

COMMISSION OF THE EUROPEAN COMMUNITIES

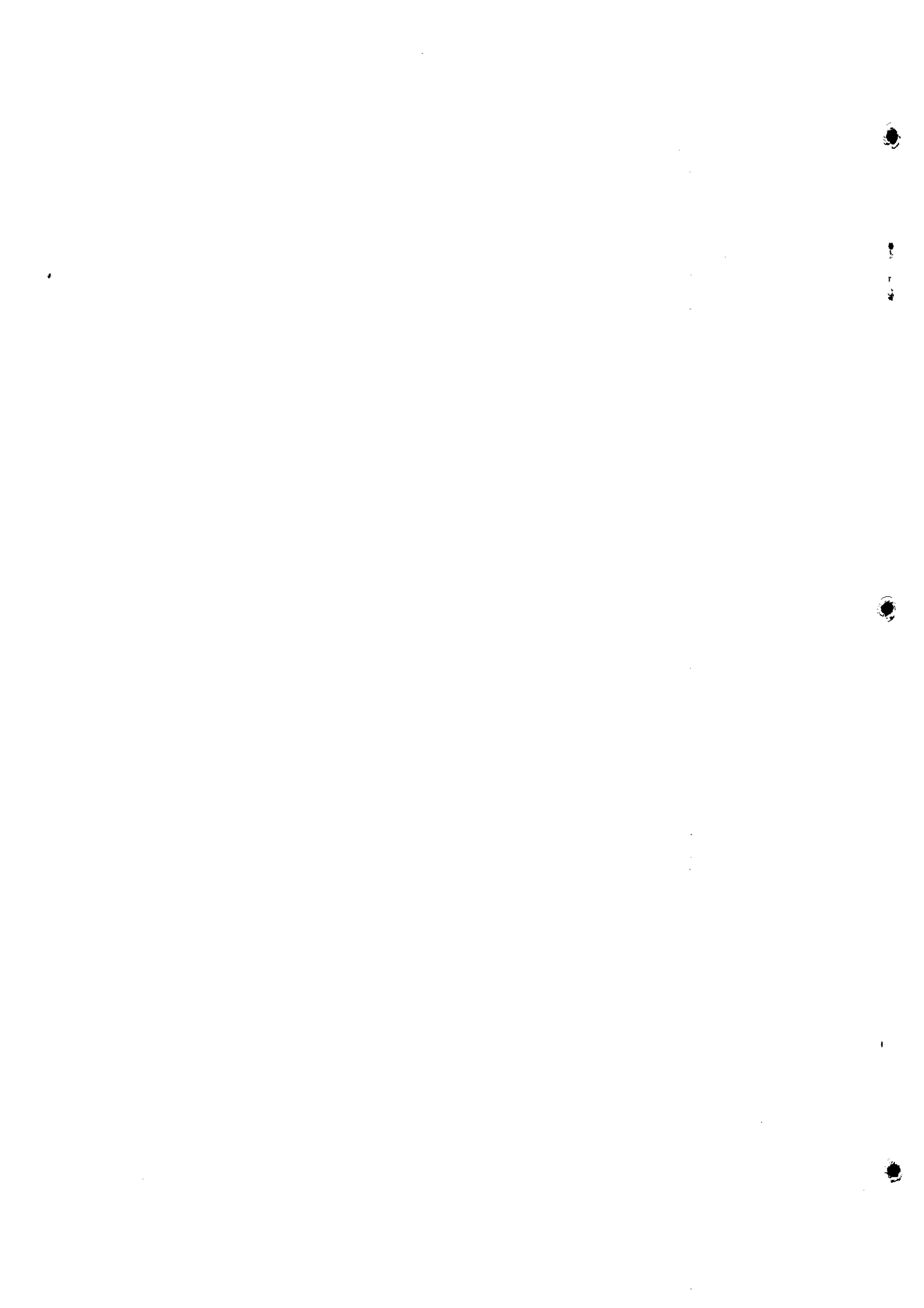
COM(82) 109 final

Brussels, 5 March 1982

Proposal for a
COUNCIL REGULATION (EEC)
amending Regulation (EEC) No 90/82 imposing a definitive anti-dumping
duty on phenol originating in the United States of America

(submitted to the Council by the Commission)

COM(82) 109 final



Com 109

COUNCIL REGULATION

of

amending the definitive anti-dumping duty on phenol originating in the
United States of America

EXPLANATORY MEMORANDUM

In January 1982 the Council imposed a definitive anti-dumping duty on phenol originating in the United States of America¹.

Although in the recitals of the regulation imposing the duty it was stated that there was no dumping by Shell Chemical Company, no specific provision was made for refund of any duty provisionally collected from this company whilst the anti-dumping enquiry was being completed.

The purpose of this present regulation, therefore, is to amend Article 2 of Regulation (EEC) No 90/82 so as to make explicit that refund should be made where appropriate.

¹ Regulation (EEC) No 90/82, OJ No L 12, 18.1.1982, p. 1

COUNCIL REGULATION

amending Regulation (EEC) No 90/82 imposing a definitive anti-dumping duty on phenol 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, and in particular Article 12 thereof,

L 12/1
18.1.82

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

Whereas the Council, by Regulation (EEC) No 90/82², imposed a definitive anti-dumping duty on phenol originating in the United States of America ;

Whereas in Regulation (EEC) No 90/82 it was stated

that there was no dumping by Shell Chemical Company during the period used by the Commission to calculate the anti-dumping duty; whereas, however, Article 2 of the same regulation did not specifically provide for the refund of any amounts secured by way of provisional duty on imports of phenol manufactured and exported by Shell Chemical Company;

Whereas, it is consequently appropriate to amend Article 2 of Regulation (EEC) No 90/82 to make it more explicit,

HAS ADOPTED THIS REGULATION:

¹ OJ No L 339, 31.12.1979, p. 1

² OJ No L 12, 18. 1.1982, p. 1

Article 1

The text of Article 2 of Regulation (EEC) No 90/82 is hereby replaced by the following:

"Article 2

The amounts secured by way of provisional duty pursuant to Regulation (EEC) No 2017/81 shall be definitively collected up to the rates set out in paragraph 3 of Article 1, with the exception of any amounts secured by way of provisional duty on phenol manufactured and exported by Shell Chemical Company, which shall be refunded."

Article 2

This Regulation shall enter into force on the day 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