

COMMISSION OF THE EUROPEAN COMMUNITIES

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SEVENTH ANNUAL REPORT
OF THE COMMISSION ON THE COMMUNITY'S ANTI-DUMPING
AND
ANTI-SUBSIDY ACTIVITIES

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INTRODUCTION

1. This report is submitted to the European Parliament following its Resolution of 16 December 1981 on the Community's anti-dumping activities². Although the report concentrates mainly on the Community's anti-dumping and anti-subsidy activities during 1988, for the purposes of comparison details are also included of the number of investigations and reviews initiated and concluded in the years 1984 to 1987. The report also contains a short analysis of anti-dumping actions from 1980 to 1988 and their effect on trade. The Community's basic legislation on anti-dumping and anti-subsidisation in the first seven months of 1988 was Council Regulation (EEC) No 2176/84³ and Commission Decision No 2177/84/ECSC⁴. The basic legislation was amended on 2 August 1988 and consolidated in Council Regulation (EEC) No 2423/88⁵ and Commission Decision No 2424/88/ECSC⁶. The legislation is in accord with the GATT Codes on Anti-Dumping and Subsidies and Countervailing Duties to which the Community is a Party⁷.

1 Previous reports were given in COM(83)519 final/2; COM(84)721 final; COM(86)308 final; COM(87)178 final; COM(88)92 final and COM(89)106 final.

2 OJ No C 11, 18.01.1982, p. 37.

3 OJ No L 201, 30.07.1984, p. 1.

4 OJ No L 201, 30.07.1984, p. 17.

5 OJ No L 209, 02.08.1988, p. 1.

6 OJ No L 209, 02.08.1988, p. 18.

7 OJ No L 71, 17.03.1980, pp. 72 and 90.

T A B L E 1

Anti-dumping and anti-subsidy investigations
during the period 1 January 1984 to 31 December 1988

	1984	1985	1986	1987	1988
Investigations in progress at the beginning of the period	33	40	44	21	39
Investigations initiated during the period	49	36	24	39	40
Investigations in progress during the period	82	76	68	60	79
Investigations concluded by:					
- imposition of definitive duty	5	8	4	9	18
- acceptance of price undertaking	27	4	25	8	-
- determination of no dumping	6	2	4	-	-
- determination of no subsidisation	-	1	-	-	-
- determination of no injury	-	15	7	4	5
- other reasons	4	2	7	-	3
Total investigations concluded during the period	42	32	47	21	26
Investigations in progress at the end of the period	40	44	21	39	53
Provisional duties imposed during the period	11	9	6	13	28

ANTI-DUMPING ANTI-SUBSIDY INVESTIGATIONS

2. The anti-dumping and anti-subsidy investigations initiated and concluded by the Community in the years 1984 to 1988 are summarised in Table 1 above, and details of the individual actions taken in 1988 are given in the annexes to this report. In order to obtain as much transparency as possible in its procedures, it is the Commission's consistent practice to publish full details of the dumping or subsidisation and injury alleged in the complaint leading to the initiation of an investigation. These details are included in the notices of initiation which are published in the Official Journal. In addition, the Decisions and Regulations which conclude the investigations and apply provisional or definitive anti-dumping or countervailing measures, where appropriate, set out the issues of fact and law which were considered to be material in the investigation and give reasons for the action taken, as well as the reasons for the acceptance or rejection of relevant arguments or claims made by the interested parties during the investigation. These instruments are also published in the Official Journal.
3. It will be seen from Table 1 that 40 investigations were initiated by the Commission in 1988, compared with 39 in 1987. In fact, the number of investigations initiated in 1988 is in line with the numbers initiated each year from 1984 to 1987 with the exception of 1986 when, as explained in the fifth annual report to the Parliament, only 24 investigations were initiated because of the lack of resources available in this sector in relation to the increased workload which was experienced at the time. Details of the investigations initiated in 1988 are given in Annex A.
4. Table 1 also shows that 26 investigations were concluded in 1988. Although the number concluded in the year was higher than in the previous year, it was substantially below the numbers concluded in 1984, 1985 and 1986, the lower number in 1988 reflecting, in part, the increasing complexity of the investigations.

IMPOSITION OF PROVISIONAL DUTY

5. It remains the Commission's practice to impose provisional duties as promptly as possible following a preliminary determination that the imports were dumped and had caused injury to a Community industry unless, of course, the exporter has offered a suitable price undertaking. The aim is to prevent further injury to the Community industry during the remainder of the proceeding. 28 provisional duties were imposed in 1988, the number being the highest in any year and more than double the number in the previous year. Details of the provisional duties imposed in 1988 are given in Annex B.

