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NINTH ANNUAL REPORT

OF THE COMMISSION ON THE COMMUNITY'S ANTI-DUMPING

AND

ANTI-SUBSIDY ACTIVITIES

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NINTH ANNUAL REPORT¹ OF THE COMMISSION ON THE COMMUNITY'S
ANTI-DUMPING AND ANTI-SUBSIDY ACTIVITIES²

INTRODUCTION

This report is submitted to the European Parliament following its Resolution of 16 December 1981 on the Community's anti-dumping activities³, and the more recent report of the European Parliament's Committee on External Economic Relations on the anti-dumping policy of the European Community⁴.

The report concentrates mainly on the Community's anti-dumping and anti-subsidy activities during 1990, but for the purpose of comparison, statistics for the years 1986 to 1989 are also given. This report also includes an analysis of anti-dumping actions over the last decade and their effect on trade.

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- 1 Previous reports were given in COM(83)519 final/2; COM(84)721 final; COM(86)308 final; COM(87)178 final; COM(88)92 final; COM(89)106 final; COM(90)229 final and SEC(91)92 final.
 - 2 In accordance with Council Regulation (EEC) No 2423/88, OJ No L 209 of 02.08.1988, p. 1, and Commission Decision No. 2424/88/ECSC, OJ No L 209 of 02.08.1988, p. 18
 - 3 OJ No C 11, 18.01.1982, p. 37.
 - 4 PE 141.178/fin of 30.11.1990, rapporteur: Mr. Gijs DE VRIES

TABLE 1

Anti-dumping and anti-subsidy investigations
during the period 1 January to 31 December 1990

	1986	1987	1988	1989	1990
Investigations in progress at the beginning of the period	44	21	39	53	60
Investigations initiated during the period	24	39	40	27	43
Investigations in progress during the period	68	60	79	80	103
Investigations terminated by:					
– imposition of definitive duty	4	9	18	10	18
– acceptance of price undertaking	25	8	–	5	9
– determination of no dumping	4	–	–	–	–
– determination of no subsidisation	–	–	–	–	–
– determination of no injury	7	4	5	5	13
Terminated for other reasons	7	–	3	–	4
Total investigations concluded during the period	47	21	26	20	44
Investigations in progress at the end of the period	21	39	53	60	59
Provisional duties imposed during the period	6	13	28	10	23

ANTI-DUMPING ANTI-SUBSIDY INVESTIGATIONS

2.1. Initiations

The number of anti-dumping and anti-subsidy investigations initiated and concluded by the Community in the years 1986 to 1990 are summarized in Table 1 above, and details of the individual actions taken in 1990 are given in the annexes to this report.

It will be seen from Table 1 that 43 investigations were initiated by the Commission in 1990, compared with 27 in 1989, 39 in 1987 and 24 in 1986. This is somewhat higher than the average number of investigations of 35 per year over the last five years, but it may be partially explained by the unusually low number initiated in 1989. Details of the investigations initiated in 1990 are given in Annex A.

The number of investigations in progress at the beginning of 1990 was high, but efforts were made to reduce the figure and these were reflected in the higher number of investigations concluded during the year. In addition, a slightly lower number of investigations was in progress at the end of the period despite the high number of proceedings initiated during the year.

2.2. MEASURES

2.2.1. Imposition of provisional and definitive duties

Table 1 shows that 23 provisional duties and 18 definitive duties were imposed in 1990. This marks a distinct increase when compared with the 6 provisional and 4 definitive duties applied in 1986, but the increase over 1989 can be largely explained by the higher number of investigations in progress and concluded during 1990. Details of the provisional and definitive duties imposed in 1990 are given in Annexes B and C respectively.

2.2.2. Acceptance of price undertakings

Table 1 also shows that the Commission accepted 9 price undertakings in 1990. The figures for undertakings in Table 1 are slightly understated, as they reflect only those cases concluded solely by undertakings. In fact, some cases were concluded both by the acceptance of undertakings and the imposition of duties. These cases are included in Table 1 under duties imposed, but the investigations in question are identified in Annex C. Details of the investigations concluded solely by the acceptance of price undertakings during 1990 are given in Annex D.

In fact, there has been some decline in the number of undertakings accepted by the Commission over the last few years. Despite this, however, the Community still accepts more price undertakings than the other three main users of the anti-dumping instrument, that is Australia, Canada and the USA. As can be seen from Table 1 the Commission concluded 47 investigations by undertakings out of the total of 159 new cases initiated over the last five years. This compares with the position in Australia, Canada and the USA where few if any price undertakings are accepted. It should be borne in mind, however, that the system is different in these countries to the extent that, in effect, they apply minimum price duties which have consequences similar to price undertakings.

The Community's readiness to accept price undertakings is for several reasons. Anti-dumping and countervailing action is intended to remove the injury suffered by the domestic industry rather than to raise revenue or to penalize exporters because of their past pricing behaviour. The GATT Anti-dumping Code also states that the authorities "shall" explore the possibilities of "constructive remedies" before applying anti-dumping duties in the case of developing countries. In this context it should be noted that 75% of the undertakings currently in force concern non-market economy or developing countries.

Of course, the acceptance of price undertakings can only be justified where it is administratively possible to secure its observance and to carry out effective monitoring. For this task the Community's services have set up a separate section to deal with the monitoring of undertakings.

Recently the Community's policy of accepting price undertakings as a solution to injurious dumping has come under some criticism. The critics allege that undertakings can encourage collusion between foreign exporters and/or complainants to charge prices that are higher than would normally be the case. This collusion could occur either in the form of an export cartel or by Community producers aligning their prices to undertaking levels.

In fact, the Commission makes every effort to prevent undertakings being abused in that way. Therefore, the contents of undertakings are only treated on a strictly confidential basis and are never disclosed by the Commission to the complainants or other interested parties. Generally, the undertaking prices are fixed for each exporter on the basis of its dumping margin or its contribution to the injury. In addition it is difficult to see why price undertakings should tend to result in the cartelization of a market given that in the normal situation competition can still be maintained because of the existence of competing Community producers and other exporters who are not required to raise their prices. It is also less than clear why these competitors would consider it in their interest to collude with the dumpers and raise their prices to undertaking levels. It would seem more rational for them to regain the market share they had lost by charging prices below those set out in the undertakings.

In any event, in contrast to the above rather theoretical allegations, the Commission has in practice never received concrete evidence about any such abuse of price undertakings.

2.2.3 Injury Threshold

In accordance with Article 13.3 of Regulations 2423/88 and 2424/88, the amount of the anti-dumping or countervailing duties imposed should be less than the margin of dumping if such lesser duty would be adequate to remove the injury. This requirement to apply an "injury threshold", follows a provision in to the GATT Anti-dumping and Anti-subsidy Codes which, unfortunately, has been virtually ignored by other signatories.

The obligation thus imposed on the Community requires a thorough investigation into the following points :

- the dumping or subsidy margin of each exporter
- the global injury suffered by the Community industry from the dumped or subsidised imports
- an individual assessment for each exporter of the measure which would remove the injury.

These calculations, to the benefit of exporters and consumers, involve substantial investigation, particularly as the findings can be subject to appeal to the European Court of Justice. This extra burden, which is also applied to undertakings, is one of the main reasons why Community investigations tend to take longer than those of other signatories.

During the period 1981 to 1990 the level of more than 50% of the duties imposed has been lower than the margin of dumping found, for all or part of the exporters. Thus, it can be said with certainty that the application of the "injury threshold" has resulted in a considerable reduction in prices for both importers and consumers as compared to the result if the full dumping or subsidy margins had been imposed. It has allowed the exporters concerned to remain on the Community market and has lowered the costs to consumers to the minimum which is absolutely necessary.

2.4. INVESTIGATIONS TERMINATED WITHOUT THE APPLICATION OF PROTECTIVE MEASURES

Investigations are promptly concluded without measures when no dumping or injury is found. Also, in certain cases, investigations may be concluded when measures would not be in the Community interest, or following the withdrawal of the complaint. In 1990, 17 investigations were concluded without measures, 13 due to findings of no injury and 4 due to the withdrawal of the complaint. The increased number of cases closed on a finding of no injury in 1990 can be explained by the high number of investigations concluded during the year. In fact, due to the high standards of initiation, closures because of no injury have remained relatively steady in relation to total closures over the last five years. Details of the investigations terminated without measures are given in Annexes E and F.

2.5. BREAKDOWN OF INVESTIGATIONS BY COUNTRY OF EXPORT AND BY PRODUCT SECTOR

In the five-year period from 1986 to 1990, 173 investigations were initiated involving imports from 38 countries. The countries most involved were Korea, China and Japan with 19, 18 and 17 investigations respectively. In 1990, 43 investigations were initiated involving imports from 17 countries. The investigations initiated over the last five years are broken down by country of export in Annex G.

The investigations initiated in the years 1986 to 1990 are broken down by product sector in Annex H. This shows that, over the period, the sectors most involved are those of chemicals and textiles and that in 1990, there was a significant increase in cases involving textiles and steel.

2.6. NOTABLE CASES IN 1990

2.6.1. Compact Discs from Japan and South Korea

On 17 January 1990, a definitive anti-dumping duty varying from 8.3% to 32% was imposed on imports of certain compact disc players (CDPs) originating in South Korea and Japan.

With regard to dumping, the investigation was complicated by the fact that the exporters sold on both the domestic and export markets through several different sales channels, and care had to be taken to ensure that prices for each category of customers were compared at the same level of trade. Following a difficult and protracted investigation, substantial dumping margins were established for the Korean and Japanese exporters.

