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TENTH ANNUAL REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT

ON THE COMMUNITY'S ANTI-DUMPING AND ANTI-SUBSIDY ACTIVITIES
(1991)

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

1. 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 1991, but for the purpose of comparison, statistics for the years 1987 to 1990 are also given.

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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; SEC(91)92 final and SEC(91)974 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

T A B L E 1

Anti-dumping and anti-subsidy investigations
during the period 1 January 1987 to 31 December 1991

	1987	1988	1989	1990	1991
Investigations in progress at the beginning of the period	21	39	53	60	59
Investigations initiated during the period	39	40	27	43	20
Investigations in progress during the period	60	79	80	103	79
Investigations terminated by:					
- imposition of definitive duty	9	18	10	18	19
- acceptance of price undertaking	8	-	5	9	3
- determination of no dumping	-	-	-	-	1
- determination of no subsidisation	-	-	-	-	-
- determination of no injury	4	5	5	13	6
Terminated for other reasons	-	3	-	4	4
Total investigations concluded during the period	21	26	20	44	33
Investigations in progress at the end of the period	39	53	60	59	46
Provisional duties imposed during the period	31	28	10	23	19

2. ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS

2.1. INITIATIONS

The number of anti-dumping and anti-subsidy investigations initiated and concluded by the Community in the years 1987 to 1991 are summarized in Table 1 above, and details of the individual actions taken in 1991 are given in the annexes to this report.

It will be seen from Table 1 that 20 investigations were initiated by the Commission in 1991, compared with 43 in 1990, 27 in 1989 and 40 in 1988. The low level of initiations in 1991 can partly be explained by the high number initiated in 1990, which is reflected in only 6 cases being opened during the first six months of 1991. The level of openings, however, picked up considerably during the second half of the year. Details of the investigations initiated in 1991 are given in Annex A.

The number of investigations in progress at the beginning of 1991 was high, but efforts were made to reduce the figure and these were reflected in the relatively high number of investigations concluded during the year. This resulted in bringing the number of investigations in progress at the end of the period down to its lowest level since 1987.

2.2. MEASURES

2.2.1 Imposition of provisional and definitive duties

Table 1 shows that 19 provisional duties and 19 definitive duties were imposed in 1991. This marks a distinct increase when compared with the 13 provisional and 9 definitive duties applied in 1987, but is more or less in line with the number of duties applied in 1990. Details of the provisional and definitive duties imposed in 1991 are given in Annexes B and C respectively.

2.2.2 Acceptance of price undertakings

Table 1 also shows that the Commission accepted 3 price undertakings in 1991. 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 1991 are given in Annex D.

2.3. 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 1991, 11 investigations were concluded without measures due to findings of no dumping, 6 due to findings of no injury, 2 due to the withdrawal of the complaint, and 2 for other reasons⁵. As a result of the high standards of initiation, closures because of no injury have remained relatively steady in relation to total closures over the last five years with the exception of 1990. Details of the investigations terminated without measures are given in Annexes E and G.

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

In the five-year period from 1987 to 1991, 169 investigations were initiated involving imports from 33 countries. The country most involved was Japan with 21 investigations, followed by China

⁵ Due to the non-cooperation of the Community industry in one case, and following the offer of a governmental undertaking outside the conventional framework of anti-dumping measures in the other.

and South Korea with 20 and 19 respectively. In 1991, 20 investigations were initiated involving imports from 11 countries, with Japan and China again the most prominent with 5 and 4 initiations respectively. The investigations initiated over the last five years are broken down by country of export in Annex H.

The investigations initiated in the years 1987 to 1991 are broken down by product sector in Annex I. This shows that, over the period, the sectors most involved are those of chemicals and textiles although, in 1991, the largest number of initiations took place in the electronics sector.

2.5 NOTABLE CASES IN 1991

2.5.1 Atlantic salmon from Norway

On 15 March 1991, the anti-dumping procedure concerning imports of Atlantic salmon originating in Norway was terminated without defensive measures.

During the investigation, a weighted average dumping margin of 11,3% was found, calculated, because of the particular structure of the Norwegian distribution system, on the basis of constructed normal value taking into account the cost of production of the Norwegian producers, and a reasonable amount for selling, general and administrative costs and profit.

On the injury side, the Commission found that the imports of Norwegian salmon had tripled between 1986 and 1989, when they attained a 60% share of the Community market. The Community producers were thus forced to drastically lower their prices in order to maintain a presence on the market.

As in all cases, the Commission then had to decide whether it was in the Community interest to impose commercial defence measures. In this respect, the Commission noted that the Norwegian

authorities had adopted measures aimed at limiting the quantities of salmon to be exported to the Community, at restricting the granting of licences to exploit salmon farms, and at freezing part of the surplus production. The Commission further noted that in 1990, the price of salmon imported from Norway rose to a certain extent, and that the Norwegian authorities undertook to carry on their programme in 1991.

In these circumstances, the Commission, after full consultation of Member States, considered that it was inappropriate, at that stage, to take anti-dumping action against imports of Atlantic salmon from Norway.

2.5.2 Certain thermal paper from Japan

On 26 September 1991, provisional anti-dumping duties ranging from 10.3% to 54.9% were imposed on imports of certain thermal paper (ie: "telefax paper") originating in Japan.

One interesting feature of this case is that several of the Japanese producers decided not to cooperate with the investigation. Of the nine producers cited in the complaint, only four cooperated with the Commission's investigation and duties varying from 10.3% to 24.8% (based on the dumping margins found) were ultimately imposed against three of these cooperating firms. The fourth company was found not to be dumping.

In circumstances where exporters do not cooperate, both Community legislation and the GATT Code specifically empower the Commission to base its findings on the facts available. In this respect, the Commission took account of the fact that the complaint alleged that the dumping margin for those companies which did not cooperate in the investigation was significantly higher than for other exporters. In addition, the Commission took account of the fact that to use, as the best information available, the average rate of dumping established for those exporters which did

cooperate would probably have led to a result more favorable to these exporters than if they had cooperated. Consequently, based on the information set out in the complaint, a dumping margin of 55.3% was calculated for the non-cooperators.

With regard to the rates of duty imposed, these were set at either the level of the dumping found or the level of injury caused by individual exporters, whichever was the lower. The case is, of course, still under examination for final determination.

2.5.3 Dihydrostreptomycin (D.H.S) from P.R. China

On 31 December a definitive dumping duty was imposed on imports of D.H.S from P.R. China. D.H.S. is a first generation antibiotic normally used as a curative and preventative medicine in the veterinary field.

The calculation of the dumping margin was complicated by several interesting factors. Outside the Community, the only two known producers of D.H.S. in the world are in the People's Republic of China and in Japan. As China is a non-market economy country, the complaint suggested that prices in Japan should be used to establish the normal value for China. However, the Japanese domestic prices were not thought to be reliable for the calculation of a reference price as a result of the high profits which were earned on that market. The normal value for China was, therefore, calculated by adding a reasonable profit to Japanese production costs.

The Commission also chose not to apply dumping duties against the Japanese producer despite it having a dumping margin in excess of 80%. It was found that the Japanese producer had acted responsibly on the Community market and had not caused injury to the Community industry and, in fact, had also lost significant market share due to the dumped Chinese imports.

Another factor worth noting was that the two cooperating Chinese exporters were given lower rates of duty to take account of the fact that they were able to show that the DHS they produced was of a specific and measurable lower potency than that produced either in Japan or in the Community.

2.5.4 DRAMS and EPROMS from Japan

On 12 March 1991, a definitive anti-dumping duty of 94% was imposed on imports of EPROMS (erasable programmable read only memories) originating in Japan. On the same date, undertakings were accepted from 7 Japanese producers of EPROMS.

