

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 179 final

Brussels, 28 March 1983

Proposal for a
COUNCIL REGULATION (EEC)
amending Regulation (EEC) No 3072/80 imposing a definitive
countervailing duty on certain seamless tubes of non-alloy
steels originating in Spain

(submitted to the Council by the Commission)

COM(83) 179 final

EXPLANATORY MEMORANDUM

Council Regulation (EEC) N° 3072/80¹ imposed a definitive countervailing duty on certain seamless tubes of non-alloy steels originating in Spain from 1 December 1980.

The Spanish steel producers' association UNESID has since requested on behalf of Spanish exporters, that the duty be reviewed, on the ground that the rate of domestic turnover tax in Spain has been considerably increased since 1980.

As this was one of the main factors in establishing the rate of subsidy, the Commission decided to reopen the anti-subsidy proceeding and gave notice thereof.²

On the basis of the available information, the Commission has found that the increase in turnover tax rates in Spain since 1980 has raised the aggregate level of indirect taxation on these products for which an export rebate may be claimed from 2.75 % to 4.5 % of the export price.

Accordingly, the Commission proposes that the definitive countervailing duty be reduced from 11.75 % to 10 % in order to take account of the 1.75 % increase in tax.

(1) OJ No L 322, 28.11.1980, p. 30.

(2) OJ No C 196, 30.7.1982, p. 3.

Proposal for a
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 3072/80 imposing a definitive
countervailing duty on certain seamless tubes of non-alloy
steels originating in Spain

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3017/79 of 20 December 1979
on protection against dumped or subsidized imports from countries not
members of the European Economic Community¹, as amended by Regulation
(EEC) No 1580/82²,

Having regard to the proposal from the Commission after consultation with
the Advisory Committee set up under the abovementioned Regulation,

Whereas Council Regulation (EEC) No 3072/80³ imposed a definitive counter-
vailing duty on certain seamless tubes of non-alloy steels within Common
Customs Tariff subheadings ex 73.18 A and ex 73.18 C and Nimese codes 73.18
ex 13, ex 23, ex 27, ex 28, ex 32 and ex 74, originating in Spain, with
effect from 1 December 1980;

Whereas the Spanish steel producers' association UNESID, on behalf of the
Spanish exporters of seamless steel tubes, has requested a review of the
duty on the ground that the rate of domestic turnover tax in Spain has
substantially increased since 1980;

Whereas since this was a key element in the determination of the rate of
subsidy, a review appeared to be warranted; whereas the Commission, after
consultation, decided that the anti-subsidy proceeding should be reopened
and accordingly announced that a new investigation would be undertaken⁴;

¹ OJ No L 339, 31.12.1979, p. 1.

² OJ No L 178, 22.6.1982, p. 9.

³ OJ No L 322, 28.11.1980, p. 30.

⁴ OJ No C 196, 30.7.1982, p. 3.

Whereas the Commission has given the interested parties the opportunity to make known their views, in particular by replying to the questionnaire addressed to the parties known to be concerned, and has in addition again formally requested the Spanish authorities for information about the level of indirect taxation on the products in question;

Whereas the Spanish exporters have supplied no evidence which could have enabled the Commission to look at the actual aggregate level of indirect taxes on seamless steel tubes exported to the Community; whereas the Commission's formal request for information from the Spanish authorities has also remained unanswered;

Whereas the Commission has therefore been obliged to base its new calculation of the subsidy effect of Spanish export rebates on information supplied confidentially by the complainants; whereas the Spanish exporters' representatives have expressly agreed to this procedure;

Whereas the Commission has used the same method of calculation applied to determine the definitive countervailing duty in Regulation (EEC) No 3072/80; whereas on the basis of the new information supplied by the complainants and the higher general rates of aggregate turnover tax now prevailing in Spain the Commission has concluded that, taking a weighted average for all the exporters concerned, the tax incidence in respect of which an export rebate can be claimed has increased from 2.75 % to 4.5 %;

Whereas in these circumstances the definitive countervailing duty can be reduced by an amount corresponding to the increase in taxation, namely from 11.75 % to 10 % of the export price, account being taken of any commission, in respect of which no export rebate may be claimed,

HAS ADOPTED THIS REGULATION :

Article 1(2) and the first subparagraph of Article 1(3) of Regulation (EEC) No 3072/80 are replaced by the following:

"2. The amount of the definitive countervailing duty shall be equal to 10 % of the export price fob Spanish port of export or free Spanish frontier, as appropriate.

Where the importer cannot furnish reasonable evidence of this price, the duty shall be equal to 10 % of the value for customs purposes after deduction of a fixed amount of 29.40 ECU per tonne.

3. In the case of shipments to Germany by Tubexport on behalf of Tubos Reunidos SA or Babcock and Wilcox Española SA which are imported by Goosmann GmbH Stahlrohrvertrieb acting as sole agent for the above companies, the duty shall be assessed at 9.65 % of the price or value referred to in paragraph 2 above where this includes the commission paid to Goosmann GmbH"

Article 2

This Regulation shall enter into force on the third day following its publication on 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