

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 11 February 1983

Proposal for a
COUNCIL REGULATION (EEC)

imposing a definitive anti-dumping duty on imports of certain sodium carbonate
originating in the United States of
America

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

1. On 11 November 1982, by Regulation (EEC) No 3018/82 (1), the Commission imposed a provisional anti-dumping duty on imports of dense sodium carbonate originating in the United States of America. This duty expires on 12 March 1983.
2. After the imposition of the provisional duty, some exporters, and potential exporters requested and were granted hearings during which they made their views known and were presented with the findings of the investigation. Equally, consumers' representatives were, upon their request, heard by the Commission and made their views known. The Commission, after careful examination of the arguments put forward, modified the provisionally established dumping margin for imports made by one US exporter, and consequently amended the provisionally established weighted average dumping margin for exports from the United States.
3. With regard to 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 dense sodium carbonate originating in the United States of America, taken in isolation, have to be considered as constituting material injury.
4. One US exporter and one potential exporter offered price undertakings which are 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 dense sodium carbonate from the United States of America.

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

(1) OJ L 317, 13.11.1982, p. 5

Proposal for a COUNCIL REGULATION (EEC)

imposing a definitive anti-dumping duty on imports of certain sodium carbonate 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 Community(1), as amended by Regulation (EEC) No 1580/82(2), and in particular Article 12 thereof;

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

Whereas by Regulation (EEC) No 3018/82(3) the Commission imposed a provisional anti-dumping duty on imports of dense sodium carbonate originating in the United States of America which was 24,63 ECU per tonne except for exports made by Texasgulf Chemicals Company for which the amount of the duty was 22.24 ECU per tonne, accepted undertakings offered by Allied Corporation and FMC and terminated the proceeding in respect of these exporters;

Whereas after the imposition of the provisional duty the Commission continued its investigation;

Whereas one exporter, two potential exporters and a consumer organisation, the Glass Manufacturers Federation on the United Kingdom, requested, and were granted, an opportunity to be heard orally by the Commission; whereas another exporter made known its views in writing;

Whereas Texasgulf Chemicals Company submitted new evidence concerning its export costs which were verified and found acceptable; whereas on the basis

(1) OJ No L 339, 31.12.1979, p. 1.

(2) OJ No L 178, 22.6.1982, p. 9.

(3) OJ No L 317, 13.11.1982, p. 5.

of this new evidence the dumping margins, expressed as a percentage of the price free-at-Community-frontier, vary for shipments by Texasgulf Chemicals between 10,52% and 20,58%, the weighted average margin being 14,59%; whereas no other new evidence on dumping has been received since the imposition of the provisional duty; whereas, therefore, the weighted average dumping margin for all US export shipments investigated is definitively established at 16,50%;

Whereas, moreover, no further evidence regarding injury to the Community industry and particularly the UK industry has been submitted to the Commission since the imposition of the provisional duty;

Whereas the consumers in the UK have argued that protective measures taken by the Commission, if maintained, would not be in the Community's and the UK's interest because it would make them less competitive; whereas, in view of the economic and social importance of the Community industry and particularly the UK industry which is most involved and the relative effect of a comparatively modest price increase on the costs of the processing industry, it is nevertheless concluded that it is in the Community's interest that definitive action be taken;

Whereas Stauffer Chemical Company and Texasgulf Chemicals Company offered price undertakings regarding future exports to the Community;

Whereas, after consultation, these undertakings were found to be acceptable and it was not necessary to impose measures against imports of the product exported by these companies;

Whereas, in these circumstances, protection of the Community's interests calls for the imposition of a definitive anti-dumping duty on imports of dense sodium carbonate originating in the United States which, having regard to the injury caused, would be equal to the weighted average dumping margin established; whereas this margin is 16,50%;

Whereas it is appropriate to express the anti-dumping duty as a fixed amount in ECU per tonne; whereas this amount is 23,15 ECU per tonne for imports of dense sodium carbonate from the United States; whereas this duty would have been 20,07 ECU per tonne for exports made by Texasgulf Chemicals Company;

Whereas the amounts secured by way of provisional anti-dumping duty should be collected up to 20,07 ECU per tonne for imports by Texasgulf Chemicals Company and 23,15 ECU per tonne for all other imports;

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on dense sodium carbonate falling within Common Customs Tariff subheading 28.42 A ex II and corresponding to NIMEXE code ex 28.42-31, originating in the United States of America.

2. The duty shall not apply to dense sodium carbonate exported by Allied Corporation, FMC, Stauffer Chemicals Company and Texasgulf Chemicals Company.

3. The amount of the duty shall be 23,15 ECU per tonne.

4. For the purposes of this Regulation, dense sodium carbonate means sodium carbonate with a specific gravity exceeding 0,700 kg/dm³ and consisting of grains of a diameter between 0,25 and 0,6 mm.

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

Article 2

The sums secured by way of provisional duty under Regulation (EEC) No 3018/82 shall be definitively collected up to the amount of 20,07 ECU per tonne for imports by Texasgulf Chemicals Company and 23,15 ECU per tonne for all other imports.

Article 3

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.

Done at Brussels

For the Council