The methodology and motivation concerning the imposition of these measures followed closely that in the DRAM (dynamic random access memory) investigation which resulted in the imposition of duties and the acceptance of undertakings (see Ninth Annual Report at pp. 8-12).

In both cases, the aim of the price undertakings is to create a safety net against the recurrence of massive injurious dumping on the markets concerned while at the same time taking account of the legitimate interests of the user industries in obtaining DRAMs and EPROMs at competitive prices. To achieve these objectives, the undertakings provided for minimum prices per density based on the weighted average cost of production of the Japanese manufacturers for their cheapest device type. These reference prices are updated on a quarterly basis, and the figures on which they are based are regularly verified at the premises of the companies concerned. The adherence of the producers to these prices is also monitored on a regular basis with visits being made to the producing companies' sales subsidiaries in the Community.

No major problem has arisen on adherence to the reference prices and, in addition, the reference prices for the most used densities have, overall, shown the fall which would be expected to occur given the increased volume of sales and production and consequent reduction in costs. Also, these price reductions are in line with those which took place in the other main consuming markets, i.e. the United States and Japan. Thus, the consumer industry in the Community has not been put at any disadvantage by the operation of this system, and indeed the reference price has, in general, been somewhat lower than market prices in the U.S. and Japan. A further desirable result of the measures has been an increase in the Community semi-conductor industry's market share in the EC, thus contributing to a strengthening of the EC industry which would otherwise have been unobtainable in the face of continued unfair trading practices on the part of the Japanese producers. In this context, another anti-dumping investigation was opened in March 1991 concerning imports of DRAMs originating in South Korea.

2.5.5 Audio cassettes from Japan and South Korea

On 13 May 1991, the Council imposed definitive anti-dumping duties ranging from 2.6% to 25.5% on imports of audio cassettes originating in Japan and South Korea. The Council confirmed the global results of the Commission's investigation of dumping, which established considerable dumping margins in the majority of cases.

With regard to injury, the Council also confirmed the provisional conclusions of the Commission insofar as the fall in sales and market share of the Community industry, and its decreased profitability, were the result of the massive presence of dumped imports on the Community market.

The Council also noted that the fall in sales suffered by the Community industry was combined with the phenomenon that, through the effects of dumping, the consumer developed a lower perception of the quality of Community products; indeed, in order to try to

counter the growing pressure of dumped imports, the Community industry was obliged to lower its prices and consequently and above all, the costs of advertising and packaging its products.

It was therefore deemed necessary to eliminate the injury resulting from the above-mentioned dumping practices with the objective of restoring a situation of free and fair competition on the Community market. Although in the very short term, the imposition of anti-dumping duties could result in a small increase in the prices of these products, the main aim of the duty was to create the conditions to allow the Community industry to increase its sales quantities, through which it could obtain economies of of scale and reductions in cost, which in turn could be passed on to the consumer.

2.5.6 Polyester fibres and yarns from Turkey (anti-subsidy)

On 28 September 1991, the Commission accepted an undertaking from the Turkish government to phase out certain export subsidy schemes which benefitted their export of polyester fibres and yarns. This followed the imposition of provisional countervailing duties, on 27 May 1991, ranging from 10.84% to 15.18%, against the same products.

The Commission found that Turkey had granted export subsidies under six different schemes and, under six other schemes, domestic subsidies specifically granted to favourize producers or regions involved.

One of the important issues in this case was whether anti-dumping and anti-subsidy duties could be imposed simultaneously taking into account the provisions of Article 13(9) of Regulation (EEC) No.2423/88. The Commission (supported by the Council) considered that since the domestic subsidies found had the effect of investment subsidies, they would reduce the production costs of the products investigated. This reduction would allow an equal drop in domestic prices and in export prices. The domestic

subsidies should therefore be considered neutral in their effect on the dumping margin. In those circumstances a countervailing duty in addition to an anti-dumping duty was considered appropriate.

Export subsidies are assumed to have a reducing effect on the export price. Since they are not granted on domestic sales, they will not have an effect on the normal value. Consequently, export subsidies could lead to a dumping margin. Since anti-dumping duties had already been imposed, it was only permitted to collect countervailing duties to the extent that the rate of export subsidies exceeded the dumping duty in force, on condition that the injury threshold was not exceeded.

The non-collection of these countervailing duties only applied to those export subsidies which were already in force during the investigation period of the anti-dumping cases. Export subsidies introduced after that period could not have influenced the dumping margins.

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 Reg. (EEC) No. 2423/88. 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, on the grounds of changed circumstances, once the measure has been in force for 12 months.

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 1991 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 1991 are given in Annex J, and details of reviews concluded are given in Annexes K to Q. In addition, details of the measures which expired without investigation are given in Annex R.

Annex P lists two measures which were repealed for other reasons, in both cases following judgements rendered by the European Court of Justice. These are discussed in more detail in this report.

T A B L E 2

Reviews of anti-dumping and anti-subsidy investigations
during the period 1 January 1987 to 31 December 1991

	1987	1988	1989	1990	1991
Reviews in progress at the beginning of the period	27	11	20	15	21
Reviews opened during the period	8	24	17	26	16
Reviews in progress during the period	35	35	37	41	37
Reviews concluded by:					
- imposition of definitive duty in lieu of price undertaking	7	4	4	6	1
- amendment of definitive duty	8	-	4	2	3
- suspension of definitive duty	1	-	-	-	-
- acceptance of price undertaking in lieu of definitive duty	1	3	-	1	-
- amendment of price undertaking	4	2	1	-	5
- repeal or expiry of definitive duty	2	1	9	6	4
- repeal or expiry of price undertaking	-	5	4	5	2
- no change of the measures in force	1	-	-	-	-
Total reviews terminated during the period	24	15	22	20	15
Reviews in progress at the end of the period	11	20	15	21	22
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 1991, this objective continued to be 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 legislation⁶.

5. INVESTIGATIONS UNDER ARTICLE 13(11)

The adoption by the Council, in August 1988, of Regulation (EEC) No 2423/88, gave parties directly concerned the possibility, pursuant to its Article 13(11), of submitting evidence that an anti-dumping duty had been borne by an exporter, e.g. that the resale price to the first independent buyer of the product subject to the anti-dumping duty is not increased by an amount corresponding to the duty. In such circumstances, the Commission is required to investigate and, in the event that such duty absorption is established, to impose an additional anti-dumping duty. This action is based on the assumption that the absorption of an anti-dumping duty by an exporter reduces the export price and thus increases the dumping margin.

It was not, however, until 1991 that Community industries availed themselves of this opportunity, four cases being opened during this period. These were compact disc players originating in Japan and the Republic of Korea, and two cases concerning products originating in the People's Republic of China, polyolefin woven bags and silicon metal. The investigations in all four cases

⁶ Commission Opinion on the refund of anti-dumping duties published in OJ no. C 266, 22.10.1986, p.2

are currently in progress. As regards the compact disc player investigations, after a preliminary examination of the facts, it was considered appropriate, in view of the lengthy period which had elapsed since the original investigations, and the evidence obtained of changes in circumstances particularly in the domestic markets of the exporters, to conduct a full review of the regulation which imposed the definitive anti-dumping duty. A subsequent Notice to this effect was published in the Official Journal at the end of December 1991⁷.

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 1991 is given in Annex S. During the year four new cases were brought before the Court, one of which was subsequently withdrawn. This latter case concerned the interpretation of like product and the calculation of constructed values on halogen lamps⁸. The other cases concerned a company's disputed inclusion in a review proceeding and the comparison made as a basis for the dumping determination⁹, the use of domestic prices for the calculation of normal value where a patent prevailed in the country of export, disclosure and non-confidential summaries^{10,11}, and the issue of indirect imports 10.

