

Whereas the Commission took account of the differences affecting price comparability with respect to variable distribution and selling costs, salesmen's salaries / ^{and} payment conditions and of cash discounts where claims in these areas could be satisfactorily demonstrated;

Whereas this examination showed that exports made by Agrico Chemical Company during the investigation period were not dumped; whereas for the other companies visited the dumping margins found were for Allied Chemical Corporation 6.5%, for Kaiser Aluminum Domestic and International Sales Corporation 5.0%, for Columbia Nitrogen Corporation 10.0% and for BCM Incorporated 7.6%;

Whereas for brokers who may buy the product from various US producers for export to the EEC, and for all other exporters not known to the Commission, the dumping margin was determined as being the weighted average dumping margin of those companies investigated which were found to have been dumping; whereas the dumping margin thus established was 6.5%;

Whereas, as regards the injury caused by the dumped imports to the Community and in particular to the French industry, the considerations which led to the imposition of the provisional duty remain valid; whereas further information received

by the Commission after the imposition of the provisional duty showed that dumped imports into France of the product in question originating in the United States of America for the four-month period from June to September 1980 ^{amounted to} 206 835 tonnes, excluding 21 600 tonnes of the product exported by Agrico Chemical Company and deemed not to have been dumped, compared to 137 950 tonnes for the same period in 1979, representing an increase of at least 50%;

Whereas, although there was a considerable increase in the price of US exports during 1980, the resale price of imported nitrogen solution fertilizer in France still does not permit French producers to sell their product at above cost, ^{owing} to a further increase in feedstock prices in August 1980;

Whereas the Commission also followed up the contention of various exporters and importers that the French industry was working at full capacity but was concentrating primarily on solid nitrogen fertilizer and was, therefore, unable to produce more nitrogen solution; whereas the facts as established by the Commission show that the French industry could significantly increase its production of solution even if present output of solid/nitrogen fertilizer was maintained;

Whereas the Commission has considered whether there is injury caused by other factors which, individually or in combination are also affecting the Community industry;

whereas it has established in this context that the level of consumption of nitrogen solution fertilizer in Germany and especially in France, the main outlets for US exports in the Community, has considerably increased in recent years; whereas, moreover, the volume of non-dumped imports from Agrico Chemical Company was relatively small compared to total imports, and represented less than 17% thereof in 1980; whereas the influence of these non-dumped imports on the nitrogen solution fertilizer market has been isolated from the dumped imports; whereas the substantial and sudden increase of imports of dumped nitrogen solution fertilizer since 1978 and the prices at which they were offered for sale in the Community led the Commission to determine that the US exports of dumped nitrogen solution fertilizer have caused material injury to the Community industry concerned;

Whereas in these circumstances protection of the Community's interests calls for the imposition of a definitive anti-dumping duty on nitrogen solution fertilizer originating in the United States of America which, having regard to the extent of injury caused, should be equal to the dumping margins found, and for the definitive collection of the amounts secured by way of provisional duty in respect of the product concerned up to the rate of the dumping margins found on transactions made by those companies from which undertakings have been accepted by the Commission and at the rate of the definitive duty on all other imports;

Whereas it is appropriate to exclude imports of the product exported by Agrico Chemical Company from the application of the duty and the definitive collection of the amounts secured by way of provisional duty because these exports were not found to have been dumped;

Whereas Allied Chemical Corporation, Kaiser Aluminum Domestic and International Sales Corporation, Columbia Nitrogen Corporation, BCM Incorporated, International Ore and Fertilizer Corporation, Interore Corporation Inc. and Transcontinental Fertilizer Corporation have voluntarily undertaken to increase their prices to a level eliminating but not exceeding the dumping margins found; whereas the Commission has accepted these undertakings;

Whereas it is consequently appropriate to exclude the imports of the product concerned exported by these companies from the application of the duty,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on urea ammonium nitrate solution fertilizer, falling within Common Customs Tariff subheading ex 31.02 C and corresponding to NIMEXE code ex 31.02-90, originating in the United States of America.
2. The rate of the duty shall be 6.5% on the basis of the customs value ^{determined} in accordance with Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes (1).
3. The provisions in force for the application of customs duties shall apply to this duty.

Article 2

The definitive anti-dumping duty imposed by Article 1 shall not apply to urea ammonium nitrate fertilizer exported by the following US companies: Agrico Chemical Company, BCM Incorporated, Kaiser Aluminum Domestic and International Sales Corporation, Columbia Nitrogen Corporation, Allied Chemical Corporation, International Ore and Fertilizer Corporation, Interore/ Inc^{Corporation} and Transcontinental Fertilizer Corporation.

Article 3

The amounts secured by way of provisional duty pursuant to Regulation (EEC) No 2182/80 shall be definitively collected at a rate of

- 10% for imports made by Unie van Kunstmestfabrieken, Netherlands from Columbia Nitrogen Corporation;
- 7.6% for imports made by Essochem Belgium from Exxon Chemical International Supply Company;
- 5% for imports of Kaiser product made by Comagri SA, France from Transcontinental Fertilizer Corporation;
- 6.5% for all other imports with the exception of imports of Agrico product made by Helm Düngemittel GmbH, Germany from Intsel Corporation, New York and all imports of urea ammonium nitrate solution fertilizer exported by Agrico Chemical Company on which the amounts secured shall not be definitively collected.

Article 4

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels

The Council