IMPOSITION OF DEFINITIVE DUTIES

6. It will be seen from Table 1 that 18 investigations were concluded by the imposition of definitive duties in 1988. This was the highest number imposed in any year, the number being more than two and a half times the annual average in the preceding five years. Details of the investigations concluded by the imposition of definitive duties in 1988 are given in Annex C.

ACCEPTANCE OF PRICE UNDERTAKINGS

7. Although it remains the Commission's policy to accept price undertakings, where appropriate, following a formal determination that the dumped imports have caused injury to a Community industry, no investigations were concluded by the acceptance of price undertakings in 1988. This compares with the conclusion of 8 investigations by the acceptance of price undertakings in 1987 and 25 in 1986. The fact that no investigations were concluded by the acceptance of undertakings in 1988 does not mean that none were accepted. It is increasingly found, however, that certain

exporters choose to withhold their co-operation during the investigation. In these circumstances, it is the practice to apply duties in respect of all imports from a specific country and to exclude from the duty those imports from exporters who have co-operated in the investigation and have offered an acceptable price undertaking. Thus, price undertakings were accepted from exporters in 1988 in respect of imports of oxalic acid from Korea and Taiwan though the investigations were concluded by the imposition of definitive duties.

INVESTIGATIONS TERMINATED WITHOUT THE APPLICATION OF PROTECTIVE MEASURES

8. Investigations are concluded without the imposition of anti-dumping or countervailing measures when it is finally determined that the imported products were not dumped or subsidised, or that they had not caused injury to a Community industry, or that it is not considered to be in the Community's interest to apply anti-dumping or anti-subsidy measures. An investigation may also be concluded following the withdrawal of a complaint. 8 investigations were concluded without the imposition of duties in 1988, compared with 4 in 1987 and 14 in the previous year. 5 of the 8 investigations concluded in 1988 were terminated on a finding of no injury, the other 3 investigations being concluded by the withdrawal of the complaint. The investigations concluded by the withdrawal of the complaint concerned microwave ovens from Korea, Japan and Singapore and the complaint was withdrawn because of changes in the market situation. The complaint was also withdrawn in 3 of the investigations concluded on a finding of no injury. These concerned cellular mobile telephones from Canada, Hong Kong and Japan. In this case, however, a formal finding of no injury had been made prior to the withdrawal of the complaint and therefore the withdrawal had no effect on the outcome of the investigations.

BREAKDOWN OF INVESTIGATIONS BY COUNTRY OF EXPORT AND BY PRODUCT SECTOR

9. 103 Investigations were initiated in the three year period from 1986 to 1988 and these are broken down by country of export in Annex F. The investigations involved imports from 32 countries of which 15 were only subject to one investigation in the three year period and a further 4 were only subject to 2 investigations. The countries most involved were Korea (13 investigations), Japan (12 investigations) and Yugoslavia (10 investigations). The 40 investigations initiated in 1988 involved imports from 15 countries, of which 7 were only subject to one investigation, the countries most involved in 1988 being China (7 investigations) and Korea (7 investigations).

10. The investigations initiated in the years 1986 to 1988 are broken down in Annex G by product sector. Most of the investigations initiated in the three year period concerned products in the chemical and mechanical engineering sectors. There was a change in 1988 compared with 1987, however, in that no investigations were initiated in respect of textile products in the year while there was a marked increase in investigations concerning metals other than iron and steel.

REVIEWS

11. The Regulations and Decisions imposing anti-dumping or countervailing duties and the Decisions to accept price undertakings are subject to review, where warranted, either in whole or in part. Although reviews may be opened by the Commission on its own initiative, or at the request of a Member State, they are generally opened following a request from an interested party on the grounds of changed circumstances. Reviews may also be requested by an interested party following the publication of a notice of the impending expiry of a measure. Normally, it is the practice to re-open the investigation when carrying out a review and to publish the notice of opening in the Official Journal, though if there is no need to carry out extensive fact-finding, or to consult all the interested parties, the review may be carried out without the formal re-opening of the investigation. The number of reviews opened, in progress and concluded in the years 1984 to 1988 are set out in Table 2 below.

T A B L E 2

Reviews of anti-dumping and anti-subsidy investigations
during the period 1 January 1984 to 31 December 1988

	1984	1985	1986	1987	1988
Reviews in progress at the beginning of the period	2	2	20	27	11
Reviews opened during the period	7	30	24	8	24
Reviews in progress during the period	9	32	44	35	35
Reviews concluded by:					
- imposition of definitive duty in lieu of price undertaking	1	1	1	7	4
- amendment of definitive duty	2	5	7	8	-
- suspension of definitive duty	-	3	-	1	-
- acceptance of price undertaking in lieu of definitive duty		1	1	1	3
- amendment of price undertaking	1	-	2	4	2
- repeal or expiry of definitive duty	1	2	2	2	1
- repeal or expiry of price undertaking	-	-	3	-	5
- no change of the measures in force		-	1	1	-
Total reviews terminated during the period	7	12	17	24	15
Reviews in progress at the end of the period	7	20	27	11	20
Provisional duties imposed during the reviews	3	2	8	-	7

12. Table 2 shows that 24 reviews were initiated in 1988 compared with 8 in 1987 and 24 in 1986. Details of those reviews which led to the opening of the investigation in 1988 are given in Annex H. No reviews were carried out in 1988 without the opening of the investigation.

