



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 03.09.1998
COM(1998) 513 final

Proposal for a

COUNCIL REGULATION (EC)

**amending Council Regulation (EC) No 2334/97 imposing a definitive anti-dumping duty
on certain imports of flat pallets of wood originating in the Republic of Poland**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In November 1997, by Regulation (EC) No 2334/97, the Council imposed definitive anti-dumping duties on certain imports of flat pallets of wood originating in the Republic of Poland and accepted undertakings offered from certain producers in connection with these imports. Sampling was applied to Polish producers/exporters and individual duties ranging from 4% to 10.6% were imposed on the companies in the sample, while other co-operating companies not included in the sample received a weighted average duty of 6.3%. The producers from whom undertakings were accepted were exempted from anti-dumping duties with regard to imports of one specific pallet type, the EUR-pallet, which is the only pallet type covered by the undertaking.
2. 18 new Polish exporting producers having requested the same treatment as the companies which co-operated in the original investigation but were not included in the sample, have provided, on request, evidence showing that they meet the requirements of a new exporter as set out in Article (4) 1 of Regulation (EC) No 2334/97. The evidence provided by these applicant companies is considered sufficient to allow Regulation (EC) No 2334/97 to be amended by adding these 18 exporting producers to Annex I of said Regulation, specifying the exporting producers subject to a weighted average duty of 6.3%.

10 of these 18 Polish exporting producers have also offered undertakings with regard to the EUR-pallet which are accepted by the forthcoming Commission Decision. Consequently, these 10 companies are added to Annex II of Regulation (EC) No 2334/97 specifying the exporting producers subject to an undertaking.

3. It is therefore proposed, after consultation of the Advisory Committee, that the Council adopts the draft Regulation annexed amending Council Regulation (EC) No 2334/97 as specified in recital 2 hereof.

Council Regulation (EC) No...../98

of....

**amending Council Regulation (EC) No 2334/97 imposing a definitive anti-dumping duty
on certain imports of flat pallets of wood originating in the Republic of Poland**

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 Community¹, as amended by Regulation (EC) No 2331/96², and in particular Article 9(4) thereof,

Having regard to Council Regulation (EC) No 2334/97, and in particular Article 4(1) and (2) thereof,

¹ OJ No L 56, 6.3.1996, p. 1.

² OJ No L 317, 6.12.1996, p. 1.

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

Whereas:

A. PREVIOUS PROCEDURE

- (1) The Council, by Regulation (EC) No 2334/97³, imposed definitive anti-dumping duties on certain imports of flat pallets of wood falling within CN code ex 4415 20 20 originating in the Republic of Poland and accepted undertakings offered from certain producers in connection with these imports. Sampling was applied to Polish producers/exporters and individual duties ranging from 4,0% to 10,6% were imposed on the companies in the sample, while other co-operating companies not included in the sample received a weighted average duty of 6,3%. A duty of 10,6% was imposed on companies which either did not make themselves known or did not co-operate in the investigation. The producers from which undertakings were accepted were exempted from anti-dumping duties with regard to imports of one specific pallet type, the EUR-pallet, which is the only pallet type covered by the undertakings.

³ OJ No L 324, 27.11.1997, p. 1.

(2) Article 4(1) of Regulation (EC) No 2334/97 stipulates that any party which provides sufficient evidence that:

- it did not export to the Community or produce wooden pallets during the investigation period;
- it is not related to any of the producers or exporters in Poland which are subject to the anti-dumping duties imposed by that Regulation;
- it has actually exported to the Community the goods concerned after the investigation period, or it has entered into any irrevocable contractual obligation to export a significant quantity to the Community;

then that Regulation can be amended by granting that party the duty rate applicable to co-operating producers which were not in the sample, i.e. 6.3%.

Article 4(2) of Regulation (EC) No 2334/97 provided that any party which met the criteria set out in the preceding paragraph can also be exempted from the payment of the anti-dumping duty if an undertaking with regard to the so-called EUR-pallet had been accepted from such party.