6.2. Judgements rendered

The Court also rendered judgements in 1991 in the following cases:

7 L 334, 28.12.91, p. 8

8 Case 124/91, OJ No C 145, 04.06.91, p. 12.

9 Case 216/91, OJ No C 243, 18.09.91, p. 7.

10 Case 223/91, OJ No C 291, 08.11.91, p. 8.

11 Case 224/91, OJ No C 291, 08.11.91, p. 9

6.2.1. Serial-Impact dot matrix printers: Judgement of 7 May 1991¹²

- 69/89: Nakajima All Precision Co. Ltd. v. Council.

In this case, the Court:

- Found no substantial difference in the methods of calculation of normal value contained in the earlier basic Regulation (EEC)No.2176/84 governing anti-dumping procedures, and the present basic Regulation (EEC)No.2423/88, which had come into force during the course of this particular procedure;
- Further held that the drafting of the present basic regulation could not be considered as substantially amending the dispositions previously in force, and that it could therefore be applied to "procedures already open";
- Recognized that this regulation satisfied the Community's international obligations under the GATT Code;
- Rejected the claim that the products imported by Nakajima were not like products, as no criteria existed which grouped printers into homogenous categories;
- Rejected the claims of irregularities in the calculation of dumping, injury and the amount of duty imposed;
- Rejected the arguments invoking violations of certain general principles of law, and that of abuse of power.

6.2.2. Calcium metal: Judgement of 16 May 1991¹³

- 358/89: Extramet Industrie S.A. v. Council.

In this case, the Court:

¹² Case 69/89, OJ No. C 145, 04.06.91, p. 6

¹³ Case 358/89, OJ No. C 153, 11.6.91, p. 12

- Accepted that, pursuant to article 173 of the Treaty, an importer can attack a regulation if its actual situation is such that it is particularly concerned by the regulation;
- Allowed, therefore, the case to be judged further as to its substance.

6.2.3. Urea from Saudi Arabia: Judgement of 27 June 1991¹⁴

- 49/88: Al-Jubail Fertilizer Company (Samad) and Saudi Arabian Fertilizer Company (Safco) v. Council.

In this case, the Court:

- Recognized the admissibility of the application concerning the violation of rights of defence;
- Annulled the regulation under scrutiny, recognizing that the Community institutions must, during the administrative procedure, relay to interested parties such information as is pertinent to the defence of their interests;
- Held that the Commission must be in a position to present irrefutable proof that communication of information necessary to enable the interested parties to fully avail themselves of their rights of defence has been made, but in general, upheld the Commission's system of processing and dealing with confidential data and implicitly confirmed the principle of respect of the confidentiality of information required to be treated as such.
- Declared, however, that the rights of defence are not violated if the Community institutions decide, without first informing the parties, to change the type of preliminary measure to be imposed.

¹⁴ Case 49/88, OJ No. C 201, 31.7.91, p. 7

6.2.4. Paint brushes: Judgement of 22 October 1991¹⁵

- 16/90: Detlef Nölle v. Hauptzollamt Bremen-Freihafen.

In this case, the Court:

- Deemed invalid Regulation (EEC)No. 725/89, imposing definitive anti-dumping duties on the import of paint brushes from the People's Republic of China;
- Based its decision on the finding that the reference country, Sri Lanka, had not been selected in an appropriate and reasonable manner, and held that the Commission had not made sufficient effort to examine whether Taiwan would have been a suitable choice as reference country for the calculation of normal value.

6.2.5. Electric motors: Judgement of 27 November 1991¹⁶

- 315/90: Groupement des industries de matériels d'équipement électrique et de l'électronique industrielle associée and others (Gimelec) v. Commission.

In this case, the Court:

- Upheld the Commission's refusal to distinguish between "global market" and "free market" when assessing the existence of injury, stressing that this distinction only becomes pertinent when assessing the impact of the imports in question on the Community industry.

¹⁵ Case 16/90, OJ No. C 300, 21.11.91, p. 5

¹⁶ Case 315/90, OJ No. C 331, 20.12.91, p. 8

6.2.6. Audio tapes: Right of access to non-confidential information:
Judgement of 28 November 1991¹⁷

- Bureau Européen des Unions de Consommateurs (BEUC) v. Commission.

In this case, the Court:

- Rejected the plea concerning infringement of the right to a fair hearing on the grounds that anti-dumping and anti-subsidy procedures as such, and any measures adopted at the conclusion thereof, are not directed against practices attributable to consumers or organizations such as BEUC, since no allegation is made against them;
- Confirmed that in anti-dumping proceedings a party not directly concerned by the alleged dumping cannot claim a right of access to non-confidential documents.

¹⁷ Case 170/89, OJ No. C 336, 31.12.91, p. 6

7. URUGUAY ROUND NEGOTIATIONS

7.1 Anti-dumping negotiations

On 20 December 1991, the GATT Director-General released, as part of the global draft final agreement on the Uruguay Round negotiations, his compromise text on anti-dumping. A compromise text was necessary because negotiators had failed to agree on several important issues. At this stage, it is not possible to envisage whether this latest attempt at bringing the parties together will be successful. For the Community, the paper would only satisfy its demands to a limited extent. For example, the provision on anti-circumvention in the importing country sets a threshold for action which is on the low side, i.e. 70% of parts must come from the exporting country, compared to 60% in current Community legislation. Also, the procedures are complicated and this will make its application difficult.

On the other hand, the Community is asked to make concessions, in particular on the determination of dumping which, though they do not go so far as demanded by certain parties, will inevitably result in lower dumping margins in some cases. At least the text, in some areas which have proved contentious in the past, set out clear rules which would help in avoiding trade disputes.

7.2 Anti-subsidy negotiations

At the same time, the Director General of the GATT also proposed a text for an agreement on Subsidies and Countervailing measures. This text is a compromise proposal between the diverging positions of the participants, in particular the U.S. and the E.C. While it meets some important EC objectives, it is not completely satisfactory on the crucial issue of discipline in domestic subsidies.

On the positive side, the text provides for a definition of the notion of "subsidy", it prohibits subsidies contingent upon local content, covers subsidies granted by sub-federal authorities and provides for a phasing out by developing countries of their export subsidies.

It establishes a new category of subsidies, the so-called green list, which, under certain conditions, would be immune to CVD or GATT action, thus ensuring that important EC subsidy programmes would be non-actionable and non-countervailable. This green list, however, is narrower than that which the Community had requested. It covers maximum aid intensities for regional aid, basic and applied industrial research but not environmental, restructuring and development aid.

The draft agreement also introduces a new concept in the rules relating to domestic subsidies: all subsidies in excess of 5% of the value of any product would create a presumption of serious prejudice, a provision which the Community considers to be excessively restrictive.

8. EUROPEAN ECONOMIC AREA

The proposed agreement between the European Communities and the European Free Trade Association (EFTA) countries envisages the establishment of free market access between the two trading blocks.

Article 26 of the proposed agreement provides that anti-dumping measures, countervailing duties and measures against illicit commercial practices attributable to third countries shall not be applied in relations between the Contracting Parties. However, the application of this principle is limited to the areas covered by the EEA and in which the "Community acquis" is fully integrated. Furthermore, its application is without prejudice to any action which may be introduced by the Contracting Parties to avoid circumvention of the above-mentioned measures.

9. 'EUROPEAN AGREEMENTS' - POLAND, HUNGARY, CZECHOSLOVAKIA

Association Agreements between the European Communities and Poland, Hungary and Czechoslovakia were signed late in 1991.

