

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 711 final

Brussels, 28th October 1982

PROPOSAL FOR A COUNCIL REGULATION (EEC)

imposing definitive collection of provisional anti-dumping
duties on trichloroethylene originating in the German Demo-
cratic Republic and Poland

(presented by the Commission to the Council)

COM(82) 711 final

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EXPLANATORY MEMORANDUM

1. In July 1982 the Commission imposed provisional anti-dumping duties on trichloroethylene originating in the German Democratic Republic and Poland¹. The duties expire on 30 November 1982 at the latest.

2. Following the imposition of the provisional duties the two exporters in question proposed price undertakings to the Commission which appear to be adequate to eliminate in the future the injurious effects of the imports in question.

3. It is therefore proposed that the Council decide to terminate the proceeding without imposing definitive anti-dumping duties.

4. In view of the material injury sustained by the branch of the Community in question it is also proposed that the Council decide to collect definitively the sums lodged as security for the provisional duties.

¹ Commission Regulation (EEC) No 2127/82 - OJ No L 223, 31.7.1982, p.76.

Proposal for a
Council Regulation (EEC)

imposing definitive collection of provisional anti-dumping duties
on trichloroethylene originating in the German Democratic Republic
and Poland

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 12 thereof,

Having regard to the proposal presented by the Commission after hearing
the Advisory Committee set up by Article 6 of Regulation (EEC) No 3017/79,

Whereas the Commission imposed, by Regulation (EEC) No 2127/82³, a provisional
anti-dumping duty on trichloroethylene falling within subheading 29.02 A II
ex b) of the Common Customs Tariff (NIMEXE code 29.02-33), originating in
the German Democratic Republic and Poland; whereas the amount of the duty
was fixed as follows, by country of origin, expressed as a percentage of
the price free-at-Community frontier duty unpaid:

- German Democratic Republic 26.2%
- Poland: 29.5%;

Whereas, in accordance with Article 2 of that Regulation, the Commission
has given the parties concerned the opportunity to make known their views
and to apply to be heard orally by the Commission within a month of the
entry into force of the provisional duty, without prejudice to Article 7(4)(b)
and (c) of Regulation (EEC) No 3017/79; whereas the exporter from the
German Democratic Republic, the Polish exporter and certain importers
concerned availed themselves of this opportunity and put forward their point
of view orally and in writing; whereas, having made a detailed examination
of the arguments put forward, which in substance corresponded to those

¹OJ No L 339, 31.12.1979, p.1.

²OJ No L 178, 22.6.1982, p.9.

³OJ No L 223, 31.7.1982, p.76.

already advanced at the preliminary stage of the investigation, the Commission did not feel that it should modify the weighted averages of the provisionally established dumping margins;

Whereas, with regard to the injury sustained, the Commission has not, since Regulation (EEC) No 2127/82 was adopted, received any further information which would justify revising the conclusions formulated by the Commission in that Regulation;

Whereas, faced with these results, the exporter from the German Democratic Republic, AHB-Chemie (Berlin, GDR), and the Polish exporter, CIECH-Organica (Warsaw), proposed price undertakings which in the Commission's view appear to be adequate for eliminating in the future the injurious effects of the imports in question;

Whereas the proceeding may therefore be terminated without a definitive anti-dumping duty being imposed;

Whereas, in view of the arguments already put forward by the Commission in Regulation No 2127/82 and in the light of the dumping by exporters from the German Democratic Republic and Poland and of the material injury sustained by the branch of the Community industry in question, the provisional duties must in the interests of the Community be definitively collected,

HAS ADOPTED THIS REGULATION:

Article 1

The sums lodged as security for the provisional anti-dumping duties imposed by Regulation (EEC) No 2127/82 shall be definitively collected.

Article 2

This Regulation shall enter into force on the third day following that of 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