B. NEW EXPORTERS' REQUEST

- (3) 18 new Polish exporting producers having requested the same treatment as the companies which co-operated in the original investigation but were not included in the sample, have provided, on request, evidence showing that they meet the requirements set out in Article 4(1) of Regulation (EC) No 2334/97. The evidence provided by these applicant companies is considered sufficient to allow Regulation (EC) No 2334/97 to be amended by adding these 18 exporting producers to Annex I of said Regulation. Annex I specifies the exporting producers which shall be subject to the weighted average duty of 6.3%.
- (4) 10 of the 18 Polish exporting producers which will receive the weighted average duty of 6.3%, have also offered undertakings with regard to the EUR-pallet which were accepted by Commission Decision 98/ /EC⁴. Consequently, these 10 companies should be added to Annex II of Regulation (EC) No 2334/97 which contains a list of companies from which the Commission has accepted undertakings with regard to imports of the EUR-pallet and to which the duty does not, therefore, apply in this respect.

HAS ADOPTED THIS REGULATION:

⁴ OJ No L

Article 1

The Annex I to Article 1 of Regulation (EC) No 2334/97 is hereby replaced by Annex I to this Regulation.

Article 2

The Annex II to Article 2 of Regulation (EC) No 2334/97 is hereby replaced by Annex II to this Regulation.

Article 3

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

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

Done at Brussels,1998

For the Council

ANNEX I

Manufacturer

1	"Baum-Holz" Sp.zo.o., Olsztyn
2	"DAST" GmbH, Poznan
3	Drew-Pol Export-Import, Wodarz Norbert, Murow
4	E. Dziurny – C. Nowak S.C., Snietnica
5	F.P.H. "Tina", Katowice
6	F.P.H. Tadeusz Fisher, Maly Gleboczek
7	F.P.U.H. "Rol-Mar", Adam Piatek, Klodzko
8	Z.P.H.U. Mirosław Przybyłek, Klonowa
9	Internationale Paletten Company Sp., Lebork
10	"Kross-Pol" Sp.zo.o., Kolobrzeg
11	P.P.U.H."Drewmax" Sp.zo.o. (formerly P.P.H. "Drewnex"), Krakow
12	P.P.H. "GKT" S.C., Majdan Nowy
13	P.P.H. "Pamadex", Ligota
14	P.P.H. "Unikat", Aleksandrow IV 697
15	P.P.H.U. "Adapol" S.C., Wolomin
16	P.P.U.H. "Alwa" Sp.zo.o., Tychowo
17	P.P.U.H. "SMS" – St. Mrozowicz, Suleczyno
18	P.T.H. "Mirex", Kolobrzeg
19	P.W. "Peteco" Sp.zo.o., Warszawa

20	Parafia Rzymsko-Katolicka, B. Niepokalaneg Dzialalnose Gospodaroza, Nowy Sacz
21	Produkcja Palet "A. Adamus", Kuznia Grabowska
22	Produkcja Skup Palet Drewnanych, Stanislaw Lachowicz, Majdan Sieniawski 170
23	Przedsiębiorstwo "Amesko", Andrzej Skora, Trzebnica
24	P.H.U. "Justyna", Gubin
25	P.H.U. "Akropol", Krakow
26	P.H.U. Produkcyjne "Lech", Lech Szwez, Zary
27	Przedsiębiorstwo Obrobki Drewna "Palet-Pol" Sp.zo.o., Dabrowka WLKP
28	P.P.H. Zygmunt Skibinski, Kowal
29	P.P.H.U. "AWA" Sp.zo.o, Nowy Sacz
30	Przedsiębiorstwo Wielobranzowe, Zdzislaw Milocki, Ostroda
31	"Scanproduct" SA., Czarny Dunajec
32	SC "Bed", Dariusz Zuk, Krasienin
33	S.U.T.R. "Rol Trak", Prochowice
34	Stolarstwo Export-Import, Tadeusz Swirski, Dlugopole Zdroj
35	Torunskie Przedsiębiorstwo Przemyslu Drzewnego w Toruniu, Adam Wisniewski, Torun
36	"Transdrewneks" Sp. zo.o., Grudziadz-Owczarki
37	W.Z.P.U.M. "Euro-Tech", Rakszawa
38	Wytwarzanie Skrzyn i Opakowan Drewnianych, Malgorzata i Ryszard Nowak, Piaszyna
39	Zaklad Produkcyjno Bohuszko, Ryszard Bohuszko, Osno