With regard to anti-dumping and anti-subsidy matters, Articles 29 (Hungary) and 30 (Poland and Czechoslovakia) of these Agreements provide that, if one of the parties finds that dumping takes place in trade with the other party, it may take appropriate measures against this practice in accordance with its internal legislation and the Gatt Anti-dumping Code.

As far as the procedure is concerned, it is provided for that the Association Council shall be informed of a dumping case as soon as the authorities of the importing party have initiated an investigation (Articles 33(b) for Hungary and 34 (b) for Poland and Czechoslovakia). Furthermore, it is provided for that, where no end has been put to the dumping or no satisfactory solution has been reached (i.e. a satisfactory undertaking has been offered) within thirty days after the matter has been referred to the Association Council, the importing party may

adopt the appropriate measures. In addition, provisional measures may be taken where exceptional circumstances require

immediate action. The legislation implementing the agreements which is currently under discussion in the Council would have the effect that these countries would, normally, no longer be treated as state trading countries. Consequently, normal value would no longer be calculated on the basis of Article 2 (5) of Council Regulation (EEC) No. 2423/88 and Commission Decision 2424/88/ECSC.

10. PERSONNEL AND ADMINISTRATION

The anti-dumping services have continued to be confronted with serious difficulties regarding the replacement of national experts who have reached the end of their contracts. These difficulties, described in last year's report and resulting from the absence of candidates with adequate expertise among officials from Member States' administrations to be seconded as officials to the Commission, have been compounded by the Commission's budget problems at the beginning of 1991 and, again, at the end of the year. As a result of this 13 out of the 40 posts remained unfilled at the end of the year and there is little likelihood of improvement in these numbers in the near future.

The efforts of the European Parliament to obtain additional resources for the Anti-Dumping Directorate have helped, however, to reduce the negative consequences of this situation. These extra resources, which were meant to be over and above the normal budget allocations, have enabled the anti-dumping unit to retain the services of four qualified auxiliary personnel until the end of 1992.

There remains, in addition, the problem resulting from excessive reliance on personnel employed for limited duration (national experts, auxiliaries). In this respect no improvement was achieved.

Missions and computerization

As in 1990, a budget line of 700.000 ECUs was allocated in 1991 to be directly administered by the anti-dumping and anti-subsidy service in order to cover, in particular, mission expenses for on-the-spot investigations. In 1991, in view of the very small proportion of personal computers to investigators, it was decided to allocate 55.000 ECUs of this mini-budget to the purchase of 8 lap-top computers to enable computer analyses of information to be carried out on the spot. However, this meant that the mission budget, and therefore missions proper, were further restricted in spite of the fact that the number of firms involved in each investigation has increased dramatically in recent years.

11. LIST OF ANNEXES

- A. Anti-dumping and anti-subsidy investigations initiated during the period 1 January 1987 to 31 December 1991
- B. Provisional duties imposed during anti-dumping and anti-subsidy investigations during the period 1 January to 31 December 1991
- C. Investigations concluded by the imposition of definitive duties during the period 1 January to 31 December 1991
- D. Investigations concluded by the acceptance of price undertakings during the period 1 January to 31 December 1991
- E. Investigations concluded on a finding of no dumping during the period 1 January to 31 December 1991
- F. Investigations concluded on a finding of no injury during the period 1 January to 31 December 1991
- G. Investigations concluded for other reasons during the period 1 January to 31 December 1991
- H. Investigations initiated by country of export during the period 1 January 1987 to 31 December 1991
- I. Investigations initiated by product sector during the period 1 January 1987 to 31 December 1991
- J. Reviews of anti-dumping and anti-subsidy investigations opened during the period 1 January 1987 to 31 December 1991
- K. 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 1991
- L. Reviews of anti-dumping and anti-subsidy measures concluded by the amendment of definitive duties during the period 1 January to 31 December 1991
- M. Reviews of anti-dumping and anti-subsidy measures concluded by the amendment of price undertakings during the period 1 January to 31 December 1991
- N. 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 1991
- O. Anti-dumping and anti-subsidy measures concluded by the repeal or expiry of undertakings during the period 1 January to 31 December 1991

(continued)

- P. Anti-dumping and anti-subsidy measures repealed for other reasons during the period 1 January to 31 December 1991
- Q. Provisional duties imposed during reviews of anti-dumping and anti-subsidy measures during the period 1 January to 31 December 1991
- R. Anti-dumping and anti-subsidy measures which expired during the period 1 January to 31 December 1991
- S. Anti-dumping and anti-subsidy cases before the European Court of Justice in 1991
- T. List of anti-dumping and anti-subsidy measures in force as at 31 December 1991

ANNEX A

ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS INITIATED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Outer rings of tapered roller bearings (cups)	Japan	C2, 04/01/91, p. 8
Thermal paper	Japan	C16, 24/01/91, p. 3
DRAM's	S. Korea	C57, 06/03/91, p. 9
Electrolyte capacitors	Japan	C93, 11/04/91, p. 5
Ferrosilicon	Poland	C122, 08/05/91, p. 4
Ferrosilicon	Egypt	C122, 08/05/91, p. 4
Microdisks	Japan	C174, 05/07/91, p. 16
Microdisks	Taiwan	C174, 05/07/91, p. 16
Microdisks	P.R. China	C174, 05/07/91, p. 16
Lighter parts	Japan	C202, 01/08/91, p. 4
Haematite pig iron	Turkey	C246, 21/09/91, p. 9
Haematite pig iron	USSR	C246, 21/09/91, p. 9
Bicycles	Taiwan	C266, 12/10/91, p. 6
Bicycles	P.R. China	C266, 12/10/91, p. 6
Magnesite (dead-burned)	P.R. China	C276, 23/10/91, p. 3
Magnesite (caustic burned)	P.R. China	C279, 26/10/91, p. 10

ANNEX A (continued)

ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS INITIATED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Seamless steel tubes	Hungary	C321, 12/12/91, p. 7
Seamless steel tubes	Poland	C321, 12/12/91, p. 7
Seamless steel tubes	Czechoslovakia	C321, 12/12/91, p. 7
Seamless steel tubes	Yugoslavia	C321, 12/12/91, p. 7

ANNEX B

PROVISIONAL DUTIES IMPOSED DURING ANTI-DUMPING AND
ANTI-SUBSIDY INVESTIGATIONS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Small-screen colour televisions	Hong-Kong	(EEC)No. 129/91 11/01/91	L14, 19/01/91, p. 31
Small-screen colour televisions	P.R. China	(EEC)No. 129/91 11/01/91	L14, 19/01/91, p. 31
Video tapes in cassettes	P.R. China	(EEC)No. 1043/91 23/04/91	L106, 26/04/91, p. 15
Disposable lighters	Japan	(EEC)No. 1386/91 23/05/91	L133, 28/05/91, p. 20
Disposable lighters	P.R. China	(EEC)No. 1386/91 23/05/91	L133, 28/05/91, p. 20
Disposable lighters	Korea	(EEC)No. 1386/91 23/05/91	L133, 28/05/91, p. 20
Disposable lighters	Thailand	(EEC)No. 1386/91 23/05/91	L133, 28/05/91, p. 20
Polyester fibres and yarns*	Turkey	(EEC)No. 1432/91 27/05/91	L137, 31/05/91, p. 8
Oxalic acid	India	(EEC)No. 1472/91 29/05/91	L138, 01/06/91, p. 62
Dihydrostrep-tomycin	P.R. China	(EEC)No. 2054/91 11/07/91	L187, 13/07/91, p. 23
Thermal paper	Japan	(EEC)No. 2805/91 23/09/91	L270, 26/09/91, p. 15

* Provisional countervailing duties

ANNEX B (continued)