13. The number of reviews concluded in the years 1984 to 1988 are broken down in Table 2 according to their outcome and the number of provisional duties imposed each year during reviews is also given. 15 reviews were terminated in 1988 compared with 24 in 1987 and 17 in 1986. In addition, 7 provisional duties were imposed in reviews in progress in 1988 compared with none in 1987 and 8 in 1986. The reviews concluded in 1988 led to the imposition of 4 anti-dumping duties in lieu of price undertakings, to the acceptance of 3 price undertakings in lieu of anti-dumping duties and to the amendment of 2 price undertakings. In addition, one anti-dumping duty and 5 price undertakings were allowed to expire. These measures concerned kraftliner for which reviews had been opened in 1986. It was determined, however, in connection with kraftliner from Brazil and South Africa, that imports of kraftliner were no longer causing injury to the Community industry and the measures on imports from the other sources were therefore allowed to expire without formally concluding the reviews. Details of the notice of expiry of the measures are given in Annex M and details of the provisional duties imposed in 1988 and the reviews concluded by changes in the measures in force are given in Annexes I to L.

EXPIRY OF MEASURES

14. As reported in paragraph 1 above, the Community's basic anti-dumping legislation was amended and reproduced in consolidated form during 1988. The main amendments to the legislation are explained below but, in addition, the legislation amended Article 15 of Regulation (EEC) No 2176/84 and Decision No 2177/84/ECSC which provided for the expiry of anti-dumping measures after a period of five years from the date on which they entered into force, or were last modified or confirmed as the result of a review. Under the amended provisions a notice of the impending expiry of the measure is still published within a period of six months prior to the end of the five year period and there is still a requirement to inform the relevant Community Industry of the impending expiry. Where an interested party is subsequently able to demonstrate that the expiry of the measure would lead again to injury or the threat of injury, then for the purpose of greater legal certainty the Commission is required to publish, before the end of the five year period, a notice of intention to carry out a review of the measure. The measure then remains in force pending the outcome of the review, though if the review has not been opened within six months from the end of the period then it expires automatically. In any event, notice of the expiry of measures is published in the Official Journal and, again for the purpose of legal certainty, there is a requirement to publish in the notice the date of the expiry of the measure.

15. 21 anti-dumping duties and 33 price undertakings expired in 1988 and details of these are given in Annex M. In addition, notices of the impending expiry of 41 measures were published in the Official Journal⁸. During the year reviews under Article 15 were initiated in respect of ferro-chrome from South Africa, Turkey and Zimbabwe, steel coils from Argentina and Canada and hardboard from the CSSR, Poland and Sweden.

ARTICLE 13(10) INVESTIGATIONS

16. As mentioned in the sixth annual report to the Parliament, the Community's basic anti-dumping legislation was amended during 1987 in order to deal with instances when an anti-dumping duty imposed on an imported product is circumvented by the importation of the component parts of the product, rather than the product itself, and the subsequent assembly of these component parts within the Community. The amendment was incorporated in Article 13(10) of Council Regulation (EEC) No 2176/84 and the provisions were retained in the revised basic legislation, consolidated in Council Regulation (EEC) No 2423/88.
17. Although there is a need under these provisions to take account of the particular circumstances of each case, the essential prerequisites for the imposition of an additional anti-dumping duty on the assembled product are that an anti-dumping duty is in force on imports of the product imported; that the assembly is carried out within the Community by a party related to a manufacturer whose exports are subject to the anti-dumping duty; that the assembly operation was started or substantially increased after the opening of the investigation leading to the imposition of the anti-dumping duty and that the value of the

⁸ These notices were published in OJ Nos C 1, 05.01.1988, p. 3; C 24, 29.01.1988, p. 4; C 56, 27.02.1988, p. 3; C 116, 03.05.1988, p. 3; C 143, 01.06.1988, p. 3; C 172, 01.07.1988, p. 3; C 172, 01.03.1988, p. 3; C 249, 23.09.1988, p. 2; C 279, 29.10.1988, p. 11 and C 304, 29.11.1988, p. 3.

parts or materials originating in the country whose exports are subject to the duty exceeds the value of other parts or materials used in the assembly operation by at least 50%, i.e. the value of the parts or materials originating in the exporting country concerned must be 60% or more of the value of all the parts and materials used in the assembly operation.

