



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.09.1999
COM(1999) 433 final

Proposal for a

COUNCIL REGULATION (EC)

amending Regulation (EC) No 2334/97, as last amended by Council Regulation (EC) No 2079/98, 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, as last amended in October 1998 by Regulation (EC) No 2079/98, 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. 13 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 13 exporting producers to Annex I (companies numbered from 97 until 108) of said Regulation, specifying the exporting producers subject to a weighted average duty of 6.3%.

Five of these 13 Polish exporting producers have also offered undertakings with regard to the EUR-pallet which are accepted by the forthcoming Commission Decision. Consequently, these 5 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 last amended by Regulation (EC) No 2079/98, as specified in recital 2 hereof.

Proposal for a

COUNCIL REGULATION (EC)

amending Regulation (EC) No 2334/97, as last amended by Council Regulation (EC) No 2079/98, 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, and in particular Article 9(4) thereof,

Having regard to Council Regulation (EC) No 2334/97², and in particular Article 4(1) and (2) thereof,

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 2334/97, 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.

¹ OJ L 56, 6.3.1996, p. 1, Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30.4.1998, p. 18).

² OJ L 324, 27.11.1997, p. 1, Regulation as last amended by Regulation (EC) No 2079/98 (OJ L 266, 1.10.1998, p. 1).

- (2) Article 4(1) of Regulation (EC) No 2334/97 stipulates that any party which provides sufficient evidence to the Commission that:
- it did not export to the Community or produce wooden pallets described in Article 1(1) of that Regulation 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 provides furthermore that any party which met the criteria set out in Article 4(1) thereof can also be exempted from the payment of the anti-dumping duty if an undertaking with regard to the so-called EUR-pallet is accepted from such party.

- (3) The Council , by Regulation (EC) No 2079/98³ amended Regulation (EC) No 2334/97 in its annexes I and II.

B. NEW EXPORTERS' REQUEST

- (4) 13 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, as amended by Regulation (EC) No 2079/98, to be amended by adding these 13 exporting producers to Annex I of the said Regulation. Annex I specifies the exporting producers which shall be subject to the weighted average duty of 6.3%.
- (5) 5 of the 13 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 99/..EC⁴. Consequently, these 5 companies should be added to Annex II of Regulation (EC) No 2334/97, as already amended by Regulation (EC) No 2079/98, 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.

³ OJ L 266, 1.10.1998, p. 1.

⁴ See page ... of this Official Journal.

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Annex II to 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,

For the Council
The President

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., Leborg
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 Drewnianych, 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” SC., Andrzej Kulej, Lubomierz
41	Zaklad Uslugowo-Handlowy “Rolmex”, E. Cackowski, Lipno
42	Zaklad Wielobranzowy Produkcyjno Uslugowy, Ryszard Potoniec, Muszyna

43	Zakład Przerobu Drewna S.C., Drawsko Pomorskie
44	Zphu "Drewex" SC., Agnieszka 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., Andrychow, Inwald
48	Wyrob, Sprzedaz, Skup Palet, Josef Kolodziejczyk, Aleksandrow IV 704
49	Firma Produkcyjno Transportowa Marian Gerka, Brodnica
50	Z.P.H.U. "Drewnex" S.C., Zelazkow 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", Pulawy
56	"AVEN" Sp.zo.o., Kostrzyn
57	P.P.H.U. "Eurex" S.C., Godynice
58	P.H. "Drewex" S.C., Lebork
59	MACED Sklad 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, Wieslaw Rzezniczek, Lebork
64	P.P.U.H. "DREWPOL", Braszewice
65	PTN Krukłanki Sp.zo.o., Krukłanki
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, Stanislaw Kociolek, Ladek Zdroj
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", Czarnkow
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 Jaroslaw, Czajkow
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. "Drelexport" S.C., Olecko, Osiedle Lesk
89	"Bilusa" Sp.zo.o, Klodzko

90	Pawel Bilko "Pablo", Klodawa
91	Z.P.W "Gober" Sp.zo.o, Gorzow Wlkp.
92	Kisiel Malgorzata "Drew-Pal", Dobra Now
93	P.W. "Remag", Zlocieniec
94	P.P.U.H PAL-POL S.C., Prabuty
95	Firma "A.C.S." S.C., Kamien
96	Zaklad Produkcji Skrzyn i Opakowan Drewnianych Szuta Marian, Kawcze
97	P.T.P.U.H. "ROB-POL", Milkow
98	Z.H.U.P. Agromal, Sieradz
99	SMT Sp.zo.o, Miastko
100	Firma Transdrewneks Gadzala Antoni, Torun
101	Artur Rochmankowski, Trzcinsko-Zdroj
102	"Depo" Sp.zo.o, Ilowa
103	B.P.R. Sp.zo.o, Warszawa
104	"DREWNO" Sp.zo.o., Krzeszyce
105	P.P.H. "Astra" Sp.zo.o, Nowy Sacz
106	"D&M&D" Sp.zo.o, Blizanow
107	P.P.H. "Vector", Kalisz
108	"Palko" Sp.zo.o, Sedziszow
109	P.P.H. Pol-Wood S.C., Rzekun

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., Włoszakowice	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., Andrychow, Inwald	8528
33	Wyrob, Sprzedaz, Skup Palet, Josef Kolodziejczyk, Aleksandrow IV 704	8529
34	Firma Produkcyjno Transportowa Marian Gerka, 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

		Taric Additional Code
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 Krukłanki Sp.zo.o., Krukłanki	8556
48	WEDAM S.C., Stezyca	8557
49	Import-Export Jan Sibinski, Czajkow	8559
50	P.P.H.U. “Alk”, Bierzwnik	8561
51	“Empol” S.C., Jastrzebniki 37	8560
52	Euro-Handels Sp.zo.o., Szczecin	8440
53	PPH “Paletex” Sibinski Jaroslaw, Czajkow	8441
54	Firma “KIKO” S.C., Poznan	8443
55	“Enkel” Waldemar Wnuk, Pulawy	8444
56	Sliwka Lucyna, Klodzko	8445
57	Firma Borkowski S.C. Export-Import, Grabow n. Prosna	8446
58	Produkcja - Skup Elementow i Palet, Stanislaw Gorecki, Czajkow	8483
59	“Bilusa” Sp. zo.o, Klodawa	8484
60	P.P.U.H PAL-POL S.C., Prabuty	8485
61	Firma “A.C.S.” S.C., Kamien	8486
62	“SMT” Sp.zo.o, Miastko	8562
63	Firma Transdrewneks Gadzala Antoni, Torun	8563
64	“Palko” Sp.zo.o, Sedziszow	8565
65	“D&M&D” Sp.zo.o, Blizanow	8566
66	P.P.H. “Vector”, Kalisz	8567