

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 198 final

Brussels, 14 April 1981

Proposal for a  
COUNCIL REGULATION (EEC)  
amending Regulation (EEC) No 3439/80 imposing a definitive anti-dumping  
duty on imports of certain polyester yarn originating in the United States  
of America

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(submitted to the Council by the Commission)

COM(81) 198 final



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EXPLANATORY MEMORANDUM

By Regulation (EEC) No 3439/80 of 22 December 1980 the Council imposed a definitive anti-dumping duty on imports of certain polyester yarn originating in the United States of America.

Following the publication of this regulation exporters of yarn specifically manufactured for the woven label trade and synthetic absorbable sutures used for surgical purposes and importers of unfinished sewing thread claimed that the anti-dumping duty was wrongly levied on exports from the United States of America.

The Commission has investigated the above claim and has received confirmation from the complainant producers that the products in question, although included under the Nimex Code relating to all non-textured polyester yarns, were never intended to be included in the anti-dumping complaint.

On the basis of these facts the Commission therefore presents its proposal for a Council regulation excluding polyester yarn for the woven label trade, synthetic absorbable sutures and unfinished sewing thread from the field of application of the definitive anti-dumping duty.

Article 2

PROPOSAL FOR  
COUNCIL REGULATION (EEC)

amending Regulation (EEC) N° 3439/80 imposing a definitive anti-dumping duty on imports of certain polyester yarn originating in the United States of America

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THE COUNCIL 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>, and in particular Articles 11 and 14 thereof,

Having regard to the proposal submitted by the Commission, after consultations within the Advisory Committee set up under Article 6 of Regulation (EEC) N° 3017/79,

Whereas following the publication of Council Regulation (EEC) No 3439/80<sup>2</sup> exporters of yarn specifically manufactured for the woven label trade and synthetic absorbable sutures and importers of unfinished sewing thread

made representations to the Commission claiming that the anti-dumping duty was wrongly levied on imports from the United States of America;

Whereas, according to these claims, deliveries of such products into the Community cause no injury to the complainant Community producers and are subject to the definitive anti-dumping duty for the simple reason that they fall under the same NIMEXE code as imports of the yarn which is really the object of the complaint;

Whereas the Commission therefore investigated the matter and questioned the complainant producers;

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

<sup>2</sup> OJ N° L 358, 31.12.1980, p. 91

Whereas these producers confirmed that, despite the reference in their complaint to Nimexe Code 51.01-28 which includes all non-textured yarns of polyester, multiple or cabled, the complaint does not relate to yarn for the woven label trade which is twisted, autoclaved and wound on cones or to synthetic absorbable sutures or to unfinished sewing thread;

Whereas yarn for the woven label trade, synthetic-absorbable sutures and unfinished sewing thread should not therefore be subject to the definitive anti-dumping duty imposed under Regulation (EEC) No 3439/80,

HAS ADOPTED THIS REGULATION:

Article 1

The definitive anti-dumping duty imposed, under Regulation (EEC) No 3439/80, on imports of non-textured polyester yarn, falling within Common Customs Tariff subheading ex 51.01 A and corresponding to Nimexe Code 51.01-28, shall not apply to:

- a) polyester filament yarn specifically manufactured for the woven label trade which is twisted, autoclaved and wound on cones; and
- b) synthetic absorbable surgical devices of poly-dioxanone.

Article 2

Article 3(c) of Regulation (EEC) No 3439/80 shall be replaced by the following:

"(c) sewing thread composed of multiple or cabled yarn, finished or unfinished, of a "core yarn" type and with a final "Z" twist.

"Core yarn" is a sewing yarn composed of several threads-twisted together, each thread being made up of a core of continuous synthetic fibre, coated with discontinuous natural, synthetic or regenerated textile fibre."

Article 3

This Regulation shall enter into force on the third day following 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