18. In 1987 and 1988 six Article 13(10) Investigations were opened, all of which concerned the assembly of products on which an anti-dumping duty was in force when imported from Japan. The products involved were hydraulic excavators⁹, electronic typewriters¹⁰, electronic weighing scales¹¹, plain paper photocopiers¹², ball bearings¹³ and dot matrix printers¹⁴.
19. In the case of electronic typewriters, six related assemblers were concerned. In the initial investigation it was found that one had ceased assembly and the value of the parts of Japanese origin used by another assembler was less than 60% of the total value of the parts used in the assembly operation. An additional anti-dumping duty was imposed on the products of the remaining assemblers¹⁵, though subsequently three of them were able to demonstrate that the value of the parts of Japanese origin used in the assembly operation was less than 60% of the value of all the parts used and undertakings were accepted from them in lieu of the additional duty¹⁶.

9 OJ No C 235, 01.09.1987, p. 1.
10 OJ No C 235, 01.09.1987, p. 2.
11 OJ No C 235, 01.09.1987, p. 3.
12 OJ No C 44, 17.02.1988, p. 3.
13 OJ No C 150, 08.06.1988, p. 4.
14 OJ No C 327, 20.12.1988, p. 8.
15 OJ No L 101, 20.04.1988, pp. 4 and 26.
16 OJ No L 123, 17.05.1988, pp. 31 and 39;
OJ No L 128, 21.05.1988, p. 39;
OJ No L 183, 14.07.1988, pp. 1 and 39;
OJ No L 203, 28.07.1988, pp. 1 and 25.

20. For electronic weighing scales, only two related assemblers were concerned and in the initial investigation it was found that for one the value of the parts originating in Japan was less than 60% of the value of all the parts. An additional anti-dumping duty was imposed on the products of the other assembler¹⁷, though this was later replaced by an undertaking when the assembler was able to demonstrate that less than 60% of the parts assembled originated in Japan¹⁸.
21. In the plain paper photocopier case nine assemblers were involved. In the initial investigation it was found that the value of the parts of Japanese origin used by two assemblers was less than 60% of the value of all the parts used and undertakings in lieu of an anti-dumping duty were accepted from another three assemblers¹⁹. One firm did not assemble during the investigation period, though a further investigation was initiated in respect of the firm in December 1988²⁰. Additional anti-dumping duties were imposed on the products of the other three assemblers, though for two of them the duty was subsequently replaced by undertakings²¹.
22. One related assembler was involved in the case of hydraulic excavators and two in the case of ball bearings. For hydraulic excavators it was found that the value of the parts of Japanese origin was less than 60% of the value of all the parts used in the assembly and no measures were applied²². The initial investigation on ball bearings was still in progress at the end of 1988, as was the investigation concerning dot matrix printers in which 13 assemblers were involved.

17 OJ No L 101, 20.04.1988, pp. 1 and 28.

18 OJ No L 189, 20.07.1988, p. 27;
OJ No L 244, 02.09.1988, p. 1.

19 OJ No L 284, 19.10.1988, pp. 36 and 60.

20 OJ No L 306, 01.12.1988, p. 8.

21 OJ No L 355, 23.12.1988, pp. 1 and 66.

22 OJ No L 101, 20.04.1988, p. 24.

23. The situation at the end of the year, as regards Article 13(10) investigations can be summarised as follows. Of the 33 related assemblers involved in the investigations, an additional duty was in force in respect of the assembled product of only one, undertakings being accepted from 10 in lieu of the duty; no measures being imposed on the assembled products of five; one assembler having ceased operations and the initial investigations being still in progress in respect of the products of seventeen assemblers. In the light of the outcome of the investigations concluded up to the end of 1988, the Commission may fairly claim that its approach to the problem of circumvention by assembly has been as moderate as possible. In the latter part of 1988, however, the Japanese authorities requested formal consultations within the GATT on this aspect of the Community's basic legislation.

AMENDMENT OF BASIC LEGISLATION

24. Council Regulation (EEC) No 2176/84 and Commission Decision No 2177/84/ECSC were amended in 1988 and published in consolidated form in Council Regulation (EEC) No 2423/88 and Commission Decision No 2424/88/ECSC. The amendments were of a technical nature and concerned the methods used to determine the normal value and the export price, the comparison of the normal value and export price, procedural aspects, and steps to ensure the effectiveness of anti-dumping measures.