With regard to injury, the investigation showed that total sales in the Community market increased by a factor of 13 to more than three million units between 1984 and the investigation period, reflecting the fact that this was a new and expanding product. During the same period the dumped imports had increased to 2.289.912 units, approximately a 23-fold increase in volume as compared with only a five-fold increase of Community producers' sales. The share of the Community market held by Japanese and South Korean imports during the same period had increased from just under half to more than two-thirds while the Community industry share fell from over half to less than one third. Consequently, the Community producers had suffered severe market share losses in a rapidly growing market. Their prices were depressed and/or undercut causing severe losses which, for the investigation period, were around 30% of turnover. These considerable losses had posed a serious threat to the continued existence of this industry which, in fact, was the main inventor and developer of the product concerned.

As can be seen from the above, the facts established by the Commission concerning CDPs were similar to those found in respect of other important products with a decisive influence on a whole range of closely related technologies and products, i.e. typewriters, photocopiers, printers, video tape recorders, etc.

After considering the general Community interest, the Commission concluded that it was in the Community's long-term interest to eliminate the injurious effects of the dumped imports on the Community industry, and that the benefits of such protection clearly outweighed any short-term effects, particularly on price, which could be argued not to be in the interest of the consumer. In a number of cases, the duties imposed did not reflect the full dumping margins established due to the feature of Community legislation under which duties are limited to what is necessary to remove the injury.

2.6.2. DRAMs from Japan

On 25 January 1990, the Commission adopted a regulation accepting eleven price undertakings from all known Japanese DRAM exporters to the EC and imposed a provisional anti-dumping duty against exporters from which undertakings were not received.

The products which were under investigation were certain types of microcircuits known as dynamic random access memories (DRAMs) of all densities and types i.e. whether assembled in processed wafer or die form of all MOS technologies and irrespective of technical properties. DRAMs are highly standardized volatile memory products which are used in great quantities in computers, telecommunications products and other high-tech applications.

The comparison of Japanese domestic prices (or domestic costs of production, plus reasonable profit) with prices to the Community, showed dumping margins which varied between 8.5% and 206%.

With regard to injury, the investigation showed that the Japanese market share of the EC market increased from 24.6% in 1983 to 70.5% in 1987, peaking at 81.1% in 1986 on a unit basis. DRAM prices on the EC and world markets had decreased significantly prior to and during the period under investigation. This acute price decline was much greater than could have been expected from economies of scale and the learning curve effect. It was also found that planned production of EC producers would have represented a significant share of the total EC market from 1986 onwards but, because of the low level of prices prevailing, available production capacity had never been utilized for commercial production, and planned increases in production capacities had been curtailed. This situation resulted in a negative impact on the financial situation of the Community industry and important capital investments prior to and during the investigation period had proved useless and had led to a substantial negative cash flow.

In deciding whether the Community interest could justify that anti-dumping measures should be taken, the Commission weighed the interest of the DRAM user industry against the interests of the complainant companies. The Commission took the view that a viable Community DRAM industry would contribute to a strong Community electronics industry overall. This was because DRAMs served as a technology driver for other more complex semiconductors which are key components for the data processing, telecommunications and automotive industries.

Also, the availability of the most advanced technology in DRAM production would not only improve the competitiveness of this industry, but also that of the downstream electronics industry. Furthermore a viable Community DRAM industry will provide an alternative source of supply to the Community electronics industry, thus reducing dependence on the dominant Japanese DRAM producers. This latter aspect was considered essential given the fact that Japanese producers were generally vertically integrated and also manufactured the end products which competed with those produced by the Community electronics industry.

In conclusion, the Commission considered that on the basis of its findings, the Community interest called for granting protection to the Community DRAM industry to ensure that it could develop in a fair market environment. However, given the particularities of the DRAM industry, characterized by short life cycle products, volatile and rapidly declining costs and prices and the price development since the investigation period, the Commission considered that in the interest of the Community, the necessary protection should be given by means of a measure which could be suitably tailored to follow the dynamics of the DRAM industry without causing unnecessary hindrance to the user industries. It was, in fact, of vital interest that these measures would not have the effect of placing EC DRAM users in a position of competitive disadvantage. In this respect, it was considered that price undertakings by the Japanese exporters constituted the most appropriate measure to solve this case since they would provide more flexibility than duties. Therefore, the Commission accepted undertakings from all eight Japanese exporters which fully co-operated in the investigation and also from three other Japanese exporters, thus covering practically all known Japanese DRAM exporters to the EC.

The aim of the price undertakings was to constitute a safety net against the recurrence of massive dumping on the EC DRAM market. At the same time, the conditions of the undertakings took account of the legitimate interests of the user industries in obtaining DRAMs at competitive prices. To achieve these objectives, the undertakings provided for minimum prices per density based on weighted average cost of production for the cheapest device type, and a modest profit margin of approximately 5% on turnover.

Reference prices in the undertakings at the time of acceptance, and subsequently, were significantly below current market prices. These minimum prices are revised quarterly on the basis of the most up to date cost of production data provided by the Japanese producers. This allows the user industries to benefit from subsequent cost reductions which, in this sector, can be considerable.

It should be recalled that this anti-dumping case followed two similar procedures carried out by the US authorities in 1985/86 against Japanese exporters of DRAMs to the US. These were terminated with an agreement establishing minimum prices for the US market. The Commission is aware that the expiration of the US-Japan Semiconductor Agreement and the suspension agreements concluded between the Japanese DRAM exporters and the US administration, which are due to occur in September 1991, might also significantly affect the EC DRAM market situation. Therefore, the Commission is prepared to review the measures adopted in the event of an effective and definitive termination of the US measures concerning DRAMs from Japan in September 1991.

2.6.3. Small screen colour televisions from South Korea

On 27 April 1990 a definitive anti-dumping duty was imposed on Korean-manufactured small screen colour televisions (SCTVs) imported into the Community. The duties ranged from 10.2% to 19.6%.

The products covered by the Regulation were all SCTVs with an integral picture tube with a diagonal screen measurement of not more than 42 centimetres. Dumping was determined by comparing weighted average domestic prices in Korea with export prices to the Community of equivalent models. Where no equivalent model could be found on the domestic market for a given export model,

the representative domestic price or "normal value" was established by adding a reasonable profit margin to the costs of producing and selling each model. This procedure was also used to establish normal value for those models exported in considerable quantities to proprietary brand ("OEM") customers in the Community, since no equivalent channel of sale was found to exist on the Korean market. Where exporters sold to the Community through related importers, the price between the related companies was disregarded and the export price was reconstructed as if the sale had been made to an independent importer.

With regard to injury, it was established that, unlike other consumer electronics products which had been subject to anti-dumping measures, such as VCRs and compact disc players (CDPs), a colour television was not a new product but one which was at a mature point on its technology curve. Nevertheless, the SCTV sector of the market was relatively fast growing - from 4 million units in 1984 to 6.4 million in the period investigated, a rise of 60%. In the same period, Korean exports to the Community expanded from 23.000 units to 781.000 units, a 34-fold increase. This represented the Korean market share rising from zero to 12%, while the Community producers' share had fallen by 15% (to 46%). In addition to losing market share to the Korean exporters, the Community producers were found to have suffered considerable price depression, as well as price undercutting ranging between 1% and 39%.

The Community producers had also undergone losses in profitability, but these had been limited to some extent by the radical rationalisation measures adopted by the industry. Unfortunately, these defensive measures, which included relocation of assembly outside the Community, also involved a loss of over 1000 jobs in the industry during the period investigated.

In order to establish whether the general Community interest required that measures should not be applied, despite the combined presence of dumping and related material injury, the Commission had to weigh two main sets of interest: those of producers and those of consumers. After careful consideration, it was concluded that in this case the benefits of protective measures for the producers outweighed the possibility of very limited and short-term benefits for the consumers.

The Regulation points out that, in the absence of measures to counter the injury caused by dumped imports, the Community SCTV Industry could disappear, with further substantial job losses. This in turn, by seriously damaging the television industry's general market base, would weaken its potential further development even in the large screen sector, and this at a crucial time, given the current advance towards high definition television technology. There would be knock-on effects for the development and commercial exploitation of other new consumer electronics technologies, such as VCRs and laser video disc players, as well as for the general electronics components industry.

Account was taken of the fact that the application of anti-dumping duties, even if only to a part of the SCTVs imported into the Community, could have price implications for the consumer in the short term. The Commission considered, however, that the gravity of the situation of the Community industry caused by the injurious dumping outweighed the important consumer interests involved. Indeed, in view of the large - and still increasing - number of sources for this product, both within and outside the Community, competition and consumer choice between the various suppliers was unlikely to be materially reduced.

In assessing the levels of duties to be applied, the Commission compared the dumping margins with an injury threshold conservatively evaluated in terms of the high undercutting by Korean exporters on the EC market.

2.6.4. Halogen Lamps from Japan

On 20 July 1990, the Commission imposed a provisional anti-dumping duty on imports of tungsten halogen lamps originating in Japan. Though the duties ranged from 71.7% to 85.4%, they were less than the dumping margins found as lower duties were considered sufficient to remove the injury.

The investigation, which established considerable dumping margins, showed that the Community market for halogen lamps had expanded considerably, with sales increasing from 5.400.000 units in 1985 to 22.200.000 units in 1989. The volume of Japanese imports had risen from 1.800.000 units in 1985 to 13.464.000 (ECU 21.3 million) in 1989, a 640% increase, which brought the market share of Japanese exports up from 33% to over 60%, thus placing them in a very strong position in the market.

In the same period, the market share held by the Community industry fell from 56% to 29%. In response to these massive imports at prices which had dropped consistently since 1985 and undercut European prices on average by over 30%, the Community industry was forced to charge similarly low prices in order to maintain its market presence. As a result, all the producers made significant losses and the situation of the Community industry had been seriously jeopardized.

