

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 7 final

Brussels, 7 January 1983

Proposal for a

COUNCIL REGULATION (EEC)

establishing the definitive collection of the provisional anti-dumping duty  
on polyvinyl chloride originating in Czechoslovakia

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(submitted to the Council by the Commission)

COM(83) 7 final

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

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PHYSICS 354

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EXPLANATORY MEMORANDUM

In September 1982 the Commission imposed a provisional anti-dumping duty of 12% on imports of polyvinyl chloride originating in Czechoslovakia<sup>1</sup>.

The facts as finally established show that in 1981 there was a weighted average dumping margin of 55%.

The injury caused by these imports to the Community industry concerned consists essentially of an increase in the Czech market share in Germany and the Netherlands and undercutting of the Dutch and German manufacturers' prices by up to 19%. The market share was increased at a time when demand was declining in the Community, which meant that the Community manufacturers therefore lost further sales. Despite cutting back output considerably the Community manufacturers, not least because of the dumped imports, have been unable to stabilize the market and halt the decline in prices.

The Czech exporter has offered a price undertaking. After consulting the Member States, the Commission has accepted this undertaking and intends to terminate the anti-dumping proceeding.

In view of the dumping by the Czech exporter and the material injury sustained by the Community industry concerned the interests of the Community require that the provisional duty be definitively collected.

For these reasons it is proposed that the amounts secured by way of provisional duty be definitively collected, except where the customs documents presented upon importation show that polyvinyl chloride manufactured by the emulsion process, which was not the subject of the proceeding, has been imported.

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<sup>1</sup> Regulation (EEC) N° 2568/82, OJ N° L 274, 24.9.1982, p. 15

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) N° 3017/79 of 20 December 1979  
on protection against dumped or subsidized imports from countries not members  
of the European Economic Community<sup>1</sup>, as amended by Regulation (EEC)  
N° 1580/82<sup>2</sup>, and in particular Article 12 thereof,

After consultations within the Advisory Committee set up pursuant to  
Article 6 of Regulation (EEC) N° 3017/79,

Whereas in July 1981 the Commission received a complaint from the European  
Council of Chemical Manufacturers' Federations, on behalf of 24 producers  
of polyvinyl chloride resins and compounds, representing almost the whole  
of the Community industry, asking it to <sup>initiate</sup> an anti-dumping proceeding;

Whereas the complaint contained sufficient evidence that like products  
originating in Czechoslovakia, the German Democratic Republic, Hungary and  
Romania were being dumped, and that material injury was being caused thereby;  
whereas the Commission accordingly announced, by a notice published in the  
Official Journal of the European Communities<sup>3</sup>, the initiation of a proceed-  
ing in respect of imports of polyvinyl chloride (Nimexe codes ex 39.02-41  
and 39.02-43) originating in Czechoslovakia, the German Democratic Republic,  
Hungary and Romania and commenced an investigation of the matter at  
Community level;

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<sup>1</sup> OJ N° L 339, 31.12.1979, p. 1

<sup>2</sup> OJ N° L 178, 22.06.1982, p. 9

<sup>3</sup> OJ N° C 332, 19.12.1981, p. 2

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Whereas a preliminary examination of the facts revealed that dumping was taking place and provided sufficient evidence that material injury was being caused thereby to the Community industry concerned; whereas the Commission thereupon informed the exporters concerned of the need to adopt protective measures; whereas, in view of the above findings, the exporters in the German Democratic Republic, Hungary and Romania offered undertakings which were accepted by the Commission; whereas by Regulation (EEC) N° 2568/82<sup>1</sup> the Commission therefore terminated the proceeding in respect of the above countries and imposed a provisional anti-dumping duty of 12% on imports of polyvinyl chloride originating in Czechoslovakia;

Whereas in Article 3 of the said Regulation the Commission gave the parties concerned an opportunity, within one month of the entry into force of the provisional duty and without prejudice to Article 7(4)(b) and (c) of Regulation (EEC) N° 3017/79, to make known their views and apply to be heard orally by the Commission; whereas the exporter and a number of the importers concerned availed themselves of this opportunity and made known their views both in writing and orally; whereas the Commission examined carefully the arguments put forward and found no reason to amend the provisionally determined weighted average dumping margin;

Whereas, as regards the question of injury, the Commission has received no information since the adoption of Regulation (EEC) N° 2568/82 which would require any revision of its conclusions formulated in the said Regulation;

Whereas, after being informed of these findings, the Czech exporter, Petrimex, Bratislava, offered an undertaking to the Commission to respect certain minimum prices for its exports to the Community; whereas the Commission considers this undertaking appropriate in order to eliminate the injurious effects of those exports; whereas the Advisory Committee set up pursuant to Article 6 of Regulation (EEC) N° 3017/79 has raised no objections; whereas, in these circumstances, the undertaking can be accepted, the proceeding terminated and the provisional duty lifted;

Whereas the proceeding may therefore be terminated without the imposition of a definitive anti-dumping duty;

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<sup>1</sup>OJ N° L 274, 24.9.1982

Whereas, as far as dumping by the Czech exporter and the material injury to the Community industry in question are concerned, the interests of the Community nevertheless call for the definitive collection of the provisional duty;

Whereas, as polyvinyl chloride manufactured by the emulsion process was not covered by the proceeding, it is appropriate to release those amounts which can be shown to have been levied as the provisional anti-dumping duty on imports of polyvinyl chloride manufactured by the emulsion process originating in Czechoslovakia,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. The amounts secured by way of provisional anti-dumping duty, pursuant to Regulation (EEC) N° 2568/82, on imports of polyvinyl chloride, other than that manufactured by the emulsion process, originating in Czechoslovakia, shall be definitively collected.

2. Securities lodged in respect of imports of polyvinyl chloride manufactured by the emulsion process shall be released provided that the said method of manufacture is recorded in the customs documents submitted on importation.

#### 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