Malaysia	Stainless steel fasteners	New investigation	C 190 13.08.2009, p. 27
	Stainless steel fasteners (AS)	New investigation	C 190 13.08.2009, p. 32
	Tube or pipe fittings or iron or steel	Partial interim review	L 199 31.07.2009, p. 9
Pakistan	Polyethylene terephthalate (PET)	New investigation	C 208 03.09.2009, p. 12
	Polyethylene terephthalate (PET) (AS)	New investigation	C 208 03.09.2009, p. 7
Russia	Ammonium nitrate	Partial interim review	C 152 03.07.2009, p. 40
Taiwan	High tenacity yarn of polyesters	New investigation	C 213 08.09.2009, p. 16

Thailand	Ring binder mechanisms	New investigation	C 322 17.12.2008, p. 13
	Purified terephthalic acid and its salts	New investigation	C 313 22.12.2009, p. 17
	Purified terephthalic acid and its salts (AS)	New investigation	C 313 22.12.2009, p. 22
Ukraine	Ammonium nitrate	Expiry review	C 94 23.04.2009, p. 15
	Ironing boards	Partial interim review	C 85 09.04.2009, p. 28
UAE	Polyethylene terephthalate (PET)	New investigation	C 208 03.09.2009, p. 12
	Polyethylene terephthalate (PET) (AS)	New investigation	C 208 03.09.2009, p. 7
USA	Ethanolamines	Expiry review	C 270 25.10.2008, p. 26

## ANNEX S

### Court cases

- A. Court cases pending before the Court of Justice and the General Court (formerly Court of First Instance of the European Communities) on 31 December 2009

<b>Court of Justice</b>	
Case C-373/08	Hoesch Metals and Alloys GmbH
Case C-419/08 P	Trubowest Handel and Makarov (v. Council and Commission) (appeal against judgement in case T-429/04)
Case C-191/09 P	Council (v. Interpipe Niko. Tube & Interpipe NTRP) (appeal against judgement in case T-249/06)
Case C-200/09 P	Commission (v. Interpipe Niko. Tube & Interpipe NTRP) (appeal against judgement in case T-249/06)
Case C-337/09 P	Council (v. Zhejiang Chemical) (appeal against judgement in case T-498/04)
Case C-371/09	Isaac International (Reference for a preliminary ruling)
Case C-382/09	Stils Met (Reference for a preliminary ruling)
Case C-511/09 P	Dongguan Nanzha Leco Stationery Mfg. (v. Council) (appeal against judgement in case T-296/06)
C-498/09 P	Thomson Sales Europe (v. Commission) (appeal against judgement in case T-225/07)

<b>General Court</b>	
Case T-199/04	Gul Ahmed Textile Mills Ltd. 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-314/06	Whirlpool v. Commission
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-84/07	Eurochem v. Council
Case T-167/07	Far Eastern Textile Ltd. v. Council
Case T-274/07	Zhejiang Harmonic Hardware Products 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-107/08	TNC Kazchrome and ENRC Marketing AG v Council and Commission
Case T-190/08	Chelyabinskij elektrometalurgicheskij 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
Case T-122/09	Zhejiang Xinshiji Foods and Hubei Xinshiji Foods v. Council
Case T-150/09	Ningbo Yonghong Fasteners v. Council
Case T-162/09	Würth and Fasteners (Shenyang) v. Council
Case T-170/09	Shanghai Biaowu High-Tensile Fastener and Shanghai Prime Machinery v. Council
Case T-172/09	Gem-Year and Jinn-Well Auto-Parts (Zhejiang) v. Council
Case T-191/09	HIT Trading and Berkman Forwarding v. Commission
Case T-210/09	Fermenti Seleco SpA v. Commission
Case T-423/09	Dashiqiao Sanqiang Refractory Materials v. Council
Case T-512/09	Rusal Armenal v. Council

- B. Judgments, orders and other decisions rendered by the Court of Justice and the General Court (formerly Court of First Instance of the European Communities) during the period 1 January – 31 December 2009.

<b>Court of Justice</b>	
Case C-158/08	Agenzia Dogane Ufficio delle Dogane Trieste (Trieste Customs Authority)
Case C-56/08	Pärlitigu OÜ
Case C-535/06 P	Moser Baer
Case C-141/08 P	Foshan Shunde Yongjian Housewares & Hardware v. Council
Case C-260/08	HEKO Industrieerzeugnisse GmbH

<b>General Court</b>	
Case T-299/05	Shanghai Excel & Shanghai Adeptech v. Council
Case T-249/06	Interpipe Niko. Tube & Interpipe NTRP v. Council
Case T-498/04	Zhejiang Chemical v. Council
Case T-348/05 INTP	JSC Kirovo-Chepetsky v. Council
Case T-296/06	Dongguan Nanzha Leco Stationery Mfg. v. Council
Case T-225/07	Thomson Sales Europe v. Commission
Case T-143/06	MTZ Polyfilms Ltd. v. Council
Case T-1/07	Apache Footwear Ltd. & Apache II Footwear Ltd. v. Council

## ANNEX T

Safeguard and surveillance measures in force on 31 December 2009

### A. Safeguard measures

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

### B. Surveillance measures

<b>List of surveillance measures in force</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
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