25. The changes which amend and clarify the Community's practice with respect to the determination of the normal value relate to:

a) The determination of normal value on the basis of domestic prices - Article 2.3(a)

The amendment ensures that the normal value is based on the price actually paid or payable in the domestic market of the exporting country by taking a price net of all discounts and rebates, including deferred discounts where evidence is produced to justify the deduction of this form of discount.

b) The calculation of constructed value in the absence of a domestic price - Article 2.3(b)II

The purpose of this amendment is to clarify the basis on which selling, general and administrative expenses is calculated when the producer or exporter does not sell the product on his domestic market or does not make a profit on the sales.

c) The determination of normal value for dealers and merchants - Article 2.3(c)

This amendment deals with the case where the exporter neither produces the product nor sells it on the domestic market of the exporting country. In these circumstances the normal value for the exporter is based on the prices or costs of other sellers or producers in the country of origin, normally those of his supplier.

d) The determination of normal value when sales are made at a loss - Article 2.4

The amendment defines more precisely the conditions under which sales at a loss may be considered as not having been made in the ordinary course of trade.

26. The changes which amend or clarify the Community's practice when determining the export price relate to:

- a) The determination of the export price on the basis of the price when sold for export - Article 2.8(a)

The purpose of this amendment is to ensure that the export price is established in the same manner as the normal value when based on domestic prices i.e. by taking the price actually paid or payable, net of all discounts, including deferred discounts, and rebates.

- b) The determination of the constructed export price - Article 2.8(b)

The export price is constructed where no price is paid for the exports or where there is an association between the exporter and the importer and a third party. In these cases the export price is constructed by taking the price at which the imported product is resold to an independent buyer and deducting all costs incurred between importation and resale as well as a reasonable margin of profit. The amendment makes plain that all costs normally borne by an importer will be deducted even if these were incurred by a related party either within or outside the Community.

27. The changes which clarify or amend the Community's practice when comparing the normal value and export price concern:

- a) The factors to be taken into account when making a fair comparison - Article 2.9(a) and 2.10(a), (b) and (c)

This amendment clarifies the Community's practice by stating explicitly the factors which affect price comparability and may be taken into account when comparing the normal value and the export price.

b) Claims for insignificant adjustments - Article 2.10(e)

This amendment provides that claims for adjustments which do not have a significant effect on the price or value may be disregarded. The amendment was introduced for reasons of administrative convenience, though it is recognised that a series of insignificant adjustments for different factors could have a significant effect on the value or price being compared, in which case they would be taken into account.

28. The change in procedures concern the supply of false or misleading information. For the purpose of legal certainty Article 7.7(b) makes it plain that such information will be disregarded and that the claim to which the information refers may be disallowed.
29. The amendment designed to ensure the effectiveness of anti-dumping measures is given in Article 13(11) and relates to those cases where the exporter bears the cost of any anti-dumping duty imposed, in whole or in part. Since the effective export price would be reduced if the exporter bore the cost of the duty, and the margin of dumping would be increased, the amendment provides for the imposition of an additional duty to compensate for the amount of the original duty borne by the exporter. Any additional duty would only be imposed after the matter was investigated, however, and after the exporters and importers concerned had been given an opportunity to express their views.

COURT OF AUDITORS REPORT

30. In 1988 the Court of Auditors examined, for the first time, the system for imposing anti-dumping duties within the Community and for bringing these to account. The examination was mainly concerned with areas in which the Member States have the main responsibility, but the Court of Auditors report²³ also made two specific recommendations to the Commission. In its replies to the Court²⁴ the Commission noted the difficulties encountered by the Member States as a result of the immediate application of anti-dumping duties but foresaw an improvement in the situation with the development of computerised methods of transmission. It also pointed to the steps being taken which would resolve problems concerning the establishment of provisional duties as the Community's own resources and agreed to conduct a general examination of the organisation and controls exercised by the customs authorities, particularly on imports of sensitive goods such as those potentially liable to anti-dumping duties. Also, in reply to a recommendation that anti-dumping duties should be separately accounted for by all the Member States, the Commission noted that it was for the Member States to determine the practical procedures for entering the amounts of the duty in the accounts and that, while it would welcome the separate accounting of anti-dumping duties by all Member States, it had to be remembered that these duties were not regarded as being primarily revenue raising measures.
31. The specific recommendations made to the Commission by the Court concerned the shortening of the time period required for the imposition of provisional duties and the monitoring of price undertakings. In its replies to the Court, the Commission agreed that there was a danger of forestalling an anti-dumping duty by increasing imports of the dumped products while an investigation was in progress. It pointed, however, to the efforts made in

²³ OJ No C 316, 12.12.1988, pp. 52-55.

²⁴ OJ No C 316, 12.12.1988, pp. 253-254.

recent years to reduce the time between the initiation of the investigation and the imposition of the provisional duty. It also took the view that, given the need under the provisions of the GATT Anti-Dumping Code to carry out an examination of the facts before a provisional duty can be imposed, any further reduction in the time period could only be achieved by an increase in resources. The Commission also agreed on the need to dispel any doubts of the effectiveness of its monitoring of price undertakings and reported that it has now adopted a more systematic and comprehensive method of monitoring.