It was, therefore, decided to impose a provisional anti-dumping duty set on the basis of the minimum price required for the industry to face up to its exporting competitors within a framework of fair competition to enable it to recover its market share, improve its financial situation and plan long-term development. It was considered that maintaining several competing suppliers on the Community market was in the interest of both the users of the product, whether industry or consumers, and the manufacturing industry itself.

2.6.5. Audio tape in cassettes from Hong Kong, Japan and South Korea

On 13 November 1990, the Commission imposed provisional anti-dumping duties ranging between 0.4% and 80.20% on imports of certain audio tapes in cassettes from Hong Kong, Japan and South Korea.

In general, the normal value in these countries was established on the basis of actual prices and these were compared to export prices to the Community. This comparison showed, in most cases, considerable margins of dumping.

For injury, the investigation showed an expanding market, but one in which the dumped imports had risen at a faster rate than consumption i.e. from 154 million units in 1985 to 212 million units in 1988 (a 38% increase). Consequently, the Community producers lost market share and suffered reduced selling prices and substantial losses, and this despite having rationalized their operations.

Therefore, not only was the profitability of the Community industry impaired by the forced reduction in prices and contraction in sales volume , but also through a downgrading of its products in the eyes of the consumer. This occurred because its losses had meant that it lacked the financial means to defend its brand name and maintain access to the more reputable channels of distribution or to invest sufficiently in the promotion and design of its products. This trend was accelerated by the reduction of economies of scale caused by the contraction of its sales.

It was considered necessary to eliminate the dumping which had caused injury to the Community industry and thus re-establish a situation of open and fair competition on the Community market, which is fundamentally in the general Community interest. While

the Commission recognized that the imposition of anti-dumping duties could affect the price levels of the exporters concerned in the Community and could subsequently influence the relative competitiveness of their products, it did not expect competition on the Community market to be reduced by the taking of anti-dumping measures. On the contrary, the removal of the unfair advantages gained through dumping would help to prevent the decline of the Community industry and thus would maintain the availability of a wide choice of products and thereby strengthen competition.

2.6.6. Aspartame from Japan and the U.S.A.

On the 29 November 1990, the Commission imposed a provisional anti-dumping duty on imports of aspartame from Japan and the U.S.A. The duty was ECU 29.96 per kilogram for Japan and ECU 27.55 per kilogram for the U.S.A. These margins were much less than the level of injury provisionally established.

Aspartame is a sweetening ingredient with a taste profile similar to sugar but considerably smaller calorific value. It is mainly used in the soft drink, food and dairy industries. Aspartame is also used in the table top market i.e. in the form of low calorie tablets and powder used to sweeten coffee and tea.

One of the important issues in this case was whether the Commission should use the domestic prices in the USA as a basis for normal value since, on the US market, NutraSweet, the US exporter, enjoyed patent protection while on the Community market this patent had lapsed. In the event, the Commission decided to use domestic prices as a basis for normal value on the grounds that injurious price discrimination is a practice which is condemned by EC and international law irrespective of the reasons and motives underlying such discrimination. In any event, it was not for the Commission to check whether the patent protection, which had expired in the Community, was still justified in the U.S. A patent is no justification for injurious dumping on

overseas markets. A patent holder cannot claim to be obliged to practice higher prices domestically than for export sales. Such a practice is entirely a free commercial decision on the part of the exporter concerned. The investigation carried out by the Commission revealed the existence of dumping for the US exporter which exceeded 100%.

As regards injury caused to the Community industry, the Commission found that, although the EC producer increased its sales and market share from nothing when it entered the market in 1988, it was faced with price undercutting by the US and Japanese exporters which forced it to reduce its prices to remain on the market. This had seriously affected the industry insofar as the losses had reached such a dimension that they directly threatened the viability of the industry concerned. The Commission was also of the opinion that, unless measures were taken, the Community would be entirely dependent on one source of supply i.e. the imports from Japan and the USA through a company located in Switzerland which was jointly owned by the two exporters concerned.

Although the Commission accepted that the effect of the anti-dumping duty would be to increase the price of aspartame to the end user industry in the short term, it was of the opinion that it was in the Community's general interest to eliminate the injurious effects of the dumped imports and thus maintain the presence of two sources of supply for this important product

3. REVIEWS

The Regulations and Decisions imposing anti-dumping or countervailing duties and the Decisions to accept price undertakings may be subject to review under the provisions of Article 14 of the basic legislation. Although these reviews may be opened by the Commission on its own initiative, or at the request of a Member State, they are generally opened following a request from an interested party which may only be made once the measure has been in force for 12 months on the grounds of changed circumstances.

In addition to the Article 14 reviews, Article 15 of the basic legislation also provides for the expiry of anti-dumping measures after a period of five years from the date on which they entered into force, unless the Community industry is able to demonstrate that the expiry of the measure would again lead to injury or the threat of injury. The effectiveness of this provision can be shown by the fact that since its entry into force in 1985, over 75% of the measures to which it has been applied have been allowed to expire.

The number of both Article 14 and Article 15 reviews which were initiated in 1990 is shown in Table 2 below, together with the number concluded and their outcome. For the purpose of comparison, the table also includes figures for the previous four years.

Details of review investigations initiated in 1990 are given in Annex I, and details of reviews concluded are given in Annexes J to N. In addition, details of the measures which expired without investigation are given in Annex O.

T A B L E 2

Reviews of anti-dumping and anti-subsidy investigations
during the period 1 January 1986 to 31 December 1990

	1986	1987	1988	1989	1990
Reviews in progress at the beginning of the period	20	27	11	20	15
Reviews opened during the period	24	8	24	17	26
Reviews in progress during the period	44	35	35	37	41
Reviews concluded by:					
- imposition of definitive duty in lieu of price undertaking	1	7	4	4	6
- amendment of definitive duty	7	8	-	4	2
- suspension of definitive duty	-	1	-	-	-
- acceptance of price undertaking in lieu of definitive duty	1	1	3	-	1
- amendment of price undertaking	2	4	2	1	-
- repeal or expiry of definitive duty	2	2	1	9	6
- repeal or expiry of price undertaking	3	-	5	4	5
- no change of the measures in force	1	1	-	-	-
Total reviews terminated during the period	17	24	15	22	20
Reviews in progress at the end of the period	27	11	20	15	21
Provisional duties imposed during the reviews	8	-	7	1	-

4. REFUNDS

Since 1988, the Commission has centralized the work on all refund requests with a view to taking a decision, as far as possible, within one year. By the end of 1990, during which year eleven decisions were taken, this objective was achieved in all cases where the claimants supplied all of the necessary information in due time. It is, however, to be noted that a time lag of more than a year is often caused by the necessity of requesting and verifying information not properly included in the initial request, as required under Article 16 of the basic legislation⁵.

5. ANTI-CIRCUMVENTION

As mentioned in the Eighth Annual Report a GATT Panel was constituted by the GATT Council at its meeting in October 1988, and agreement on its composition and terms of reference was reached in May 1989. Written submissions were made by the parties prior to both Hearings, which took place in July and October 1989. Six other Contracting Parties to the General Agreement made written submissions and four were also heard by the Panel.

In December 1989, the Panel transmitted the descriptive (factual) part of its Report to all Contracting Parties which had made submissions to the Panel and requested and received comments from, inter alia, the Community. On 2 March 1990, the Panel submitted its Report to the Community and Japan. The Commission then made a further submission in which it underlined its disagreement with the Panel's interpretation of Articles I, III and XX(d) of the GATT. Contrary to the Panel's views, the Commission considers that anti-circumvention measures have all the characteristics of duties levied "in connection with importation" as provided for in Article I; and could therefore

⁵ Commission Opinion on the refund of anti-dumping duties published in OJ no. C 266, 22.10.1986, p.2

not be described as internal taxes within the meaning of Article III. In addition, the Panel's interpretation of Article XX(d) was so narrow as to effectively render this provision redundant. On a more general level, the Community is concerned that the Panel's reasoning may amount to saying that, since the GATT does not provide for measures to counter the circumvention of the purpose of GATT norms, such measures cannot validly be taken. In the Community's view, it is inconceivable that the Agreement does not permit Contracting Parties to legislate for instances of circumvention of anti-dumping duties such as those covered by the Community's present anti-circumvention legislation.

Despite these reservations, the Panel nevertheless circulated the Report to all Contracting Parties and it was adopted in the GATT Council on 16 May 1990. The Community, whilst agreeing to the adoption of the Report, reserved its position on the Panel's reasoning given its disagreement with the Panel's interpretation of the relevant GATT rules and the Report's potentially far reaching consequences concerning a number of aspects of current trading practices of both the Community and its trading partners. It was also emphasised that the Community would only examine what changes might be brought into its anti-circumvention legislation once an acceptable solution to the internationally recognised problem of circumvention of anti-dumping duties was negotiated within the framework of the Uruguay Round.

The Community has, both prior to and throughout the negotiations within the framework of the Round, been consistently in favour of a multinational solution to the problem of circumvention. Such a solution would avoid the inevitable inconsistencies which would occur should Signatories to the Anti-dumping Code introduce anti-circumvention legislation unilaterally. Unfortunately, however, no satisfactory conclusion on amending the Anti-dumping Code to include anti-circumvention provisions has, as yet, been reached.

6. THE COURT OF JUSTICE

6.1. New cases

A list of the anti-dumping and anti-subsidy cases before the Court of Justice in 1990 is given in Annex P. During the year five new cases were brought before the Court. These concerned the validity of anti-dumping duties imposed on imports of paint brushes⁶, the determination of normal value of compact disc players with regard to sales companies⁷ and to OEM's⁸, the validity of termination without measures on the grounds of lack of injury with regard to electric motors⁹, and the additional refund of duty paid on cotton yarn¹⁰. Two of the five new cases were referred for preliminary rulings.

