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TO THE

EUROPEAN PARLIAMENT

ON

THE COMMUNITY'S ANTI-DUMPING AND ANTI-SUBSIDY ACTIVITIES

(1996)

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FIFTEENTH ANNUAL REPORT OF THE COMMISSION¹
ON THE COMMUNITY'S ANTI-DUMPING AND ANTI-SUBSIDY ACTIVITIES

1. INTRODUCTION

This report is submitted to the European Parliament following its Resolution of 16 December 1981 on the Community's anti-dumping activities², and the more recent report of the European Parliament's Committee on External Relations on the anti-dumping policy of the European Community³.

The report concentrates mainly on the Community's activities during 1996, but for the purpose of comparison, the number of anti-dumping and anti-subsidy investigations initiated and concluded by the Community in the years 1992 to 1996, together with a breakdown of the type of measures taken, are summarised in table 1 below.

For 1996, a concise commentary on each case opened, each provisional and definitive measure taken, and each case terminated without measures, is given in sections 3, 4, 5 and 6 of this report.

More than one year has now passed since the introduction of the new anti-dumping Regulation, bringing with it the imposition of strict deadlines in proceedings. It can be noted that despite the administrative constraints, the Commission has been able to cope with its investigations within the time limits set. This could not have been achieved without a significant increase in personnel and an important restructuring of the Anti-dumping Services which took place at the end of 1995. These issues are further commented upon in Section 15.

As an introduction to this report, a brief summary is presented of the notions of dumping and subsidies and the international and Community legislation which apply.

¹ Previous reports were given in COM(83)519 final/2; COM(84)721 final; COM(86)308 final; COM(87)178; COM(88)92 final; COM(89)106; COM(90)229 final; SEC(91)974 final; SEC(92)716 final; COM(93)516 final; COM(95)16 final and COM(95)309 final; COM(96)146 final.

² OJ No C.11, 18.01.82, p 37.

³ PE 141.178/fin of 30.11.1990, reporter Mr Gijs DE VRIES.

1.1 What is dumping and what are countervailable subsidies

Dumping is traditionally defined as price discrimination between national markets. The Community's Anti-dumping legislation defines dumping as selling a product for export to the Community at a price below its "normal value". This "normal value" is usually the actual sales price on the domestic market in the exporting country. If sales on the domestic market are not representative, for instance because they have only been made in small quantities, the normal value may be established on another basis, such as the prices of other sellers on the domestic market. Subsidies consist of a financial contribution from a Government which confers a benefit to producers or exporters (e.g. grants, tax and duty exemptions, preferential loans at below commercial rates).

In the majority of cases where dumping occurs on a more than incidental basis, a certain market segregation exists. That segregation may be due to government regulation, but also to other circumstances, including consumer preferences. As a result, exporters are shielded, at least to a certain degree, from international competition on their domestic market.

Imports at dumped or subsidized prices can produce negative effects on the Community industry, which cannot compete on equal grounds with the exporters. Sales prices, sales volume, turnover etc. can decrease, creating further negative consequences on, for example, investment and employment. In the worst scenario, an exporter may try to eliminate Community producers from the EU market by using a predatory pricing strategy.

1.2 Anti-dumping and anti-subsidies rules

It is internationally agreed that action may be taken against dumped and subsidised imports, which are causing injury to a domestic industry. The European Community has its own legislation in force which reflects these international rules.

The GATT/WTO rules

Action against injurious dumping and subsidisation is allowed following Article VI of the GATT⁴. The more detailed rules are now laid down in the WTO Anti-dumping and Anti-subsidy Agreements. It is established that measures may only be taken against dumped or subsidised imports if these have caused or are threatening to cause "material" injury to a domestic industry. The notion of material injury encompasses objective economic indicators such as market shares, production, sales, profitability etc.

⁴ See Annex 1a to the WTO Agreement.

Community legislation

The first anti-dumping and anti-subsidy legislation of the Community was enacted in 1968 and has been subsequently modified several times. It has been revised to reflect the new GATT rules. The current basic Regulations came into force in December 1994, December 1995 and November 1996 respectively⁵.

The substantive rules of the basic Anti-dumping Regulation are that before an action can be taken, dumping, material injury and causality have to be present and the application of measures must not be against the Community interest. The basic Regulation, dealing with subsidised imports, establishes that, in order to apply countervailing duties, the subsidy must be specific (e.g. an export subsidy or a domestic subsidy limited to a particular company or sector) and must cause material injury to the Community industry.

Even though the WTO rules set minimum conditions for applying the anti-dumping and/or anti-subsidy measures, the Community legislation contains two further provisions which are not applied by all WTO members. These provisions, aimed at ensuring a balanced application of the Community's anti-dumping and anti-subsidy rules are the "Community interest test" and the "lesser duty rule". The Community interest test shall be based on an appreciation of all the various interests taken as a whole, including the interests of the domestic industry and users and consumers. The lesser duty rule states that measures, whilst never being allowed to exceed the dumping margin, should be set at a level which is adequate to remove the injury. As a result, anti-dumping duties may be set at a lower level than the actual dumping margin found. This actually occurs in many of the Community's cases.

Procedure

The Commission decides whether an investigation should be opened after the lodging of a complaint. A notice of initiation is subsequently published in the Official Journal. All interested parties, including users and consumers organisations are invited to participate in the proceeding and they have the opportunity to be heard. If the above mentioned substantive requirements are met, the Commission may impose provisional duties and accept undertakings from exporters. A proposal for definitive duties may be put forward by the Commission, to be decided upon by the Council of Ministers by simple majority. An Advisory Committee, consisting of representatives from the Member States, is consulted by the Commission at every stage of a proceeding. A decision to impose provisional duties must be taken within nine months and the total duration of an investigation is limited to fifteen months.

⁵ Council Regulation (EC) No 384/96 of 22 December 1995 (OJ No L 56 of 6.3.1996) and Commission Decision No 2277/96/ESCS of 28.11.1996 (OJ No L 308 of 29.11.1996) on protection against dumped imports from countries not members of the European Community, and Council Regulation (EC) No 3284/94 of 22 December 1994 (OJ No L 349 of 31.12.1994) on protection against subsidized imports from countries not members of the European Community.

Anti-dumping or countervailing measures will normally remain in force for five years and may consist of duties or undertakings concluded with the exporters. Measures are taken on a country wide basis but individual treatment, i.e. the application of a company specific duty, can be granted to exporters which have co-operated throughout the investigation.

The EU legislation ensures full transparency in anti-dumping and anti-subsidy cases by disclosure of information to the parties concerned and the authorities of third countries and by publication of decisions and the motivations underlying them. Rights of parties are fully respected throughout the proceeding and a system of judicial review exists to ensure its correct implementation. The competence to review anti-dumping or anti-subsidy cases lies with the Court of First Instance and the Court of Justice in Luxembourg. Of course, the possibility of recourse to the WTO dispute settlement mechanism remains for governments of WTO members.

2. GENERAL OVERVIEW OF MEASURES IN FORCE

At the end of 1996, the Community had 146 measures in force, 2 of which were anti-subsidy measures⁶. Of the definitive measures, 143 were in the form of duties and 3 in the form of undertakings.

The absolute value of trade covered by definitive anti-dumping measures in force is 2919 M ECU. It should, however, be noted that these measures only affect around 0.6 % of total imports into the Community⁷.

Of all the measures in force at the end of 1996, 53 (or 37%) were imposed against non-market-economy countries⁸, including the People's Republic of China with 30 measures and Russia with 12 measures. The other countries most concerned are Japan with 12 measures (2 of which were suspended), South Korea with 11 (1 of which was suspended), Turkey, Thailand and Brazil with 7 and Taiwan with 6. Of the measures currently in force, 10 (or 6%) concern the 10 Central and East European Countries (CEEC)⁹.

For a more realistic view of the impact of anti-dumping measures, however, one has to look at the trade volume of the product concerned, which varies considerably depending on the product sector. The biggest trade volumes are often generated by high-technology, high-value products such as electronics. On these terms, the measures against Japan take first place, representing around one third of the total trade value affected by all measures. At the same time, exports of these products from the Community to Japan are practically non-existent.

⁶ The measures are counted per product and country.

⁷ The calculation is based on the CN code positions in their entirety. Since approximately half of the CN codes concerned cover a wider range of products than covered by the anti-dumping measures, this figure is overestimated.

⁸ According to Regulation (EC) No 519/94 these countries are the following: Albania, Armenia, Azerbaïdjan, Belarus, P.R. China, Georgia, Kazakhstan, Kirghistan, Moldavia, North Korea, Ouzbekistan, Russia, Tadjikistan, Turkmenistan, Ukraine, Vietnam.

⁹ These countries are: Romania, Bulgaria, Slovak Republic, Czech Republic, Slovenia, Hungary, Poland, Latvia, Lithuania and Estonia.

TABLE 1

**Anti-dumping and anti-subsidy investigations
during the period 1 January 1992 - 31 December 1996**

	1992	1993	1994	1995	1996
Investigations in progress at the beginning of the period	46	57	51	65	77
Investigations initiated during the period	39	21	43	33	25
Investigations in progress during the period	85	78	94	98	102
Investigations concluded by :					
- imposition of definitive duty ¹⁰	16	19	19	13	23
- acceptance of undertakings ¹¹	-	-	2	-	-
- determination of no dumping	1	1	5	-	-
- determination of no subsidisation	-	-	-	-	-
- determination of no injury	4	1	1	4	-
- other reasons ¹²	7	6	2	4	25
Total investigations concluded during the period	28	27	29	21	48
Investigations in progress at the end of period	57	51	65	77	54
Provisional duties imposed during the period	18	16	25	21	11

¹⁰ Including possible undertakings accepted by the same Regulation as the definitive duties.

¹¹ Only those undertakings accepted separately from any definitive duties.

¹² Other reasons include reasons such as the withdrawal of the support by the complainant industry of the anti-dumping or anti-subsidy complaint.

3. INITIATIONS OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS

3.1 Overview

In 1996, 25 new investigations¹³ were initiated involving imports from 15 different countries (review investigations are dealt with in section 7 of this report). The People's Republic of China featured most prominently with 6 investigations, followed by India with 4, Egypt and Pakistan each with 2. Details of these investigations are given in Annex A.

In the five-year period from 1992 to 1996, 161 investigations were initiated concerning imports from 37 different countries. The main countries concerned were the People's Republic of China with 28 investigations, Thailand with 12, South Korea with 10, India, Indonesia, Malaysia and Russia with 9 investigations each. The investigations initiated over the last five years are broken down by country of export in Annex E.

The main sectors concerned by these investigations during the period from 1992 to 1996 were those of textiles, electronics, and chemicals, with 31, 30 and 27 investigations respectively. Indeed, in 1996, the largest number of investigations (9) took place in the textile sector. A breakdown of the product sectors is given in Annex F.

A summary of the cases opened in 1996 can be found below.

3.2 Cases

3.2.1 *Unbleached cotton fabrics originating in the People's Republic of China, Egypt, India, Indonesia, Pakistan and Turkey*

The notice of initiation of an anti-dumping proceeding with regard to imports of unbleached (grey) cotton fabrics originating in the People's Republic of China, Egypt, India, Indonesia, Pakistan and Turkey was published on 21 February 1996, following a complaint by the Cotton and Allied Textile Industries of the EC (Eurocoton), on behalf of the Community industry.

The product allegedly being dumped was flat unbleached cotton fabrics containing at least 85% in weight of cotton destined primarily for use in the clothing, linen and furniture industry.

The complaint contained evidence of substantial dumping based on a comparison of export prices to the Community and normal values based on constructed values established for each of the countries concerned. Since the People's Republic of China is a non-market economy country, the complainant proposed that normal value be established on the basis of the prices or the constructed value in a market economy third country i.e. India.

¹³ The initiation of a case concerning several countries is accounted as separate investigations/proceedings per country involved.

With regard to injury, it was alleged that imports from the countries concerned had had a negative impact on the Community industry's prices, which, together with other effects, had adversely and substantially affected the industry's financial situation.

3.2.2 *Synthetic fibre ropes from India*

The notice of initiation of an anti-dumping proceeding with regard to imports into the European Union of synthetic fibre ropes originating in India was published on 4 April 1996, following a complaint lodged by the Liaison Committee of the European Union, Twine, Cordage and Netting industries (EUROCORD), on behalf of the Community industry.

The products allegedly being dumped were ropes of polyethylene, polypropylene or other synthetic fibres measuring more than 50 000 decitex. These ropes are used for a wide variety of naval and industrial applications, in particular for shipping and the fishing industry.

The complaint contained evidence of significant dumping based on a comparison between the domestic prices in India and export prices to the Community.

With regard to injury, it was claimed that imports from India increased significantly in absolute terms and in terms of market share. It was further alleged that the volume and prices of the imported products have had a negative impact on the quantities sold and prices charged by the Community producers which, together with other effects, have had a significant adverse impact on the financial situation of the Community industry.

3.2.3 *Briefcases and school bags originating in the People's Republic of China*

The notice of initiation of an anti-dumping proceeding with regard to imports into the European Union of briefcases and school bags made of plastic and textile material originating in the People's Republic of China was published on 17 April 1996, following a complaint lodged by the European Committee for Leather Goods Industries (CEDIM), on behalf of the Community industry.

The complaint contained evidence of significant dumping. Since the People's Republic of China is a non-market economy country, the complainant proposed that normal value be established on the basis of the prices or the constructed value in a market economy third country, i.e. Taiwan.

With regard to injury, it was alleged that imports from the People's Republic of China increased significantly both in absolute terms (by 262%) and in terms of market share by (372%) between 1989 and 1995 and that the prices at which these imports came into the Community substantially undercut those charged by the Community producers by 74%. It was further claimed that the volume and prices of the Chinese imported products have had a negative impact on the Community industry's sales, which decreased by 40% between 1989 and 1995. Together with other effects such as the reduction in market share (22%), production (40%) and profits, this is claimed to have had a significant adverse effect on the financial situation of the Community producers.

3.2.4 Luggage and travel goods originating in the People's Republic of China

The notice of initiation of an anti-dumping proceeding with regard to imports of luggage and travel goods made of plastic and textile material originating in the People's Republic of China was published on 17 April 1996. The proceeding was initiated following a complaint lodged by the European Committee for Leather Goods Industries (CEDIM) on behalf of the Community industry.

The complaint contained evidence of significant dumping. Since the People's Republic of China is a non-market economy country, the complainant proposed that normal value be established on the basis of the price or the constructed value in a market economy third country, i.e. Taiwan.

With regard to injury, it was alleged that imports from the People's Republic of China increased significantly both in absolute terms by 197% and in terms of market share by 169% between 1989 and 1995 and that the prices at which these imports came into the Community substantially undercut those charged by the Community producers by 64%. It was further claimed that the volume and prices of the Chinese imported products have had a negative impact on the Community industry's sales, which decreased by 41% between 1989 and 1995. Together with other effects such as the reduction in market share (47%), production (20%) and profits, this was claimed to have had a significant adverse effect on the financial situation of the Community producers.

3.2.5 Handbags originating in the People's Republic of China

The notice of initiation of an anti-dumping proceeding with regard to imports of handbags, with or without a shoulder strap, including those without handles, with outer surface of leather, of composition leather or patent leather, originating in the People's Republic of China, was published on 4 May 1996. The proceeding was opened following a complaint lodged by the European Committee for Leather Goods Industries (CEDIM), on behalf of the Community industry.

The complaint contained evidence of significant dumping. Since the People's Republic of China is a non-market economy country, the complainant proposed that normal value be established on the basis of the price or the constructed value in a market economy third country, i.e. Taiwan.

With regard to injury, it was alleged that imports from the People's Republic of China had increased significantly in absolute terms and in terms of market share. It was further alleged that the volume and prices of the imported products had, among other consequences, had a negative impact on the quantities sold and the prices charged by the Community producers, resulting in substantial adverse effects on the performance of the Community industry.

3.2.6 *Farmed Atlantic salmon from Norway*

The notice of initiation of an anti-dumping proceeding with regard to imports into the European Union of farmed Atlantic salmon originating in Norway was published on 31 August 1996, following a complaint lodged by the Scottish Salmon Farmers' Association Ltd. and the Shetland Salmon Farmers' Association, on behalf of the Community industry.

The complaint contained evidence of substantial dumping based on a comparison of the constructed normal values in Norway with the export prices of the product concerned to the Community.

With regard to injury, it was alleged that imports from Norway had increased significantly in absolute terms and in terms of market share. It was further alleged that the volume and prices of the imported products had, among other consequences, had a negative impact on the quantities sold and the prices charged by the Community producers, resulting in substantial adverse effects on the performance of the Community industry.

3.2.7 *Certain seamless pipes and tubes of iron or non-alloy steel originating in Russia, the Czech Republic, Romania and the Slovak Republic*

The notice of initiation of an anti-dumping proceeding with regard to imports into the European Union of certain seamless pipes and tubes of iron or non-alloy steel originating in Russia, the Czech Republic, Romania and the Slovak Republic was published on 31 August 1996, following a complaint lodged by the Defence Committee of the Seamless Steel Tube Industry on behalf of the Community industry.

The product allegedly being dumped was seamless pipes of iron or non alloy steel of a kind used for oil or gas pipelines of an external diameter not exceeding 406,4 mm. It also concerned seamless tubes of circular cross-section of iron or non alloy steel, cold-drawn or cold-rolled, and other tubes of circular cross-section.

The complaint contained evidence of significant dumping. In the case of the Czech Republic, Romania and the Slovak Republic, the dumping calculation was based on a comparison of the constructed normal values in these countries with the export prices of the product concerned to the Community. In the case of Russia, the basis was a comparison of export prices with the normal value in the Czech Republic, as set out above, the latter being considered an appropriate analogue market for Russia.

With regard to injury, it was alleged that the market share of these four countries had increased from 5.3% to 21.7% between 1990 and 1995. It was further alleged that the volume and prices of the imported products had had a negative impact on the quantities sold and the prices charged by the Community producers, resulting in substantial adverse effects on the performance of the Community industry.

3.2.8 *Cotton-type bed linen from Egypt, India and Pakistan*

The notice of initiation of anti-dumping proceedings with regard to imports of cotton-type bed linen originating in Egypt, India and Pakistan was published on 13 September 1996. The proceedings were initiated following a complaint lodged by the Committee of the Cotton and Allied Textile Industries of the European Union (Eurocoton) on behalf of the Community industry.

The complaint contained evidence of significant dumping based on a comparison of the constructed normal values in Egypt, India and Pakistan with the export prices of the product concerned to the Community.

With regard to injury, it was alleged that imports from Egypt, India and Pakistan had increased significantly in absolute terms and in terms of market share during a period when apparent consumption in the Community had decreased. It was further alleged that the volume and prices of the imported products had, among other consequences, had a negative impact on the quantities sold and the prices charged by the Community producers, resulting in substantial adverse effects on employment and the financial situation of the Community industry.

3.2.9 *Stainless steel fasteners and parts from the P.R. of China, India, Malaysia, the Republic of Korea and Taiwan*

The notice of initiation of an anti-dumping proceeding with regard to imports into the European Union of stainless steel fasteners and parts (screws, nuts and bolts) originating in the People's Republic of China, India, Malaysia, the Republic of Korea and Taiwan was published on 9 December 1996, following a complaint lodged by the European Industrial Fasteners Institute (EIFI) on behalf of the Community industry.

The complaint contained evidence of significant dumping based on a comparison of the export prices to the Community and the domestic prices of the like product in Malaysia, the Republic of Korea, Taiwan and India. The latter was also considered an appropriate analogue country for the People's Republic of China.

With regard to injury, it was claimed that imports from these countries increased significantly in absolute terms and in terms of market share. It was further alleged that the volume and prices of the imported products had had a negative impact on the quantities sold and prices charged by the Community producers, which, together with other effects, had a substantial adverse impact on the state of the Community industry.

3.2.10 Ferro-silico-manganese from P.R. China

The notice of initiation of an anti-dumping proceeding was published on 17 December 1996 with regard to ferro-silico-manganese originating in the People's Republic of China, following a complaint lodged by Euroalliages (Liaison Committee of the Ferro-alloy Industry). Euroalliages was also the complainant in the previous proceeding concerning imports from Brazil, Russia, South Africa and Ukraine (definitive duties in October 1996 - currently under review).

The complaint contained evidence of substantial dumping. As the People's Republic of China is a non-market economy country, the complainant proposed that normal value be established on the basis of the prices in a market economy third country, i.e. Brazil.

With regard to injury, the complainant alleged and provided evidence that imports from P.R. China increased significantly in absolute terms and in terms of market share. It was further alleged that the volume and prices of the imported products had, among other consequences, had a negative impact on the quantities sold and the prices charged by the Community producers, resulting in an unsatisfactory financial situation for the Community industry.