PROVISIONAL DUTIES IMPOSED DURING ANTI-DUMPING AND
ANTI-SUBSIDY INVESTIGATIONS
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Cotton yarn	Brazil	(EEC)No. 2818/91 23/09/91	L271, 27/09/91, p. 17
Cotton yarn	Egypt	(EEC)No. 2818/91 23/09/91	L271, 27/09/91, p. 17
Cotton yarn	Turkey	(EEC)No. 2818/91 23/09/91	L271, 27/09/91, p. 17
Polyester yarns	Taiwan	(EEC)No. 2904/91 27/09/91	L276, 03/10/91, p. 7
Polyester yarns	Indonesia	(EEC)No. 2904/91 27/09/91	L276, 03/10/91, p. 7
Polyester yarns	India	(EEC)No. 2904/91 27/09/91	L276, 03/10/91, p. 7
Polyester yarns	P.R. China	(EEC)No. 2904/91 27/09/91	L276, 03/10/91, p. 7
Polyester yarns	Turkey	(EEC)No. 2904/91 27/09/91	L276, 03/10/91, p. 7

ANNEX C

INVESTIGATIONS CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Linear tungsten halogen lamps	Japan	(EEC)No. 117/91 16/01/91	L14, 19/01/91, p. 1
Barium chloride	P.R. China	(EEC)No. 541/91 04/03/91	L60, 07/03/91, p. 1
EPROM's*	Japan	(EEC)No. 577/91 04/03/91	L65, 12/03/91, p. 1
Welded tubes	Turkey	(EEC)No. 898/91 08/04/91	L91, 12/04/91, p. 1
Welded tubes	Venezuela	(EEC)No. 898/91 08/04/91	L91, 12/04/91, p. 1
Audio tapes in cassettes	Japan	(EEC)No. 1251/91 13/05/91	L119, 14/05/91, p. 35
Audio tapes in cassettes	S. Korea	(EEC)No. 1251/91 13/05/91	L119, 14/05/91, p. 35
Aspartame	Japan	(EEC)No. 1391/91 27/05/91	L134, 29/05/91, p. 1
Aspartame	U.S.A.	(EEC)No. 1391/91 27/05/91	L134, 29/05/91, p. 1
Espadrilles	P.R.China	(EEC)No. 1812/91 24/06/91	L166, 28/06/91, p. 1
Small-screen colour television receivers	Hong-Kong	(EEC)No. 2093/91 15/07/91	L195, 18/07/91, p. 1
Small-screen colour television receivers	P.R.China	(EEC)No. 2093/91 15/07/91	L195, 18/07/91, p. 1

* Includes acceptance of certain undertakings

ANNEX C (continued)

INVESTIGATIONS CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Video tapes in cassettes	P.R. China	(EEC)No. 3091/91 21/10/91	L293, 24/10/91, p. 2
Lighters (disposable)	Japan	(EEC)No. 3433/91 25/11/91	L326, 28/11/91, p. 1
Lighters (disposable)	P.R. China	(EEC)No. 3433/91 25/11/91	L326, 28/11/91, p. 1
Lighters (disposable)	S. Korea	(EEC)No. 3433/91 25/11/91	L326, 28/11/91, p. 1
Lighters (disposable)*	Thailand	(EEC)No. 3433/91 25/11/91	L326, 28/11/91, p. 1
Oxalic acid	India	(EEC)No. 3434/91 25/11/91	L326, 28/11/91, p. 6
Dihydrostrep- tomycin	P.R. China	(EEC)No. 3836/91	L362, 31/12/91, p. 1

* Includes acceptance of certain undertakings

ANNEX D

INVESTIGATIONS CONCLUDED BY THE ACCEPTANCE OF PRICE UNDERTAKINGS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Welded wire mesh	Yugoslavia	Com.Dec.91/256/EEC 14/05/91	L123, 18/05/91, p. 54
Asbestos cement pipes	Turkey	Com.Dec.91/392/EEC 21/06/91	L209, 31/07/91, p. 37
Polyester fibres and yarns*	Turkey	Com.Dec.91/511/EEC 23/09/91	L272, 28/09/91, p. 92
Artificial corundum	Brazil	Com.Dec.91/512/EEC 25/07/91	L275, 02/10/91, p. 27
Artificial corundum	Yugoslavia	Com.Dec.91/512/EEC 25/07/91	L275, 02/10/91, p. 27

* Anti-subsidy investigation

INVESTIGATIONS CONCLUDED ON A FINDING OF NO DUMPING
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Potassium permanganate	U.S.S.R.	91/24/EEC	L14, 19/01/91, p. 56

INVESTIGATIONS CONCLUDED ON A FINDING OF NO INJURY
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Portland cement	Yugoslavia	91/29/EEC	L16, 22/01/91, p. 34
Audio tapes in cassettes	Hong-Kong	(EEC)No. 1251/91 13/05/91	L119, 14/05/91, p. 35
Thin polyester film	S. Korea	91/303/EEC 12/06/91	L151, 15/06/91, p. 89
Cotton yarn	India	(EEC)No. 2818/91 23/09/91	L271, 27/09/91, p. 17
Cotton yarn	Thailand	(EEC)No. 2818/91 23/09/91	L271, 27/09/91, p. 17
Polyester yarns	S. Korea	(EEC)No. 2904/91 27/09/91	L276, 03/10/91, p. 7

ANNEX G

INVESTIGATIONS CONCLUDED FOR OTHER REASONS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Terry towelling	Turkey	91/33/EEC	L17, 23/01/91, p. 22
Atlantic Salmon	Norway	91/142/EEC	L69, 16/03/91, p. 32
Ferrochrome	Albania	91/182/EEC	L90, 11/04/91, p. 38
Ferrochrome	U.S.S.R.	91/182/EEC	L90, 11/04/91, p. 38

ANNEX HINVESTIGATIONS INITIATED BY COUNTRY OF EXPORT
DURING THE PERIOD 1 JANUARY 1987 - 31 DECEMBER 1991

<u>Country of origin</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
Albania	-	-	-	1	-
Algeria	1	-	-	-	-
Argentina	-	-	-	1	-
Austria	1	1	-	-	-
Brazil	1	-	-	4	-
Bulgaria	-	1	1	-	-
Canada	1	-	-	-	-
China P.R.	-	7	5	4	4
Czechoslovakia	-	1	1	-	1
Egypt	-	-	-	2	1
Finland	-	1	-	-	-
Hong Kong	1	3	2	-	-
Hungary	1	1	1	-	1
India	-	-	-	4	-
Indonesia	-	1	1	1	-
Japan	7	4	2	3	5
Korea S.	5	5	1	5	1
Macao	-	-	1	-	-
Malaysia	1	-	-	-	-
Mexico	3	-	-	-	-
Norway	-	-	-	1	-
Poland	-	1	1	-	2
Romania	2	2	2	-	-
South Africa	1	-	-	-	-
Sweden	-	1	-	-	-
Taiwan	3	1	1	1	2
Thailand	-	3	-	2	-
Trinidad & Tobago	-	-	-	1	-
Turkey	3	-	4	7	1
USA	2	-	-	1	-
USSR	2	1	1	2	1
Venezuela	1	-	1	-	-
Yugoslavia	3	3	2	3	1
	<u>39</u>	<u>40</u>	<u>27</u>	<u>43</u>	<u>20</u>

ANNEX I

INVESTIGATIONS INITIATED BY PRODUCT SECTOR
DURING THE PERIOD 1 JANUARY 1987 TO 31 DECEMBER 1991

<u>Product</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
Chemical and allied	11	13	6	8	4
Textiles and allied	10	-	9	14	-
Wood and paper	2	2	-	-	1
Electronics	-	4	4	1	5
Other mechanical engineering	10	6	3	6	4
Iron and Steel (EEC & ECSC)	5	4	2	9	6
Other metals	1	10	2	3	-
Other	-	1	1	2	-
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	39	40	27	43	20
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>