6.2. Judgements rendered

The Court also rendered judgements in 1990 in the following cases:

6.2.1. Multi phase electric motors cases; judgements of 11 July 1990¹¹

- 304/86 and 185/87: Enital SpA v Commission and Council.
- 305/86 and 160/87: Neotype Techmashexport GmbH v Commission and Council.
- 320/86 and 188/87: Stanko France v Commission and Council.
- 157/87: Electroimpex, Sofbim, Elprom Verkaufs GmbH and Elprom Parma v Council and Commission.
- 323/88: Reference by the Cour d'Appel de Colmar in the case of Sermes SA v Directeur des Services de Douane de Strasbourg.

6 Case 16/90, OJ No C 35, 15.02.90, p. 16.
7 Case 104/90, OJ No C 132, 31.05.90, p. 10.
8 Case 105/90, OJ No C 132, 31.05.90, p. 10.
9 Case 315/90, OJ No C 294, 24.11.90, p. 9
10 Case 337/90, OJ N° C310, 11.12.90, P.13
11 Cases 304/86, 305/86, 320/86, 157/87, 160/87, 185/87, 188/87 and 323/88, OJ No C 198, 07.08.90, pp. 10-12

In these cases the Court :

- Confirmed that applications of related importers are admissible provided that they are directly and individually concerned by the findings relating to the existence of dumping or to the calculation of antidumping duties, e.g. their resale prices are taken into account for the construction of export prices.
- Denied the judicial review of the provisional duty regulation when the definitive duty regulation ordering the collection of the security deposited under the provisional regulation is also challenged before the Court.
- Upheld the principle of normal value determination "in an appropriate and not unreasonable manner" and has pointed out different criteria for the selection of the "analogue country" (in specie: Yugoslavia): absence of complete or substantially complete monopoly and absence of general system of fixed prices – sufficient transactions to ensure the representativity of the "analogue country" market – sufficient competition to ensure the representativity of the "analogue country" domestic prices (in specie: 3 producers on the domestic market)
- Confirmed the principle of cumulation of the volume of imports of products originating from different countries when comparability and interchangeability of products and similarity of prices fixed by importers are concerned.
- Held the importance of a global analysis of the impact of injury on a Community Industry without distinguishing between exporting countries and importers concerned. In addition, the Court has stressed that all of the factors listed (see article 4 (2)) should be considered in order to determine whether the material injury is present.

6.2.2. Plain paper photocopiers cases; Judgements of 14 March 1990¹²

- 133/87 and 150/87: Nashua Corporation v Commission and Council.
- 156/87: Gestetner Holdings Plc. v Council and Commission.

In these cases the Court :

- Recognised the admissibility of the applications of Original Equipment Manufacturers (hereinafter: OEM) and their direct concern because of their particular relationships and business dealings with producers, e.g. the particular features of the producer's sales to OEMs, especially the differences in costs incurred by the producer in its sales to OEMs compared with its costs in sales under its own brand name.
- Upheld the inadmissibility of the application for annulment of the Commission's rejection of a proposed undertaking. Such a rejection is, indeed, a preparatory measure whose purpose is to prepare for the final decision and is not therefore a measure which may be challenged.
- Approved the Institution's setting of the profit margin at a lower rate than the average because of differences between the costs and profits, associated with sales to OEMs and the equivalent figures for sales under the manufacturer's own brand name.
- Agreed with the Institutions that separate dumping margins for the exporting manufacturer and the OEMs are not appropriate because of their particular relationships.
- Confirmed that it is appropriate to construct the export price on the basis of the price paid by the first independent purchaser, e.g. the OEM, when sales for export to the Community are between the exporting manufacturer and its subsidiary.

¹² Cases 133/87, 150/87, 157/87, OJ No C 92, 11.04.90, p. 12

The Court has upheld the power of discretion of the Institutions for excluding or not from the "Community Industry", producers who are related to exporters or importers, or are themselves importers of the dumped products. This discretion must be exercised on a case-by-case basis, with reference to all relevant facts.

The Court has recognised that the need to protect Community industry can be more important than the protection of the short-term interests of consumers.

6.2.3. Kraftliner case: Judgement of 27 March 1990¹³

- 189/88: Reference by the Tribunale di Genova in the case of Cartorobica SpA v Ministero delle Finanze dello Stato.

In this case the Court :

- Confirmed the Institutions' power of appreciation for determining in each case the type of duty to ensure most efficient protection against dumped imports.
- Upheld that the exchange rate to be used for converting the floor price (as calculated in article 2 of regulation N° 551/83) into the currency of importing countries is the rate applicable at the date used to determine the value for customs purposes of the products imported.

7. URUGUAY ROUND NEGOTIATIONS

As mentioned in the Eighth Annual Report, a new GATT Anti-Dumping Code is being negotiated within the context of the Uruguay Round. These negotiations, which were scheduled to be concluded by the end of 1990, were postponed following the failure to reach a satisfactory agreement.

¹³ Case 189/88, OJ No C 109, 03.04.90, p. 8

It is hoped that the negotiations will be concluded as early as possible. Those on anti-dumping have proved particularly difficult, with major disagreements between countries whose economies are mainly export orientated and others, like the Community, whose import and export trade is more in balance. Some progress, however, was made on the less controversial problems, but the major issues such as the incorporation of anti-circumvention provisions into the Code, remain unresolved.

8. PERSONNEL AND ADMINISTRATION

From an administration point of view, the anti-dumping services are confronted with problems on personnel, translations, computerization and the budget allocated for mission expenses.

8.1. Staffing

Up to the end of the 1970's, the Community had only a limited recourse to anti-dumping procedures but since then, the number of investigations and associated procedures such as reviews, refund requests and Court cases, has increased considerably. However, the level of staffing did not increase in the same measure, going from less than twenty A and B officials in 1978 to only 26 in 1986. This situation, of course, led to a widening gap between the need for staff and the actual resources available. As a measure of comparison, the corresponding services in the U.S. administration consisted, in 1986, of 500 people for only a slightly higher number of investigations.

The service thus found itself near collapse in 1986, and the Commission, in agreement with the Member States, therefore decided upon an emergency plan at

the beginning of 1987, by which the number of posts was to be increased by 40, these posts to be filled by officials seconded from the national administrations. In addition, 14 permanent posts were granted to the service in the framework of a Council decision in connection with the completion of the internal market.

Thus, in 1990, the anti-dumping and anti-subsidy service of the Commission had a total of 124 posts available, of which approximately 108 were exclusively devoted to anti-dumping matters¹⁴. Of these posts, 50% had, under budgetary rules, to be occupied by personnel on contracts of limited duration. These include 40 national officials, seconded to the Commission from the national administrations of the various Member States, whose stay is limited to a maximum period of three years. In addition, 11 of the 25 secretarial posts are always staffed by auxiliary secretaries, whose stay is limited to one year. Although the recourse to this type of temporary collaboration with Member States has been beneficial in the short term, the limited duration of the contracts gives rise to considerable instability. This is the more disruptive as the highly technical nature of anti-dumping work calls for considerable experience on the part of the casehandlers, which is lost under a continuous rotation system. Indeed, on arrival, the national experts generally have little or no knowledge of anti-dumping and anti-subsidy procedures, nor of the functioning of the Community institutions. The workload of

¹⁴ The anti-dumping directorate is also responsible for countervailing duty investigations and import and export regimes.

the permanent officials is therefore increased considerably, as they have to coach the temporary staff, as well as performing their normal functions. As to the national officials, the limited duration of their contracts means that, when coaching time is taken into account, they are operational for less than two years, and often have to leave the service in the middle of a proceeding. When the time comes to replace them, the national administrations are understandably reluctant to do so for their own administrative reasons. During 1990, only thirty of the forty original posts were filled, and twenty of these experts must rejoin their national administration by the end of 1991. The same problem applies to the auxiliary secretarial staff. It is clear that, under these circumstances, alternative solutions affording a much greater stability will have to be found.

8.2. Computerization

As far as the computerisation of the service is concerned, it is to be noted that, whilst each member of the secretarial staff now has a terminal giving direct access to a computerized word processing system, the situation of the other officials leaves much to be desired. Indeed, only 12 of the permanent officials and 2 of the experts have access to a personal computer. Overall, these figures equate to only 17% for the personnel dealing with investigations. This is very unsatisfactory for a service whose work is almost entirely devoted to analysis of massive and complicated amounts of pricing and cost data which, in fact, are received from the firms on computer tapes. It is clear from these figures that urgent budgetary resources need to be allocated rapidly to improve this situation.

8.3. Translations

On the question of translations, the numerous documents produced by the anti-dumping and anti-subsidy service, such as regulations, decisions and notifications, have to be published in the nine languages of the Community. This represents, of course, an extra constraint on the time taken to terminate a proceeding, as the translation service, already very busy, has to take into account the priorities of all of the other services of the Commission, and frequently long delays are experienced. By way of comparison, it must be noted that this aspect is particular to the European Community's anti-dumping and anti-subvention service, as such a problem is not posed to, for example, the equivalent department in the United States administration.

8.4. Mission expenses

A budget line of 700.000 ECUs was allocated in 1990 to be directly administered by the anti-dumping and anti-subsidy service in order to cover, in particular, mission expenses for the on-the-spot investigations. The allocation of this relatively small sum caused the service to decrease the number of missions during the past year, and this despite the fact that the number of investigations is very high and that the number of firms involved in each investigation has increased dramatically over the last four years.