4. PROVISIONAL MEASURES

4.1 Overview

Provisional measures may be taken under Art. 7 of the basic Regulation where the preliminary examination shows that there is sufficient evidence of dumping or subsidy and of injury caused thereby to the Community industry, and that the Community interest calls for intervention to prevent such injury.

Provisional duties may be imposed for six months and extended for a further three months or they may be imposed for nine months. However, they may only be extended, or imposed for a nine-month period, where exporters representing a significant percentage of the trade involved so request or do not object upon notification by the Commission.

In 1996, 11 provisional duties were imposed. As shown in Table 1, this figure compares to 21 in 1995 and 25 in 1994. Details of the provisional duties imposed in 1996 are given in Annex B, whilst this section of the report gives a summary of each of these cases.

4.2 Cases

4.2.1 Polyester staple fibre originating in Belarus

On 4 March 1996, a provisional anti-dumping duty was imposed on imports into the Community of polyester staple fibres (PSF) originating in Belarus. The proceeding had been initiated in August 1994, following a complaint lodged by the International Committee of Rayon and Synthetic Fibres (CIRFS), acting on behalf of the majority of Community producers of PSF. Anti-dumping proceedings concerning imports of the same product originating in Romania, Taiwan, Turkey, the Republics of Serbia and Montenegro, the former Republic of Macedonia, Mexico, the United States of America, India and South Korea were also carried out following complaints introduced by CIRFS.

Dumping

Since Belarus does not have a market economy, it was necessary to compare the export prices of the product originating in Belarus with prices or costs in a market economy country. The complainant therefore proposed Poland. However, after verifying the information submitted by the only existing manufacturer of PSF in Poland, and having furthermore analysed the general market conditions in Poland for the product concerned, it was concluded that Poland could not be retained as a suitable analogue country.

The Commission subsequently obtained the co-operation of several producers of polyester staple fibre in Taiwan. Having established that the market conditions for a justifiable analogue country were fulfilled, (i.e. high consumption level, numerous manufactures, no import restrictions, unimpeded access to raw materials), Taiwan was considered to be an appropriate choice for a market economy third country. No objections were raised by any of the parties concerned against these findings.

Normal value was therefore established on the basis of the weighted average of all domestic sales by the co-operating Taiwanese producers on the domestic market.

Since the useable information provided by the sole co-operating Belarussian exporter covered only a fraction of total Belarussian exports of PSF to the Community during the investigation period, and in view of the non-co-operation of importers/distributors in the Community, export prices needed to be established using EUROSTAT data.

A comparison between normal value and export prices, showed a dumping margin of 43.5%.

Injury

With regard to injury it was found that the volume of dumped imports of PSF originating in Belarus had increased from 1.500 tonnes in 1991 to 35.000 tonnes in 1994, and this against a background of stagnant consumption in the Community, resulting in decreasing market shares for all other sources of supply (Community producers and other importing countries). Prices set by the Belarussian exporters significantly undercut European market prices by around 40%. These factors lead to a commensurate decline in the economical performance of the Community industry, with falling sales and market shares, employment cutbacks and poor financial results, which prevented the Community industry from maintaining the level of investment necessary in this capital intensive industry sector.

Community interest

Having examined the various interests involved, it was concluded that to leave the Community PSF industry without protection against this injurious dumping would not be in the interest of the Community. It was also considered necessary to restore fair competitive conditions in the Community market and assure a non-discriminatory treatment of PSF originating in Belarus, compared to imports of PSF originating in other third countries which are presently subject to anti-dumping measures.

Measures

As the level of injury found exceeded the level of dumping, provisional duties were imposed at the level of the latter, i.e. 43.5%.

4.2.2 Polyester textured filament yarn originating in India, Indonesia and Thailand

On 23 May 1996, a provisional anti-dumping duty was imposed on imports into the Community of polyester textured filament yarn (PTY) originating in Indonesia and Thailand; no provisional measure was imposed on imports of the same product originating in India. The proceeding had been initiated in July 1994, following a complaint lodged by the International Committee of Rayon and Synthetic Fibres (CIRFS) acting on behalf of the majority of Community producers of PTY.

Dumping

The provisional dumping margins established ranged from 4.6% to 22% for the co-operating producers in Indonesia, from 7.9% to 29.6% for the co-operating producers in Thailand, and from 0.3% to 42.9% for the co-operating producers in India.

Normal values for the exporting countries concerned were based, in most of the cases, on domestic selling prices for types of PTY comparable to those exported to the Community. Where no such sales existed, or where sales were made outside the ordinary course of trade (i.e. loss-making sales) and therefore did not permit a proper comparison, normal value was established on costs of manufacture of the individual co-operating producers plus a reasonable amount for selling, general and administrative expenses and profit.

Export prices for the three export countries were established on the prices actually paid or payable for the products sold for export to the Community.

Injury

After examination of all the elements affecting the Community industry, the Commission concluded that the latter had suffered material injury. This assessment was based on a decline in production, capacity utilisation and market share, in spite of a certain recovery of Community consumption. Furthermore, the Community industry recorded increasing financial losses due to an unsatisfactory price level for PTY in the Community caused by unfair low-priced imports. At the same time, imports of PTY originating in Indonesia and Thailand increased fivefold within three years and together reached about 15% of the market share during the investigation period, whilst prices charged by the Indonesian and Thai exporters undercut prices of the Community producers in the Community market by more than 50%. As for India, the volume of imports continuously decreased after 1992, reaching a market share of just 0.9% during the investigation period. It was therefore considered that Indian exports had not contributed to the material injury suffered by the Community industry.

Community interest

The investigation concluded that it was in the Community interest to restore fair competition on the Community market, and to ensure that the Community producers of PTY were able to obtain a price level which allowed them to remain competitive. No arguments were submitted by users regarding the impact of the prices of PTY on the end products. Nevertheless, given the limited level of measures imposed, the impact on the end products -mainly fabrics- was considered to be moderate. Finally, it was considered necessary to ensure a non-discriminatory treatment of PTY originating in Indonesia and Thailand, compared to imports of PTY originating in other third countries which are presently subject to anti-dumping measures.

Measures

Since the level of injury found exceeded the dumping margins provisionally established, provisional duties were imposed at the level of the latter. No measures were imposed on imports of the product originating in India due to its negligible market share.

4.2.3 *Certain ring binder mechanisms originating in Malaysia and the People's Republic of China*

This is the first case subject to mandatory time limits. The proceeding was initiated on 28 October 1995 following a complaint lodged by the Community producers Koloman Handler GmbH and Krause GmbH & Co. KG. On 26 July 1996 (within the nine months' deadline foreseen for such a step), a provisional anti-dumping duty was imposed on imports of certain ring binder mechanisms originating in Malaysia and the People's Republic of China.

Dumping

The dumping margin was 42.8% for the sole Malaysian exporter. For the People's Republic of China as a whole, the dumping margin found amounted to 112.8 %.

Normal value in the People's Republic of China was determined by reference to the Malaysian domestic market. It was either based on domestic prices in Malaysia or, where domestic sales of a model were not made in sufficient quantities, constructed on the basis of cost of production plus an amount for selling, general and administrative costs (SG&A) and profit of the Malaysian exporter.

As the Malaysian exporter and four of the five Chinese exporters sold the product concerned to the EC via related importers, the export price had to be constructed in nearly all cases on the basis of the selling price to the first independent customer in the Community.

Three Chinese exporters requested individual treatment, which the Commission did not find to be justified.

Injury

The Commission found that the Community industry had suffered material injury which could be established, among other indicators, by a drop in market share and recurring financial losses. These losses, despite the reduction in costs, were caused by a heavy fall in sales prices.

Price undercutting for Chinese imports was 11.5%. Imports from Malaysia were found to undercut Community producers' prices by 3.1%.

As far as causation is concerned, it was found that the increasing volume and market share of the dumped imports in combination with their undercutting and decreasing prices coincided with the loss of market share and the price depression suffered by the Community industry. No other factor was identified which could have contributed to the injury suffered by the Community industry.

Community interest

All the various interests involved were examined, particularly the impact of the measures on the downstream industry, and the fact that leaving the Community industry without adequate protection against the unfair competition would worsen the position of this industry and lead to its disappearance. No compelling reasons not to take action against the import in question came to light.

Measures

The anti-dumping duty for each country was based on the injury elimination level found, as this level was in each case lower than the dumping margin. The anti-dumping duty imposed was 10.5% for Malaysia and 35.4% for the People's Republic of China.

4.2.4 *Unbleached cotton fabrics originating in the People's Republic of China, Egypt, India, Indonesia, Pakistan and Turkey*

On 20 November 1996 provisional anti-dumping duties were imposed on imports into the Community of unbleached (grey) cotton fabrics originating in the People's Republic of China, Egypt, India, Indonesia, Pakistan and Turkey.

Dumping

Dumping was found for all the exporters investigated. The margins provisionally found amounted to 22.6% for China, 13.3% to 36.1% for Egypt, 8.9% to 22.7% for India, 9.6% to 18.3% for Indonesia, 22.3% to 32.5% for Pakistan and 13.8% to 25.2% for Turkey.

Injury

The Community industry was found to have suffered material injury during the period 1992-95, despite investment aimed at cost efficiency. For example, 88 plants manufacturing the product concerned closed down, with the loss of 8,625 jobs. Profitability decreased substantially from 100 to -25 in index terms. Market share fell from 30.7% to 26.4%.

A causal link between the dumped imports was established in view of the high market shares of the dumped imports and the substantial price undercutting found (up to 35%). The volume of dumped imports barely rose during this period. This is largely due to the WTO textile trade arrangements in place (formerly known as MFA quotas). The effect of the dumped imports was thus more on prices in the EC rather than on quantities.

An injury removal margin was established, taking into account the Community producers' selling prices and a profit margin of 8% which was considered appropriate under normal competitive conditions. These margins ranged from 34.7% for China, 35.9% for Egypt, 2.7%-71.4% for India, 11.2%-50.1% for Indonesia, 17%-48.1% for Pakistan and 42.5%-52.7% for Turkey.

Community interest

Although the issue of Community interest will be further investigated between the provisional and definitive stages of this proceeding, on the basis of information gathered from various sectors in the textile production chain during a preliminary investigation of Community interest, it was concluded at the provisional stage that anti-dumping measures were in the Community interest.

Measures

The provisional measures were imposed for a maximum period of six months at rates between 2.7 % and 36.1 %.

5. DEFINITIVE MEASURES

5.1 Overview

Definitive measures may be taken where the facts as finally established during the investigation period show that there is dumping or subsidisation, that injury is caused thereby, and that the Community interest calls for intervention.

Definitive anti-dumping or countervailing duties are imposed by the Council, acting by simple majority on a proposal submitted by the Commission after consultation of the Member States in the Advisory Committee.

In 1996, as shown in Table 1, definitive duties were imposed in 23 cases, compared to 13 in 1995 and 19 in 1994.

Whilst details of these duties can be found in Annex C, a summary of each case is given below.

5.2 Cases

5.2.1 *Microwave ovens originating in the People's Republic of China, the Republic of Korea, Malaysia and Thailand*

In January 1996 definitive anti-dumping measures were imposed on imports of microwave ovens (MWOs) originating in China, Korea, Malaysia and Thailand. The investigation had been initiated in December 1993 on the basis of a complaint lodged by GIFAM on behalf of a major proportion of MWO-producers in the Community. Provisional anti-dumping measures were imposed in July 1995.

Dumping

The dumping margins ranged from 12.1% for China, 3.3 to 24.4% for Korea, 29% for Malaysia and 14.1 to 27.3% for Thailand.

Because of substantial differences in features between MWOs sold on the domestic market and those exported to the Community, normal values were constructed in most cases for exports originating in Korea. This was done on the basis of the cost of manufacturing (COM) for the models exported and the sales, general and administrative costs (SG&A) and profit of profitable sales in the ordinary course of trade on the domestic market.

For both Thailand and Malaysia, where the exporters concerned had no domestic sales, normal value was established on the basis of the COM of the exported models as incurred by the producers concerned, plus an amount for SG&A and profit as incurred on the Korean market.

In the case of China, which was considered a non-market economy, normal value was established on the basis of the situation in an analogue country. In the present case, Korea was considered the appropriate choice and normal value for China was established, based on the COM, SG&A and profit incurred by Korean producers for models comparable to those sold by the Chinese exporters.

Injury

As far as injury is concerned, it was established that the dumped imports substantially increased to reach a combined market share of 42%. Such a combined analysis was justified as the conditions for the cumulation of imports were fulfilled in the case in point. Furthermore, on the basis of an analysis of the markets of the four main member states, i.e. France, Germany, Spain and the United Kingdom, it was determined that the imports from the four exporting countries were all made at low prices, undercutting those of the Community industry by between 20% for China, 12-30% for Korea and 33% for Malaysia and Thailand.

As for the situation of the Community industry, the main negative developments consisted of a decrease in its market share to 21% and a substantial depression of its sales prices. This negative development led to increasing and significant financial losses.

Causation

As for the causal link between dumping and injury, an analysis was made of the specific sales channels used by the imported products and by the Community industry. This revealed that there was considerable overlap in the sales channels used and even in the customers sold to. In addition it was established that a clear correlation existed between the deterioration of the situation of the Community industry and the rise in low-priced imports.

On this basis, notwithstanding the fact that other minor elements may have had a negative impact on the Community industry, it was found that the imports concerned had caused material injury to the Community industry.

Community interest

In the framework of the Community interest analysis, it was considered that anti-dumping measures should be imposed. This conclusion was based on the fact that the situation of the Community industry was precarious and any negative impact of such measures would be limited, given the nature of the measures proposed, the number of suppliers in the market and the purchasing power of the distribution chains.

Measures

The definitive measures imposed consist of *ad-valorem* duties at the level of the dumping margins mentioned above as these were, for all exporting countries, below the injury levels.

5.2.2 *Hematite pig iron originating in the Czech Republic*

On 15 January 1996 the Commission imposed definitive anti-dumping duties on imports into the Community of hematite pig iron originating in the Czech Republic and accepted an undertaking from a specified exporter of the same product. The amount of the duty imposed was the difference between the minimum price of 149 ECU/tonne and the accepted customs value (free at Community frontier) in all cases where this value was less than the minimum price.

Dumping

A weighted average dumping margin of 34.3% was calculated on the basis of a comparison of the export price with the normal value at ex-factory level and at the same level of trade. Adjustments to the export price were made to take account of freight and selling expenses included in the export price. Normal value was calculated on the basis of a constructed value, determined by adding cost of production and a reasonable level of profit, as sales on the domestic market in the Czech Republic were made at a loss.

Injury

With regard to injury, the investigation showed that imports of the product concerned increased by 504% between 1992 and the investigation period (1 April 1993 to 31 March 1994) with a consequent increase in market share from 0.5% in 1992 to 3.4%. These imports were also sold at prices which considerably undercut the Community producers' prices. The Community industry sales, market share and profitability were decreasing during the same period. Under these circumstances it was concluded that the dumped imports from the Czech Republic had caused material injury to the Community industry.

Community interest

It was deemed necessary to eliminate the injury resulting from the above mentioned dumping practices in order to restore fair competition on the Community market. In this particular case, the Commission considered the imposition of a minimum price to be the most appropriate method of achieving this end.

Measures

In view of the evolutionary character of the market situation for the product concerned and of the Community's interest in safeguarding the competitiveness of its end users, the Commission, when imposing measures, envisaged a review at an appropriate time.

5.2.3 Refractory chamottes from the People's Republic of China

The notice of initiation of an anti-dumping proceeding was published on 15 April 1993, covering imports into the Community of certain types of refractory chamottes originating in the People's Republic of China. A provisional anti-dumping duty was imposed on 30 July 1995 and a definitive anti-dumping duty was imposed on 28 January 1996.

Dumping

Since the People's Republic of China is a non-market economy country, normal value had to be based on the conditions in a market economy country (analogue country). In this case the domestic prices in the U.S.A. were used as a basis for normal value.

As no co-operation was obtained from any Chinese exporter or related importer, the export prices were established on the basis of Eurostat statistics. The dumping margin thus established amounted to 28.4 %.

Injury

In terms of market share, imports from the People's Republic of China rose from 31.4 % in 1989 to 46.5 % in the investigation period, while the market share of the Community industry fell from 57.1 % to 40.2 %. The investigation furthermore showed the existence of continued and systematic price undercutting which amounted to 4 %. The injury was reflected in a significant decrease in sales, market share, production capacity, level of employment and profitability, including the financial losses in the investigation period.

Community Interest

It was established that the Community industry was, because of its proven reserves of raw material and its close location to its clients, in a position to ensure reliable supply to the user industry in the long run. The Community industry clearly also showed a structural competitiveness. A steady supply from the Community industry was therefore considered to be in the interest of the users. Consequently, it was considered that measures had to be taken in order to protect the Community industry from unfair trading practices which threatened its viability.

On the other hand, it was considered that the measures would probably lead to a price increase and would thus have an impact on the costs of production of the user industry. Secondly, it was felt that the measures should not result in a withdrawal of the Chinese exporters from the Community market. The measures, which are limited to a level necessary to remove the injury to the Community industry, fulfil the above criteria.

Measures

Therefore, a *variable* definitive anti-dumping duty was imposed on the basis of a minimum-price of 75 ECU per tonne.

5.2.4 *Grain oriented electrical sheets from Russia*

On 19 February 1996, the Commission imposed a definitive anti-dumping duty on imports into the Community of certain grain oriented electrical sheets originating in Russia, and accepted an undertaking offered in connection with such imports. The investigation had been initiated on 20 May 1994.

Dumping

A dumping margin of 73.46% was established for the Russian exports. The normal value was calculated on the basis of domestic sales in Brazil, which was considered to be an appropriate analogue country.

Since all export transactions were found to have been dumped, the export price was calculated as the weighted average selling price for all export transactions to independent importers in the Community. In order to allow a fair comparison between normal value and export price, allowances were made for all factors affecting price comparability.

Injury

The market share of imports from Russia increased from 0.7% in 1990 to 7.4% during the investigation period, from 1 January 1993 to 30 April 1994.

Over the same period, the Community industry suffered material injury which consisted mainly of a decline in deliveries with a resulting loss of market share, as well as price depression. These factors led to a decrease in profits and, overall, financial losses.

Community interest

It was found to be in the interest of the Community to impose anti-dumping measures in order to eliminate injury being caused by the dumped imports concerned.

Measures

A definitive duty of 40.1% was imposed, based on the injury threshold, which was lower than the dumping margin.

The Russian authorities, in conjunction with the Russian exporters, offered an undertaking which was found to be acceptable. The Russian exporters concerned were therefore excluded from the scope of the duty.

5.2.5 Butt-welded tube or pipe fittings from the People's Republic of China, Croatia and Thailand

On 3 April 1996, the Council imposed definitive anti-dumping duties on imports into the Community of certain tube or pipe fittings of iron or steel from the People's Republic of China, Croatia and Thailand. The proceeding had been initiated in February 1994 and provisional duties were imposed on 3 October 1995.

Dumping

The dumping margins definitively established were 58.6% for the People's Republic of China, 58.6% for Croatia, and between 39.5% and 63.4% for Thailand.

Since the People's Republic of China is considered to be a non-market economy, normal value was based on domestic prices and constructed values in Thailand, which was considered to be an appropriate analogue country for the product concerned. For Croatia, it was found to be necessary to establish normal value on the basis of the facts available. With regard to Thailand, normal value was based on domestic prices and, for certain product types either sold at a loss or not sold at all on the domestic market, on constructed value by adding costs of production and a reasonable amount of profit.

Export prices for all producers and exporters in the three countries concerned were determined on the basis of sales to independent importers in the Community.

For the purpose of a fair comparison between normal value and export price, adjustments were made in respect of differences affecting price comparability.

Injury

The cumulated market share of the exporting countries rose from 2.5% in 1989 to 14.3% during the second half of 1993 which covered the investigation period. Imports from these countries were made at prices which undercut those of Community producers by between 21% and 41%. The consequent impact on the Community industry was a decline in production and sales volume, a significant loss in market share, depression of prices in a period of rising production costs and a substantial deterioration in financial results.

Community interest

It was found to be in the interest of the Community to impose definitive anti-dumping measures in order to eliminate the trade-distorting effects of injurious dumping and to restore effective competition.

Measures

Definitive anti-dumping duties were established, in accordance with the lesser duty rule, at rates based either on the injury elimination or the dumping margin established. The rates imposed were 58.6% for the People's Republic of China, 38.4% for Croatia and 58.9% for Thailand.

The co-operating Croatian and Thai producers offered undertakings which were accepted by the Commission and were therefore exempted from the scope of the duty.

The co-operating Chinese exporters informed the Commission of their intention to propose undertakings together with, allegedly, an offer of an export control system to be proposed by the Chinese authorities. Since no concrete offers from the Chinese exporters, nor any proposal from the Chinese authorities, were received by the Commission, definitive duties were imposed on the Chinese products.

