

# COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 16 May 1983

Proposal for a  
COUNCIL REGULATION (EEC)  
imposing a definitive anti-dumping duty on imports of hexamethylenetetramine  
originating in the German Democratic Republic and the Soviet Union

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(submitted to the Council by the Commission)



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EXPLANATORY MEMORANDUM

1. On 12 February 1983, by Regulation (EEC) No 348/83 (1), the Commission imposed a provisional anti-dumping duty on imports of hexamethylene-tetramine originating in the German Democratic Republic and the Soviet Union and terminated the proceeding against imports from Czechoslovakia and Romania. This duty expires on 11 June 1983.
2. After the imposition of the provisional duty, one exporter requested and was granted a hearing during which he made his views known.
3. With regard to dumping and injury, no fresh evidence has been submitted to the Commission since the imposition of the provisional duty. In the Commission's view, the facts as finally determined show that the effects of the dumped imports of hexamethylenetetramine originating in the German Democratic Republic and the Soviet Union taken in isolation, have to be considered as constituting material injury.
4. The exporter from the German Democratic Republic offered a price undertaking which was not found to be acceptable.
5. On the basis of these facts, the Commission therefore submits to the Council its proposal for a Council Regulation, imposing a definitive anti-dumping duty on imports of hexamethylenetetramine from the German Democratic Republic and the Soviet Union.

It is further proposed that the amounts secured by way of provisional duty should be collected definitively.

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COUNCIL REGULATION (EEC)

imposing a definitive anti-dumping duty on imports of hexamethylenetetramine originating in the German Democratic Republic and the Soviet Union

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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) No 3017/79 of 20 December 1979 on protection against dumped or subsidized imports from countries not members of the European Community<sup>1</sup>, as amended by Regulation (EEC) No 1580/82<sup>2</sup>, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee as provided for under the above Regulation,

Whereas the Commission, by Regulation (EEC) No 348/83<sup>3</sup>, imposed a provisional anti-dumping duty on hexamethylenetetramine originating in the German Democratic Republic and the Soviet Union; whereas by that Regulation, the Commission also accepted undertakings offered by the Czechoslovak and Romanian exporters and terminated the proceedings in respect of these exporters;

Whereas, following the imposition of the provisional anti-dumping duty the exporter in the German Democratic Republic requested, and was granted, an opportunity to be heard orally by the Commission;

Whereas one consumer made his views known in writing;

Whereas no new evidence on dumping and injury to the Community industry has been received since the imposition of the provisional duty; whereas the Commission, therefore, considers its findings on dumping and injury as set out in Regulation (EEC) No 348/83 to be definitive;

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<sup>1</sup>OJ No L 339, 31.12.1979, p. 1.

<sup>2</sup>OJ No L 178, 22.06.1982, p. 9.

<sup>3</sup>OJ No L 40, 12.02.1983, p. 24.

Whereas all the facts as finally determined show that the injury being caused by dumped imports of hexamethylenetetramine originating in the German Democratic Republic and the Soviet Union, taken in isolation from that caused by other factors, has to be considered as material;

Whereas, in these circumstances, protection of the Community's interests calls for the imposition of a definitive anti-dumping duty on imports of hexamethylenetetramine originating in the German Democratic Republic and the Soviet Union, the amount of which should be the same as the amount of the provisional anti-dumping duty;

Whereas, when confronted with the findings of the investigation, the exporter of hexamethylenetetramine originating in the German Democratic Republic offered a price undertaking regarding future exports to the Community;

Whereas, after consultation, this undertaking was not found to be acceptable;

Whereas the amounts secured by way of provisional anti-dumping duties should be collected,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on hexamethylene-tetramine falling within subheading 29.26 B II A of the Common Customs Tariff, corresponding to NIMEXE code 29.26-35, and originating in the German Democratic Republic and the Soviet Union.

2. The amount of the duty shall be equal to the amount by which the price per tonne net on pallets, free at Community frontier before duty is less than 953.46 ECU if in crystal or lubricated powder form. For imports without pallets the duty shall be reduced by 10 ECU per tonne.

The free at Community frontier prices shall be net if the conditions of sale provide for payment within 30 days from the date of shipment; they shall be reduced or increased by 1% for each increase or decrease of one month in the period for payment.

3. The provisions in force concerning customs duties shall apply for the application of the duty.

Article 2

The sums secured by way of provisional anti-dumping duty under Regulation (EEC) No 348/83 shall be definitively collected.

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