9. ANTI-DUMPING ACTIVITY 1981 - 1990

The Community's anti-dumping and anti-subsidy actions from 1981 to 1990 are set out in Annex Q which gives the number of investigations initiated in each year, as well as the number of investigations concluded by the application of anti-dumping measures and the number that were concluded without measures being applied. It will be seen from the Annex Q that while the number of investigations initiated in 1988 and 1990 remained relatively high compared to 1986 and 1989, they were lower than the number initiated in 1981, 1982 and 1984. Annex Q also shows that the number of anti-dumping measures applied in 1987, 1988 and 1989 were less than half the numbers applied in 1982 and 1983. Although the number of anti-dumping measures applied in 1990 rose considerably in comparison with the three previous years, this number still remains lower than in all but one of the years up to 1986. Account has also to be taken of the fact that since the sunset provisions of Article 15 of the Community's basic anti-dumping legislation entered into force in July 1985, 183 measures were allowed to expire automatically in the five and a half year period until the end of 1990, compared with the imposition of 112 new measures over the same period. Annex R provides a similar ten-year overview of the situation with regard to review proceedings.

As explained in the Eighth Annual Report to Parliament, records are not kept by Member States of the imports subject to anti-dumping duties and it is therefore difficult to give precise figures on the quantities of imports affected by these duties. Bearing these reservations in mind, however, it is estimated, as a result of a careful study carried out by the Commission, that in 1990 only 0.6% of all imports to the Community were subject to anti-dumping duties, the proportion of imports from industrialised countries being 0.7% and only 0.3% of imports from the newly industrialised economies, and the other developing countries and 0.2% of imports from state trading countries. It will be seen from Annex S, therefore, that anti-dumping measures have little impact on the overall level of imports into the Community.

The anti-dumping investigations initiated in the years 1981 to 1990 are broken down in Annex T according to the geographical region of the exports. This shows that almost half of the investigations concerned exports from Eastern and Western Europe, and more than a quarter concerned exports from the Far East, including China. In addition, 8.5% involved exports from Central and South America, whilst 6.5% of the investigations concerned exports from North America and a further 6.7% concerned exports from the Middle East. Investigations also concerned exports from North Africa, Central and South Africa, Australasia and Southern Asia, but the number of investigations in each of these areas was not significant.

Finally, the investigations initiated in the years 1981 to 1990 are broken down in Annex U by the type of countries in which the exports originated, together with the change in the value of imports from these countries during the period. This shows that 35.9% of the investigations involved exports from industrialised countries compared with 24.2% involving exports from the newly industrialised economies and other developing countries and 39.9% involving exports from non-market economy countries.

The high number of investigations concerning exports from Eastern Europe is understandable, in view of the proximity of these countries to the Community market and the economic conditions prevailing in those countries for the most of the period under review. The investigations concerned imports from eight countries, the highest number of investigations concerning imports from the Romania and the USSR. But although the number of the investigations concerning East European countries was high, there was a substantial decline during the period, the number initiated in 1980 to 1982 being 54, compared with 45 in 1983 to 1985, 20 in 1986 to 1988 and 10 in 1989 and 1990. In fact only 2 investigations were opened in 1990 concerning only two countries, the USSR and Albania.

Within the industrialised countries, the highest number of investigations in the period concerned exports from Japan, for which 31 investigations were initiated. However, the figures represented only 7.9% of all investigations and is a likely result of the sharp increase in the value of imports from that country. Again, the number of investigations initiated against exports from Japan was also much lower than the number concerning imports from "Other Western Europe" i.e. Turkey and Yugoslavia, and only 2 higher than those concerning exports from China.

For the developing countries, the highest number of investigations concerned exports from the Asian newly industrialised economies, but the number for the four countries involved could also be a reflection of the increased trade from their countries. The number of investigations concerning exports from OPEC countries was not significant and the number of investigations concerning exports from the other developing countries was only 5% of the total from all countries in the period.

Furthermore Annex U shows that, whereas the value of imports into the Community from all third countries increased by 58% between 1981 and 1990, the value of imports from industrialised and state trading countries increased respectively by 108% and 68%. The relatively high proportion of anti-dumping cases against certain countries did not however prevent these countries from increasing trade with the Community. The value of the imports from Japan, for example, increased by 232% compared to the average increase of 108%. Again, within the non-market economy countries, the value of imports from China increased by 364%, in spite of the relatively high number of investigations concerning exports from that country during the period. For the developing countries, Annex U shows that the relatively modest increase in the value of imports from these countries was due mainly to the large decrease in the value of imports from OPEC countries, for which the number of investigations was not significant. By contrast, the value of imports from the Asian newly developed economies, whose exports were subject to the highest number of investigations within the developing countries, increased by 170% and there were also increases of 59% in the value of imports from the South American newly industrialised economies, and from developing countries other than OPEC countries and the newly industrialised economies.

It will be seen from the above that by far the vast majority of imports into the Community are not concerned by anti-dumping actions in any way and where measures were taken these did not affect the overall trade of these countries with the Community. It is also apparent that the Community's anti-dumping actions have not been concentrated on imports from a particular country or geographical region, with the possible exception of Eastern Europe and these have declined

towards the end of the period. Neither has there been an increase in the Community's anti-dumping actions in recent years, the number of measures imposed having a tendency to decline throughout the period and, far from such actions having an inhibiting effect on trade, it is found that the countries whose products have been subject to the highest number of investigations have registered the largest percentage increase in the value of their exports to the Community over the years.

10. LIST OF ANNEXES

- A. Anti-dumping and anti-subsidy investigations initiated during the period 1 January to 31 December 1990
- B. Provisional duties imposed during anti-dumping and anti-subsidy investigations during the period 1 January to 31 December 1990
- C. Investigations concluded by the imposition of definitive duties during the period 1 January to 31 December 1990
- D. Investigations concluded by the acceptance of price undertakings during the period 1 January to 31 December 1990
- E. Investigations concluded on a finding of no injury during the period 1 January to 31 December 1990
- F. Investigations concluded for other reasons during the period 1 January 1990 to 31 December 1990
- G. Investigations initiated by country of export during the period 1 January 1988 to 31 December 1990
- H. Investigations initiated by product sector during the period 1 January to 31 December 1990
- I. Reviews of anti-dumping and anti-subsidy measures opened during the period 1 January to 31 December 1990
- J. Reviews of anti-dumping and anti-subsidy measures concluded by the imposition of definitive duties in lieu of price undertakings during the period 1 January to 31 December 1990
- K. Reviews of anti-dumping and anti-subsidy measures concluded by the amendment of definitive duties during the period 1 January to 31 December 1990
- L. Reviews of anti-dumping and anti-subsidy measures concluded by the acceptance of price undertakings in lieu of definitive duties during the period 1 January to 31 December 1990.
- M. Reviews of anti-dumping and anti-subsidy measures concluded by the repeal or expiry of definitive duties during the period 1 January to 31 December 1990
- N. Reviews of anti-dumping and anti-subsidy measures concluded by the expiry or repeal of price undertakings during the period 1 January to 31 December 1990
- O. Anti-dumping and anti-subsidy measures which expired during the period 1 January to 31 December 1990
- P. Anti-dumping and anti-subsidy cases before the European Court of Justice in 1990

- Q. Anti-dumping and anti-subsidy investigations initiated during the period 1 January 1981 to 31 December 1990
- R. Reviews of anti-dumping and anti-subsidy measures opened during the period 1 January 1981 to 31 December 1990
- S. Volume of trade affected by anti-dumping measures
- T. Anti-dumping investigations initiated by geographical region during the years 1981 - 1990
- U. Anti-dumping investigations by type of country initiated during the years 1981 - 1990

T A B L E 1

Anti-dumping and anti-subsidy investigations
during the period 1 January to 31 December 1990

	1986	1987	1988	1989	1990
Investigations in progress at the beginning of the period	44	21	39	53	60
Investigations initiated during the period	24	39	40	27	43
Investigations in progress during the period	68	60	79	80	103
Investigations concluded by:					
- imposition of definitive duty	4	9	18	10	18
- acceptance of price undertaking	25	8	-	5	9
- determination of no dumping	4	-	-	-	-
- determination of no subsidisation	-	-	-	-	-
- determination of no injury	7	4	5	5	13
- other reasons	7	-	3	-	5
Total investigations concluded during the period	47	21	26	20	45
Investigations in progress at the end of the period	21	39	53	60	58
Provisional duties imposed during the period	6	13	28	10	23

ANNEX A

ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS INITIATED
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country of</u> <u>origin</u>	<u>OJ reference</u>
Thin polyester film	Korea	C24,01/02/90, p. 7
Atlantic salmon	Norway	C25,02/02/90, p. 6
Terry towelling	Turkey	C32,10/02/90, p. 8
Aspartame	U.S.A.	C52,03/03/90, p.12
Aspartame	Japan	C52,03/03/90, p.12
Asbestos cement pipes	Turkey	C63,13/03/90, p. 4
Cotton yarn	Brazil	C72,22/03/90, p. 3
Cotton yarn	Egypt	C72,22/03/90, p. 3
Cotton yarn	India	C72,22/03/90, p. 3
Cotton yarn	Thailand	C72,22/03/90, p. 3
Cotton yarn	Turkey	C72,22/03/90, p. 3
Polyester yarn	Korea	C80,30/03/90, p. 6
Polyester yarn	Taiwan	C80,30/03/90, p. 6
Polyester yarn	Indonesia	C80,30/03/90, p. 6
Polyester yarn	India	C80,30/03/90, p. 6
Polyester yarn	China	C80,30/03/90, p. 6
Polyester yarn	Turkey	C80,30/03/90, p. 6
Disposable lighters	China	C89,07/04/90, p. 3
Disposable lighters	Korea	C89,07/04/90, p. 3
Disposable lighters	Thailand	C89,07/04/90, p. 3
Video tape in cassettes	China	C92,11/04/90, p. 6
Car radios	Korea	C114,08/05/90, p. 4

ANNEX A (continued)

ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS INITIATED
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Semi-finished products of alloy steel	Turkey	C144,14/06/90, p. 5
Semi-finished products of alloy steel	Brazil	C144,14/06/90, p. 5
Merchant bars and rods of alloy steel	Turkey	C144,14/06/90, p. 4
Artificial corundum	Brazil	C159,29/06/90, p. 5
Artificial corundum	Yugoslavia	C159,29/06/90, p. 5
Dihydrostreptomycin	China	C186,27/07/90, p.33
Dihydrostreptomycin	Japan	C186,27/07/90, p.33
Welded wire mesh	Yugoslavia	C188,28/07/90, p. 7
Disposable lighters	Japan	C206,18/08/90, p. 7
Oxalic acid	India	C216,31/08/90, p. 2
Ferrochrome	Albania	C252,06/10/90, p.11
Ferrochrome	U.S.S.R.	C252,06/10/90, p.11
Potassium chloride (potash)	U.S.S.R	C274,31/10/90, p.18
Synthetic fibres of polyester	Korea	C291,21/11/90, p.20
Synthetic fibres of polyester	India	C291,21/11/90, p.20
Silicon metal	Brazil	C296,27/11/90, p. 3
Wire rod	Argentina	C310,11/12/90, p. 9
Wire rod	Egypt	C310,11/12/90, p. 9
Wire rod	Trinidad & Tobago	C310,11/12/90, p. 9
Wire rod	Turkey	C310,11/12/90, p. 9
Wire rod	Yugoslavia	C310,11/12/90, p. 9

ANNEX B

PROVISIONAL DUTIES IMPOSED DURING ANTI-DUMPING AND
ANTI-SUBSIDY INVESTIGATIONS
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country</u> <u>of origin</u>	<u>Document</u>	<u>OJ Reference</u>
DRAMS	Japan	Reg(EEC)No165/90 23/01/90	L20, 25/01/90, p.5
Glutamic acid	Indonesia	Reg(EEC)No547/90 02/03/90	L56, 03/03/90, p.23
Glutamic acid	Korea	Reg(EEC)No547/90 02/03/90	L56, 03/03/90, P.23
Glutamic acid	Taiwan	Reg(EEC)No547/90 02/03/90	L56, 03/03/90, p.23
Glutamic acid	Thailand	Reg(EEC)No547/90 02/03/90	L56, 03/03/90, p.23
Ferroboron	Japan	Reg(EEC)No665/90 16/03/90	L73, 20/03/90, p.6
Silicon metal	China	Reg(EEC)No720/90 22/03/90	L80, 27/03/90, p.9
Tungsten ores & concentrates	China	Reg(EEC)No761/90 26/03/90	L83, 30/03/90, p.23
Tungstic oxide & acid	China	Reg(EEC)No762/90 26/03/90	L83, 30/03/90, p.29
Tungsten carbide & fused tungsten carbide	China	Reg(EEC)No763/90 26/03/90	L83, 30/03/90, p.36
Potassium permanganate	U.S.S.R.	Reg(EEC)No1537/90 28/05/90	L145,08/06/90, p.9

ANNEX B (continued)

PROVISIONAL DUTIES IMPOSED DURING ANTI-DUMPING AND
ANTI-SUBSIDY INVESTIGATIONS
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country</u> <u>of origin</u>	<u>Document</u>	<u>OJ Reference</u>
Ball bearings (mini)	Thailand	Reg(EEC)No1613/90 13/06/90	L152,16/06/90, p.24
Typewriter ribbon fabric	China	Reg(EEC)No1937/90 04/07/90	L174,07/07/90, p.27
Polyolefin woven bags	China	Reg(EEC)No2051/90 17/07/90	L187,19/07/90, p.36
Linear tungsten halogen lamps	Japan	Reg(EEC)No2064/90 20/07/90	L188,20/07/90, p.10
Audio tape in cassettes	Hong Kong	Reg(EEC)No3262/90 05/11/90	L313,13/11/90, p.5
Audio tape in cassettes	Japan	Reg(EEC)No3262/90 05/11/90	L313,13/11/90, p.5
Audio tape in cassettes	Korea	Reg(EEC)No3262/90 05/11/90	L313,13/11/90, p.5
Aspartame	Japan	Reg(EEC)No3421/90 26/11/90	L330,29/11/90, p.16
Aspartame	U.S.A.	Reg(EEC)No3421/90 26/11/90	L330,29/11/90, p.16
Welded tubes	Turkey	Reg(EEC)No3617/90 11/12/90	L351,15/12/90, p.17
Welded tubes	Venezuela	Reg(EEC)No3617/90 11/12/90	L351,15/12/90, p.17
Beach slippers	China	Reg(EEC)No3798/90 21/12/90	L365,28/12/90, p.25

ANNEX C

INVESTIGATIONS CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country</u> <u>of origin</u>	<u>Document</u>	<u>OJ Reference</u>
Compact disc players	Japan	Reg(EEC)No112/90 16/01/90	L 13,17/01/90, p.21
Compact disc players	Korea	Reg(EEC)No112/90 16/01/90	L 13,17/01/90, p.21
Welded tubes of iron or steel (1)	Romania	Reg(EEC)No868/90 02/04/90	L 91,06/04/90, p. 8
Welded tubes of iron or steel (1)	Yugoslavia	Reg(EEC)No868/90 02/04/90	L 91,06/04/90, p. 8
Televisions (small-screen colour)	Korea	Reg(EEC)No1048/90 25/04/90	L107,27/04/90, p.56
Glumatic acid (1)	Indonesia	Reg(EEC)No1798/90 27/06/90	L167,30/06/90, p. 1
Glumatic acid (1)	Korea	Reg(EEC)No1798/90 27/06/90	L167,30/06/90, p. 1
Glumatic acid (1)	Taiwan	Reg(EEC)No1798/90 27/06/90	L167,30/06/90, p. 1
Glumatic acid (1)	Thailand	Reg(EEC)No1798/90 27/06/90	L167,30/06/90, p. 1
Ferroboron	Japan	Reg(EEC)No2036/90 16/07/90	L187,19/07/90, p. 1
DRAMs (1)	Japan	Reg(EEC)No2112/90 23/07/90	L193,25/07/90, p. 1

(1) Includes acceptance of certain undertakings

ANNEX C (continued)

INVESTIGATIONS CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country</u> <u>of origin</u>	<u>Document</u>	<u>OJ Reference</u>
Silicon metal	China	Reg(EEC)No2200/90 27/07/90	L198,28/07/90, p.57
Tungsten ores & concentrates (1)	China	Reg(EEC)No2735/90 24/09/90	L264,27/09/90, p. 1
Tungstic oxide & acid (1)	China	Reg(EEC)No2736/90 24/09/90	L264,27/09/90, p. 4
Tungsten carbide & fused tungsten carbide (1)	China	Reg(EEC)No2737/90 24/09/90	L264,27/09/90, p. 7
Ball-bearings (mini)	Thailand	Reg(EEC)No2934/90 09/10/90	L281,12/10/90, p. 1
Typewriter ribbon (1)	China	Reg(EEC)No3200/90 05/11/90	L306,06/11/90, p.21
Polyolefin woven bags	China	Reg(EEC)No3308/90 15/11/90	L318,17/11/90, p. 2

(1) Includes acceptance of certain undertakings

ANNEX D

INVESTIGATIONS CONCLUDED BY THE ACCEPTANCE OF PRICE UNDERTAKINGS
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ Reference</u>
Diesel engines	Finland	90/138/EEC	L 76,22/03/90, p.28
Diesel engines	Sweden	90/138/EEC	L 76,22/03/90, p.28
Methenamine	Bulgaria	90/196/EEC	L104,24/04/90, p.14
Methenamine	Czechoslovakia	90/196/EEC	L104,24/04/90, p.14
Methenamine	Poland	90/196/EEC	L104,24/04/90, p.14
Methenamine	Romania	90/196/EEC	L104,24/04/90, p.14
Photo albums	Korea	90/241/EEC	L138,31/05/90, p.48
Photo albums	Hong Kong	90/241/EEC	L138,31/05/90, p.48
Ball bearings (mini)(1)	Thailand	90/266/EEC	L152,16/06/90, p.59

(1) Anti-subsidy investigation

ANNEX E

INVESTIGATIONS CONCLUDED ON A FINDING OF NO INJURY
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ Reference</u>
Ammonium paratungstate	China	90/154/EEC	L 83,30/03/90, p.117
Ammonium paratungstate	Korea	90/154/EEC	L 83,30/03/90, p.117
Tungsten metal powder	China	90/155/EEC	L 83,30/03/90, p.124
Tungsten metal powder	Korea	90/155/EEC	L 83,30/03/90, p.124
Methenamine	Hungary	90/196/EEC	L104,24/04/90, p. 14
Methenamine	Yugoslavia	90/196/EEC	L104,24/04/90, p. 14
Electric motors	Bulgaria	90/399/EEC	L202,31/07/90, p. 47
Electric motors	Romania	90/399/EEC	L202,31/07/90, p. 47
Electric motors	Czechoslovakia	90/399/EEC	L202,31/07/90, p. 47
Denim	Hong Kong	90/421/EEC	L222,17/08/90, p. 50
Denim	Indonesia	90/421/EEC	L222,17/08/90, p. 50
Denim	Macao	90/421/EEC	L222,17/08/90, p. 50
Denim	Turkey	90/421/EEC	L222,17/08/90, p. 50

ANNEX F

INVESTIGATIONS CONCLUDED FOR OTHER REASONS
DURING THE PERIOD 1 JANUARY 1990 TO 31 DECEMBER 1990

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ Reference</u>
NPK Fertilizers *	Yugoslavia	90/383/EEC	L188,20/07/90, p.63
NPK Fertilizers	Romania	90/383/EEC	L188,20/07/90, p.63
NPK Fertilizers	Hungary	90/383/EEC	L188,20/07/90, p.63
NPK Fertilizers	Poland	90/383/EEC	L188,20/07/90, p.63