5.2.6 *Coumarin from the People's Republic of China*

On 4 April 1996 the Council imposed a definitive anti-dumping duty on imports of coumarin originating in the People's Republic of China. The investigation was initiated on 20 May 1994 and a provisional duty imposed on 7 October 1995.

Dumping

A dumping margin of more than 50% was established for the Chinese exports. The normal value was calculated on the basis of domestic sales prices in the USA, the only market economy country in which it was possible to find a producer willing to co-operate. Furthermore, it was established that the USA could be considered an appropriate analogue country.

Export prices were established on the basis of the prices actually paid by importers of coumarin in the Community. In order to allow a fair comparison between normal value and export prices, normal value was based on selling prices at distributor level in the USA and it was adjusted to take into account differences in physical characteristics. Further adjustments were made for all other factors affecting price comparability, i.e. ocean freight, insurance and credit costs.

Injury

With regard to injury, it was found that imports from the People's Republic of China increased their market share by 66% between 1990 and the investigation period, in a market which shrank by about 10% over the same period. This result was obtained by a systematic price undercutting policy. During the investigation period in particular, the prices of imports from the People's Republic of China undercut those of the Community by 28.7%.

The Community producer, who tried to maintain price levels in order to cover production costs, saw its sales on the Community market cut by half and its market share reduced by more than 50%. Consequently, the production costs per unit of the Community producer increased considerably, causing heavy losses to be recorded from 1992 until the investigation period.

Community interest

The Commission considered it was not to be in the Community interest to risk the closure of the sole coumarin plant in the Community in view of the heavy consequences on employment. Furthermore, given that coumarin is essentially only produced in two areas of the world, if the Community producer disappeared, the Chinese producers would have a monopoly. This is obviously not in the Community interest. The Commission also found that the impact of the duty on the prices of perfume compounds containing coumarin would be negligible.

Measures

Since the dumping margin exceeded the level of injury, the anti-dumping duty was based on the latter. A definitive anti-dumping duty of 3479 ECU per tonne was therefore imposed on imports of coumarin from the People's Republic of China.

5.2.7 Bicycles from Indonesia, Malaysia and Thailand

On 13 April 1996, the Council imposed a definitive anti-dumping duty on imports into the Community of bicycles originating in Indonesia, Malaysia and Thailand. The proceeding had been initiated on 3 February 1994, following a complaint lodged by the European Bicycle Manufacturers Association (EBMA). This is the second anti-dumping investigation involving bicycles which has led to the imposition of anti-dumping measures. The first, concerning imports of bicycles from the People's Republic of China and from Taiwan, was concluded by the imposition of a definitive anti-dumping duty on imports of bicycles from the People's Republic of China in September 1993.

Dumping

Dumping margins for co-operating producers ranged from 0.4% to 27.7% in Indonesia, from 23.1% to 37.3% in Malaysia, and from 13% to 38.9% in Thailand.

Normal value for a number of bicycle models exported from Indonesian and Thai producers was based on verified domestic sales prices. For the rest of the bicycle models exported from Indonesia, Malaysia and Thailand, bicycle models sold domestically were technically too different, not sold in sufficient quantities or sold at a loss. Consequently normal values were constructed on the basis of verified manufacturing costs plus a reasonable amount for selling, general and administrative expenses and profits.

Export prices for all three countries were based on prices actually paid or payable for products for export to unrelated parties in the Community.

In order to establish a fair basis for comparison between normal and export prices, allowances in the form of adjustments were made when appropriate. Adjustments for cost differences between export and domestic sales (level of trade adjustments) could not be granted, since they had not explicitly been claimed, had not been substantiated, or did not meet the substantive requirements. The reason was that export and domestic sales were made to similar customers, or did not show clear and distinct pricing patterns for the alleged different levels of trade.

Injury

The aggregated market share of dumped imports from Indonesia, Malaysia and Thailand increased from 4.4% in 1990 to 6.8% in 1993, whilst the market share of the Community producers fell from 42% in 1990 to 33.5% in 1993. The prices of dumped imports significantly undercut prices of the Community industry by more than 40%. The positive expectations based on a decline of imports from the People's Republic of China did not materialize. Instead, sales, turnover and production decreased substantially, resulting in a significant loss of market share, lower capacity utilization, lower employment and a deterioration of the financial situation.

Community Interest

Having examined the various interests involved, it was concluded that the imposition of anti-dumping measures would re-establish fair competition by eliminating the injurious effects of dumping practices from Indonesia, Malaysia and Thailand. It would also afford the Community industry the opportunity of maintaining competitive production. Otherwise there would be an imminent danger that even more Community producers would be facing the prospect of closure. Even though consumer prices would increase, the global effects on the consumer would be limited, since a variety of suppliers who are not subject to any anti-dumping duties would still exist.

Measures

At the definitive stage, it was confirmed that for all co-operating companies the undercutting margin was higher than the dumping margin. Therefore, definitive duties were imposed at the level of the dumping margins. For non-co-operating producers in each of the three countries, a dumping margin based on the weighted average of the highest dumping margins found was considered appropriate. These duty rates were 29.1% for Indonesia, 39.4% for Malaysia, and 39.2% in Thailand. For two Indonesian companies which did not sufficiently co-operate in the investigation, the dumping margins were based on the average of the highest dumping margin found for a co-operating company and the rate established for non-co-operating producers. That rate was 28.4%.

5.2.8 3.5" microdisks from Malaysia, Mexico and the United States

On 28 March 1996 definitive anti-dumping duty was applied on imports of 3.5" microdisks originating in Malaysia, Mexico and the United States of America. The investigation had been initiated on 2 September 1994 and provisional duties were imposed on 16 October 1995.

Dumping

The Commission found it unnecessary to establish whether dumping by the co-operating producers from United States and Mexico existed, since the injury margins established for these producers were found to be *de minimis*.

As far as Malaysia is concerned, for one cooperating producer, normal value was established, on the basis of the price actually paid in the ordinary course of trade, while for the other co-operating producer, it was established on the basis of the constructed value.

The definitive dumping margins for non-co-operating producers were between 12,8% and 46,4% for Malaysia, between 0% and 44,0% for Mexico and between 0% and 44,0% for the United States.

Injury

With regard to injury, it was found that the cumulated market share of the countries concerned went from 25,2% in 1990 to 26,8% in the investigation period. The strong presence of the dumped imports had very negative consequences for the Community industry since it was found that, with the exception of imports from the co-operating producers in the United States and Mexico, the prices of these imports undercut the prices of the Community industry by substantial margins. The development of prices and production costs resulted in losses from 1990 onwards for the majority of the Community producers concerned.

Community interest

With regard to Community interest, it was considered that the need to preserve a Community presence in this sector outweighed the limited impact that the measures would have on the consumers and the end users, in particular the software industry.

Measures

For Malaysian co-operating producers the rate of duties was established at the level of injury margin found, and ranged from 12,8 to 26,4%, whilst no duties were imposed for co-operating producers from United States and Mexico on the grounds that the injury margins found were "de minimis".

With regard to the non co-operating producers in the countries involved, the duties were imposed at the level of dumping margins, ranging from 44% to 46,4%.

5.2.9 *Powdered activated carbon (PAC) from the People's Republic of China*

This proceeding was initiated on 2 March 1994. A provisional duty was imposed on 15 August 1995, followed by definitive measures on 5 June 1996.

Dumping

Following the imposition of provisional measures, further adjustments were made to the normal value and the Chinese export price. It was found that a comparison made at the provisional stage between the normal value of a USA PAC grade and the export price of a Chinese PAC grade was inappropriate. These adjustments led to the provisional dumping margin being reduced from 71,5% to 69,9% at the definitive stage.

Community interest

Subsequent to the imposition of provisional measures and at the request of the importers, the Commission contacted a number of end users of the product concerned. The aim was to obtain further data on whether the imposition of definitive measures was in the Community interest. For this purpose, a simplified questionnaire was sent to twenty-two public utilities and industrial users of PAC. However, meaningful responses were received from only twelve of these users. Unfortunately, the data was of a conflicting nature and therefore no decisive conclusions could be drawn from it. However, it was not disputed that the contribution of PAC costs to the users' total costs was minimal. Accordingly, the view taken in the provisional duty Regulation that it was in the Community interest to impose measures was confirmed by the Council.

Measures

In the light of comments made by various interested parties, the methodology used to calculate the injury elimination level in the provisional measures was amended. This resulted in the injury elimination level being reduced from 66,8% to 38,6%.

As far as the form of the definitive measures was concerned, it was considered that the structure of a State-controlled economy would give the Chinese exporters considerable room for manoeuvre to decrease their export prices. Therefore, in order to diminish the risk of absorption of the duty, a specific duty of ECU 323 per tonne (based on the injury elimination level of 38,6%) was imposed. However, in view of the change in the form of the duties, the Council considered that it was not appropriate in this particular case to definitively collect the provisional anti-dumping duty.

5.2.10 *Unwrought magnesium originating in Kazakhstan, Russia and the Ukraine*

In July 1996 definitive anti-dumping measures were imposed on imports of unwrought pure magnesium originating in Russia and the Ukraine. The investigation was initiated in January 1994 and provisional anti-dumping measures were imposed in December 1995.

Dumping

The investigation confirmed that imports from Kazakhstan were at a *de-minimis* level. Therefore, the proceeding was terminated with respect to this country.

The proceeding initially covered two types of unwrought magnesium, pure and alloyed. Given an essential lack in interchangeability in their respective uses the two types could not be considered as like products. As imports of alloyed unwrought magnesium were made at a very low level and as sales by the Community industry were also very low, the proceeding was terminated with respect to this product without the imposition of measures.

As Russia and the Ukraine are considered as non-market countries, normal values were determined on the basis of an analogue country, i.e. on a constructed value using production costs in Norway. These normal values were adjusted to reflect natural comparative advantages in the form of inherent differences in the production process.

On this basis, the dumping margins determined for the two exporting countries were 46.5% and 54.5 % for Russia and the Ukraine respectively.

Injury

As far as injury was concerned, it was established that the dumped imports substantially increased to reach a joint market share of 23%. In addition, it was determined that these imports were made at low prices which undercut those of the Community industry by more than 30%.

As to the situation of the Community industry, its market share considerably decreased to a level of 20% overall. Its sales were made at substantially depressed prices leading to increasing and significant financial losses.

As to the causal link between dumping and injury, the following factors were taken into account : the various specific sales channels for imports and sales of the Community industry; price developments inside the Community as well as on the world market; and an analysis of other possible factors contributing to the injury suffered by the Community industry. It was then found that the imports concerned had materially injured the Community industry.

Community interest

With respect to the situation of users, there was limited co-operation, in particular from aluminium producers. On the basis of the information submitted, it was established that the cost of magnesium in the end-products of users is very small. This meant that any negative impact of anti-dumping measures would be negligible. The same applied for the competitive situation of users, given limited trade into and out of the Community for the transformed product.

In conclusion, it was considered that it was in the overall interest of the Community to impose definitive measures.

Measures

The measures proposed consisted of undertakings for the three producers located in the two exporting countries, and of a residual duty in the form of a minimum price-based variable duty. The latter is at a level of 2.602 and 2.568 ECU per tonne for imports from Russia and the Ukraine respectively.

5.2.11 Polyester staple fibre originating in Belarus

In July 1996, definitive anti-dumping measures were imposed on imports of polyester staple fibre (PSF) originating in Belarus. The investigation had been initiated in August 1994 and provisional anti-dumping measures had been imposed in March 1996.

Dumping

Since Belarus is not a market economy country, it was necessary to compare the export prices of the product originating in Belarus with prices or costs in a market economy country. The complainant proposed Poland. However the latter was not considered a suitable analogue country after verification of the information submitted by the only existing producer of PSF in that country.

The Commission subsequently obtained the co-operation of several producers of PSF in Taiwan. On the basis of the market conditions there, it was established that Taiwan was a suitable analogue country.

Normal value was established on the basis of the weighted average of all domestic prices of co-operating Taiwanese producers.

A comparison was made between normal value and export prices at the same level of trade and after due adjustments, where warranted. The dumping margin was found to be 43,5%.

Injury

With regard to injury it was found that the volume of the dumped imports of PSF originating in Belarus had increased from 1.500 tonnes in 1991 to 35.000 tonnes in 1994. This was against a background of stagnant consumption levels in the Community. This led to a decreasing market share for all other sources of supply (Community producers and other importing countries). Prices of the Belarussian exporters significantly undercut European market prices by around 40%. This is considered significant in view of the commodity type of the product concerned. These factors led to a significant decline in the economic performance of the Community industry. Sales and market share declined, there were employment cutbacks and financial results were poor. This prevented the Community industry from maintaining an adequate level of investment, which is necessary in this capital intensive industrial sector.

Community interest

Having examined the various interests involved, it was concluded that it would be in the interest of the Community to impose measures. It was also considered necessary to restore fair competitive conditions in the Community market. Finally, it was considered necessary to assure a non-discriminatory treatment of PSF originating in Belarus as compared to imports of PSF originating in other third countries, presently subject to anti-dumping measures.

Measures

The definitive anti-dumping duty imposed was the same as the provisional duty of 43.5%.

5.2.12 Polyester textured filament yarn originating in India, Indonesia and Thailand

In November 1996, definitive measures were imposed on imports of polyester textured filament yarn originating in India, Indonesia and Thailand. The investigation had been initiated in July 1994 and provisional measures had been imposed in May 1996.

Dumping

The provisional dumping margins established ranged from 4.6% to 22% for Indonesia, from 7.9% to 29.6% for Thailand and from 0.3% to 42.9% for India.

Normal value for the exporting countries concerned were based, in most cases, on domestic selling prices for comparable types of PTY with regard to those exported to the Community. Where no such sales existed, or where they were made outside the ordinary course of trade (loss-making sales), a proper comparison could not be made and normal value was established on the basis of the costs of manufacture of the individual co-operating producers plus a reasonable amount for selling, general and administrative expenses and profit.

Export prices for the three exporting countries were established on the prices actually paid or payable for the products sold for export to the Community.

Injury

After examination of all the elements affecting the Community industry, the Commission concluded that the latter was suffering material injury. This assessment was confirmed by a decline in production, capacity utilisation and market share, notwithstanding a certain recovery of Community consumption. Furthermore, the Community industry recorded increasing financial losses due to a unsatisfactory price level for PTY in the Community caused by unfair low-priced imports. On the other hand, imports of PTY originating in Indonesia and Thailand increased fivefold within three years and together reached about 15% of the market share during the investigation period.

At the same time, prices charged by the Indonesian and Thai exporters undercut prices of the Community producers in the Community market by a margin of more than 50%. That margin is considered especially important given the commodity nature of the product and its high sensitivity to price competition.

Community interest

The investigation concluded that it was in the Community interest to restore fair competition on the Community market and to ensure that the Community producers of PTY were able to obtain a price level which remains competitive. No arguments were submitted by users as regards the impact on the prices of PTY on the end products.

Nevertheless, given the limited level of measures imposed, the impact on the end products, mainly fabrics, has been estimated to be moderate. Finally, it was considered necessary to assure a non-discriminatory treatment of PTY originating in Indonesia and Thailand as compared to imports of PTY originating in other third countries, presently subject to anti-dumping measures.

Measures

At the definitive stage, and on the basis of additional information submitted by the Indonesian and Thai producers, the dumping margins were found to be lower than those determined at the provisional stage. As a result, definitive measures in the same form as those imposed provisionally, were introduced on 11 November 1996 at the rate of 5.4% to 20.2% for Indonesia and 6.7% to 20.2% for Thailand. No measures were imposed on India and the proceeding was accordingly closed for that country.

6. INVESTIGATIONS TERMINATED WITHOUT MEASURES

6.1 Overview

Under Art. 9 (1)-(3) of the basic Regulation, investigations may be terminated without the imposition of measures if a complaint is withdrawn or if protective measures are unnecessary.

In 1996, 25 new investigations were concluded without measures. This figure is relatively high compared to 8 terminations without measures in each of the three previous years. If regarded over a five-year period, the ratio of investigations terminated without imposition of measures to the total number of new investigations concluded is around one third. Details of the investigations terminated without measures can be found in Annex D and a short summary of each case is given below.

6.2 Cases

6.2.1 *Portland cement originating in Poland, the Czech and Slovak Republics*

The notice of initiation of an anti-dumping proceeding with regard to imports into certain regions of Germany of Portland cement, originating in Poland, the Czech and Slovak Republics, was published on 28 April 1994. This followed a complaint lodged by the Bundesverband der Deutschen Zement Industrie on behalf of German producers of Portland cement representing almost the totality of Portland cement production in the following regions of Germany : Berlin, Brandenburg, Mecklenburg-Vorpommern, Sachsen, Sachsen-Anhalt, Thüringen, Bayern and Baden-Württemberg.

The complainant subsequently formally withdrew the complaint concerning imports of Portland cement originating in Poland, the Czech and Slovak Republics. The Commission considered that a termination in this context would not be against the interest of the Community.

In these circumstances, the proceeding was terminated without imposition of protective measures on 16 January 1996.

6.2.2 *Cotton fabric originating in the People's Republic of China, India, Indonesia, Pakistan and Turkey*

The notice of initiation of an anti-dumping proceeding concerning imports into the European Union of fabric composed either totally or partially of cotton (more than 50%), originating in the People's Republic of China, India, Indonesia, Pakistan and Turkey, was published on 20 January 1994. The complaint was lodged by the European producers representing a major proportion of total cotton fabric output in the Community. The complainant subsequently formally withdrew the complaint. The Commission considered that a termination in this context would not be against the interest of the Community.

In these circumstances, the proceeding was terminated without imposition of protective measures on 19 February 1996.

6.2.3 *Synthetic staple fibre fabric originating in India, Indonesia, Pakistan and Thailand*

The notice of initiation of an anti-dumping proceeding, with regard to imports of synthetic staple fibre originating in India, Indonesia, Pakistan and Thailand, was published on 20 January 1994. The complaint was lodged by the European producers representing a major proportion of the total synthetic staple fibre fabric output in the Community.

The complainant subsequently formally withdrew the complaint. The Commission considered that a termination in this context would not be against the interest of the Community.

In these circumstances, the proceeding was terminated without imposition of protective measures on the 19 February 1996.

6.2.4 *Video cassette recorders originating in the Republic of Korea and Singapore and key components thereof originating in the Republic of Korea*

The notice of initiation of an anti-dumping proceeding, concerning imports of video cassette recorders originating in the Republic of Korea and Singapore and key components thereof originating in the Republic of Korea, was published on 25 April 1995. The complaint was lodged by the Direct Remedy Against Unfair Merchandise Committee (DRUM) on behalf of Community producers of video cassette recorders and key components thereof.

The complainant subsequently formally withdrew the complaint. The Commission considered that a termination in this context would not be against the interest of the Community.

In these circumstances, the proceeding was terminated without imposition of protective measures on the 23 April 1996.

6.2.5 *Furfuryl alcohol originating in the People's Republic of China and Thailand*

The notice of initiation of an anti-dumping proceeding was published on 19 April 1995 concerning imports of furfuryl alcohol originating in the People's Republic of China and Thailand. The complaint was lodged by Quaker Oats Chemicals, representing the Community industry. The product concerned is a chemical commodity.

In the course of the investigation, the complainant withdrew the complaint and requested the termination of the proceeding on the grounds of changed market conditions which had led to an abatement of the injury allegedly suffered.

The Commission concluded that the termination of the proceeding would not be against the Community interest and terminated the proceeding accordingly. The corresponding Decision was published in the Official Journal on 7 May 1996.

6.2.6 *Bed linen from India, Pakistan, Thailand and Turkey*

Following a complaint lodged by the Committee of the Cotton and Allied Textile Industries of the EEC (Eurocoton), the Commission announced on 25 January 1994 the initiation of an anti-dumping proceeding concerning imports of certain types of bed linen originating in India, Pakistan, Thailand and Turkey.

In June 1996, the complainant formally withdrew the complaint and the proceeding was consequently terminated without imposition of measures on 10 July 1996.

6.2.7 *Unwrought pure magnesium originating in Kazakhstan*

The notice of initiation of an anti-dumping proceeding was published on 15 January 1994 concerning imports of unwrought pure magnesium originating in Kazakhstan. The complaint was lodged by the Liaison Committee for Ferro-Alloy Industries (Euroalliages).

In the course of the investigation, it was found that imports of unwrought magnesium from Kazakhstan were *de-minimis* and, therefore, did not cause injury to the Community industry.

Consequently, the Commission decided to terminate the proceeding. The corresponding Decision was published on 12 July 1996.

6.2.8 *PET video film from the Republic of Korea*

Following a complaint lodged by Hoechst-Diafoil GmbH, Rhône-Poulenc and Teijin-Du Pont Films, the Commission announced on 14 June 1995 the initiation of an anti-dumping proceeding concerning imports into the EU of PET video film originating in the Republic of Korea.

