



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.07.1997  
COM(97) 406 final

Proposal for a

COUNCIL REGULATION (EC)

**amending Regulation (EC) N° 423/97 imposing  
definitive anti-dumping duties on imports of gas-fuelled, non-refillable  
pocket flint lighters originating in Thailand, the Philippines and Mexico**

(presented by the Commission)



## EXPLANATORY MEMORANDUM

- (1) By Regulation (EC) No 423/97<sup>1</sup> the Council imposed, further to a proposal presented by the Commission, a definitive anti-dumping duty on imports of gas-fuelled, non-refillable pocket flint lighters falling within CN Code ex 9613 10 00 originating *inter alia* in the Philippines.
- (2) Since it has been established that a clerical error had slipped in the proposal presented by the Commission, resulting in the attribution to the Filipino producer/exporter Swedish Match Philippines, Inc. of an average underselling margin, and thus a definitive anti-dumping duty rate, of 17% instead of 13%, the Commission hereby proposes to the Council to correct the error concerned.
- (3) Given that the correct duty rate is lower than the one wrongly attributed to the company concerned, it is also proposed that this correction should be retroactive and thus take effect as from the date of entry into force of Regulation (EC) No 423/97.

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<sup>1</sup> OJ No L 65, 06.03.1997, p. 1.

**Council Regulation (EC) No**

**of ...**

**amending Regulation (EC) N° 423/97 imposing  
definitive anti-dumping duties on imports of gas-fuelled, non-refillable  
pocket flint lighters originating in Thailand, the Philippines and Mexico**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community<sup>1</sup>, as amended by Regulation (EC) No 2331/96<sup>2</sup>, and in particular Article 9(4) thereof,

Having regard to the proposal submitted by the Commission, after consulting the Advisory Committee,

Whereas Regulation (EC) No 423/97<sup>3</sup> imposes a definitive anti-dumping duty on imports of gas-fuelled, non-refillable pocket flint lighters falling within CN Code ex 9613 10 00 originating, *inter alia*, in the Philippines;

Whereas it has been found that an error appeared in the proposal adopted by the Council, resulting in the attribution to a Filipino producer/exporter, Swedish Match Philippines, Inc., of an average underselling margin, and thus a definitive anti-dumping duty rate, of 17% instead of 13%, 13% being the underselling margin established by the investigation and the basis of the consultation of the Member States within the Advisory Committee;

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<sup>1</sup> OJ No L 56, 06.03.1996, p. 1.

<sup>2</sup> OJ No L 317, 6.12.1996, p. 1.

<sup>3</sup> OJ No L 65, 06.03.1997, p. 1.

Whereas the references to the underselling margin of Swedish Match Philippines, Inc in the last indent of recital 82 and the second indent of recital 89 of Regulation (EC) No 423/97 should be read as references to 13%;

Whereas the anti-dumping duty imposed on the products exported by the company concerned should therefore be reduced from 17% to 13%; whereas this amendment should be retroactive and take effect from the date of entry into force of Regulation (EC) No 423/97,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 2 (2) (b) of Regulation (EC) No 423/97 is hereby replaced by the following:

“43.0% for imports originating in the Philippines (Taric additional code 8900) with the exception of imports which are produced and sold for export to the Community by Swedish Match Philippines, Inc., Manila where the rate shall be 13.0% (Taric additional code 8938); ”

*Article 2*

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 7 March 1997.

This regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

*For the Council*  
*The President*

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