ANNEX G

INVESTIGATIONS INITIATED BY COUNTRY OF EXPORT
DURING THE PERIOD 1 JANUARY 1986 TO 31 DECEMBER 1990

<u>Country of origin</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
Albania	-	-	-	-	1
Algeria	-	1	-	-	-
Argentina	-	-	-	-	1
Austria	-	1	1	-	-
Brazil	2	1	-	-	4
Bulgaria	-	-	1	1	-
Canada	-	1	-	-	-
China	2	-	7	5	4
Czechoslovakia	2	-	1	1	-
Egypt	-	-	-	-	2
Finland	-	-	1	-	-
GDR	3	-	1	-	-
Hong Kong	-	1	3	2	-
Hungary	-	1	1	1	-
India	-	-	-	-	4
Indonesia	-	-	1	1	1
Japan	1	7	4	2	3
Korea	1	5	7	1	5
Kuwait	1	-	-	-	-
Libya	1	-	-	-	-
Macao	-	-	-	1	-
Malaysia	-	1	-	-	-
Mexico	1	3	-	-	-
Norway	-	-	-	-	1
Poland	-	-	1	1	-
Romania	1	2	2	2	-
Saudi Arabia	1	-	-	-	-
Singapore	1	-	-	-	-
South Africa	-	1	-	-	-
Sweden	-	-	1	-	-
Taiwan	-	3	1	1	1
Thailand	-	-	3	-	2
Trinidad & Tobago	1	-	-	-	1
Turkey	1	3	-	4	7
USA	-	2	-	-	1
USSR	1	2	1	1	2
Venezuela	-	1	-	1	-
Yugoslavia	4	3	3	2	3
	----	----	----	----	----
TOTAL	24	39	40	27	43
	====	====	====	====	====

ANNEX H

INVESTIGATION INITIATED BY PRODUCT SECTOR
DURING THE PERIOD 1 JANUARY 1986 TO 31 DECEMBER 1990

<u>Product</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
Chemical and allied	11	11	13	6	8
Textiles and allied	4	10	-	9	14
Wood and paper	1	2	2	-	-
Electronics	-	-	4	4	1
Other mechanical	4	10	6	3	6
engineering					
Iron & Steel	2	5	4	2	9
(EEC & ECSC)					
Other metals	2	1	10	2	3
Other	-	-	1	1	2
	<u>24</u>	<u>39</u>	<u>40</u>	<u>27</u>	<u>43</u>
	=====	=====	=====	=====	=====

T A B L E 2

Reviews of anti-dumping and anti-subsidy investigations
during the period 1 January 1986 to 31 December 1990

	1986	1987	1988	1989	1990
Reviews in progress at the beginning of the period	20	27	11	20	15
Reviews opened during the period	24	8	24	17	26
Reviews in progress during the period	44	35	35	37	41
Reviews concluded by:					
- imposition of definitive duty in lieu of price undertaking	1	7	4	4	6
- amendment of definitive duty	7	8	-	4	2
- suspension of definitive duty	-	1	-	-	-
- acceptance of price undertaking in lieu of definitive duty	1	1	3	-	1
- amendment of price undertaking	2	4	2	1	-
- repeal or expiry of definitive duty	2	2	1	9	6
- repeal or expiry of price undertaking	3	-	5	4	5
- no change of the measures in force	1	1	-	-	-
Total reviews terminated during the period	17	24	15	22	20
Reviews in progress at the end of the period	27	11	20	15	21
Provisional duties imposed during the reviews	8	-	7	1	-

ANNEX I

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES OPENED
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Video tape in cassettes	Hong Kong	C20, 27/01/90, p.7
Mechanical wrist watches	USSR	C24, 01/02/90, p.6
Artificial corundum	USSR	C67, 17/03/90, p.7
Artificial corundum	Hungary	C67, 17/03/90, p.7
Artificial corundum	Poland	C67, 17/03/90, p.7
Artificial corundum	Czechoslovakia	C67, 17/03/90, p.7
Artificial corundum	China	C67, 17/03/90, p.7
Ferro-silicon	Brazil	C109, 03/05/90, p.5
Sheets and plates of iron or steel	Mexico	C118, 12/05/90, p.3
Sheets and plates of iron or steel	Yugoslavia	C118, 12/05/90, p.3
Iron and steel coils	Algeria	C118, 12/05/90, p.5
Iron and steel coils	Mexico	C118, 12/05/90, p.5
Iron and steel coils	Yugoslavia	C118, 12/05/90, p.5
Hydraulic excavators	Japan	C206, 18/08/90, p.5
Oxalic acid	China	C216, 31/08/90, p.2
Oxalic acid	Czechoslovakia	C216, 31/08/90, p.2

ANNEX I (continued)

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES OPENED
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Synthetic fibres of polyester	Mexico	C230, 15/09/90, p.3
Synthetic fibres of polyester	Romania	C230, 15/09/90, p.3
Synthetic fibres of polyester	Taiwan	C230, 15/09/90, p.3
Synthetic fibres of polyester	Turkey	C230, 15/09/90, p.3
Synthetic fibres of polyester	U.S.A.	C230, 15/09/90, p.3
Synthetic fibres of polyester	Yugoslavia	C230, 15/09/90, p.3
Polyester yarns	Mexico	C289, 17/11/90, p.7
Container corner fittings	Austria	C310, 11/12/90, p.7
Electronic typewriters	Japan	C315, 14/12/90, p.6

ANNEX J

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES CONCLUDED
BY THE IMPOSITION OF DEFINITIVE DUTIES IN LIEU OF
PRICE UNDERTAKINGS DURING THE PERIOD
1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country</u> <u>of origin</u>	<u>Document</u>	<u>OJ Reference</u>
Ferro-silicon(1)	Iceland	Reg(EEC)No341/90	L38, 10/02/90, p.1
Ferro-silicon(1)	Norway	Reg(EEC)No341/90	L38, 10/02/90, p.1
Ferro-silicon(1)	Sweden	Reg(EEC)No341/90	L38, 10/02/90, p.1
Ferro-silicon(1)	Venezuela	Reg(EEC)No341/90	L38, 10/02/90, p.1
Ferro-silicon(1)	Yugoslavia	Reg(EEC)No341/90	L38, 10/02/90, p.1
Potassium permanganate	Czechoslovakia	Reg(EEC)No385/90	L42, 16/02/90, p.1

(1) Includes the acceptance of certain undertakings

ANNEX K

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES CONCLUDED
BY THE AMENDMENT OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ Reference</u>
Ball-bearings (mini)	Japan	Reg(EEC)No2685/90	L256,20/09/90, p.1
Video tape in cassettes	Hong Kong	Reg(EEC)No3522/90	L343,07/12/90, p.1

ANNEX L

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES CONCLUDED
BY THE ACCEPTANCE OF PRICE UNDERTAKINGS IN LIEU OF
DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country</u> <u>of origin</u>	<u>Document</u>	<u>OJ Reference</u>
Oxalic acid	Brazil	90/378/EEC	L184, 17/07/90, p.16

ANNEX M

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES CONCLUDED
BY THE REPEAL OR EXPIRY OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country</u> <u>of origin</u>	<u>Document</u>	<u>OJ Reference</u>
Vinyl acetate monomer	Canada	Reg(EEC)No490/90	L 53,01/03/90, p. 1
Vinyl acetate monomer	U.S.A.	Reg(EEC)No490/90	L 53,01/03/90, p. 1
Glass textile fibres (rovings)	Czechoslovakia	90/85/EEC	L 59,08/03/90, p. 45
Glass textile fibres (rovings)	G.D.R.	90/85/EEC	L 59,08/03/90, p. 45
Mechanical wristwatches	USSR	Reg(EEC)No2686/90	L256,20/09/90, p.10
Dense sodium carbonate	U.S.A.	90/507/EEC	L238,16/10/90, p.38

ANNEX N

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES CONCLUDED
BY THE EXPIRY OR REPEAL OF PRICE UNDERTAKINGS
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country</u> <u>of origin</u>	<u>Document</u>	<u>OJ Reference</u>
Fibre building board (hard- board)	Finland	90/240/EEC	L138,31/05/90, p.44
Fibre building board (hard- board)	Argentina	90/240/EEC	L138,31/05/90, p.44
Fibre building board (hard- board)	Switzerland	90/240/EEC	L138,31/05/90, p.44
Fibre building board (hard- board)	Yugoslavia	90/240/EEC	L138,31/05/90, p.44
Propan-1-ol	U.S.A.	90/540/EEC	L306,06/11/90, p.23

ANNEX O

ANTI-DUMPING AND ANTI-SUBSIDY MEASURES WHICH EXPIRED DURING
THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ Reference</u> (2)
Horticultural glass (3)	Czechoslovakia	Undertakings	L224,21/08/84, p.26
Horticultural glass (3)	G.D.R.	Undertakings	L224,21/08/84, p.26
Horticultural glass (3)	Hungary	Undertakings	L224,21/08/84, p.26
Horticultural glass (3)	Poland	Undertakings	L224,21/08/84, p.26
Horticultural glass (3)	Romania	Undertakings	L224,21/08/84, p.26
Horticultural glass (3)	USSR	Undertakings	L224,21/08/84, p.26
Asbestos cement (4)	Czechoslovakia	Undertakings	L259,28/09/84, p.48
Asbestos cement (4)	G.D.R.	Undertakings	L259,28/09/84, p.26
Plasterboard (5)	Spain	Undertakings	L89, 29/03/85, p.65
Glass mirrors(6)	South Africa	Duty	L148,07/06/85, p.1

2 The OJ reference is to the imposition of the measure.

3 Notice of expiry was published in OJ No C23, 31/01/90, p.4

4 Notice of expiry was published in OJ No C52, 03/03/90, p.15

5 Notice of expiry was published in OJ No C82, 31/03/90, p.9

6 Notice of expiry was published in OJ No C141,09/06/90, p.15

ANNEX O (continued)