40	Z.P.H. "Maw" S.C., Andrzej Kulej, Lubomierz
41	Zakład Usługowo-Handlowy "Rolmex", E. Cackowski, Lipno
42	Zakład Wielobranżowy Produkcyjno Usługowy, Ryszard Potoniec, Muszyna
43	Zakład Przerobu Drewna S.C., Drawsko Pomorskie
44	Z.P.H.U. "Drewex" S.C., Asnieszka Pawlaczyk, Skwierzyna
45	Z.P.H.U. "Sek-Pol" Sp.zo.o., Tarnobrzeg
46	"Euro-Mega-Plus" Sp.zo.o., Kielce
47	"C.M.C.", Sp.zo.o., Andrychów
48	Wyrob, Sprzedaż, Skup Palet, Josef Kolodziejczyk, Aleksandrow IV 704
49	Firma Produkcyjno Transportowa Marian Gierka, Brodnica
50	Z.P.H.U. "Drewnex" S.C., Żelazków 45 b
51	Import-Export "Elko" Sp.zo.o., Kalisz
52	P.P.H.U. "Probox", Import-Export, Kalisz
53	Drewpal S.C., Stawiszyn
54	Zaman S.C., Radom
55	"Marimpex", Puławy
56	"AVEN" Sp.zo.o., Kostrzyn
57	P.P.H.U. "Eurex" S.C., Godynice
58	P.H. "Drewex" S.C., Lebork
59	MACED Skład Palet, J. Macionga, Miastko

60	ENKEL S.C., Pulawy
61	PAL-PACK Sp.zo.o., Wierzchowo
62	Produkcja Stolarska Posrednictwo Export-Import, W.i.T. HENSOLDT, Lebork
63	Biuro Usługowo-Handlowe, Wiesław Rzeźniczek, Lebork
64	P.P.U.H. "DREWPOL", Braszewice
65	PTN Kruklanki Sp.zo.o., Kruklanki
66	WEDAM S.C., Stezyca
67	Import-Export Jan Sibinski, Czajkow
68	Zakład Produkcyjny "Tarta", Lubsko
69	Firma "Krausdrew", Cewice
70	"Lidal" S.C., Miastko
71	Zakład Przerobu Drewna Import-Export, Stanisław Kociolek, Ladek Zdrój
72	P.P.H.U. "Alk", Bierzwnik
73	"Empol" S.C., Jastrzebniki 37
74	Zakład Produkcji Drzewnej Nr. 1, Export-Import, Julian Bartkowski, Sanok
75	P.P.H. "Drewex", Czarnków
76	"ZAP" Przedsiębiorstwo Handlowe-Usługowe Sp.C, Wschowa
77	P.P.H.U. "Opal", Zygmunt Podgorski, Bukowsko 41
78	"Algepa-Pol", Sp.zo.o., Lubsko
79	P.P.H. "A-Produkt" S.C., Resko
80	PPH "Paletex" Sibinski Jarosław, Klonowa

81	Euro-Handels Sp.zo.o., Szczecin
82	Firma "KIKO" S.C., Poznan
83	"Enkel" Waldemar Wnuk, Pulawy
84	Sliwka Lucyna, Klodzko
85	Firma Borkowski S.C. Export-Import, Grabow n. Prosna
86	Produkcja - Skup Elementow i Palet, Stanislaw Gorecki, Czajkow
87	"Prodpalet" Handel, Boleslawiec
88	Z.P.H.U. "Drexport" S.C., Olecko, Osiedle Lesk
89	"Bilusa" Sp.zo.o, Klodawa
90	Pawel Bilko "Pablo", Klodawa
91	ZPW "Gober" Sp.zo.o, Gorzow Wilkp.
92	Kisiel Malgorzata "Drew-Pal", Dobra Now
93	P.W. "Remag" , Zlocieniec
94	PPUH PAL-POL S.C., Prabuty
95	Firma "A.C.S." S.C., Kamien
96	Zaklad Produkcji Skrzyn i Opakowan Drewnianych Szuta Marian, Kawcze