In May 1996, the complainant formally withdrew the complaint and the proceeding was consequently terminated without imposition of protective measures on 20 July 1996.

6.2.9 *Polyester textured filament yarn originating in India*

The above proceeding was initiated on 29 May 1996 following a complaint lodged by the International Committee of Rayon and Synthetic Fibres (C.I.R.F.S.), acting on behalf of Community producers.

Given the above provisional conclusions with regard to the low volume of exports of PTY (see section 4.2.2 above) to the Community originating in India (insignificant market share), the Council confirmed that no definitive anti-dumping duty should be imposed and that the proceeding should be terminated in respect of this country.

6.2.10 *Hydraulic excavators weighing more than 6 tonnes originating in the Republic of Korea*

The above proceeding was initiated on 12 May 1995 following a complaint lodged by the Committee for European Construction Equipment (CECE).

The Commission completed its investigation and presented its findings to the Complainant in February 1996 and on 4th April the complaint was withdrawn. The Commission therefore proposed that this proceeding be terminated, as no indications that the termination of this proceeding would be against the interest of the Community were received. The corresponding Decision was published on 27 November 1996.

7. REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY

7.1 Overview

Anti-dumping measures, including price undertakings, may be subject, under the basic Regulation, to five different types of reviews: expiry reviews (Art. 11 (2)), interim reviews (Art. 11 (3)), newcomer reviews (Art. 11 (4)), absorption investigations (Art. 12) and circumvention investigations (Art. 13).

These reviews continue to represent a major part of the work of the Commission's anti-dumping services. In the period from 1992 to 1996, a total of 129 review investigations were initiated. These review investigations represented over 40 % of all investigations.

In 1996, 32 reviews were initiated. Of these, 20 were interim reviews, 4 circumvention reviews, 3 newcomer reviews, 2 expiry reviews, 1 absorption review and 2 reviews of countervailing measures.

Details and results of the review investigations in 1996 can be found in Annexes G to K, whilst Table 2 provides statistical information for the years 1992 - 1996.

TABLE 2

**Reviews of Anti-dumping and anti-subsidy investigations
during the period 1 January 1992 - 31 December 1996**

	1992	1993	1994	1995	1996
Reviews in progress at the beginning of the period	21	30	20	24	34
Reviews opened during the period	27	22	17	26	32
Reviews in progress during the period	48	52	37	50	66
Total reviews concluded during the period	18	30	13	16	16
Reviews in progress at the end of period	30	22	24	34	50

7.2 Expiry reviews

Art. 11 (2) of the basic Regulation provides for the expiry of anti-dumping measures after five years unless an expiry review demonstrates that they should be maintained in their original form.

In 1996, 19 measures (both duties and undertakings) were allowed to expire automatically under Art. 11 (2). The references for these measures are set out in Annex M.

Since the expiry (or "sunset") provision of the basic Regulation came into force in 1985 (Art. 15 of the basic regulations No 2176/84 and No 2423/88, Art. 11 (2) of the current basic regulation), a total of 270 measures have been allowed to expire automatically.

Some of the more notable cases in which measures were allowed to expire in 1996 concerned audio tapes in cassettes (Japan, Republic of Korea), espadrilles (People's Republic of China) and small-screen colour television receivers (Hong Kong).

Details of the expiry reviews that were initiated or concluded can be found in Annex G.

7.3 Interim reviews

Art. 11 (3) of the basic Regulation provides for the review of measures during their period of validity on the initiative of the Commission, at the request of a Member State or, provided that at least one year has elapsed since the imposition of the definitive measure, following a request containing sufficient evidence by an exporter, an importer or by the Community producers.

In 1996, 20 interim reviews were initiated under Art. 11(3) of Council Regulation (EC) No 384/96, in addition to 2 interim reviews of countervailing duties initiated under Art. 13 (6) of Council Regulation (EC) No 3284/94.

Details of these reviews can be found in Annex H.

7.4 Newcomer reviews

Art. 11 (4) of the basic Regulation allows for a review to be carried out for the purpose of determining individual margins of dumping for new exporters in the exporting country in question which have not exported the product during the investigation period.

Such parties have to show that they are genuine new exporters, i.e. that they are not related to any of the exporters or producers in the exporting country, which are subject to the anti-dumping measures, and that they have actually exported to the Community following the investigation period or that they have entered into an irrevocable contractual obligation to export a significant quantity to the Community (newcomer or new exporter review).

When a review for a new exporter is initiated, the duties are repealed with regard to that exporter, though its imports are made subject to registration under Art. 14 (5) in order to ensure that, should the review result in a determination of dumping in respect of such an exporter, anti-dumping duties may be levied retroactively to the date of the initiation of the review.

Details of these reviews can be found in Annex I.

In 1996, 3 newcomer reviews were initiated, and one newcomer review was concluded by the amendment of the definitive duty. Since the Commission carried out the first review of this type in 1990, a total of 18 investigations have been initiated.

7.5 Absorption investigations

The possibility of "absorption" reviews, which deal with situations where the exporters directly or indirectly bear the cost of the duty and thereby increase the dumping margin without leading to sufficient movement in resale prices, was incorporated into the basic Regulation of 1988 under article 13(11), and is now included in article 12 of the basic Regulation.

Since 1988, seven such reviews have been initiated, including one in 1996. This case concerned imports of certain television camera systems originating in Japan. The complainant EU industry claimed that, despite the existence of duties, the resale prices of these products exported by Sony Corporation and Ikegami Tsushinki CO Ltd. had not moved upwards and that this indicated that the anti-dumping duties had been borne, wholly or partly, by their exporters.

Details of these investigations can be found in Annex J.

7.6 Circumvention investigations

The possibility of investigations being re-opened in circumstances where evidence is brought to show that anti-dumping measures are being circumvented, was introduced by Article 13 of the basic Regulation.

Circumvention is defined as a change in the pattern of trade between third countries and the Community which stems from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty. Assembly operations, whether in the Community or a third country, may fall under this definition, as stipulated in Art. 13. According to this article, anti-dumping duties may be extended to imports from third countries of like products, or parts thereof, if circumvention is taking place.

So far, 13 anti-circumvention investigations have been initiated, including 4 in 1996. Nine investigations concerning microdisks were terminated in 1996 without extension of the measures.

The circumvention investigations initiated in 1996 concern bicycles from the People's Republic of China, weighing scales from Japan and Singapore (imports of parts for use in assembly operations in the Community), and weighing scales from Japan (transshipment and/or assembly of parts in Indonesia).

The details of these investigations are given in Annex K.

8. SUSPENSION OF MEASURES

Art. 14(4) of the basic Regulation provides for the suspension of measures in cases where market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of the suspension. Measures may be reinstated if the reason for the suspension is no longer applicable.

In 1996, there were no further suspensions. However, the suspension of three measures effected in 1995 was prolonged in 1996. Details are given in Annex L.

9. MONITORING OF UNDERTAKINGS

Undertakings are accepted by the Commission only where it is found that such a measure constitutes an appropriate solution, i.e. that it eliminates the effect of injurious dumping. Another precondition for the acceptance of undertakings is that they can be effectively monitored. In line with the Declaration of the Essen Summit of November 1994 regarding the Union's relations with Eastern Europe, the possibility of concluding an anti-dumping investigation by accepting undertakings instead of imposing duties has to be examined in all cases involving countries of Central and Eastern Europe. Undertakings also constitute the primary solution in regional cases. It is common practice to combine the acceptance of undertakings with the imposition of definitive (residual) duties.

The monitoring of undertakings begins with the reports submitted by the companies concerned to the Commission's services. The frequency of these reports varies between one and four per year depending on the terms of the undertaking. The Commission may request further information if necessary.

Regular inspections are made at the premises of the companies concerned to ensure compliance with the terms of the undertaking. During these visits, the Commission services inspect the companies' accounts, invoices and any other relevant information.

If the terms of the undertakings are violated or if the company withdraws its undertaking, the Commission may, in accordance with Article 8 of the basic Regulation, impose duties on the product, after having given interested parties an opportunity to comment.

In 1996, undertakings were accepted in the framework of several anti-dumping investigations : grain oriented electrical sheets from Russia, tube or pipe fittings from Croatia and Thailand, unwrought pure magnesium from the Ukraine and Russia, and hematite pig-iron from the Czech Republic. Finally, two undertakings were subject to review: certain seamless pipes and tubes originating in Hungary, Poland and the Republic of Croatia, and hematite pig-iron from the Czech Republic.

10. REFUNDS

A refund of anti-dumping duties paid is granted in individual cases where the importer provides evidence that those duties were, in fact, higher than the dumping margin established in respect of the goods concerned.

At the start of 1996, there were three products subject to ongoing refund investigations.

The major outstanding case was that of DRAMs from Japan. Three importers of this product have submitted refund claims, while applications from some importers have been suspended whilst national customs authorities pursue their own investigations.

Refunds concerning imports of ball-bearings from Thailand were also under investigation and a Commission decision has since been announced stating that refunds were not appropriate. Several refund applications are still outstanding for this product and are being processed.

Apart from the above, there are now outstanding refund applications for the following: polyester yarn from Indonesia, woven polypropylene bags from China, artificial corundum from China, ferro-silicon from Brazil, cotton yarn from Turkey, large aluminium electrolytic capacitors from Japan and ball bearings from Thailand.

11. COURT OF JUSTICE / COURT OF FIRST INSTANCE

11.1 Overview

A list of the anti-dumping and anti-subsidy cases before the Court of Justice and the Court of First Instance is given in Annex N. It shows the cases which were still pending at the beginning of 1996, in addition to the new cases brought during the year. Judgements or orders were rendered in nine cases, summaries of which are given below (except for a discontinuance order in case T-78/95).

11.2 New cases

The nine new cases brought during the year concerned the choice of the country of reference¹⁴, the determination of the Community frontier value of goods¹⁵, the application of anti-dumping duties imposed on the former Yugoslavia¹⁶, the causal link between dumping and injury¹⁷, the determination of normal value¹⁸, and the use of sampling in investigations¹⁹.

¹⁴ Case C - 26/96, OJ C77, 16.03.96

¹⁵ Case C - 93/96, OJ C133, 04.05.96
Case C - 322/96, OJ C336, 09.11.96

¹⁶ Case C - 177/96, OJ C233, 10.08.96

¹⁷ Case T - 46/96, OJ C180, 22.06.96

¹⁸ Case T - 48/96, OJ C180, 22.06.96
Case T - 51/96, OJ C180, 22.06.96
Case T - 118/96, OJ C318, 26.10.96

¹⁹ Case T - 75/96, OJ C210, 20.07.96

11.3 Cases pending

At the end of 1996, a total of 20 cases were pending of which 14 in front of the Court of First Instance. Four preliminary ruling cases, as well as two appeals lodged against judgements of the Court of First Instance, were pending before the Court of Justice.

11.4 Judgements / Orders rendered

11.4.1 *Court of Justice*

11.4.1.1 Electric motors : Judgement of 28 March 1996²⁰

- Case C - 99/94, Birkenbeul GmbH v. Hauptzollamt Koblenz

In this preliminary ruling case, the Court was asked to determine the extent to which an anti-dumping duty, intended to be applied to imports into the Community of complete multi-phase electric motors, should also be levied on imports of certain principal parts used in the manufacture of such motors. The reference to the Court raised the issue of the relationship between Community customs legislation, particularly its general rules of interpretation, and the anti-dumping Regulations in question.

The judgement of the Court was fully in keeping with the Commission's observations, as it confirmed that customs provisions could only apply in so far as they were not contrary to the specific provisions of the anti-dumping Regulations.

The General Rules for the Interpretation of the Nomenclature of the Common Customs Tariff provide that a reference to a product includes the product in its incomplete or unfinished form. However, the Court considered that the anti-dumping duty imposed by the Regulations in question (a variable duty) could not satisfactorily be applied to incomplete motors or motor parts.

Consequently, the Court ruled that the Regulations in question must be interpreted as applying only to imports of electric motors which were complete or finished.

11.4.2 *Court of First Instance*

11.4.2.1 Microdisks : Order of 14 March 1996²¹

- Case T - 134/95, Dysan Magnetics and Others v. Commission

The application in this case was lodged by Dysan, an importer of magnetic disks which sought the annulment of the Commission's decision to initiate anti-dumping proceedings concerning imports of computer microdisks.

²⁰ OJ C180, 22.06.96

²¹ OJ C133, 04.05.96

The Court of First Instance upheld a plea of inadmissibility by the Commission.

The Court of First Instance firstly noted that acts or decisions, against which an action for annulment may be brought, are measures which produce binding legal effects capable of affecting the applicant's interests and bringing about a distinct change in their legal position. It then noted that in the case of acts or decisions adopted by a procedure involving several stages, an act is challengeable only if it is a measure definitely laying down the position of the institution or the conclusion of that procedure, and not an intermediate step intended to pave the way for that final decision.

On that basis, the Court of First Instance considered that the initiation of anti-dumping proceedings could not be regarded, by reason of its nature and effects, as a challengeable act.

In fact, whereas the Commission is responsible for carrying out the investigations, for deciding whether to terminate the proceedings, for adopting provisional measures and for proposing to the Council the adoption of definitive measures, it is actually the Council which has the power to take a final decision. Therefore, the Commission's role forms an integral part of the Council's decision-making process and the Commission's decision to initiate anti-dumping proceedings is a purely preparatory act not capable of immediately and irreversibly affecting the legal position of the undertakings concerned.

On these grounds, the Court of First Instance dismissed the application as inadmissible.

11.4.2.2 Ball bearings : Judgement of 5 June 1996²²

- Case T - 162/94, NMB France and Others v. Commission

The applicants were European subsidiaries of the Japanese group NMB, involved in the distribution within the Community of high precision ball bearings supplied by other subsidiaries of the same group, located in Singapore, and whose exports to the Community were subject to an anti-dumping duty of 33.89%. They asked the Court of First Instance for the annulment of the Commission's decisions rejecting their applications for refund of the anti-dumping duties levied on imports of such ball bearings.

The case raised the question of the lawfulness of the so-called "duty as a cost" rule²³, which is an issue linked to the conditions to obtain refunds of the anti-dumping duties collected, for importers who are related to the exporters of the dumped product.

²² OJ C210, 20.07.96

²³ According to this rule, the importers associated with exporters of the dumped goods are granted the refund of the duties paid, only if the resale price of the product concerned to the first independent buyer in the Community has been increased by an amount equivalent to the margin of dumping and the amount of duty paid. Independent importers are not subject to this rule.

This rule had already been challenged in 1988 before the Court of Justice by the same applicants. (The Court, in its judgement of 10 March 1992 in the case C - 188/88 NMB v. Commission, dismissed the application). According to the applicants, a second application was justified due to "the extraordinary unfair nature of the contested decisions".

In its judgement, the Court of First Instance recalled that by virtue of the principle of proportionality, the legality of Community rules is subject to the condition that the means employed must be appropriate to the attainment of the legitimate objective pursued and must not go further than is necessary to attain it. Where there is a choice of appropriate measures, it is necessary in principle to choose the least onerous.

However, in areas in which the Community legislator has a broad discretion which corresponds to the responsibilities given to it by the Treaties, the lawfulness of a measure can only be affected if such a measure is "manifestly inappropriate", taking into account the objective which the competent institution is required to pursue.

In the light of the above principle, the Court of First Instance considered that the grounds invoked by the Commission to justify the "duty as a cost" rule were reasonable. In particular the reason that only the contested rule could secure that the dumping found for the group made up of the associated importer and his exporter was radically and permanently abandoned.

The application was therefore dismissed.

11.4.2.3 Monosodium glutamate : Order of 10 July 1996²⁴

- Case T - 208/95, Miwon Co. Ltd. v. Commission

The application in this case was lodged by Miwon Co. Ltd., a Korean exporter of monosodium glutamate. It concerned an action for annulment of the Commission Regulation imposing provisional anti-dumping duties on imports of this product originating, inter alia, in Korea.

The Commission claimed that the Council's adoption of the Regulation imposing definitive duties had made the action redundant and raised an objection to admissibility.

The Court of First Instance accepted this claim. It considered that since the amounts secured by way of provisional anti-dumping duty had been collected in their entirety under the definitive Regulation, the applicant could not rely on any legal effects arising out of the provisional Regulation and, consequently, had no further interest in contesting it.

In view of the above, the Court of First Instance decided that the case did not proceed to judgement.

²⁴ OJ C318, 26.10.96

11.4.2.4 Oxalic acid : Judgement of 11 July 1996²⁵

- Case T - 161/94, Sinochem Heilongjiang v. Council

The applicant is a Chinese company which sought the annulment of the Council Regulation imposing definitive duties on imports of oxalic acid.

As Sinochem was not considered an economic entity sufficiently independent from the Chinese state, no individual treatment²⁶ was granted to it. As a result, the country-wide duty for China was applicable to its exports as well, instead of a (lower) individual duty.

In its judgement, the Court of First Instance rejected all pleas in law put forward by the applicant and confirmed, for the first time, the lawfulness of some of the principles defended by the Institutions in the field of individual treatment and injury determination.

In particular, the Court of First Instance acknowledged that the risk of circumvention, i.e. the channelling of exports through the party with the lowest duty, was a valid reason to disallow individual treatment for exporters from state-trading countries.

It also recognised the legality of the so called "25% or more" rule, according to which 25% of Community production constitutes a "major proportion" of the Community industry for the purpose of assessing injury.

The application was therefore dismissed.

11.4.2.5 Cotton fabrics : Order of 26 August 1996²⁷

- Case T - 75/96R, Söktas Pamuk v. Commission

Söktas Pamuk is a Turkish company which manufactures and exports different types of cotton fabrics. On 20 May 1996, it lodged an application for the annulment of the Commission's decision to initiate anti-dumping proceedings concerning imports of unbleached cotton fabrics originating, inter alia, in Turkey. This application is based mainly on the consideration that the Commission had failed to respect the terms of the Association Agreement with Turkey, in particular Article 47 of its Additional Protocol.

On the same date, Söktas made an application for interim relief, asking for the suspension of the aforesaid contested decision.

²⁵ OJ C247, 24.08.96

²⁶ i.e., the imposition of an individual anti-dumping duty for the exporter

²⁷ Not subject to publication

The Commission, relying on the order of the President of the Court of First Instance of 14 March 1996 in the Dyan Magnetics case²⁸, considered that the application for interim measures should be dismissed on the grounds that the main application for annulment of the initiation of the anti-dumping proceeding was manifestly inadmissible.

The President of the Court of First Instance, after noting that Article 47 of the Additional Protocol does not inhibit the initiation of anti-dumping proceedings, but only imposes procedural preconditions to the later adoption of anti-dumping measures, accepted the Commission's argument and dismissed the request for interim measures.

11.4.2.6 Photo albums : Judgement of 18 September 1996²⁹

- Case T - 155/94, Climax Paper Converters v. Council

This case, in which the applicant asked for the annulment of the Council regulation imposing definitive duties on imports into the Community of photo albums originating in China, again raised the issue of the individual treatment of exporters from state-trading countries with regard to the imposition of anti-dumping duties.

In its decision, the Court of First Instance stressed, even more clearly than it did in its previous judgement in the Sinochem case³⁰, the correctness of the approach of the Institutions when dealing with this question.

Firstly, the Court of First Instance pointed out that the policy of imposing a single anti-dumping duty in respect of an entire country is neither contrary to the letter nor to the spirit of the anti-dumping legislation, if that policy is necessary to protect the Community against dumping and the risk of circumvention.

Secondly, it found that although the normal value and the export prices would normally be established individually for each exporter, this does not mean that the Community Institutions are obliged to do so in each case or that they are obliged to impose an individual anti-dumping duty for each exporter.

On the contrary, the Community Institutions have a wide discretion in deciding what the most appropriate solution is regarding the granting of individual treatment to exporters. That is particularly so where, in the case of state-trading countries, the institutions have examined the situation of the exporters concerned and are not convinced that these exporters are acting independently from the state.

In view of the above, the Court of First Instance dismissed the application.

²⁸ See Case T - 134/95, above

²⁹ OJ C318, 26.10.96

³⁰ See Case T - 161/94, above

11.4.2.7 Cotton Fabrics : Order of 10 December 1996³¹

- Case T-75/96, Söktas Pamuk v. Commission

By means of this order, the Court of First Instance, having earlier dismissed the application for interim measures brought by Söktas³², ruled on the plea of inadmissibility of the main application raised by the Commission.

The Court found in favour of the Commission's argument that the issue of the inadmissibility of an action for annulment of the initiation of an anti-dumping proceeding had been resolved in the Dysan Magnetics case³³. It also accepted the Commission's argument that Article 47 of the Additional Protocol to the Association Agreement with Turkey cannot inhibit the initiation of anti-dumping proceedings.

On these grounds, the application was dismissed as inadmissible.

12. ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS OF THIRD COUNTRIES CONCERNING IMPORTS FROM EU MEMBER STATES

12.1 Anti-dumping and anti-subsidy cases against EU Member States

In recent years, there has been a sharp increase in the number of anti-dumping and anti-subsidy (or countervailing duty - CVD) cases initiated by third countries against Member States of the EU. Until recently, these actions were restricted to the "traditional" users of trade defence measures i.e. the USA, Canada, Australia and New Zealand. However, an increasing number of countries, particularly in the developing world, are beginning to carry out anti-dumping and CVD investigations or expand their existing use of these instruments, notable examples being Mexico, Argentina, Israel, the Republic of Korea and Malaysia.

This expansion of activity has given rise to certain problems. Many of the new users, in spite of receiving extensive bilateral and multilateral training and advice on trade defence instruments, do not always adhere fully to the provisions of the WTO Agreements. In particular, there is often a lack of transparency in the investigation procedure and of adequate disclosure. Furthermore, several countries have inadequate resources, in terms of staff and budget, to carry out investigations in a reasonable time.

The Commission's role depends upon the type of case. In CVD investigations involving Community subsidies, the Commission is a respondent. In CVD investigations concerning Member States' subsidies, the Commission co-ordinates replies and advises on their content, particularly as regards the so-called "green-light" claims.

³¹ To be published

³² See point 11.4.2.5 above

³³ See point 11.4.2.1 above

In anti-dumping investigations against Member States, the Commission has no direct role to play, but, as in all third country investigations, it monitors their progress carefully and takes up any violation of WTO or Bilateral Agreements on behalf of the Community in the appropriate manner. As can be seen below, this approach has had a positive effect in several cases. Of course, it is the Commission's job to defend the Community interest and not to represent individual companies. Producers and exporters involved in investigations should take steps to ensure their own defence.

A summary of the main investigations is given below. This is by no means exhaustive, but covers those cases where interesting issues have arisen.

12.1.1 USA

12.1.1.1 Pasta

On 1 June 1995, the US initiated an anti-dumping and CVD investigation concerning imports of pasta from Italy and Turkey, following a complaint from three US pasta producers. The alleged subsidies with regard to Italy were Community export refunds and structural funds, and Italian Government incentives, mostly concerning the Mezzogiorno region.

On 10 October 1995, the Department of Commerce (DOC) imposed provisional countervailing duties. Provisional anti-dumping duties were imposed on 15 December 1995.

A final determination of dumping and subsidy took place on 3 June 1996. A positive injury finding by International Trade Commission (ITC) followed on 17 July 1996. CVD duties range from 1.21% to 11.23% and the average CVD duty is 3.85%. On the other hand, anti-dumping duties range from 1.68% to 46.67% (the highest AD duty was imposed on an exporter on the basis of facts available). The average AD duty is 11.26%.

In the CVD case the Commission had argued that the DOC should green-light the Italian regional aid and the Community structural funds, using the same arguments that have been accepted by Canada and New Zealand (see below). The US took a very restrictive approach and refused to accept that the aid in question was non-actionable, taking the position that where one eligible region does not fulfil the green-light criteria, the whole programme is disqualified, even though the other eligible regions all meet those criteria, and irrespective of the region in which the investigated exporters are located.

12.1.1.2 Steel

In July 1995, the Department of Commerce (DOC) initiated a review for the year 1994 concerning the CVD measures on lead and bismuth steel from the UK. On 6 May 1996, the DOC made a preliminary finding of subsidisation, with the CVD assessed at 1.69% for United Engineering Steels, 20.33% for Allied Steel & Wire Ltd. and 9.76% for all others.

In April 1996, the DOC initiated a review covering the year 1995. The Commission submitted a reply to the questionnaire and a verification visit to the Commission took place on 15-16 July 1996.

The DOC has recently published a notice giving interested parties the opportunity to request annual reviews in the hot and cold rolled steel cases. There are several other reviews in progress concerning steel products. On October 3 1996, the DOC provisionally calculated the subsidy for carbon steel plate from Sweden at 1.98% in the 1994 review. The CVD on carbon steel from Belgium was still being reviewed at the time of writing.

12.1.1.3 Chrysanthemums

On 11 September 1996, the DOC published the definitive results of the CVD reviews for standard chrysanthemums from the Netherlands. It found the subsidy amount for the years 1992, 1993 and 1994 to be 0.43%, 0.80% and *de minimis* respectively.

12.1.2 Mexico

12.1.2.1 Pork

On 22 November 1994, Mexico opened an anti-subsidy investigation concerning imports of certain pork products from Denmark. The Commission reacted immediately to this case, which was based on an alleged threat of injury, because the initiation of the proceeding did not seem to be justified. The market share of Danish imports was only 1% and no evidence had been presented concerning the situation of the domestic industry.

Nevertheless, Mexico imposed a provisional countervailing duty on 12 June 1995, having rejected all the information supplied by the Commission on the grounds that the Community had no legal basis to act on Denmark's behalf. The Commission protested strongly to Mexico (orally and in writing) at this serious procedural violation and at the lack of evidence to justify provisional measures.

Mexico subsequently agreed to recognize the authority of the Community in these matters and to consider the information presented by the Commission. At consultations and a public hearing in Mexico City on 8-9 November 1995, the Commission argued against imposing definitive measures, since there was no threat of injury and the export refund on the main pork products had been abolished.

Finally, on 2 October 1996, Mexico decided to terminate the countervailing proceeding and to reimburse the provisional duties.

12.1.2.2 Beef

On 3 June 1994, Mexico announced the imposition of a definitive countervailing duty of 45.74% on imports of frozen beef from the EC. Mexico's decision was weak as regards injury and contained very little evidence on causality. Consultations were subsequently held under the EC-Mexico Agreement.

In October 1995, the Commission requested a review on the basis that export subsidies have now been eliminated and imports have been negligible over the past two years. By a decision of 5 September 1996, Mexico rejected this request for procedural reasons. This matter is being pursued with the Mexican authorities.

12.1.3 Canada

12.1.3.1 Sugar

On 17 March 1995, Canada initiated a countervailing duty investigation concerning imports of refined sugar from the EU and the USA.

On 7 July 1995, Canada imposed a provisional countervailing duty on imports from the EC, but closed the case against the USA due to a finding of no subsidy.

On 5 October 1995, Revenue Canada confirmed its definitive subsidy finding against the EC, setting the countervailing duty at 50.79 ECU per 100 kg (about 138% *ad valorem*). On 6 November 1995, the Canadian International Trade Tribunal (CITT) found that imports from the EU were threatening injury to the domestic industry.

In a parallel anti-dumping case, Canada made a definitive dumping finding against the UK, Germany, the Netherlands, Denmark, the Republic of Korea and the USA. In the case of the four EC Member States, the CVD is higher than the dumping and therefore no extra dumping duty will be collected, except in the case of one UK exporter. The CITT confirmed these measures, except the case against the Republic of Korea, which was dropped because of lack of injury.

On 4 April 1996, the CITT decided not to recommend a reduction in the duty rates following a public interest investigation.

On 21 May 1996, the CITT received a request to review the threat of injury finding. A decision not to review injury followed on 26 July 1996. Although the injury finding with regard to the EC seems rather harsh, this type of judgement is inevitably subjective, and no further action is envisaged.

12.1.3.2 Pasta

On 30 August 1995, Canada initiated an anti-dumping and countervailing duty case concerning pasta from Italy.

On 20 November 1995, Canada extended its investigation (at the petitioner's request) to include all the Italian national programmes examined in the US pasta case.

On 12 January 1996, Canada imposed provisional anti-dumping and countervailing duties. It countervailed export refunds (but would not collect a duty as long as they were zero), but did not have time to come to a finding on the other programmes. Canada gave disclosure to the Commission on these programmes on 1 March 1996, and a meeting was held in Ottawa on 7 March in order to reply to this disclosure.

On 11 April 1996, Revenue Canada made a positive finding of dumping and subsidisation, although the amount of subsidy found was small and Canada green-lighted most of the Italian regional aid and the EC Structural Funds.

On 13 May 1996, the CITT made a finding of no injury and therefore the case was terminated without measures.

12.1.3.3 Beef

The CVD on boneless manufacturing beef from the EC, first imposed in 1986 and renewed in 1991, was due to expire in July 1996. On 12 February 1996, the Canadian International Trade Tribunal (CITT) initiated an expiry review to determine whether the measure was still necessary. The Commission made a submission arguing that the CVD should be allowed to expire, particularly in view of the recent undertaking by the Community to limit subsidised beef exports to Canada to 5.000 tonnes per year, a level which could not cause injury.

Consultations were held in Ottawa on 8 March 1996, and on 21-23 May 1996 the CITT hearing took place. On 22 July 1996 CITT, decided to eliminate the countervailing measures in view of the lack of injury.

12.1.4 Israel

On 26 July 1995, the Commission was notified by Israel of countervailing duty complaints concerning imports of pasta from Italy and baked goods from several EC Member States.

The investigation concerning baked goods (CVD only) was opened on 14 September 1995 and the Commission has made a submission on this matter, expressing concern about the calculation of the subsidy amount and the standing of the complainant. The lack of evidence contained in the complaint was also raised. Further submissions were made by the Commission in August and November 1996.

On pasta, the investigation (CVD and anti-dumping) was opened on 1 October 1995. The complainant has evidently copied the US complaint, and the Commission submitted its reply to the allegation by the deadline of 15 December 1995. The Commission has argued that many of the Community and Italian regional aid programmes are green and therefore non-actionable.

Consultations with Israel under the Subsidies Agreement were held in Geneva on 5 December 1995 and a further round of consultations was held in Jerusalem on 27 June 1996.

On 26 August 1996, Israel imposed a provisional anti-dumping duty on pasta ranging from \$0.03 to \$0.08 per kg (no duty was imposed on Barilla which was found not to dump). As far as the parallel CVD is concerned, the Commission has made a further submission on green-light issues, in view of the favourable Canadian and New Zealand decisions concerning the same laws, and understands that Israel has now terminated the CVD investigation without measures.

12.1.5 New Zealand

On 2 and 9 October 1995, New Zealand notified the Commission of the receipt of two countervailing duty complaints concerning imports from Italy of spaghetti and baked beans in tomato sauce respectively, on the basis of CAP subsidies and regional aid to the South of Italy.

Consultations on both cases under Article 13.1 of the Subsidies Agreement were held in Geneva on 24 October 1995. At these consultations, the Commission pointed out that in both cases the Italian market share was only 1% and that many of the Italian regional schemes should be considered non-actionable.

Nevertheless, New Zealand initiated both these cases at the beginning of March 1996.

The Commission replied to New Zealand's questionnaire and a verification visit took place at the Commission on 28-30 May 1996 and continued in June at the premises of the Italian Government and the exporters.

In the baked beans case, New Zealand found that the Italian regional aid programmes were indeed green and therefore non-actionable. The case was subsequently terminated on 29 August 1996 due to a finding of no injury.

In the spaghetti case, New Zealand made a similar finding of non-actionability of the Italian regional programmes, but has decided to impose CVD duties (for the non-green subsidies) due to a positive injury finding. The duties range from 4.5% to 6.1% with an average rate of 5.7%.

The Commission has undertaken consultations with New Zealand on the spaghetti case, and has made a written submission in December 1996 requesting a reassessment of the measure.

12.1.6 Australia

In the first half of 1992, Australia imposed anti-dumping and countervailing duties on imports of certain food products. These are due to expire in 1997. After receiving applications by the respective Australian industries alleging a recurrence of material injury if the measures expire, the Australian Anti-Dumping Authority (ADA) has initiated expiry reviews of countervailing and anti-dumping duties on imports of the following products:

12.1.6.1 Canned Peaches from Spain and Greece

Countervailing duties on imports of canned peaches from Spain and Greece and anti-dumping duties on imports from Greece are currently being reviewed by the ADA. The recommendation of the ADA to the Junior Minister for Industry (the Minister) was due by 23 December 1996.

A formal submission was presented to the ADA by the Community which contained strong arguments in favour of expiry of the measures, such as a significant drop in the level of subsidisation (processing aid: decrease of 37.8 % for Greece and 34.1 % for Spain; sugar rebate: decrease of 13.3 %) and in import volumes (imports from Greece fell by 97 % and imports from Spain are negligible) since measures were imposed in 1992.

12.1.6.2 Canned Ham from the Denmark, Ireland and the Netherlands

Countervailing duties on imports of canned ham and shoulder from Denmark, Ireland and the Netherlands and anti-dumping duties on imports from Ireland and the Netherlands are subject to an inquiry by the ADA. The recommendation of the ADA to the Minister is due by 11 February 1997.

A submission was presented to the ADA by the Community which stated arguments for the expiry of the countervailing measures such as a drop in the level of subsidisation (export refund: decrease of 5.8 % for canned ham and 32.3 % for canned shoulder) since measures were imposed in 1992. Additionally, imports from the Community have practically ceased since measures were taken.

In a parallel investigation, the Australian Customs recently initiated a review of normal values and countervailing duties on imports of canned ham from the above countries.

12.1.6.3 Glacé Cherries from France and Italy

Countervailing and anti-dumping duties on glacé cherries from France and Italy are subject to an expiry review by the ADA. A recommendation to the Minister is foreseen for 11 February 1997.

The Community submitted to the ADA that the measures should expire because subsidy levels decreased significantly (export refund: decrease of 41 %) since measures were imposed and imports from Italy and France dropped to very low levels.

12.1.6.4 Dried Egg White from the Netherlands

Countervailing duties on imports of dried egg white from the Netherlands are subject to an inquiry by the ADA. The recommendation of the ADA to the Minister was due by 12 March 1997.

12.1.6.5 Canned Tomatoes from Italy and Spain

Countervailing duties on imports of canned tomatoes from Italy and Spain and anti-dumping duties on imports from Italy and China are being reviewed by the ADA. The ADA will report to the Minister by 18 March 1997.

12.1.6.6 Diesel fuelled generators from UK

On 12 January 1996, Australia terminated its anti-dumping and countervailing investigation after it was established that the complainant did not have standing. The CVD case concerned UK regional aid to Northern Ireland.

12.1.7 *Argentina*

12.1.7.1 Wheat Gluten

On 18 June 1996, the local industry lodged a complaint with the Ministry of Commerce concerning imports of subsidised wheat gluten from the EU. On 30 June 1996 consultations were held under Article 13.1 of the WTO Subsidies Agreement. The Commission argued strongly that wheat gluten is not subsidised.

Despite the evidence of non-subsidisation, Argentina initiated an investigation on 26 November 1996.

Consultations under Article 13.2 WTO Subsidies Agreement were requested immediately.

12.1.7.2 Olive Oil

On 16 July 1996, the Ministry of Commerce received a complaint from the local industry concerning imports of olive oil from the EU. Consultations under Article 13.1 of the Subsidies Agreement were held on 22 October 1996. In September 1995, Argentina terminated a CVD investigation on the same product.

12.1.7.3 Canned peaches

On 9 January 1996, Argentina imposed a CVD of between 12-18% on imports of canned peaches from the EU.

12.1.8 *Peru*

Following a public hearing in Lima on 5 February 1996, Peru announced the termination of its countervailing duty investigation concerning imports of milk powder from the EU.

12.2 Major anti-dumping investigations against Community Member States

12.2.1 Israel

12.2.1.1 Gate Valves from Germany

Initiated on 5 June 1995. It concerns gate valves produced by Erhard Armaturen in Germany. Israel decided not to impose provisional duties due to a lack of further imports. At the time of writing of this report, the injury analysis was being finalised and results were to be communicated to the Advisory Committee of the Minister. Under normal circumstances the Committee should then make a final recommendation to the Minister within 60 days (although this period may be extended).

12.2.1.2 Glass bottles and Jars from Portugal

Initiated on 28 October 1993. It concerns glass bottles produced by various companies in Portugal. At the same time as initiation, Israel imposed a provisional security in the form of a minimum price of \$270 FOB per tonne on imports of wine bottles with a capacity of 75 cl. The Commission objected to the imposition of the provisional security without an investigation. The complaint was eventually withdrawn on 15 July 1996.

12.2.1.3 Reinforced Deformed Bars (Rounds) from Spain

Initiated on 25 July 1995. It concerns reinforced rounds produced by Celsa in Spain. Provisional duties of \$ 28 per tonne were imposed on 21 February 1996. Injury is still being investigated although material injury is likely to be found in view of findings in the parallel case against Italy (see immediately below).

12.2.1.4 Reinforced Rounds from Italy

Initiated on 6 January 1994. It concerns reinforced rounds produced by a number of Italian producers. At the time of initiation, a provisional security of \$25 per tonne was imposed on imports of reinforced rounds from Italy. The Commission objected to this imposition. Verifications were conducted in Italy in July 1995. Injury has been established and in December 1996 a report was submitted to the Advisory Committee to the Minister indicating that dumping has occurred and recommending duties, albeit at lower than the provisional duty levels. The Commission has requested consultations under the EC-Israel Agreement before definitive measures are taken.

12.2.1.5 Pasta from Italy

Initiated on 1 October 1995 along with a sister countervailing case. Provisional measures were imposed on 26 August 1996.

12.2.1.6 Disposable nappies from Germany

This case concerns exports of disposable nappies by Procter and Gamble in Germany. The case was initiated on 27 May 1996.

12.2.1.7 Synthetic media from the UK

This case concerns exports of synthetic media manufactured by Life Technologies in Scotland. It was initiated on 23 October 1996.

12.2.2 *Canada*

12.2.2.1 Steel

On 17 June 1996 Revenue Canada initiated a review of normal values and export prices in respect of cold rolled steel sheet from, inter alia, Germany, France, Italy, the UK and the US. On 2 August 1996 Revenue Canada initiated a review of normal values and export prices in respect of corrosion-resistant steel sheet from Australia, Brazil, Japan, Korea, New Zealand, the US, France, Germany, Spain, Sweden and the UK.

In both investigations exporters were warned that unless they co-operated with Revenue Canada by replying to questionnaires, normal values would be determined by advancing the export price of the goods by 87.3% and 155% respectively. These percentages represent the highest duty found in the original investigations and exceed by far the anti-dumping duties imposed on most Community exporters in these investigations.

Community exporters have complained about the complexity of the questionnaires and have decided not to submit replies to Revenue Canada. Thus, anti-dumping duties of 87.3% and 155% have been imposed on all Community exporters indiscriminately. The Commission is concerned about the way these reviews seem to have been initiated by Revenue Canada without the submission by Canadian producers of a proper complaint.

12.2.2.2 Bacteriological Culture Media from the UK

On 31 May 1996, the CITT terminated this investigation with a finding of no injury.

12.2.3 *South Africa*

12.2.3.1 Uncoated wood free paper in reels or sheets from Sweden

Initiated on 18 July 1996. Three Swedish exporters are concerned by the proceeding: Stora Papyrus AB, Munkedals AB and AB Klippans Finpappersbruk.

12.2.3.2 Unglazed and glazed ceramic wall and floor tiles from Italy

Initiated on 26 October 1996. Due to the large number of companies in Italy concerned, the South African Board on Tariffs and Trade has decided to take a sample of six representative Italian producers. The investigation is on-going.

12.2.3.3 Other cases

According to their semi-annual report to the WTO, South Africa is carrying out 11 other investigations against EC Member States. The following were initiated in 1996:

12.2.3.4 Suspension PVC from France and Germany

12.2.3.5 Circuit breakers from France, Italy and Spain

The Commission has received information on these cases.

On 5 January 1996, a South African investigation concerning N-1,3 Dimethylbutyl-N-Paraphelenediamine from the UK was terminated without measures.

12.2.4 *Argentina*

12.2.4.1 Drill bits (din 345) from Italy

Initiated on 19 October 1996. The questionnaires were sent out to the concerned exporters and importers.

12.2.4.2 Pneumatic components from Germany

Initiated on 18 June 1996. It concerns pneumatic components for use in industrial automation exported by FESTO KG in Esslingen, Germany. Argentina requested additional information regarding German producers and exporters on 4 October 1996.

12.2.4.3 Gas meters from Italy

Initiated on 27 August 1996. The questionnaire responses were still being analysed at the end of 1996.

12.2.4.4 Cables from France & Spain

Initiated on 20 February 1996. It concerns cables for electronic transmission inferior to 1000v exported by Alcatel and Alcatel CableIbérica. The questionnaire responses were sent to the Argentinean authorities.

12.2.4.5 Chemical products

Argentina has also initiated a dumping investigation concerning five chemical products from various Community countries.

12.2.5 *Malaysia*

12.2.5.1 Self-copy paper from the European Union

Initiated on 22 August 1996. A number of companies in the EU are concerned by this proceeding. On 19 November 1996, the Malaysian authorities imposed provisional anti-dumping duties ranging from 9% to 26% on imports from the EU. It is considered that the public notice announcing the imposition of the provisional measures, which was published in the Malaysian Government Gazette, provides inadequate explanation of the motivation for these measures, it therefore violates Article 12.2 of the WTO Anti-Dumping Agreement. The European Commission has, accordingly, requested consultations with the Malaysian authorities under Article 17 of the Anti-Dumping Agreement.