ANTI-DUMPING AND ANTI-SUBSIDY MEASURES WHICH EXPIRED DURING
THE PERIOD 1 JANUARY TO 31 DECEMBER 1990

<u>Product</u>	<u>Country</u> <u>of origin</u>	<u>Document</u>	<u>OJ Reference</u> (2)
Glycine (7)	Japan	Duty	L218,15/08/85, p.1
Polyester yarn (textured)(8)	U.S.A.	Duty	L246,13/09/85, p.57
Oxalic acid (9)	Brazil	Duty	L26, 31/01/85, p.6
Dense sodium carbonate (10)	U.S.A.	Duty	L311,29/11/84, p.26
Dense sodium carbonate (10)	U.S.A.	Undertaking	L206,02/08/84, p.15
Basic chromium sulphate (11)	Yugoslavia	Duty	L321,30/11/85, p.81
Cycle chains (12)	USSR	Undertakings	L335,13/12/85, p.63

- 7 Notice of expiry was published in OJ No C206,18/08/90, p.5
8 Notice of expiry was published in OJ No C236,20/09/90, p.3
9 Notice of expiry was published in OJ No C239,25/09/90, p.14
10 Notice of expiry was published in OJ No C282,10/11/90, p.5
11 Notice of expiry was published in OJ No C304,04/12/90, p.11
12 Notice of expiry was published in OJ No C323,22/12/90, p.15

ANNEX P

ANTI-DUMPING AND ANTI-SUBSIDY CASES BEFORE
THE EUROPEAN COURT OF JUSTICE IN 1990

Case 297/85	Towa Sankiden Corporation v Council
Case 191/86	Tokyo Electric Co Ltd v Council
Case 304/86	Enital SpA v Commission
Case 305/86	Neotype Techmaslexport GmbH v Commission
Case 320/86	Stanko France v Commission
Case 77/87	Technointorg v Council
Case 133/87	Nashua Corporation v Commission
Case 150/87	Nashua Corporation and Others v Council
Case 156/87	Gestetner Holdings plc v Council and Commission
Case 157/87	Electroimpex v Council
Case 160/87	Neotype Technomashlexport GmbH v Council
Case 171/87	Canon Inc. v Council
Case 172/87	Mita Industrial Co Ltd v Council
Case 174/87	Ricoh Company Ltd v Council
Case 175/87	Matsushita Electrical Industrial Co Ltd and Matsushita Electric Trading Co Ltd v Council
Case 176/87	Konishiroku Photo Industry Co Ltd v Council
Case 177/87	Sanyo Electric Co Ltd v Council
Case 178/87	Minolta Camera Co Ltd v Council
Case 179/87	Sharp Corporation v Council
Case 185/87	Enital SpA v Council
Case 188/87	Stanko France v Council
Case 26/88	Brother International GmbH v Hauptzollamt Giessen
Case 49/88	Al-Jubail Fertilizer Co and another v Commission
Case 188/88	NMB (Deutschland) GmbH and others v Commission
Case 189/88	Cartorobica SpA v Ministero delle Finanze dello Stato

ANNEX P (continued)

ANTI-DUMPING AND ANTI-SUBSIDY CASES BEFORE
THE EUROPEAN COURT OF JUSTICE IN 1990

Case 323/88	Sermes SA v Directeur des Services des Douanes de Strasbourg
Case 69/89	Nakajima All Precision Co v. Council
Case 170/89	Bureau Européen des Unions de Consommateurs (BEUC) v. Commission
Case 193/89	Venezolana de Nitrogeno C.A (Nitroven) and Petroquímica de Venezuela v. Council
Case 358/89	Extramet Industrie S.A v. Council
Case 16/90	Detlef Nölle v. Hauptzollamt Bremen-Freihagen
Case 104/90	Matsushita Electrical Industrial Co Ltd v. Council
Case 105/90	Goldstar Co, Ltd v. Council
Case 315/90	Groupement des Industries de matériels d'équipement électrique et de l'électronique industrielle associée (GIMELEC) and others v. Commission
Case 337/90	Musso and Parker v. Hauptzollamt Gronau

ANNEX Q

ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS DURING THE YEARS 1981 - 1990

	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
Investigations in progress at the beginning of the period	29	46	53	33	40	44	21	39	53	60
Investigations initiated during the period	48	58	38	49	36	24	39	40	27	43
Investigations in progress during the period	77	104	91	82	76	68	60	79	80	103
Investigations concluded by :										
- imposition of definitive duty	10	7	20	5	8	4	9	18	10	18
- acceptance of price undertaking	7	35	27	27	4	25	8	-	5	9
- determination of no dumping	-	-	-	6	2	4	-	-	-	-
- determination of no subsidisation	-	-	-	-	1	-	-	-	-	-
- determination of no injury	6	6	8	-	15	7	4	5	5	13
- other reasons	1	-	3	4	2	7	-	3	-	5
Total investigations concluded during the period	31	51	58	42	32	47	21	26	20	45
Investigations in progress at the end of the period	46	53	33	40	44	21	39	53	60	58
Provisional duties imposed during the period	10	18	22	11	9	6	13	28	10	23

ANNEX R

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS DURING 1981 - 1990

	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
Reviews in progress at the beginning of the period	1	16	24	2	2	20	27	11	20	15
Reviews opened during the period	17	24	10	7	30	24	8	24	17	26
Reviews in progress during the period	18	40	34	9	32	44	35	35	37	41
Reviews concluded by :										
- imposition of definitive duty in lieu of price undertaking	-	1	8	1	1	1	7	4	4	6
- amendment of definitive duty	-	-	11	2	5	7	8	-	4	2
- suspension of definitive duty	-	-	-	-	3	-	1	-	-	-
- acceptance of price undertaking in lieu of definitive duty	-	-	2	2	1	1	1	3	-	1
- amendment of price undertaking	-	13	8	1	-	2	4	2	1	-
- repeal or expiry of definitive duty	-	-	-	-	2	2	2	1	9	6
- repeal or expiry of price undertaking	-	-	3	-	-	3	-	5	4	5
- repeal of regional duty	1	-	-	1	-	-	-	-	-	-
- no change of the measures in force	1	2	-	-	-	1	1	-	-	-
Total reviews terminated during the period	2	16	32	7	12	17	24	15	22	20
Reviews in progress at the end of the period	16	24	2	2	20	27	11	20	15	21
Provisional duties imposed during the reviews	1	13	3	3	2	8	-	7	1	-

ANNEX S

VOLUME OF TRADE AFFECTED BY ANTI-DUMPING MEASURES

1989 (In 1.000 Mio ECU)			
	1	2	3
	Total trade imports	Trade concerned by Ad measures	% of total trade
<u>CLASS 1</u>			
1. <u>Western Industrialized countries</u>			
1.1 EFTA	102,6	0,17	0,2
1.2 Japan	46,3	1,60	3,5
1.3 USA and Canada	93,3	0,03	0,1
1.4 Turkey	5,5	0,03	0,6
1.5 Yugoslavia	7,0	0,14	2,0
1.6 Others	16,2	0	0
TOTAL CLASS 1	270,9	1,97	0,7
<u>CLASS 2</u>			
2. <u>Developing countries</u>			
2.1 NIES	44,3	0,34	0,8
of which: 1. South American NIES	17,7	0,09	0,5
2. Asian NIES	26,6	0,25	0,9
2.2 Others	93,3	0,06	0,1
TOTAL CLASS 2	137,6	0,40	0,6
<u>CLASS 3</u>			
3. <u>Countries with State trade</u>	38,1	0,08	0,2
4. TOTAL WORLD	446,6	2,45	0,6

SOURCE : EUROSTAT and COMMISSION

ANNEX T

ANTI-DUMPING INVESTIGATIONS INITIATED BY GEOGRAPHICAL REGION
DURING THE YEARS 1981 TO 1990

	<u>No of Investigations</u>	<u>% of Total</u>
Western Europe	35	8.7 %
Eastern Europe	158	39.3 %
North Africa	1	0.25 %
Central and South Africa	5	1.2 %
North America	26	6.5 %
Central and South America	34	8.5 %
Middle East	27	6.7 %
Far East	111	27.6 %
Australasia	1	0.25 %
Southern Asia	<u>4</u>	<u>1.0</u>
TOTAL	402	100.0 %

ANNEX U

ANTI-DUMPING INVESTIGATIONS BY TYPE OF COUNTRY INITIATED
DURING THE YEARS 1981 TO 1990 *

<u>Industrialised countries</u>	<u>No of investigations</u>	<u>%</u>	<u>% change in value of imports 1981-1990</u>
EFTA	15	3.8	+ 113%
Portugal	2	0.51	(1)
Spain	16	4.07	(1)
Other Western Europe	49	12.47	+ 382%
USA	18	4.58)	
Canada	5	1.27)	+ 73%
Japan	31	7.89	+ 232%
Other	<u>5</u>	<u>1.27</u>	<u>44%</u>
	141	35.88	+ 108%
<u>Developing Countries</u>			
Asian NIEs (2)	38	9.67	+ 170%
South American NIEs (3)	28	7.12	+ 59%
OPEC (4)	9	2.30	- 47%
Other	<u>20</u>	<u>5.09</u>	<u>+ 59%</u>
	95	24.18	+ 6%
<u>State trading countries</u>			
Eastern Europe	127	32.31	+ 41%
China	29	7.38	+ 364%
Other	<u>1</u>	<u>0.25</u>	<u>+ 9%</u>
	157	39.94	+ 68%
Total	393	100%	58%
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* Figures given up to end 1989, as 1990 figures not yet available

(1) Not applicable

(2) Hong Kong, Korea, Taiwan and Singapore

(3) Argentina, Brazil, Mexico and Venezuela

(4) Excluding Venezuela