ANNEX J

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS OPENED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Video cassettes ¹⁾	Hong-Kong	C 7, 11.01.91, p. 2
Small-screen colour televisions (partial)	S. Korea	C 18, 26.01.91, p. 3
Electronic weighing scales	Japan	C 50, 26.02.91, p. 3
Urea	Venezuela	C 55, 02.03.91, p.4
Urea	Trinidad and Tobago	C 55, 02.03.91, p.4
Polyolefin woven bags ²⁾	P.R. China	C 157, 15.06.91, p.5
Compact disc players (partial)	Japan	C 173, 04.07.91, p.3
Video cassettes 1)	Hong-Kong	C 266, 12.10.91, p. 6
Silicon metal 2)	P.R. China	C 273, 18.10.91, p.20
Silicon carbide	U.S.S.R.	C 279, 26.10.91, p.11
Silicon carbide	Norway	C 279, 26.10.91, p.11
Silicon carbide	Poland	C 279, 26.10.91, p.11
Silicon carbide	P.R. China	C 279, 26.10.91, p.11
Monosodium glutamate 1)	Indonesia	C 287, 05.11.91, p. 5
Compact disc players ³⁾	Japan	C 334, 28.12.91, p. 8
Compact disc players 3)	S. Korea	C 334, 28.12.91, p. 8

1) "Newcomer" review

2) Review under article 13(11)

3) Previously opened as investigations under art. 13(11),
C 174, 05.07.91, p. 15

ANNEX K

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 - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Oxalic acid	P.R. China	Reg(EEC)No.3434/91	L326, 28/11/91, p. 6

ANNEX L

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES
CONCLUDED BY THE AMENDMENT OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Ferrosilicon*	Brazil	Reg(EEC)No.1115/91	L111, 03/05/91, p. 1
Urea	Venezuela	Reg(EEC)No.2835/91	L272, 28/09/91, p. 10
Small-screen colour televisions	S. Korea	Reg(EEC)No.2900/91	L275, 02/10/91, p. 24

* Includes acceptance of certain undertakings
Com.Dec. 91/131/91, L111, 03/05/91, p. 47

ANNEX M

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES
CONCLUDED BY THE AMENDMENT OF PRICE UNDERTAKINGS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Artificial corundum	U.S.S.R.	91/512/EEC	L275, 02/10/91, p. 27
Artificial corundum	Hungary	91/512/EEC	L275, 02/10/91, p. 27
Artificial corundum	Czechoslovakia	91/512/EEC	L275, 02/10/91, p. 27
Artificial corundum	P.R. China	91/512/EEC	L275, 02/10/91, p. 27

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES CONCLUDED BY
THE REPEAL OR EXPIRY OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Hydraulic excavators	Japan	91/59/EEC	L36, 08/02/91, p. 25
Polyester yarn	Mexico	Reg(EEC)No.2899/91	L275, 02/10/91, p. 21
Iron or steel coils	Algeria	3692/91/ECSC	L350, 19/12/91, p. 11
Iron or steel coils	Mexico	3692/91/ECSC	L350, 19/12/91, p. 11
Iron or steel coils	Yugoslavia	3692/91/ECSC	L350, 19/12/91, p. 11

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES CONCLUDED BY
THE REPEAL OR EXPIRY OF UNDERTAKINGS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Oxalic acid	Czechoslovakia	Reg(EEC)No.1472/91	L138, 01/06/91, p. 62
Urea	Trinidad and Tobago	Reg(EEC)No.2835/91	L272, 28/09/91, p. 10

ANTI-DUMPING AND ANTI-SUBSIDY MEASURES REPEALED
FOR OTHER REASONS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Urea	Saudi Arabia	(EEC)3514/91	L334, 05/12/91, p. 1
Paint brushes	P.R. China	91/C332/04	C332, 21/12/91, p. 5

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ANNEX Q

PROVISIONAL DUTIES IMPOSED DURING REVIEWS
OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Oxalic acid	P.R. China	Reg(EEC)No.1472/91 29.05.91	L 138, 01/06/91, p.62

ANTI-DUMPING AND ANTI-SUBSIDY MEASURES WHICH EXPIRED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1991

<u>Product</u>	<u>Country of origin</u>	<u>Type of measure</u>	<u>OJ reference¹⁾</u>
Clogs ²⁾	Sweden	Duty and undertakings	L32, 07/02/86, p. 1 and p. 28
Certain glass ³⁾	Bulgaria	Undertakings	L51, 28/02/86, p. 73
Certain glass ³⁾	Czechoslovakia	Undertakings	L51, 28/02/86, p. 73
Certain glass ³⁾	Hungary	Undertakings	L51, 28/02/86, p. 73
Certain glass ³⁾	Romania	Undertakings	L51, 28/02/86, p. 73
Certain glass ³⁾	Turkey	Undertakings	L51, 28/02/86, p. 73
Certain glass ³⁾	Yugoslavia	Undertakings	L51, 28/02/86, p. 73
Copper sulphate ⁴⁾	Yugoslavia	Duty	L113, 30/04/86, p. 4
Certain deep freezers ⁵⁾	Yugoslavia	Undertakings	L259, 11/09/86, p. 14
Acrylic fibres ⁵⁾	Israel	Undertakings	L272, 24/09/86, p. 29
Acrylic fibres ⁵⁾	Romania	Undertakings	L272, 24/09/86, p. 29
Acrylic fibres ⁵⁾	Turkey	Undertakings	L272, 24/09/86, p. 29
Electronic typewriters (Tokyo Juki) ⁶⁾	Japan	Undertakings	L283, 04/10/86, p. 25

1) The OJ reference is to the imposition of the measure.

2) Notice of expiry was published in OJ No. C 34 of 09.02.91, p. 4

3) Notice of expiry was published in OJ No. C 55 of 02.03.91, p. 3

4) Notice of expiry was published in OJ No. C117 of 01.05.91, p. 5

5) Notice of expiry was published in OJ No. C251 of 26.09.91, p. 4

6) Notice of expiry was published in OJ No. C 255, 01.10.91, p. 2

ANNEX S

ANTI-DUMPING AND ANTI-SUBSIDY CASES BEFORE
THE EUROPEAN COURT OF JUSTICE IN 1991

- Case 191/86 Tokyo Electric Co. Ltd. v. Council
- Case 171/87 Canon Inc. v. Council
- Case 172/87 Mita Industrial Co. Ltd. v. Council
- Case 174/87 Ricoh Company 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 49/88 Al-Jubail Fertilizer Co. and another v. Commission
- Case 188/88 NMB (Deutschland) GmbH and others v. Commission
- 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-Freihafen
- Case 104/90 Matsushita Electrical Industrial Co. Ltd. v. Council
- Case 105/90 Goldstar Co. Ltd. v. Council

ANNEX S (continued)ANTI-DUMPING AND ANTI-SUBSIDY CASES BEFORE
THE EUROPEAN COURT OF JUSTICE IN 1991

- 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
- Case 124/91 Phoenix Electric Co. Ltd. v. Council
- Case 216/91 Rima Eletrometalurgia S.A. (RIMA) v. Council
- Case 223/91 Ajinomoto Co. Inc. v. Council
- Case 224/91 The Nutrasweet Company v. Council