12.2.6 *India*

12.2.6.1 Acrylonitrile butadiene rubber from Germany

Initiated on 15 March 1996.

12.2.6.2 Catalysts from Denmark

Initiated on 6 September 1996. The products concerned are six different types of catalysts used in the steel industry.

12.2.6.3 Graphite electrodes from Germany, Belgium, Austria, France, Spain and Italy

Initiated on 30 September 1996.

12.2.7 *Republic of Korea*

12.2.7.1 Electric shavers from Germany and the Netherlands

Initiated on 20 July 1996. The main EU exporters concerned by this proceeding are Philips in the Netherlands and Braun in Germany. Provisional duties of between 38.80% and 40.68% were imposed by the Korean authorities on 14 November 1996 on imports of electric shavers from the EU.

12.2.8 Australia

12.2.8.1 PVC from Belgium

On 5 July 1996 the Australian Customs Service arrived at a preliminary finding of dumping (margins between 46 and 60 %) and material injury and a threat of injury by future dumping and imposed provisional securities on imports of Belgian and Korean imports of PVC. On 8 November 1996 the Australian Anti-Dumping Authority made a recommendation to the Junior Minister for Industry on whether to impose measures. The content of the recommendation was not made public.

The Community argued in a submission to the Australian Anti-Dumping Authority that since Belgian imports started as late as December 1995 at very low levels (3,771 tons in 1995 with an annual Australian consumption of 200,000 tons), those imports could not have caused injury to the Australian industry. Additionally, the Australian Customs Service did not evaluate all relevant factors in determining the threat of future injury, as provided for in WTO rules.

12.2.9 USA

12.2.9.1 Pasta from Italy

See the section on countervailing duty cases. The use of the facts available to determine the duty level for De Cecco is subject to discussions with the DOC.

12.2.9.2 Urea from the former GDR

The US DOC is unwilling to take into account the changed circumstances created through the unification of Germany and the complete conversion of the economy of the former GDR into a market economy. The only concession made by the US is to calculate a new cash deposit rate. Consultations under Article 17 of the Anti-Dumping Agreement were foreseen on this issue.

12.2.9.3 Brass Sheet and Strip from Germany

The DOC refused to revoke an anti-dumping order although they found in three consecutive administrative reviews that there was no dumping. The reason given was that there was still a likelihood of recurrence of dumping.

12.2.9.4 Large Newspaper Printing Presses from Germany

The decision imposes 30% duties on two German companies. Certain problem areas can be identified: some technical flaws in the calculation of the normal value, cumulating of threat by the International Trade Commission and a decision on the scope of the measure. DOC has proposed to limit the collection of duties to parts whose value is more than 50 % of the value of the final product.

12.2.9.5 Cold Rolled Carbon Steel from the Netherlands

In an administrative review, the DOC deducted from the export price amounts which were reimbursed by the parent company to its US subsidiary, although export prices and final liability had been calculated according to Art. 2.3 of the WTO AD Agreement (constructed export price).

12.2.9.6 Cut to Length Carbon Steel Plate from Sweden

The findings by the DOC in this case were based on "best information available". In essence, the DOC rejected the whole accounting system of the company, which they have used for 20 years and which had not been questioned in previous reviews. In addition, as facts available the DOC used data from the original investigation instead of the facts from the most recent administrative review.

There are a number of other reviews in progress concerning steel products. On 10 December 1996, the 1995 review of lead and bismuth steel from the UK resulted in dumping duty of 2.84%.

12.2.9.7 Open-end spun rayon singles yarn from Austria

This investigation was initiated in September 1996. The DOC's preliminary finding was still being awaited at the end of 1996.

12.2.9.8 Crankshafts from the UK

On 3 December 1996, the DOC made a provisional finding of intention to revoke this anti-dumping measure following a finding of no dumping in three successive years.

13. GATT/WTO ISSUES

The Community has not yet entered into dispute settlement under the WTO Subsidies Agreement as regards countervailing duty cases, but has recently requested bilateral consultations in the case of wheat gluten with Argentina. In anti-dumping, consultations under the Dispute Settlement Understanding have been requested with the US in the case of urea from Germany and bilateral consultations under the Anti-Dumping Agreement have been requested with Malaysia, concerning its provisional duties on paper from the EU.

No GATT/WTO panel proceedings were requested by the Community nor against it.

14. CHANGES TO THE BASIC REGULATION

The current basic Regulation (Council Regulation (EC) 384/96) was published on 6 March 1996, following the completion of a number of technical and linguistic amendments to its predecessor (Council Regulation (EC) 3283/94). The European Parliament was consulted on, and approved, the final revised text.

Following consideration of the GATT Panel Report on duties imposed by the Community against imports of audiocassettes from Japan, it was decided to introduce an amendment to the basic Regulation's provisions on comparison of export price and normal value. The amendment was adopted by the Council in December 1996³⁴. The Community has nevertheless maintained its opposition to some of the findings of the Panel.

Finally, on 28 November 1996, the Commission adopted a new basic Decision on protection against dumping of products falling within the scope of the European Coal and Steel Community (Commission Decision No 2277/96/ ECSC³⁵). This replaced Commission Decision No. 2424/88/ECSC. The new legislation mirrors the provisions in force for all other products, except for some decision-making procedures, the power to impose provisional or definitive anti-dumping duties on ECSC products lying solely within the jurisdiction of the Commission.

It must also be added that, whereas the 1994 Anti-dumping Agreement has been implemented by the European Community through Council Regulation (EC) n° 384/96, it was found appropriate to provide for the analogous application by the European Coal and Steel Community of the principles and definitions contained in Regulation (EC) n° 384/96 to ensure the homogeneity of the external trade legislation of the European Communities, whilst taking account of the decision making processes of the European Coal and Steel Community.

15. PERSONNEL AND ADMINISTRATION

The reinforcement of staff for the Commission's anti-dumping/anti-subsidy services continued in 1996, with 42 new posts being allocated.

The interview process has continued in 1996, with selections being made throughout the year. The bulk of new arrivals took place between January and June, as the last recruits of 1995 and the first of 1996 joined the department. Members of staff from each of the new Member States, Austria, Finland and Sweden, were among the number of new recruits in 1996.

An internal training programme, set up in order to make newly arrived personnel quickly operational, proved very effective. Further training to develop the necessary skills on the issue of (cost)accounting is to take place in 1997.

³⁴ O.J. No L 317, 6.12.96

³⁵ O.J. No L 308, 29.11.96

ANNEX A

**NEW ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS INITIATED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1996**

Product	Country of origin	OJ Reference
COTTON FABRICS UNBLEACHED	P. R. China Egypt India Indonesia Pakistan Turkey	C50, 21.02.96
SYNTHETIC FIBRE ROPES	India	C102, 4.04.96
BRIEFCASES AND SCHOOLBAGS	P. R. China	C111, 17.04.96
LUGGAGE AND TRAVEL GOODS	P. R. China	C111, 17.04.96
HANDBAGS	P. R. China	C132, 4.05.96
SALMON (anti-dumping)	Norway	C253, 31.08.96
SALMON (anti-subsidy)	Norway	C253, 31.08.96
SEAMLESS PIPES AND TUBES	Czech Republic Romania Russia Slovak Republic	C253, 31.08.96
BED LINEN (COTTON-TYPE)	Egypt India Pakistan	C266, 13.09.96
FASTENERS	P. R. China India Malaysia South Korea Taiwan	C369, 7.12.96
FERRO-SILICO-MANGANESE	P. R. China	C381, 17.12.96

ANNEX B**PROVISIONAL DUTIES IMPOSED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1996**

Product	Country of origin	Regulation No.	OJ Reference
POLYESTER STAPLE FIBRES	Belarus	Com. Reg. (EC) N°. 394/96 04.03.96	L54, 5.03.96
POLYESTER YARN	Indonesia Thailand	Com. Reg. (EC) N°. 940/96 23.05.96	L128, 29.05.96
RING BINDER MECHANISMS	P. R. China Malaysia	Com. Reg. (EC) N°. 1465/96 25.07.96	L187, 26.07.96
COTTON FABRICS (UNBLEACHED)	P. R. China Egypt India Indonesia Pakistan Turkey	Com. Reg. (EC) N°. 2208/96 18.11.96	L295, 20.11.96

ANNEX C

**NEW INVESTIGATIONS CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1996**

Product	Country of origin	Regulation No.	OJ Reference
MICROWAVE OVENS	P. R. China Malaysia Thailand South Korea	Council Reg. (EC)N°. 5/96 22.12.95	L2, 04.01.96
PIG-IRON (HEMATITE)	Czech Republic	Com. Dec. (ECSC) N°. 55/96 15.01.96	L12, 17.01.96
CHAMOTTES (REFRACTORY)	P. R. China	Council Reg. (EC)N°. 137/96 22.01.96	L21, 27.01.96
GRAIN ORIENTED ELECTRICAL STEEL SHEETS	Russia	Com. Dec. (ECSC) N°. 303/96	L42, 20.02.96
TUBE OR PIPE FITTINGS	P. R. China Croatia Thailand	Council Reg. (EC) N°. 584/96 11.03.96	L84, 03.04.96
COUMARIN	P. R. China	Council Reg. (EC) N°. 600/96 25.03.96	L86, 04.04.96
BICYCLES	Indonesia Malaysia Thailand	Council Reg. (EC) N°. 648/96 28.03.96	L91, 12.04.96
MICRODISKS (3,5")	Malaysia Mexico USA	Council Reg. (EC) N°. 663/96 28.03.96	L92, 13.04.96
POWDERED ACTIVATED CARBON	P. R. China	Council Reg. (EC) N°. 1006/96 03.06.96	L134, 3.06.96
UNWROUGHT MAGNESIUM	Russia Ukraine	Council Reg. (EC) N°. 1347/96 02.07.96	L174, 12.07.96
POLYESTER STAPLE FIBRE	Belarus	Council Reg. (EC) N°. 1490/96 23.07.96	L189, 30.07.96
POLYESTER YARNS (PTY)	Indonesia Thailand	Council Reg. (EC) N°. 2160/96 11.11.96	L289, 12.11.96

ANNEX D

**INVESTIGATIONS CONCLUDED WITHOUT IMPOSITION OF MEASURES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1996**

Product	Country of origin	Regulation No.	OJ Reference
PORTLAND CEMENT	Czech Republic Poland Slovak Republic	Com. Dec. (EC) N°. 72/96 16.01.96	L13, 18.01.96
COTTON FABRIC	P. R. China India Indonesia Pakistan Turkey	Com. Dec. (EC) N°. 167/96 19.02.96	L42, 20.02.96
SYNTHETIC STAPLE FIBRE FABRIC	India Indonesia Pakistan Thailand	Com. Dec. (EC) N°. 168/96 19.02.96	L42, 20.02.96
VIDEO CASSETTE RECORDERS	Singapore South Korea	Com. Dec. (EC) N°. 272/96 23.04.96	L101, 24.04.96
VIDEO CASSETTE RECORDER COMPONENTS	South Korea	Com. Dec. (EC) N°. 272/96 23.04.96	L101, 24.04.96
FURFURYL ALCOHOL	P. R. China Thailand	Com. Dec. (EC) N°. 294/96 06.05.96	L112, 07.05.96
BED LINEN	India Pakistan Thailand Turkey	Com. Dec. (EC) N°. 416/96 09.07.96	L171, 10.07.96
UNWROUGHT MAGNESIUM	Kazakhstan	Com. Dec. (EC) N°. 422/96 25.06.96	L174, 12.07.96
PET VIDEO FILM	South Korea	Com. Dec. (EC) N°. 437/96 18.07.96	L181, 20.07.96
POLYESTER TEXTURED FILAMENT YARNS (PTY)	India	Council Reg. (EC) N°. 2160/96 11.11.96	L289, 12.11.96
HYDRAULIC EXCAVATORS (> 6 TONS)	South Korea	Com. Dec. (EC) N°. 661/96 26.11.96	L304, 27.11.96

ANNEX E

**INVESTIGATIONS INITIATED BY COUNTRY OF EXPORT
DURING THE PERIOD 1 JANUARY 1992 - 31 DECEMBER 1996**

Country of origin	1992	1993	1994	1995	1996
Belarus	1	-	1	-	-
Brazil	1	1	-	-	-
Bulgaria	-	1	-	-	-
Canada	-	-	-	1	-
P. R. China	8	4	5	5	6
Croatia	-	-	1	-	-
Czech Republic	-	-	2	1	1
Egypt	-	-	-	-	2
Georgia	1	1	-	-	-
Hong Kong	1	-	-	-	-
Hungary	-	-	-	1	-
India	-	-	4	1	4
Indonesia	-	-	4	4	1
Japan	-	1	2	-	-
Kazakhstan	1	-	1	1	-
Lithuania	1	-	1	-	-
Macao	-	-	-	1	-
Malaysia	2	2	2	2	1
Mexico	-	-	1	1	-
Norway	-	-	-	-	2
Pakistan	-	-	3	-	2
Phillipines	-	-	-	1	-
Poland	1	1	1	2	-
Romania	1	-	-	-	1
Russia	3	1	3	1	1
Singapore	3	-	-	1	-
Slovak Republic	-	-	2	-	1
South Africa	2	1	-	-	-
South Korea	3	2	-	4	1
Taiwan	1	1	1	-	1
Thailand	1	2	5	4	-
Tunisia	1	-	-	-	-
Turkey	2	1	2	-	1
Turkmenistan	1	-	-	-	-
Ukraine	2	1	1	1	-
USA	1	1	1	-	-
Uzbekistan	1	-	-	1	-
	39	21	43	33	25

ANNEX F**INVESTIGATIONS INITIATED BY PRODUCT SECTOR
DURING THE PERIOD 1 JANUARY 1992 - 31 DECEMBER 1996**

Product	1992	1993	1994	1995	1996
Chemical and allied	10	5	3	4	-
Textiles and allied	-	1	17	4	10
Wood and paper	-	-	-	1	-
Electronics	13	7	3	7	-
Other mechanical engineering	-	2	4	3	-
Iron and Steel	3	-	7	2	9
Others metal	5	5	3	5	1
Other	8	1	6	7	5
	39	21	43	33	25

ANNEX G

EXPIRY REVIEWS INITIATED OR CONCLUDED DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1996

INITIATED			
Product	Origin	Measure	OJ Reference
POLYESTER FIBRES AND POLYESTER YARNS	Turkey	Countervailing	C276, 21.09.96
VIDEO TAPE IN CASSETTES	P.R. China	Anti-dumping	C314, 24.10.96
GAS-FUELLED, NON REFILLABLE POCKET FLINT LIGHTERS	Japan	Anti-dumping	C361, 30.11.96

CONCLUDED				
Product	Origin	Result	Regulation No.	OJ Reference
POLYESTER TEXTURED FILAMENT YARNS (PTY/POY)	Taiwan* Turkey	Amendment of definitive duty	Council Reg. (EC) N°. 1074/96 10.01.96	L141, 14.06.96

* measures on PTY only

ANNEX H

**INTERIM REVIEWS INITIATED OR CONCLUDED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1996**

INITIATED

Product	Origin	Measure	OJ Reference
DIHYDROSTREPTOMYCIN	P.R. China	Anti-dumping	C14, 04.01.96
CALCIUM METAL	P.R. China Russia	Anti-dumping	C2, 05.01.96
ARTIFICIAL CORUNDUM	P.R. China	Anti-dumping	C7, 12.01.96
BALL BEARINGS (<30mm)	Thailand	Countervailing	C7, 12.01.96
HEMATITE PIG-IRON	Brazil Poland Russia Ukraine Czech Rep.	Anti-dumping	C104, 10.04.96
SILICON CARBIDE	Ukraine	Anti-dumping	C135, 07.05.96
DISODIUM CARBONATE	U.S.A.	Anti-dumping	C253, 31.08.96
SEAMLESS PIPES AND TUBES OF IRON OR NON-ALLOY STEEL	Croatia Hungary Poland	Anti-dumping	C253, 31.08.96
FERRO-SILICON	Brazil	Anti-dumping	C285, 28.09.96
FERRO-SILICO-MANGANESE	Brazil South Africa Russia Ukraine	Anti-dumping	C381, 17.12.96
ELECTROLYTE CAPACITORS	Japan	Anti-dumping	C381, 17.12.96

CONCLUDED

Product	Origin	Result	Regulation No.	OJ Reference
GLUTAMIC ACID (MONOSODIUM GLUTAMATE)	Indonesia South Korea Taiwan	Imposition of definitive duty	Council Reg. (EEC) N°. 81/96 19.01.96	L15, 20.01.96
GLUTAMIC ACID (MONOSODIUM GLUTAMATE)	Thailand	Repeal of duty	Council Reg. (EC) N°. 81/96 19.01.96	L15, 20.01.96

ANNEX I

**NEW EXPORTER REVIEWS INITIATED OR CONCLUDED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1996**

INITIATED

Product	Country of origin	OJ Reference
POLYESTER YARNS (man-made staple fibres)	Turkey	L165, 04.07.96
SYNTHETIC FIBRES OF POLYESTER	India	L165, 04.07.96
POLYESTER YARNS (man-made staple fibres)	Indonesia	L299, 23.11.96

CONCLUDED

Product	Country of origin	Result	Regulation No.	OJ Reference
SYNTHETIC FIBRES OF POLYESTER	India	Amendment of definitive duty	Council Reg. (EC) N°. 1489/96 23.07.96	L189, 30.07.96

ANNEX J

INVESTIGATIONS OF ABSORPTION OF ANTI-DUMPING OR ANTI-SUBSIDY MEASURES

INITIATED OR CONCLUDED

DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1996

INITIATED

Product	Country of origin	OJ Reference
TELEVISION CAMERA SYSTEMS	Japan	C104, 10.04.96

CONCLUDED

Product	Country of origin	Result	OJ Reference
NONE			

ANNEX K

**INVESTIGATIONS OF CIRCUMVENTION
OF ANTI-DUMPING OR ANTI-SUBSIDY MEASURES
INITIATED OR CONCLUDED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1996**

INITIATED			
Product	Origin	Regulation No.	OJ Reference
BICYCLES	P.R. China	Com. Reg. (EC) N°. 703/96 18.04.96	L98, 19.04.96
ELECTRONIC WEIGHING SCALES	Japan	Com. Reg. (EC) N°. 1717/96 29.08.96	L221, 31.08.96
ELECTRONIC WEIGHING SCALES	Japan Singapore	Com. Reg. (EC) N°. 1718/96 29.08.96	L221, 31.08.96

CONCLUDED				
Product	Origin	Result	Regulation No.	OJ Reference
MAGNETIC DISKS (3.5")	Canada Hong Kong India Indonesia Macao Malaysia Philippines Singapore Thailand	No extension of duties	Com. Reg. (EC) N°. 1445/96 24.07.96	L186, 25.07.96

ANNEX L

**PROLONGATION OF SUSPENSION OF MEASURES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1996**

Product	Country of origin	Regulation No.	OJ Reference
DRAM'S	Japan South Korea	Com. Reg. (EC) N°. 399/96 04.03.96	L55, 06.03.96
EPROM'S	Japan	Com. Reg. (EC) N°. 664/96 29.03.96	L92, 13.04.96

ANNEX M

**ANTI-DUMPING AND/OR ANTI-SUBSIDY MEASURES WHICH EXPIRED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1996**

Product	Origin	Measure	Measure OJ Reference	Expiry date and Expiry publication
LINEAR TUNGSTEN HALOGEN LAMPS	Japan	Duties	L14, 19.01.91	20.01.96 C7, 12.01.96
BARIUM CHLORIDE	P.R. China	Duties	L60, 07.03.91	09.03.96 C62, 01.03.96
AUDIOTAPES IN CASSETTES	Japan South Korea	Duties	L119, 14.05.91	15.05.96 C132, 04.05.96
WELDED WIRE MESH	Former Yugoslavia	Undertakings	L123, 18.05.91	15.05.96 C136, 08.05.96
ESPADRILLES	P.R. China	Duties	L166, 28.06.91	30.06.96 C178, 21.06.96
ASBESTOS CEMENT PIPES	Turkey	Undertakings	L209, 31.07.91	22.06.96 C178, 21.06.96
TELEVISION (SMALL-SCREEN COLOUR)	Hong Kong	Duties	L195, 18.07.91	20.07.96 C199, 09.07.96
ARTIFICIAL CORUNDUM	Brazil Czech Republic Hungary Poland Slovenia Russia Ukraine	Undertakings Duties	L275, 02.10.91 L235, 18.09.93	26.07.96 C205, 16.07.96
UREA	Venezuela	Duties	L272, 28.09.91	30.09.96 C275, 20.09.96
OXALIC ACID	P.R. China India	Duties	L326, 28.11.91	30.11.96 C348, 19.11.96
DISPOSABLE LIGHTERS	South Korea	Duties	L326, 28.11.91	30.11.96 C360, 29.11.96