CASES BEFORE THE COURT OF JUSTICE

32. A list of the anti-dumping and anti-subsidy cases before the Court of Justice in 1988 is given in Annex N. During the year five new cases were brought before the Court, judgements were given in twelve cases and one case was removed from the register of the Court.

33. Three of the new cases brought before the Court were referred for preliminary rulings. These concerned the validity of anti-dumping duties imposed on imports of kraftliner²⁵ and standardised electric motors²⁶ and the interpretation of the Community's origin rules²⁷. The other cases concerned an anti-dumping duty imposed on imports of urea²⁸ and the refund of anti-dumping duties²⁹. The issues raised in the urea case include the allowances to be made when comparing the normal value and the export price as well as procedural matters and the main issue raised in the case concerning the refund of duty is the manner in which the export price should be established when the importer is related to the exporter.

25 Case 189/88, OJ No 210, 10.08.1988, p. 5.

26 Case 323/88, OJ No 307, 02.12.1988, p. 5.

27 Case 26/88, OJ No 45, 18.02.1988, p. 10.

28 Case 49/88, OJ No 73, 19.03.1988, p. 4.

29 Case 188/88, OJ No 205, 06.08.1988, p. 7.

34. Eight of the cases on which judgements were made in 1988 concerned anti-dumping duties imposed on electronic typewriters from Japan³⁰. Most of the methods applied by the Commission when establishing the extent of dumping were raised in these cases, including the establishment of the normal value and the export price, the rate of profit applied when the normal value was constructed on the basis of costs of production and the allowances made when comparing the normal value and the export price. In all cases the applications were dismissed and the applicants were ordered to pay the costs. Another two cases on which judgement was made concerned deep freezers from the USSR³¹. In these cases, the issues raised included the choice of the market economy analogue country when establishing the normal value, the comparison of the normal value and the export price and the refusal to accept a price undertaking. These applications were also dismissed, the applicant being ordered to pay the costs. The remaining cases on which judgements were made by the Court concerned soya meal from Argentina and Brazil³². The issues raised in these cases included the definition of a subsidy and the termination of an anti-subsidy proceeding on grounds of Community interest. In both cases the applications were dismissed and the applicants were also ordered to pay the costs. The case removed from the register of the Court in 1988 concerned an anti-dumping duty imposed on imports of ball and tapered roller bearings³³.

30 Cases 56/85, 250/85, 260/85, 277/85, 300/85, 301/85, 106/86, 107/86, OJ No C 284, 08.11.1988, pp. 4-7.

31 Joined cases 294/86 and 77/87, OJ No C 285, 09.11.1988, p. 9.

32 Cases 187/85 and 188/85, OJ No C 215, 17.08.1988, pp. 8 and 9.

33 Case 305/85, Order made on 03.02.1988, OJ No C 67, 12.03.1988, p. 7.

ANTI-DUMPING ACTIVITY 1980 - 1988

35. The Parliament will be aware of the public interest in the Community's anti-dumping activities. As the Commission ensures that its actions in this area are as transparent as possible, it welcomes genuine commentary and public discussion on its actions. Unfortunately, however, much of the discussion has been particularly ill-informed and, as such, has led to allegations that the Community's anti-dumping activity is being used as a tool in the construction of a "Fortress Europe". Views expressed in support of this contention are that the methods by which the extent of the dumping are calculated are biased in favour of a positive finding; a supposed increase in anti-dumping activity in recent years; the alleged effect of such activity on trade in general, and the trade inhibiting effect of anti-dumping action on imports from individual countries, especially those in the Far East. Since these allegations could not be further from the truth, the Commission considers it appropriate to clarify the situation, mainly with reference to the Community's anti-dumping activities from 1980 to 1988, i.e. since the entry into force of the revised GATT Anti-Dumping Code.
36. As regard the methods used to determine dumping, the Parliament will appreciate that the Community's activities in this area are subject to the scrutiny of the European Court of Justice, at the Community level, and of the GATT Committee on Anti-Dumping Practices at the international level. In several cases, concerning miniature ball bearings and electronic typewriters, on which the Court made judgements in 1987 and 1988, most aspects of the Commission's methodology were considered in detail. As a result, its actions were completely vindicated by the Court, the applications being dismissed with costs awarded against the applicants in all cases.

From an economic point of view, it should be emphasized that the Commission's calculation methods are based on the fundamental principle of comparing like with like. Prices to similar customers are established and, if necessary, adjustments are made for differences in physical characteristics, import charges and those selling expenses which affect prices, to put them on a comparable basis.