ANNEX T
ANTI-DUMPING MEASURES IN FORCE AT 31.12.1991

<u>Product</u>	<u>Origin</u>	<u>Measure</u>	<u>Regulation/Decision</u>	<u>Publication</u>
Acrylic fibres	Mexico	duty undertakings	Council Reg. (EEC)No.3121/89 16.10.89	OJ L 301 19.10.89,p.1
Artificial corundum	P.R.China C.S.S.R. Hungary Poland U.S.S.R. Brazil Yugoslavia	undertakings	Com.Dec. 91/512/EEC 23.7.91	OJ L 275 02.10.91,p.27
Asbestos cement pipes	Turkey	undertakings	Com.Dec.91/392/EEC 21.06.91	OJ L 209 31.7.91,p.37
Aspartame	Japan U.S.A.	duties	Council Reg. (EEC)1391/91 27.5.91	OJ L 134 29.5.91,p. 1
Audio tapes in cassettes	Japan S. Korea	duties	Council Reg. (EEC)No.1251/91 13.5.91	OJ L 119 14.5.91,p.35
Ball bearings (miniature)	Japan	duties	Council Reg. (EEC)No.2089/84 19.7.84	OJ L 193 21.7.84,p.1
	Singapore			
	Thailand	undertakings	Com.Dec.90/266/EEC 13.6.90	OJ L 152 16.6.90,p.59
		duties	Council Reg. (EEC)No.2934/90 09.10.90	OJ L 281 12.10.90,p. 1
Ball bearings (Tapered roller)	Japan	duties	Council Reg. (EEC)No.1739/85	OJ L 167 27.6.85, p.3
Barium chloride	China	duties	Council Reg. (EEC)No.541/91 4.3.91	OJ L 60, 7.3.91,p.1
Calcium metal	P.R. China U.S.S.R.	duties	Council Reg. (EEC)No.2808/89 18.9.1989	OJ L 271 20.9.89,p.1
Compact disc players	Japan S. Korea	duty	Council Reg. (EEC)No. 112/90 16.1.1990	OJ L 13 17.1.1990,p.21

Container corner fittings	Austria	undertakings	Com.Dec.85/443/EEC 23.9.85	OJ L 256 27.9.85,p.44
Copper sulphate	Bulgaria	duties	Council Reg. (EEC)No.176/89 23.1.89	OJ L 23 27.1.89,p.1
	U.S.S.R.			
	Poland	undertakings	Com.Dec.85/104/EEC 24.1.85	OJ L 41 12.2.85,p.13
	C.S.S.R.	duties	Council Reg. (EEC)No.2512/87 18.8.87	OJ L 235 20.8.87,p.18
	Hungary			
Cycle chains	P.R. China	duty	Council Reg. (EEC)No.1198/88 25.4.88	OJ L 115 3.5.88,p.1
Cycle tyres and tubes	S. Korea Taiwan	undertakings	Com.Dec.88/305/EEC 27.5.88	OJ L 134 31.5.88,p.61
Daisy wheel printers	Japan	duty	Council Reg. (EEC)No.34/89 5.1.89	OJ L 5 7.1.89,p.23
Deep freezers	U.S.S.R.	duty	Council Reg. (EEC)No.29/87 22.12.86	OJ L 6 8.1.87,p.1
Dicumyl peroxide	Japan	undertaking	Com.Dec.89/573/EEC 30.10.89	OJ L 317 31.10.89,p.49
Diesel engines	Finland Sweden	undertakings	Com.Dec.90/138/EEC 16.03.90	OJ L 76 22.3.90,p.28
Dihydrostreptomycin	P.R. China	duties	Council Reg. (EEC)No.3836/91 19.12.91	OJ L 362 31.12.91,p.1
D R A M's	Japan	undertakings	Commission Reg. (EEC)No.165/90 23.1.90	OJ L 20 25.1.90,p.5
		duties	Council Reg. (EEC)No.2112/90 23.7.90	OJ L 193 25.7.90,p.1
Electric motors	Bulgaria	duties	Council Reg. (EEC)No.864/87 23.3.87	OJ L 83 27.3.87,p.1
	C.S.S.R.			
	Hungary			
	Poland U.S.S.R.			

	Yugoslavia	duties	Council Reg. (EEC)No.2382/87 5.8.87	OJ L 218 7.8.87,p.2
	Romania	undertaking	Com.Dec.87/215/EEC 23.3.87	OJ L 83 27.3.87,p.53
Electronic type-writers	Japan	duty	Council Reg. (EEC)No.1698/85 19.6.85	OJ L 163 22.6.85,p.1
		undertakings	Com.Dec.88/300/EEC 16.5.88 Com.Dec.88/387/EEC 11.7.88 Com.Dec.88/424/EEC 25.7.88	OJ L 128 21.5.88,p.39 OJ L 183 14.7.88,p.39 OJ L 203 28.7.88,p.25
Electronic weighing scales	Japan	duty	Council Reg. (EEC)No.1058/86 8.4.86	OJ L 97 12.4.86,p.1
		undertakings	Commission Reg. (EEC)No.2865/85 14.10.85 Com.Dec.88/398/EEC 15.7.88	OJ L 275 16.10.85,p.5 OJ L 189 20.7.88,p.27
EPROM's	Japan	duties	Council Reg. (EEC)No.577/91 04.03.91	OJ L 65, 12.03.91, p.1
		undertakings	Com.Dec.91/131/EEC 11.03.91	OJ L 65, 12.03.91
Espadrilles	China	duties	Council Reg. (EEC)No.1812/91 24.6.91	OJ L 166, 28.6.91, p. 1
Ferroboron	Japan	duties	Council Reg. (EEC)No.2036/90 16.7.90	OJ L 187 19.7.90, p. 1
Ferro-silico-calcium	Brazil	duty	Council Reg. (EEC)No.3365/87 9.11.87	OJ L 322 12.11.87,p.1
Ferrosilicon	Brazil	duty	Council Reg. (EEC)No.1115/91 29.4.91	OJ L 111 3.05.91,p.1
		undertakings	Com.Dec.91/240/EEC 29.4.91	OJ L 111 3.05.91,p.47
	U.S.S.R.	undertakings	Commission Reg. (EEC)No.2409/87 6.8.87	OJ L 219 8.8.87,p.24

	Iceland Norway Sweden Venezuela Yugoslavia	undertakings and res. duty	Commission Reg. (EEC)No.341/90 5.2.90	OJ L 38 10.2.90,p.1
Glutamic acid	Indonesia Korea Taiwan Thailand	undertakings	Commission Reg. (EEC)No.547/90 2.3.90	OJ L 56 3.3.90, p. 23
		residual duty	Council Reg. (EEC)No.1798/90	OJ L 167 30.6.90,p.1
Herbicide	Romania	undertakings	Com.Dec.88/47/EEC 26.1.88	OJ L 26 30.1.88,p.107
Housed bearing units	Japan	duty	Council Reg. (EEC)No.374/87 5.2.87	OJ L 35, 6.2.87,p.32
Lighters (disposable)	Japan P.R. China S.Korea Thailand	duties	Council Reg. (EEC)No.3433/91 25.11.91	OJ L 326, 28.11.91,p.1
		Thailand undertaking	Com.Dec.91/604/EEC 25.10.91	OJ L 326, 28.11.91,p.31
Linear tungsten halogen lamps	Japan	duty	Council Reg. (EEC)No. 117/91 16.01.91	OJ L 14, 19.01.91, p. 1
Mercury	U.S.S.R.	duty	Council Reg. (EEC)No.3687/87 8.12.87	OJ L 346 10.12.87,p.27
Methenamine (hexamethylene- tetramine)	Bulgaria C.S.S.R. Poland Romania	undertakings	Com.Dec.90/196/EEC 10.4.90	OJ L 104 24.4.90, p.14
Outboard motors	Japan	duty	Council Reg. (EEC)No.1305/87 11.5.87	OJ L 124 13.5.87,p.1
		undertakings	Com.Dec.87/210/EEC 23.3.87	OJ L 82 26.3.87,p.36
Oxalic acid	S. Korea Taiwan	duties	Council Reg. (EEC)No.2089/88 11.7.88	OJ L 184 15.7.88,p.1
		Brazil undertakings	Com.Dec.90/378/EEC 13.7.90	OJ L 184 17.7.90,p.
	India P.R. China	duties	Council Reg. (EEC)No.3434/91 25.11.91	OJ L 326 28.11.91,p.6