ANNEX N

ANTI-DUMPING AND ANTI-SUBSIDY CASES PENDING BEFORE THE COURT OF JUSTICE AND THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1996

Court of Justice	
Case C-99/94	Birkenbeul GmbH and Co. v. Hauptzollamt Koblenz ¹
Case C-245/95P	Commission v. NTN Corp. and Koyo Seiko Ltd.
Case C-362/95P	Blackspur DIY Ltd. and Others v. Council and Commission
Case C-26/96	Rotexchemie GmbH and Co. v. Hauptzollamt Hamburg-Waltershof
Case C-93/96	Indústria e Comércio Têxtil SA v. Fazenda Pública
Case C-177/96	Kingdom of Belgium v. Commission and Others
Case C-322/96	Indústria e Comércio Têxtil SA v. Fazenda Pública
Court of First Instance	
Case T-155/94	Climax Paper Converters Ltd. v. Council ²
Case T-161/94	Sinochem Heilongjiang v. Council ³
Case T-162/94	NMB France s.a.r.l. and Others v. Commission ⁴
Case T-159/94	Ajinomoto Co. Inc. v. Council
Case T-160/94	The Nutrasweet Company v. Council
Case T-170/94	Shanghai Bicycle Corp. v. Council
Case T-2/95	Industrie des Poudres Sphériques (IPS) v. Council
Case T-78/95	NMB France and Others v. Commission ⁵
Case T-97/95	Sinochem National Chemicals Import and Export Corp. v. Council
Case T-121/95	European Fertilizer Manufacturers Association (EFMA) v. Council
Case T-134/95	Dysan Magnetics and Others v. Commission ⁶
Case T-192/95	Hitachi Ltd. and Others v. Commission
Case T-208/95	Miwon Co. Ltd. v. Commission ⁷
Case T-210/95	European Fertilizer Manufacturers Association (EFMA) v. Council
Case T-212/95	Asociación de Fabricantes de Cemento de España (OFICEMEN) v. Commission
Case T-232/95	Committee of European Copier Manufacturers (CECOM) v. Council
Case T-46/96	Whirlpool v. Council
Case T-48/96	Acme Industry and Co. Ltd. v. Council
Case T-51/96	Miwon and Co. Ltd. v. Council
Case T-75/96	Söktas v. Commission ^{8,9}
Case T-118/96	Thai Bicycle Industry and Co. Ltd. v. Council

¹ Judgement rendered on 28.03.96, OJ C 180, 22.06.96

² Judgement rendered on 18.09.96, OJ C 318, 26.10.96

³ Judgement rendered on 11.07.96, OJ C 247, 24.08.96

⁴ Judgement rendered on 05.06.96, OJ C 210, 20.07.96

⁵ Order rendered on 09.12.96, on discontinuance (to be published)

⁶ Order rendered on 14.03.96, OJ C 133, 04.05.96

⁷ Order rendered on 10.07.96, OJ C 318, 26.10.96

⁸ Order rendered on 26.08.96 on application for interim measures only (not subject to publication)

⁹ Order rendered on 10.12.96 on main application (to be published)

ANNEX O

DEFINITIVE ANTI-DUMPING AND ANTI-SUBSIDY MEASURES IN FORCE

AS AT 31st DECEMBER 1996

(ranked by product)

Product	Origin	Measure	Regulation No.	OJ Reference
Activated powdered carbon	P.R. China	Duties	Council Reg. (EC) N°. 1006/96 03.06.96	L 134, 5.06.96
Ammonium nitrate fertilizer	Lithuania	Undertakings	Com. Dec. (EC) N°. 293/94 13.04.94	L129, 21.05.94
	Russia	Duties	Council Reg. (EC) N°. 2022/95 16.08.95	L 198, 23.08.95
Artificial corundum	P.R. China	Duties	Council Reg. (EC) N°. 2556/94 19.10.94	L 270, 21.10.94
Ball bearings (>30mm)	Japan	Duties	Council Reg. (EEC) N°. 2849/92 28.09.92	L 286, 01.10.92
Ball bearings (miniature)	Japan	Duties	Council Reg. (EEC) N°. 2685/90 17.09.90	L 256, 20.09.90
	Thailand	Undertakings (countervailing)	Com. Dec. (EC) N°. 639/94 03.08.94	L247, 22.09.94
		Duties (CVD)	Council Reg. (EC) N°. 2271/94 19.09.94	L247, 22.09.94
Bicycles	P.R. China	Duties	Council Reg. (EEC) N°. 2474/93 08.09.93	L228, 9.09.93
	Indonesia	Duties	Council Reg. (EC) N°. 648/96 28.03.96	L91, 12.04.96
	Malaysia Thailand			
Calcium metal	P.R. China Russia	Duties	Council Reg. (EC) N°. 2557/94 19.10.94	L 270, 21.10.94
Car radios	South Korea	Duties	Council Reg. (EEC) N°. 2306/92 04.08.92	L 222, 7.08.92

ANNEX O (continued)

Product	Origin	Measure	Regulation No.	OJ Reference
Chamottes (refractory)	P.R. China	Duties	Council Reg. (EC) N°. 137/96 22.01.96	L 21, 27.01.96
Cotton yarn	Brazil Turkey	Duties	Council Reg. (EEC) N°. 738/92 23.03.92	L 82, 27.03.92
	Turkey	Duties	Council Reg. (EC) N°. 3203/93 22.11.93	L289, 24.11.93
			Council Reg. (EC) N°. 1828/94 25.07.94	L182, 27.07.94
Coumarin	P.R. China	Duties	Council Reg. (EC) N°. 600/96 25.03.96	L 86, 4.04.96
Dihydrostreptomycin	P.R. China	Duties	Council Reg. (EEC) N°. 3836/91 19.12.91	L 362, 31.12.91
DRAM's ¹	Japan	Duties	Council Reg. (EEC) N°. 2112/90 23.07.90	L193, 25.07.90
		Undertakings	Com. Reg.. (EEC) N°. 165/90 23.01.90	L20, 25.01.90
	South Korea	Duties	Com. Dec. (EEC) N°. 494/92 12.10.92	L299, 15.10.92
		Undertakings	Council Reg. (EEC) N°. 611/93 15.03.93	L66, 18.03.93
Electrolyte capacitors	Japan	Duties	Council Reg. (EEC) N°. 3482/92 30.11.92	L 353, 3.12.92
	South Korea Taiwan	Duties	Council Reg. (EC) N°. 1384/94 13.06.94	L 152, 18.06.94

ANNEX O (continued)

Product	Origin	Measure	Regulation No.	OJ Reference
Electronic weighing scales	Japan	Duties	Council Reg. (EEC) N°. 993/93 26.04.93	L 104, 29.04.93
	Singapore South Korea	Duties	Council Reg. (EEC) N°. 2887/93 20.10.93	L 263, 22.10.93
	Singapore	Additional duties	Council Reg. (EC) N°. 2937/95 20.12.95	L307,20.12.95
EPROM's ²	Japan	Duties	Council Reg. (EEC) N°. 577/91 04.03.91	L65, 12.03.91
		Undertakings	Com. Dec. (EEC) N°. 131/91 11.03.91 Com. Dec. (EEC) N°. 538/93 18.10.93	L262, 21.10.93
Ethanolamines	USA	Duties	Council Reg. (EC) N°. 229/94 01.02.94	L28, 2.02.94
Ferro-silico-manganese	Brazil Russia South Africa Ukraine	Duties	Council Reg. (EC) N°. 2413/95 06.10.95	L 248, 14.10.95
	Ukraine	Undertakings	Com. Dec. (EC) N°. 418/95 26.07.95	

ANNEX O (continued)

Product	Origin	Measure	Regulation No.	OJ Reference
Ferro-silicon	Brazil Iceland ³ Kazakhstan Norway ³ Russia Ukraine Venezuela	Duties	Council Reg. (EC) N°. 3359/93 02.12.93	L 302, 9.12.93
	Egypt	Undertakings	Com. Reg. (EEC) N°. 331/92 30.06.92	L183, 03.07.92
	Egypt Poland	Duties	Council Reg. (EEC) N°. 3642/92 14.12.92	L 369, 18.12.92
	Poland	Undertakings	Council Reg. (EEC) N°. 572/92 14.12.92	
	P.R. China South Africa	Duties	Council Reg. (EC) N°. 621/94 17.03.94	L 77, 19.03.94
Ferrochrome (low-carbon)	Kazakhstan Russia Ukraine	Duties	Council Reg. (EEC) N°. 2717/93 28.09.93	L 246, 2.10.93
Fluorspar	P.R. China	Duties	Council Reg. (EC) N°. 486/94 04.03.94	L 62, 5.03.94
Furfuraldehyde	P.R. China	Duties	Council Reg. (EC) N°. 95/95 16.01.95	L 15, 21.01.95
Glutamic acid (monosodium glutamate)	Indonesia South Korea Taiwan	Duties	Council Reg. (EC) N°. 81/96 19.01.96	L15, 20.01.96
Grain-oriented electrical steel sheets	Russia	Duties Undertakings	Com. Dec. (ECSC) N°. 303/96	L42, 20.02.96
Isobutanol	Russia	Duties	Council Reg. (EC) N°. 721/94 29.03.94	L 87, 31.03.94
Lighters (disposable)	P.R. China Japan Thailand	Duties	Council Reg. (EEC) N°. 3433/91 25.11.91	L 326, 28.11.91
	P.R. China	Duties	Council Reg. (EC) N°. 1006/95 03.04.95	L101, 04.05.95

ANNEX O (continued)

Product	Origin	Measure	Regulation No.	OJ Reference
Magnesia (deadburned)	P.R. China	Duties	Council Reg. (EC) N°. 3386/93 06.12.93	L 306, 11.12.93
Magnesium oxide (caustic magnesite)	P.R. China	Duties	Council Reg. (EEC) N°. 1473/93 14.06.93	L145, 17.06.93
Microdisks	P.R. China Japan Taiwan	Duties	Council Reg. (EEC) N°. 2861/93 18.10.93	L 262, 21.10.93
	Hong Kong South Korea	Duties	Council Reg. (EC) N°. 2199/94 09.09.94	L 236, 10.09.94
	Malaysia Mexico U.S.A.	Duties	Council Reg. (EC) N°. 663/96 28.03.96	L92, 13.04.96
Microwave ovens	P.R. China Malaysia South Korea Thailand	Duties	Council Reg. (EC) N°. 5/96 22.12.95	L 2, 4.01.96
Outer rings of TRBs (cups)	Japan	Duties	Council Reg. (EEC) N°. 55/93 08.01.93	L 9, 15.01.93
Peroxidisulphates	P.R. China	Duties	Council Reg. (EC) N°. 2961/95 18.12.95	L 308, 21.12.95
Photo albums	P.R. China	Duties	Council Reg. (EC) N°. 3664/93 22.12.93	L 333, 31.12.93
Pig iron (hematite)	Brazil Poland Russia Ukraine	Duties	Com. Dec. (ECSC) N °.1751/94	L182, 16.07.94
	Czech Republic	Duties Undertakings	Com. Dec. (ECSC) N °. 55/96 15.01.96	L12, 17.01.96
Plain paper photocopiers	Japan	Duties	Council Reg. (EC) N°. 2380/95 02.10.95	L244, 12.10.95
Polyester staple fibre	Belarus	Duties	Council Reg. (EC) N°. 1490/96 23.07.96	L189, 30.07.96

ANNEX O (continued)

Product	Origin	Measure	Regulation No.	OJ Reference
Polyester fibres and yarns	Turkey	Undertakings (countervailing)	Com. Dec. (EEC) N°. 511/91 23.09.91	L272, 28.09.91
Polyester yarns (man-made staple fibres)	P.R. China Indonesia Taiwan Turkey	Duties	Council Reg. (EEC) N°. 830/92 30.03.92	L88, 03.04.92
Polyester yarns (POY and PTY)	Taiwan* Turkey	Duties	Council Reg. (EC) N°. 1074/96 14.06.96	L141, 14.06.96
Polyester yarns (PTY)	Indonesia Thailand	Duties	Council Reg. (EC) N°. 2160/96 11.11.96	L289, 12.11.96
Polyolefin woven bags	P.R. China	Duties	Council Reg. (EEC) N°. 3308/90 15.11.90	L318, 17.11.90
		Additional duties	Council Reg. (EEC) N°. 2346/93 23.08.93	L215, 25.08.93
Potassium chloride	Belarus Russia Ukraine	Duties	Council Reg. (EC) N°. 643/94 21.03.94	L80, 24.03.94
Potassium permanganate	P.R. China	Duties	Council Reg. (EC) N°. 2819/94 17.11.94	L298, 19.11.94
Seamless steel tubes	Croatia Hungary Poland	Duties	Council Reg. (EEC) N°. 1189/93 14.05.93	L120, 15.05.93
		Undertakings	Com. Dec. (EEC) N°. 260/93 14.05.93	
Semi-finished products of alloy steel	Brazil Turkey	Duties Undertakings	Com. Dec. (ECSC) N°. 1775/92 30.06.92	L 182, 2.07.92
Sheets and plates of iron or steel	Macedonia Montenegro Serbia Slovenia	Duties	Com. Dec. (ECSC) N°. 2297/92 31.07.92	L 221, 6.08.92

* PTY only

ANNEX O (continued)

Product	Origin	Measure	Regulation No.	OJ Reference
Silicon carbide	P.R. China Poland Russia Ukraine	Duties	Council Reg. (EC) N°. 821/94 12.04.94	L94, 13.04.94
Silicon metal	Brazil	Duties	Council Reg. (EEC) N°. 2305/92 04.08.92	L 222, 7.08.92
	P.R. China	Duties	Council Reg. (EEC) N°. 2200/90 27.07.90	L198, 28.07.90
		Additional duties	Council Reg. (EEC) N°. 1607/92 22.06.92	L170, 25.06.92
Sisal twine (binder and baler)	Brazil	Undertakings	Com. Dec. (EEC) N°. 521/93 03.09.93	L251, 8.10.93
Sodium carbonate (soda ash)	USA	Duties	Council Reg. (EC) N°. 2381/95 10.10.95	L244, 12.10.95
Synthetic textile fibres of polyester	Macedonia Montenegro Romania Serbia Taiwan Turkey	Duties	Council Reg. (EEC) N°. 3017/92 19.10.92	L306, 22.10.92
	India South Korea	Duties	Council Reg. (EEC) N°. 54/93 08.01.93	L009, 15.01.93
Television camera systems	Japan	Duties	Council Reg. (EC) N°. 1015/94 29.04.94	L 111, 30.04.94
Televisions (colour)	P.R. China Malaysia Singapore South Korea Thailand	Duties	Council Reg. (EC) N°. 710/95 27.03.95	L 73, 1.04.95
Televisions (small-screen colour)	P.R. China	Duties	Council Reg. (EEC) N°. 2093/91 15.07.91	L 195, 18.07.91
	South Korea	Duties	Council Reg. (EEC) N°. 1048/90 25.04.90	L 107, 27.04.90

ANNEX O (continued)

Product	Origin	Measure	Regulation No.	OJ Reference
Thermal paper	Japan	Duties Undertakings	Council Reg. (EEC) N°. 729/92 16.03.92 Com.Dec. (EEC) N°. 177/92 16.03.92	L81, 26.03.92
Tube and pipe fittings, of iron or steel	P.R. China Croatia Thailand Croatia Thailand	Duties Undertakings	Council Reg. (EC) N°. 584/96 11.03.96 Com. Dec. (EEC) N°. 252/96 01.03.96	L 84, 3.04.96
Tungsten carbide and fused tungsten carbide	P.R. China	Duties	Council Reg. (EEC) N°. 2737/90 24.09.90 Council Reg. (EC) N°. 610/95 20.03.95	L 264, 27.09.90 L 64, 22.03.95
Tungsten ores and concentrates	P.R. China	Duties	Council Reg. (EEC) N°. 2735/90 24.09.90 Council Reg. (EC) N°. 610/95 20.03.95	L 264, 27.09.90 L 64, 22.03.95
Tungstic oxide and acid	P.R. China	Duties	Council Reg. (EEC) N°. 2736/90 24.09.90 Council Reg. (EC) N°. 610/95 20.03.95	L 264, 27.09.90 L 64, 22.03.95
Typewriter ribbons	P.R. China	Duties Undertakings	Council Reg. (EEC) N°. 3200/90 05.11.90 Com. Reg. (EEC) N°. 1937/90 05.11.90	L 306, 6.11.90 L174, 4.07.90
Unwrought magnesium	Russia Ukraine	Duties Undertakings	Council Reg. (EC) N°. 1347/96 02.07.96 Com. Dec. (EEC) N°. 422/96 25.06.96	L 174, 12.07.96

ANNEX O (continued)

Product	Origin	Measure	Regulation No.	OJ Reference
Urea	Russia	Duties	Council Reg. (EC) N°. 477/95 16.01.95	L 49, 4.03.95
Urea ammonium nitrate	Bulgaria Poland	Duties Undertakings	Council Reg. (EC) N°. 3319/94 22.12.94 Council Reg. (EC) N°. 825/94 12.12.94	L350, 31.12.94
Videotape in cassettes	P.R. China Hong Kong South Korea Hong Kong	Duties Duties Undertakings	Council Reg. (EEC) N°. 3091/91 21.10.91 Council Reg. (EEC) N°. 1768/89 19.06.89 Com. Dec. (EEC) N°. 376/89 19.06.89	L 293, 24.10.91 L 174, 22.06.89

- ¹ Temporarily suspended by Commission Decision (95/197/EC), OJ L126, 09.06.95
Extension of suspension by Council Regulation (96/399/EC), OJ L55, 06.03.96
- ² Temporarily suspended by Commission Decision (95/272/EC), OJ L165, 15.07.95
Extension of suspension by Council Regulation (96/664/EC), OJ L92, 13.04.96
- ³ Measures against Iceland and Norway suspended by Council Regulation (94/05/EC), OJ L3, 05.01.94

ANNEX P

DEFINITIVE ANTI-DUMPING AND ANTI-SUBSIDY MEASURES IN FORCE

AS AT 31st DECEMBER 1996

(ranked by country)

Origin	Product	Measure	Regulation No.	OJ Reference
Belarus	Polyester staple fibre	Duties	Council Reg. (EC) N°. 1490/96 23.07.96	L189, 30.07.96
	Potassium chloride	Duties	Council Reg. (EC) N°. 643/94 21.03.94	L80, 24.03.94
Brazil	Cotton yarn	Duties	Council Reg. (EEC) N°. 738/92 23.03.92	L 82, 27.03.92
			Council Reg. (EC) N°. 3203/93 22.11.93	L289, 24.11.93
	Ferro-silico-manganese	Duties	Council Reg. (EC) N°. 2413/95 06.10.95	L248, 14.10.95
	Ferro-silicon	Duties	Council Reg. (EC) N°. 3359/93 02.12.93	L 302, 9.12.93
	Pig iron (hematite)	Duties	Com. Dec. (ECSC) N °.1751/94	L182, 16.07.94
	Semi-finished products of alloy steel	Duties Undertakings	Com. Dec. (ECSC) N°. 1775/92 30.06.92	L 182, 2.07.92
	Silicon metal	Duties	Council Reg. (EEC) N°. 2305/92 04.08.92	L 222, 7.08.92
	Sisal twine	Undertakings	Com. Dec. (EEC) N°. 521/93 03.09.93	L251, 8.10.93
Bulgaria	Urea ammonium nitrate	Duties	Council Reg. (EC) N°. 3319/94 22.12.94	L350, 31.12.94
		Undertakings	Council Reg. (EC) N°. 825/94 12.12.94	

ANNEX P (continued)

Origin	Product	Measure	Regulation No.	OJ Reference
Croatia	Seamless steel tubes	Duties	Council Reg. (EEC) N°. 1189/93 14.05.93	L120, 15.05.93
		Undertakings	Com. Dec. (EEC) N°. 260/93 14.05.93	
	Tube and pipe fittings, of iron or steel	Duties	Council Reg. (EC) N°. 584/96 11.03.96	L 84, 3.04.96
		Undertakings	Com. Dec. (EEC) N°. 252/96 01.03.96	
Czech Republic	Pig iron (haematite)	Duties	Com. Dec. (ECSC) N°. 55/96 15.01.96	L12, 17.01.96
		Undertakings	Com. Dec. (ECSC) N°. 55/96 15.01.96	
Egypt	Ferro-silicon	Duties	Council Reg. (EEC) N°. 3642/92 14.12.92	L369, 18.12.92
	Ferro-silicon	Undertakings	Com. Reg. (EEC) N°. 331/92 30.06.92	L183, 03.07.92
Hong Kong	Microdisks	Duties	Council Reg. (EC) N°. 2199/94 09.09.94	L236, 10.09.94
	Video cassette tapes	Duties	Council Reg. (EEC) N°. 1768/89 19.06.89	L174, 22.06.89
		Undertakings	Com. Dec. (EEC) N°. 376/89 19.06.89	
Hungary	Seamless steel tubes	Duties	Council Reg. (EEC) N°. 1189/93 14.05.93	L120, 15.05.93
		Undertakings	Com. Dec. (EEC) N°. 260/93 14.05.93	
Iceland	Ferro-silicon ¹	Duties	Council Reg. (EC) N°. 3359/93 02.12.93	L 302, 9.12.93