Finally, the calculation ensures that equal treatment is given to different forms of import arrangements i.e. imports made by independent firms or by subsidiaries of the exporter. In this context, the Commission has been criticized for applying different calculation standards as regards selling costs incurred by subsidiaries operating in the country of export and the subsidiaries operating in the importing country. This ignores the fact that these subsidiaries assume different functions: the subsidiary in the exporting country assumes the function of a domestic producer's sales department (it sells on the market), whereas the related subsidiary in the EEC assumes the functions of an importer (it resells). The latter must therefore be put on the same footing as an importer which does not have any relationship with the exporting firm.

37. The Community's anti-dumping actions from 1980 to 1988 are set out in Annex O which gives the number of investigations initiated in each year, as well as the number of investigations concluded by the application of anti-dumping measures and the number that were concluded without measures being applied. Since these refer to anti-dumping actions alone, they differ slightly from those set out in Table 1 of the reports to the Parliament, which give details of both anti-dumping and anti-subsidy investigations. It will be seen from the Annex that while the number of investigations initiated in 1987 and 1988 remained relatively high, they were lower than the number initiated in 1981, 1982 and 1984. The Annex also shows that the number of anti-dumping measures applied in 1987 and 1988 were less than half the numbers applied in 1980,

1982 and 1983. Account has also to be taken of the fact that since the sunset provisions of Article 15 of the Community's basic anti-dumping legislation entered into force in July 1985, 139 measures were allowed to expire automatically in the three and a half year period until the end of 1988, 54 of the measures expiring in 1988 alone, compared with only 18 new measures applied in the year.

38. Because anti-dumping duties are not regarded as being primarily revenue raising measures, they are not at present reported separately by the Member States although, as noted in paragraph 30 above, there is a recommendation by the Court of Auditors that they should do so. In the absence of this data any estimate of the trade affected by the Community's anti-dumping measures over the years must be subject to a certain degree of error. In the first place, the products involved often account for only a proportion of the products included in a nomenclature heading in the trade statistics, and even when a duty is imposed on imports from a particular country, it will not apply to imports from those exporters in that country whose exports were not dumped. In addition, certain duties are variable, the amount of the duty depending on the difference between the import price and a minimum price level. In these instances, there is, unfortunately, no way of assessing from the trade statistics whether the imports from a particular importer were below or above the minimum level. Bearing these reservations in mind, however, it is estimated, as a result of a careful study carried out by the Commission, that in 1987 only 0.9% of all imports to the Community were subject to anti-dumping duties, the proportion of imports from industrialised countries being 1.2% and only 1.4% of imports from the newly industrialised economies, 0.1% of imports from the other developing countries and 0.3% of imports from state trading countries. It will be seen, therefore, that anti-dumping duties have no impact whatsoever on the vast majority of imports into the Community.

39. The anti-dumping investigations initiated in the years 1980 to 1988 are broken down in Annex P according to the geographical region of the exports. This shows that more than half the investigations concerned exports from Europe, the number being more than double the number concerning exports from the Far East, including China. In addition, 9.5% of the investigations concerned exports from North America while 8.3% involved exports from Central and South America. Investigations also concerned exports from North Africa, Central and South Africa, the Middle East and Australasia but the number of investigations in each of these areas was not significant.

40. Finally, the investigations initiated in the years 1980 to 1988 are broken down in Annex Q by the type of countries in which the exports originated, together with the change in the value of imports from these countries during the period. This shows that 37.8% of the investigations involved exports from industrialised countries compared with 21.8% involving exports from the newly industrialised economies and other developing countries and 40.4% involving exports from state trading countries.

41. The high number of investigations concerning exports from the state trading countries in Eastern Europe is understandable, in view of the proximity of these countries to the Community market and the economic conditions prevailing in those countries in the period under review. The investigations concerned imports from seven countries, the highest number of investigations concerning imports from the CSSR and the GDR, both being higher than the number of investigations initiated against imports from China. But although the number of the investigations concerning East European countries was high, there was a substantial decline during the period, the number initiated in 1980 to 1982 being 54, compared with 45 in 1983 to 1985 and only 20 in 1986 to 1988. It is to be hoped that the figures will decline further following the economic reforms which are currently under way in certain of those countries.

