

COMMISSION OF THE EUROPEAN COMMUNITIES

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COM(81) 821 final

Brussels, 22 December 1981

Proposal for a
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 3306/80 as regards the definitive anti-dumping duty on mechanical alarm clocks (other than travel alarms) originating in the German Democratic Republic

(submitted to the Council by the Commission)

COM(81) 821 final



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EXPLANATORY MEMORANDUM

1. In December last year a definitive anti-dumping duty was imposed on mechanical alarm clocks (other than travel alarms) originating in the German Democratic Republic and the USSR¹. For the GDR, the amounts were:

- for large twin bell alarms: 0.53 EUA per clock
- for all other alarms: 0.30 EUA per clock.

2. Two days before the Council adopted the regulation, the GDR exporter offered an undertaking to increase his prices from 1 January 1981 to a level which would eliminate the margins of dumping or, where lower, the extent of injury, thereby achieving the same effect as the above amounts of duty.

3. The Commission has now had the opportunity to consider this undertaking and to consult the advisory committee on anti-dumping questions, which was in favour of the acceptance of this undertaking and of a parallel repeal of the definitive duty against the GDR.

4. The Commission has consequently decided to accept the undertaking offered, and to propose to the Council the repeal of the definitive anti-dumping duty against the GDR.

5. The attached draft Council Regulation would have the effect that shipments of GDR alarm clocks declared for consumption in the Community from the date of entry into force would not be liable to anti-dumping duty. To prevent a hiatus between application of the duty and application of the undertaking, however, alarm clocks which have previously been in customs bond in the Community would continue to be liable to anti-dumping duty.

¹Council Regulation (EEC) No 3306/80 of 18 December 1980, OJ No L 344, 19.12.1980, p. 34

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**Proposal for a
COUNCIL REGULATION**

amending Regulation (EEC) No 3306/80 as regards the definitive anti-dumping duty on mechanical alarm clocks (other than travel alarms) originating in the German Democratic Republic

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, and in particular Article 14 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee set up under Article 6 of the aforesaid Regulation;

Whereas the Commission, by Regulation (EEC) No 1579/80², imposed a provisional anti-dumping duty on mechanical alarm clocks (other than travel alarms) originating in the German Democratic Republic and the USSR;

Whereas the exporter in the German Democratic Republic subsequently undertook voluntarily to increase its prices from 1 January 1981 to a level which would eliminate the injury caused by dumping in respect of alarms with external bells falling within NIMEXE Code 91.04-56, and which would eliminate the margins of dumping established for other types; whereas the form of this undertaking was not one which the Commission considered acceptable; whereas immediately prior to the expiry of the provisional duty the exporter offered a revised undertaking;

¹ OJ No L 339, 31.12.1979, p. 1

² OJ No L 158, 25.06.1980, p. 3

Whereas there was then insufficient time before the expiry of the provisional anti-dumping duty for the Commission to consult within the Advisory Committee and to take a decision on the acceptability of this undertaking;

Whereas consequently, since the facts as finally established showed that there was dumping, and injury caused thereby, the Council, by Regulation (EEC) No 3306/80¹, imposed a definitive anti-dumping duty on mechanical alarm clocks (other than travel alarms) originating in the German Democratic Republic and the USSR;

Whereas, since the Commission, after consultation within the Advisory Committee, has considered the said undertaking and accepted it;

Whereas, in these circumstances, and after consultation with-
in the Advisory Committee, Regulation (EEC) No 3306/80 has been reviewed;

Whereas this review shows that, in view of the price undertaking offered by the German Democratic Republic, it is no longer necessary to take protective action in respect of the products in question originating in the German Democratic Republic other than those which have previously been introduced into the customs territory of the Community, but have not been released into free circulation in the Community,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 3306/80 is hereby amended as follows:

1. The reference to the German Democratic Republic in Article 1(1) is deleted.
2. Article 1(2)(a) is deleted.

¹OJ No L 344, 19.12.1980, p. 34

Article 2

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

It shall not apply in respect of goods originating in the German Democratic Republic which have previously been introduced into the customs territory of the Community, but have not been released into free circulation in the Community, to which Regulation (EEC) No 3306/80 in its unamended form shall continue to apply.

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

Done at Brussels

For the Council