ANNEX P (continued)

Origin	Product	Measure	Regulation No.	OJ Reference
India	Synthetic textile fibres of polyester	Duties	Council Reg. (EEC) N°. 54/93 08.01.93	L009, 15.01.93
Indonesia	Bicycles	Duties	Council Reg. (EC) N°. 648/96 28.03.96	L91, 12.04.96
	Glutamic acid (monosodium glutamate)	Duties	Council Reg. (EC) N°. 81/96 19.01.96	L15, 20.01.96
	Polyester yarns (man-made staple fibres)	Duties	Council Reg. (EEC) N°. 830/92 30.03.92	L 88, 3.04.92
	Polyester yarns (PTY)	Duties	Council Reg. (EC) N°. 2160/96 11.11.96	L289, 12.11.96
Japan	Ball bearings (>30mm)	Duties	Council Reg. (EEC) N°. 2849/92 28.09.95	L 286, 1.10.92
	Ball bearings (miniature)	Duties	Council Reg. (EEC) N°. 2685/90 17.09.90	L256, 20.09.90
	DRAM's ²	Duties	Council Reg. (EEC) N°. 2112/90 23.07.90	L193, 25.07.90
	DRAM's ²	Undertakings	Com. Reg.. (EEC) N°. 165/90 23.01.90	L20, 25.01.90
			Com. Dec. (EEC) N°. 494/92 12.10.92	L299, 15.10.92
	Electrolyte capacitors	Duties	Council Reg. (EEC) N°. 3482/92 30.11.92	L 353, 3.12.92
	Electronic weighing scales	Duties	Council Reg. (EEC) N°. 993/93 26.04.93	L104, 29.04.93

ANNEX P (continued)

Origin	Product	Measure	Regulation No.	OJ Reference
Japan (continued)	EPROM's ³	Duties	Council Reg. (EEC) N°. 577/91 04.03.91	L65, 12.03.91
		Undertakings	Com. Dec. (EEC) N°. 131/91 11.03.91	
	Lighters (disposable)	Duties	Com. Dec. (EEC) N°. 538/93 18.10.93	L262, 21.10.93
		Duties	Council Reg. (EEC) N°. 3433/91 25.11.91	L326, 28.11.91
	Microdisks	Duties	Council Reg. (EEC) N°. 2861/93 18.10.93	L262, 21.10.93
	Outer rings of TRBs (cups)	Duties	Council Reg. (EEC) N°. 55/93 08.01.93	L 9, 15.01.93
	Plain paper photocopiers	Duties	Council Reg. (EC) N°. 2380/95 02.10.95	L244, 12.10.95
	Television camera systems	Duties	Council Reg. (EC) N°. 1015/94 29.04.94	L111, 30.04.94
Thermal paper	Duties	Council Reg. (EEC) N°. 729/92 16.03.92	L81, 26.03.92	
	Undertakings	Com.Dec. (EEC) N°. 177/92 16.03.92		
Kazakhstan	Ferro-silicon	Duties	Council Reg. (EC) N°. 3359/93 02.12.93	L 302, 9.12.93
	Ferrochrome (low-carbon)	Duties	Council Reg. (EEC) N°. 2717/93 28.09.93	L 246, 2.10.93
Lithuania	Ammonium nitrate fertilizer	Undertakings	Com. Dec. (EC) N°. 293/94 13.04.94	L129, 21.05.94

ANNEX P (continued)

Origin	Product	Measure	Regulation No.	OJ Reference
Macedonia	Sheets and plates of iron or steel	Duties	Com. Dec. (ECSC) N°. 2297/92 31.07.92	L 221, 6.08.92
	Synthetic textile fibres of polyester	Duties	Council Reg. (EEC) N°. 3017/92 19.10.92	L306, 22.10.92
Malaysia	Bicycles	Duties	Council Reg. (EC) N°. 648/96 28.03.96	L91, 12.04.96
	Microdisks	Duties	Council Reg. (EC) N°. 663/96 28.03.96	L92, 13.04.96
	Microwave ovens	Duties	Council Reg. (EC) N°. 5/96 22.12.95	L 2, 4.01.96
	Televisions (colour)	Duties	Council Reg. (EC) N°. 710/95 27.03.95	L 73, 1.04.95
Mexico	Microdisks	Duties	Council Reg. (EC) N°. 663/96 28.03.96	L92, 13.04.96
Montenegro	Sheets and plates of iron or steel	Duties	Com. Dec. (ECSC) N°. 2297/92 31.07.92	L 221, 6.08.92
	Synthetic textile fibres of polyester	Duties	Council Reg. (EEC) N°. 3017/92 19.10.92	L306, 22.10.92
Norway	Ferro-silicon ¹	Duties	Council Reg. (EC) N°. 3359/93 02.12.93	L 302, 9.12.93
P.R. China	Activated powdered carbon	Duties	Council Reg. (EC) N°. 1006/96 03.06.96	L 134, 5.06.96
	Artificial corundum	Duties	Council Reg. (EC) N°. 2556/94 19.10.94	L270, 21.10.94
	Bicycles	Duties	Council Reg. (EEC) N°. 2474/93 08.09.93	L228, 9.09.93
	Calcium metal	Duties	Council Reg. (EC) N°. 2557/94 19.10.94	L270, 21.10.94

ANNEX P (continued)

Origin	Product	Measure	Regulation No.	OJ Reference
P.R. China (continued)	Chamottes (refractory)	Duties	Council Reg. (EC) N°. 137/96 22.01.96	L 21, 27.01.96
	Coumarin	Duties	Council Reg. (EC) N°. 600/96 25.03.96	L 86, 4.04.96
	Dihydrostreptomycin	Duties	Council Reg. (EEC) N°. 3836/91 19.12.91	L362, 31.12.91
	Ferro-silicon	Duties	Council Reg. (EC) N°. 621/94 17.03.94	L 77, 19.03.94
	Fluorspar	Duties	Council Reg. (EC) N°. 486/94 04.03.94	L 62, 5.03.94
	Furfuraldehyde	Duties	Council Reg. (EC) N°. 95/95 16.01.95	L 15, 21.01.95
	Lighters (disposable)	Duties	Council Reg. (EEC) N°. 3433/91 25.11.91	L326, 28.11.91
			Council Reg. (EC) N°. 1006/95 03.04.95	L101, 04.05.95
	Magnesia (deadburned)	Duties	Council Reg. (EC) N°. 3386/93 06.12.93	L306, 11.12.93
	Magnesium oxide (caustic magnesite)	Duties	Council Reg. (EEC) N°. 1473/93 14.06.93	L145, 17.06.93
	Microdisks	Duties	Council Reg. (EEC) N°. 2861/93 18.10.93	L262, 21.10.93
	Microwave ovens	Duties	Council Reg. (EC) N°. 5/96 22.12.95	L 2, 4.01.96
	Peroxidisulphates	Duties	Council Reg. (EC) N°. 2961/95 18.12.95	L308, 21.12.95
	Photo albums	Duties	Council Reg. (EC) N°. 3664/93 22.12.93	L333, 31.12.93
Polyester yarns (man-made staple fibres)	Duties	Council Reg. (EEC) N°. 830/92 30.03.92	L 88, 3.04.92	

ANNEX P (continued)

Origin	Product	Measure	Regulation No.	OJ Reference
P.R. China (continued)	Polyolefin woven bags	Duties	Council Reg. (EEC) N°. 3308/90 15.11.90	L318, 17.11.90
		Additional duties	Council Reg. (EEC) N°. 2346/93 23.08.93	L215, 25.08.93
	Potassium permanganate	Duties	Council Reg. (EC) N°. 2819/94 17.11.94	L298, 19.11.94
	Silicon carbide	Duties	Council Reg. (EC) N°. 821/94 12.04.94	L94, 13.04.94
	Silicon metal	Duties	Council Reg. (EEC) N°. 2200/90 27.07.90	L198, 28.07.90
		Additional duties	Council Reg. (EEC) N°. 1607/92 22.06.92	L170, 25.06.92
	Televisions (colour)	Duties	Council Reg. (EC) N°. 710/95 27.03.95	L 73, 1.04.95
	Televisions (small-screen colour)	Duties	Council Reg. (EEC) N°. 2093/91 15.07.91	L195, 18.07.91
	Tube and pipe fittings, of iron or steel	Duties	Council Reg. (EC) N°. 584/96 11.03.96	L 84, 3.04.96
	Tungsten carbide and fused tungsten carbide	Duties	Council Reg. (EEC) N°. 2737/90 24.09.90	L264, 27.09.90
			Council Reg. (EC) N°. 610/95 20.03.95	L 64, 22.03.95
	Tungsten ores and concentrates	Duties	Council Reg. (EEC) N°. 2737/90 24.09.90	L264, 27.09.90
			Council Reg. (EC) N°. 610/95 20.03.95	L 64, 22.03.95

ANNEX P (continued)

Origin	Product	Measure	Regulation No.	OJ Reference
P.R. China (continued)	Tungstic oxide and acid	Duties	Council Reg. (EEC) N°. 2737/90 24.09.90	L264, 27.09.90
	Typewriter ribbons	Duties	Council Reg. (EC) N°. 610/95 20.03.95	L 64, 22.03.95
		Undertakings	Com. Reg. (EEC) N°. 1937/90 05.11.90	L174, 4.07.90
	Videotape in cassettes	Duties	Council Reg. (EEC) N°. 3091/91 21.10.91	L293, 24.10.91
Poland	Ferro-silicon	Duties	Council Reg. (EEC) N°. 3642/92 14.12.92	L369, 18.12.92
	Pig iron (haematite)	Undertakings	Council Reg. (EEC) N°. 572/92 14.12.92	
		Duties	Com. Dec. (ECSC) N°. 1751/94	L182, 16.07.94
	Seamless steel tubes	Duties	Council Reg. (EEC) N°. 1189/93 14.05.93	L120, 15.05.93
		Undertakings	Com. Dec. (EEC) N°. 260/93 14.05.93	
	Silicon carbide	Duties	Council Reg. (EC) N°. 821/94 12.04.94	L94, 13.04.94
	Urea ammonium nitrate	Duties	Council Reg. (EC) N°. 3319/94 22.12.94	L350, 31.12.94
		Undertakings	Council Reg. (EC) N°. 825/94 12.12.94	
Romania	Synthetic textile fibres of polyester	Duties	Council Reg. (EEC) N°. 3017/92 19.10.92	L306, 22.10.92

ANNEX P (continued)

Origin	Product	Measure	Regulation No.	OJ Reference
Russia	Ammonium nitrate fertilizer	Duties	Council Reg. (EC) N°. 2022/95 16.08.95	L198, 23.08.95
	Calcium metal	Duties	Council Reg. (EC) N°. 2557/94 19.10.94	L270, 21.10.94
	Ferro-silico-manganese	Duties	Council Reg. (EC) N°. 2413/95 06.10.95	L248, 14.10.95
	Ferro-silicon	Duties	Council Reg. (EC) N°. 3359/93 02.12.93	L 302, 9.12.93
	Ferrochrome (low-carbon)	Duties	Council Reg. (EEC) N°. 2717/93 28.09.93	L 246, 2.10.93
	Grain-oriented electrical steel sheets	Duties	Com. Dec. (ECSC) N°. 303/96	L42, 20.02.96
		Undertakings	Com. Dec. (ECSC) N°. 303/96	L42, 20.02.96
	Isobutanol	Duties	Council Reg. (EC) N°. 721/94 29.03.94	L 87, 31.03.94
	Pig iron (haematite)	Duties	Com. Dec. (ECSC) N°. 1751/94	L182, 16.07.94
	Potassium chloride	Duties	Council Reg. (EC) N°. 643/94 21.03.94	L80, 24.03.94
	Silicon carbide	Duties	Council Reg. (EC) N°. 821/94 12.04.94	L94, 13.04.94
	Unwrought magnesium	Duties	Council Reg. (EC) N°. 1347/96 02.07.96	L174, 12.07.96
		Undertakings	Com. Dec. (EEC) N°. 422/96 25.06.96	
Urea	Duties	Council Reg. (EC) N°. 477/95 16.01.95	L 49, 4.03.95	

ANNEX P (continued)

Origin	Product	Measure	Regulation No.	OJ Reference
Serbia	Sheets and plates of iron or steel	Duties	Com. Dec. (ECSC) N°. 2297/92 31.07.92	L 221, 6.08.92
	Synthetic textile fibres of polyester	Duties	Council Reg. (EEC) N°. 3017/92 19.10.92	L306, 22.10.92
Singapore	Electronic weighing scales	Duties	Council Reg. (EEC) N°. 2887/93 20.10.93	L263, 22.10.93
	Televisions (colour)	Additional duties	Council Reg. (EC) N°. 2937/95 20.12.95	L307, 20.12.95
		Duties	Council Reg. (EC) N°. 710/95 27.03.95	L 73, 1.04.95
Slovenia	Sheets and plates of iron or steel	Duties	Com. Dec. (ECSC) N°. 2297/92 31.07.92	L 221, 6.08.92
South Africa	Ferro-silico-manganese	Duties	Council Reg. (EC) N°. 2413/95 06.10.95	L248, 14.10.95
	Ferro-silicon	Duties	Council Reg. (EC) N°. 621/94 17.03.94	L 77, 19.03.94
South Korea	Car radios	Duties	Council Reg. (EEC) N°. 2306/92 04.08.92	L 222, 7.08.92
	DRAM's ²	Duties	Council Reg. (EEC) N°. 611/93 15.03.93	L66, 18.03.93
	Electrolyte capacitors	Undertakings	Com. Dec. (EEC) N°. 157/93 04.03.93	
		Duties	Council Reg. (EC) N°. 1384/94	L152, 18.06.94
	Electronic weighing scales	Duties	Council Reg. (EEC) N°. 2887/93 20.10.93	L263, 22.10.93
	Glutamic acid (monosodium glutamate)	Duties	Council Reg. (EC) N°. 81/96 19.01.96	L15, 20.01.96

ANNEX P (continued)

Origin	Product	Measure	Regulation No.	OJ Reference
South Korea (continued)	Microdisks	Duties	Council Reg. (EC) N°. 2199/94 09.09.94	L236, 10.09.94
	Microwave ovens	Duties	Council Reg. (EC) N°. 5/96 22.12.95	L 2, 4.01.96
	Synthetic textile fibres of polyester	Duties	Council Reg. (EEC) N°. 54/93 08.01.93	L009, 15.01.93
	Televisions (colour)	Duties	Council Reg. (EC) N°. 710/95 27.03.95	L 73, 1.04.95
	Televisions (small-screen colour)	Duties	Council Reg. (EEC) N°. 1048/90 25.04.90	L107, 27.04.90
	Videotape in cassettes	Duties	Council Reg. (EEC) N°. 1768/89 19.06.89	L174, 22.06.89
Taiwan	Electrolyte capacitors	Duties	Council Reg. (EC) N°. 1384/94 13.06.94	L152, 18.06.94
	Glutamic acid (monosodium glutamate)	Duties	Council Reg. (EC) N°. 81/96 19.01.96	L15, 20.01.96
	Microdisks	Duties	Council Reg. (EEC) N°. 2861/93 18.10.93	L262, 21.10.93
	Polyester yarns (man-made staple fibres)	Duties	Council Reg. (EEC) N°. 830/92 30.03.92	L 88, 3.04.92
	Polyester yarns (PTY only)	Duties	Council Reg. (EC) N°. 1074/96 10.06.96	L141, 14.06.96
	Synthetic textile fibres of polyester	Duties	Council Reg. (EEC) N°. 3017/92 19.10.92	L306, 22.10.92

ANNEX P (continued)

Origin	Product	Measure	Regulation No.	OJ Reference
Thailand	Ball bearings (miniature)	Undertakings (countervailing)	Com. Dec. (EC) N°. 639/94 03.08.94	L247, 22.09.94
		Duties (CVD)	Council Reg. (EC) N°. 2271/94 19.09.94	L247, 22.09.94
	Bicycles	Duties	Council Reg. (EC) N°. 648/96 28.03.96	L91, 12.04.96
	Lighters (disposable)	Duties	Council Reg. (EEC) N°. 3433/91 25.11.91	L326, 28.11.91
	Microwave ovens	Duties	Council Reg. (EC) N°. 5/96 22.12.95	L 2, 4.01.96
	Polyester yarns (PTY)	Duties	Council Reg. (EC) N°. 2160/96 11.11.96	L289, 12.11.96
	Televisions (colour)	Duties	Council Reg. (EC) N°. 710/95 27.03.95	L 73, 1.04.95
	Tube and pipe fittings, of iron or steel	Duties Undertakings	Council Reg. (EC) N°. 584/96 11.03.96 Com. Dec. (EEC) N°. 252/96 01.03.96	L 84, 3.04.96
Turkey	Cotton yarn	Duties	Council Reg. (EEC) N°. 738/92 23.03.92	L 82, 27.03.92
		Duties	Council Reg. (EC) N°. 3203/93 22.11.93	L289, 24.11.93
		Duties	Council Reg. (EC) N°. 1828/94 25.07.94	L182, 27.07.94
	Polyester fibres and yarns	Undertakings (countervailing)	Com. Dec. (EEC) N°. 511/91 23.09.91	L272, 28.09.91
Polyester yarns (man-made staple fibres)	Duties	Council Reg. (EEC) N°. 830/92 30.03.92	L 88, 3.04.92	

ANNEX P (continued)

Origin	Product	Measure	Regulation No.	OJ Reference
Turkey (continued)	Polyester yarns (POY and PTY)	Duties	Council Reg. (EC) N°. 3905/88 12.12.88	L347, 16.12.88
		Additional duties	Council Reg. (EC) N°. 1074/96 10.06.96	L141, 14.06.96
	Semi-finished products of alloy steel	Duties Undertakings	Com. Dec. (ECSC) N°. 1775/92 30.06.92	L182, 2.07.92
	Synthetic textile fibres of polyester	Duties	Council Reg. (EEC) N°. 3017/92 19.10.92	L306, 22.10.92
Ukraine	Ferro-silico-manganese	Duties	Council Reg. (EC) N°. 2413/95 06.10.95	L248, 14.10.95
		Undertakings	Com. Dec. (EC) N°. 418/95 26.07.95	
	Ferro-silicon	Duties	Council Reg. (EC) N°. 3359/93 02.12.93	L302, 9.12.93
	Ferrochrome (low-carbon)	Duties	Council Reg. (EEC) N°. 2717/93 28.09.93	L246, 2.10.93
	Pig iron (haematite)	Duties	Com. Dec. (ECSC) N°. 1751/94	L182, 16.07.94
	Potassium chloride	Duties	Council Reg. (EC) N°. 643/94 21.03.94	L80, 24.03.94
	Silicon carbide	Duties	Council Reg. (EC) N°. 821/94 12.04.94	L94, 13.04.94
	Unwrought magnesium	Duties	Council Reg. (EC) N°. 1347/96 02.07.96	L174, 12.07.96
Undertakings		Com. Dec. (EEC) N°. 422/96 25.06.96		

ANNEX P (continued)

Origin	Product	Measure	Regulation No.	OJ Reference
U.S.A.	Ethanolamines	Duties	Council Reg. (EC) N°. 229/94 01.02.94	L28, 2.02.94
	Microdisks	Duties	Council Reg. (EC) N°. 663/96 28.03.96	L92, 13.04.96
	Sodium carbonate (soda ash)	Duties	Council Reg. (EC) N°. 2381/95 10.10.95	L244, 12.10.95
Venezuela	Ferro-silicon	Duties	Council Reg. (EC) N°. 3359/93 02.12.93	L302, 9.12.93

¹ Measures against Iceland and Norway suspended by Council Regulation (94/05/EC), OJ L3, 05.01.94

² Temporarily suspended by Commission Decision (95/197/EC), OJ L126, 09.06.95
Extension of suspension by Council Regulation (96/399/EC), OJ L55, 06.03.96

³ Temporarily suspended by Commission Decision (95/272/EC), OJ L165, 15.07.95
Extension of suspension by Council Regulation (96/664/EC), OJ L92, 13.04.96

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