Paracetamol	P.R.China	duty	Council Reg. (EEC)No.3923/88 12.12.88	OJ L 348 17.12.88,p.1
Pentaerythritol	Sweden	undertakings	Commission Reg. (EEC)No.3371/87 9.11.87	OJ L 321 11.11.87,p.12
	Canada	duty	Council Reg. (EEC)No.3366/87 9.11.87	OJ L 321 11.11.87, p.1
Photo albums	S. Korea	undertakings	Com.Dec.90/241/EEC 22.5.90	OJ L 138 31.5.90, p.48
	Hong Kong			
Plain paper photocopiers	Japan	duty	Council Reg. (EEC)No.535/87 23.2.87	OJ L 54 24.2.87,p.12
		undertakings	Com.Dec.87/135/EEC 23.2.87 Com.Dec.88/519/EEC 17.10.88 Com.Dec.88/638/EEC 16.11.88 Com.Dec.89/116/EEC 23.12.88 Com.Dec.89/309/EEC 28.4.89	OJ L 54 24.2.87,p.56 OJ L 284 19.10.88,p.60 OJ L 355 23.12.88,p.66 OJ L 43 15.2.89,p.54 OJ L 126 9.5.89,p.38
Polyester fibres and yarns	Turkey	undertaking (countervailing)	Com.Dec.91/511/91 23.09.91	OJ L 272, 28.9.91,p.92
Polyester yarn	South Korea Taiwan Turkey	duties	Council Reg. (EEC)No.3905/88 12.12.88	OJ L 347 16.12.88,p.10
Polyolefin woven bags	China	duties	Council Reg. (EEC)No.3308/90 15.11.90	OJ L 318 17.11.90,p.2
Potassium permanganate	P.R.China	duty	Council Reg. (EEC)No.1531/88 31.5.88	OJ L 138 3.6.88,p.1
	C.S.S.R.	duty	Council Reg. (EEC)No.385/90 12.2.1990	OJ L 42 16.2.90,p.1

Serial impact dot matrix printers	Japan	duty	Council Reg. (EEC)No.3651/88 23.11.88	OJ L 317 24.11.88,p.33
		undertakings	Com.Dec.89/596/EEC 13.10.89	OJ L 340 23.11.89,p.25
Sheets and plates of iron or steel	Yugoslavia	duty	Council Reg. (EEC)No.2131/88 18.7.88	OJ L 188 19.7.88,p.14
	Mexico	duty	Com.Dec.3499/87/ECSC 19.11.87	OJ L 330 21.11.87,p.42
Silicon carbide	Norway	undertakings	Com.Dec.86/497/EEC 7.10.86	OJ L 287 10.10.86,p.25
	Poland P.R. China U.S.S.R			
Silicon metal	China	duty	Council Reg. (EEC)No.2200/90 27.7.90	OJ L 198 28.7.90, p.57
Sisal twine	Brazil	undertakings	Council Dec. 87/66/EEC,19.1.87	OJ L 34 5.2.87,p.55
	Mexico			
Sodium carbonate	Bulgaria	duties	Council Reg. (EEC)No.1306/89 11.5.89	OJ L 131 13.5.89,p.4
	Poland Romania			

Steel, flat- rolled, non-alloy	Yugoslavia	duty	Com.Dec.2031/89/ECSC 6.7.89	OJ L 193 8.7.89,p.11
Steel sections (hot-rolled)	Yugoslavia Turkey	duties and undertakings	Com.Dec.3599/88/ECSC 18.11.88	OJ L 313 19.11.88,p.18
Synthetic tex- tile fibres of polyester	Mexico Romania Taiwan Turkey Yugoslavia U.S.A.	duties	Council Reg. (EEC)No.3946/88 16.12.88	OJ L 348 17.12.88,p.49
Televisions (small-screen colour)	S. Korea	duties	Council Reg. (EEC)No.1048/90 25.04.90	OJ L 107 27.4.90,p.56
	China Hong-Kong	duties	Council Reg. (EEC)No.2093/91 15.07.91	OJ L 195 18.7.91,p.1
Tungsten carbide and fused tungsten carbide	China	duties undertakings	Council Reg. (EEC)No.2737/90 24.9.90 Com.Dec.90/480/EEC 24.9.90	OJ L 264 27.9.90,p.7 OJ L 264 27.9.90,p.59
Tungsten ores and concentrates	China	duties undertakings	Council Reg. (EEC)No.2735/90 24.9.90 Com.Dec.90/478/EEC 24.9.90	OJ L 264 27.9.90,p.1 OJ L 264 27.9.90,p.55
Tungstic oxide and acid	China	duties undertakings	Council Reg. (EEC)No.2736/90 24.9.90 Com.Dec.90/479/EEC 24.9.90	OJ L 264 27.9.90,p.4 OJ L 264 27.9.90,p.57
Typewriter ribbons	China	undertakings duties	Com.Regulation (EEC)No.1937/90 Council Reg. (EEC)No.3200/90 5.11.90	OJ L 174 4.7.90,p.27 OJ L 306 6.11.90,p.21

Urea	Austria	undertakings	Com.Dec.89/143/EEC	OJ L 52
	Hungary		21.2.89	24.2.89, p.37
	Malaysia			
	Romania			
	C.S.S.R	undertakings	Council Reg.	OJ L 317
	Kuwait		(EEC)No.3339/87	7.11.87, p. 1
	U.S.S.R		4.11.87	
	Yugoslavia			
	Libya	duties	Council Reg.	OJ L 317
			(EEC)No.3339/87	7.11.87, p.1
			4.11.87	
	U.S.A.	duties	Council Reg.	OJ L 52
	Venezuela		(EEC)No.450/89	24.2.89, p.1
			20.2.89	
Video cassette recorders	Japan	duties	Council Reg.	OJ L 57
	S. Korea		(EEC)No.501/89	28.2.89, p.57
			27.2.89	
		undertakings	Council Dec.	OJ L 57
			89/148/EEC, 27.2.89	28.2.89, p.61
Video cassette tapes	Hong Kong	duties	Council Reg.	OJ L 174
	South Korea		(EEC)No.1768/89	22.6.89, p.1
			19.6.89	
	Hong Kong	undertakings	Com.Dec.89/376/EEC	OJ L 174
			19.6.89	22.6.89, p.30
	P.R. China	duties	Council Reg.	OJ L 293
			(EEC)No.3091/91	24.10.91, p.2
			21.10.91	
Welded tubes of iron or steel	Romania	duties	Council Reg.	OJ L 91,
	Yugoslavia		(EEC)No. 868/90	6.4.90, p.8
			2.4.90	
		undertakings	Com.Dec.90/166/EEC	OJ L 91
			2.4.90	6.4.90, p.36
	Turkey	duties	Council Reg.	OJ L 91
	Venezuela		(EEC)No. 898/91	12.4.91, p.1
			8.4.91	
Welded wire mesh	Yugoslavia	undertakings	Com.Dec.91/256/EEC	OJ L 123
			14.5.91	18.5.91, p.54