ANNEX II

Manufacturer

Taric
Additional
Code

1	"Baum-Holz" Sp.zo.o., Olsztyn	8570
2	E. Dziurny – C. Nowak S.C., Snietnica	8571
3	F.P.H. "Tina" S.C., Katowice	8572
4	Firma "Sabelmar" S.C., Konczyce Male	8573
5	Z.P.H.U. Mirosław Przybyłek, Klonowa	8574
6	Internationale Paletten Company Sp., Lebork	8575
7	"Kross-Pol" Sp.zo.o., Kolobrzeg	8576
8	P.P.U.H."Drewmax" Sp.zo.o. (formerly P.P.H. "Drewnex"), Krakow	8577
9	P.P.H. "GKT" SC., Majdan Nowy	8584
10	P.P.H. "Pamadex" , Ligota	8585
11	P.P.H. "Unikat", Aleksandrow IV 697	8586
12	P.P.H.U. "Adapol" SC., Wolomin	8587
13	P.P.H.U. "Alpa" Sp.zo.o., Dobrzyca	8588
14	P.P.U.H. "Alwa" Sp.zo.o., Tychowo	8589
15	P.P.H.U. "Palimex" Sp.zo.o., Wloszakowice	8590
16	P.P.U.H. "SMS" – St. Mrozowicz, Suleczyno	8591
17	P.T.H. "Mirex", Kolobrzeg	8597
18	P.W. "Intur-KFS" Sp.zo.o., Inowroclaw	8662
19	P.W. "Peteco" Sp.zo.o., Warszawa	8690

20	"Paletex" Produkcja Palet, Roman Panasiuk, Warszawa	8691
21	Produkcja Palet "A. Adamus", Kuznia Grabowska	8692
22	P.H.U. "Akropol", Krakow	8713
23	P.P.H. Zygmunt Skibinski, Kowal	8693
24	"Scanproduct" SA., Czarny Dunajec	8715
25	S.U.T.R. "Rol Trak", Prochowice	8714
26	"Transdrewneks" Sp.zo.o., Grudziadz-Owczarki	8716
27	W.Z.P.U.M. "Euro-Tech", Rakszawa	8725
28	Z.P.H. "Palettenwerk" – K. Kozik, Bystra Podhalanska	8726
29	Zaklad Przerobu Drewna S.C., Drawsko Pomorskie	8745
30	Z.P.H.U. "Sek-Pol" Sp.zo.o., Tarnobrzeg	8526
31	"Euro-Mega-Plus" Sp.zo.o., Kielce	8527
32	"C.M.C." Sp.zo.o., Krakow	8528
33	Wyrob, Sprzedaz, Skup Palet, Josef Kolodziejczyk, Aleksandrow IV 704	8529
34	Firma Produkcyjno Transportowa Marian Gierka, Brodnica	8530
35	Z.P.H.U. "Drewnex" S.C., Zelazkow 45 b	8531
36	Import-Export "Elko" Sp.zo.o., Kalisz	8532
37	P.P.H.U. "Probox", Import-Export, Kalisz	8533
38	Drewpal S.C., Stawiszyn	8534
39	Zaman S.C., Radom	8535
40	"Marimpex", Pulawy	8537
41	"AVEN" Sp.zo.o., Kostrzyn	8558

42	P.P.H.U. "Eurex" S.C., Godynice	8538
43	MACED Sklad Palet, J. Macionga, Miastko	8539
44	ENKEL S.C., Pulawy	8540
45	Produkcja Stolarska Posrednictwo Export-Import, W.i.T. HENSOLDT, Lebork	8541
46	P.P.U.H. "DREWPOL", Braszewice	8834
47	PTN Kruklanki Sp.zo.o., Kruklanki	8556
48	WEDAM S.C., Stezyca	8557
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50	P.P.H.U. "Alk", Bierzwnik	8561
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61	Firma "A.C.S." S.C., Kamien	8486

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