

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 263 final

Brussels, 29 April 1983

Proposal for a
COUNCIL REGULATION (EEC)
extending the provisional anti-dumping duty on certain chemical fertilizer
originating in the United States of America

(submitted to the Council by the Commission)

COM(83) 263 final

EXPLANATORY MEMORANDUM

The Commission, by Regulation (EEC) No 290/83 (O.J. No L 33, 4.2.1983) has imposed a provisional anti-dumping duty of 4.14% on imports of a chemical fertiliser (urea ammonium nitrate solution) originating in the USA and exported by Agrico Chemical Company. The duty is valid for 4 months and one month prior to the expiry of the period of validity the Commission, in accordance with Regulation (EEC) No 3017/79, must submit a proposal to the Council for either definitive measures or an extension of provisional measures to be adopted.

The provisional anti-dumping duty was imposed following the opening of a review procedure and after preliminary investigation.

Since the imposition of the duty the Commission has continued its investigation and has received additional information from the company concerned which will be supplemented by further submissions the complexity of which, on both factual and legal grounds, prevented the Commission making a proposal regarding definitive measures based on a complete analysis of the facts.

Accordingly the company submitting the information, the sole exporter concerned, requested an extension by two months of the validity of the provisional measures in order that the Commission could have sufficient time to complete its investigation.

In these circumstances, the Commission submits a proposal in the form of the attached Council Regulation extending the validity of the provisional anti-dumping duty on exports of a chemical fertiliser of Agrico Chemical Company originating in the USA for a period not exceeding two months.

**Proposal for a
COUNCIL REGULATION (EEC)**

extending the provisional anti-dumping duty on certain chemical fertilizer originating in the United States of America

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, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas, by its Regulation (EEC) No 290/83³, the Commission imposed a provisional anti-dumping duty on certain chemical fertilizer originating in the United States of America and exported by Agrico Chemical Company;

The examination of the facts is not yet complete and the sole exporter known to be concerned has requested that the provisional duty be extended for a further period of two months,

HAS ADOPTED THIS REGULATION:

¹OJ No L 339, 31.12.1979, p. 1.

²OJ No L 178, 22.06.1982, p. 9.

³OJ No L 33, 04.02.1983, p. 9.

Article 1

The provisional anti-dumping duty on certain chemical fertilizer originating in the United States of America and exported by Agrico Chemical Company imposed by Regulation (EEC) No 290/83 is hereby extended for a period not exceeding two months.

Article 2

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

Without prejudice to Article 11 of Regulation (EEC) No 3017/79 and to any decision to different effect taken by the Council, it shall apply until the entry into force of a regulation of the Council adopting definitive measures or, at the latest, until the expiry of a period of two months beginning on 5 June 1983.

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

Done at Brussels,

For the Council