42. Within the industrialised countries, the highest number of investigations in the period concerned exports from Japan, for which 27 investigations were initiated. This does not mean, however, that there was a concentration of investigations on exports from that country. On the contrary, the number represented only 7.7% of all investigations initiated in the period. Moreover, when account is taken of the fact that the number covered investigations initiated over a nine year period, whereas those concerning exports from Portugal and Spain covered a period of only five years prior to their accession to the Community, the number for Japan was proportionately lower. Again, the number of investigations initiated against exports from Japan was also lower than the number concerning imports from "Other Western Europe" i.e. Turkey and Yugoslavia and only 2 higher than the number concerning exports from the USA, 4 higher than the number concerning exports from the CSSR or the GDR and 6 higher than those concerning exports from China.
43. For the developing countries, the highest number of investigations concerned exports from the Asian newly industrialised economies, but the number for the four countries involved was also less than those for Turkey and Yugoslavia combined and was only slightly higher than those for the four South American newly industrialised economies. The number of investigations concerning exports from OPEC countries was not significant and the number of investigations concerning exports from the other developing countries was less than 5% of the total from all countries in the period.
44. It will also be seen from Annex Q that, whereas the value of imports into the Community from all third countries increased by 36% between 1980 and 1988, the value of imports from industrialised and state trading countries increased respectively by 82% and 32% and the value of the imports from developing countries decreased by 11%. Within the industrialised countries, however, the percentage increase in value for those countries

subject to the highest number of investigations was far higher than the average for all countries within the group, the value of the imports from Other Western Europe increasing by 197% and the value of imports from Japan by 193%. Again, within the state trading countries, the value of imports from China increased by 252%, in spite of the relatively high number of investigations concerning exports from that country during the period. For the developing countries, Annex Q shows that the overall decrease in the value of imports from these countries was due mainly to the large decrease in the value of imports from OPEC countries, for which the number of investigations was not significant. By contrast, the value of imports from the Asian newly developed economies, whose exports were subject to the highest number of investigations within the developing countries, increased by 145% and there were also increases of 39% and 34% respectively in the value of imports from the South American newly industrialised economies and from developing countries other than OPEC countries and the newly industrialised economies.

45. It will be seen from the above that by far the vast majority of imports into the Community are not affected by anti-dumping actions in any way whatsoever. It is also apparent that the Community's anti-dumping actions have not been concentrated on imports from a particular country or geographical region, with the possible exception of Eastern Europe, and that more investigations were initiated on exports from European countries than those from America or Asia. Neither has there been an increase in the Community's anti-dumping actions in recent years, the number of measures imposed having declined throughout the period and, far from such actions having an inhibiting effect on trade, it is found that the countries whose products have been subject to the highest number of investigations have registered the largest percentage increase in the value of their exports to the Community over the years. It should also be emphasised that

during the period the Commission has only opened anti-dumping investigations on receipt of a satisfactory complaint on behalf of a Community industry, and never on its own initiative. The inescapable conclusion, therefore, is that any allegation that the Community's anti-dumping policy is being used as a tool in the construction of a "Fortress Europe" must be regarded as a pure figment of the imagination, the reality being rather that it is applied impartially to protect Community industries against isolated instances of injurious dumping, a practice which is condemned by the GATT.

LIST OF ANNEXES

- A. Anti-dumping and anti-subsidy Investigations Initiated during the period 1 January to 31 December 1988
- B. Provisional duties Imposed during anti-dumping and anti-subsidy Investigations during the period 1 January to 31 December 1988
- C. Investigations concluded by the imposition of definitive duties during the period 1 January to 31 December 1988
- D. Investigations concluded on a finding of no injury during the period 1 January to 31 December 1988
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- F. Investigations Initiated by country of export during the period 1 January 1986 to 31 December 1988
- G. Investigations initiated by product sector during the period 1 January 1986 to 31 December 1988
- H. Reviews of anti-dumping and anti-subsidy measures opened during the period 1 January to 31 December 1988
- I. Provisional duties Imposed during reviews of anti-dumping and anti-subsidy measures during the period 1 January to 31 December 1988
- J. Reviews of anti-dumping and anti-subsidy measures concluded by the imposition of definitive duties during the period 1 January to 31 December 1988
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- M. Anti-dumping and anti-subsidy measures which expired during the period 1 January to 31 December 1988
- N. Anti-dumping and anti-subsidy cases before the European Court of Justice in 1988
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- P. Anti-dumping Investigations Initiated by geographical region during the years 1980 to 1988
- Q. Anti-dumping Investigations Initiated by type of country during the years 1980 to 1988

ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS INITIATED
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of Origin</u>	<u>OJ Reference</u>
Polyester film	Korea	C 7, 12.01.88, p. 9
Calcium metal	China	C 20, 26.01.88, p. 3
Calcium metal	USSR	C 20, 26.01.88, p. 3
Seamless steel tubes	Austria	C 24, 21.01.88, p. 3
Television receivers	Korea	C 44, 17.02.88, p. 2
Cellular mobile telephones	Hong Kong	C 71, 17.03.88, p. 12
Hydraulic excavators	Japan	C 146, 03.06.88, p. 3
Wheeled loaders	Japan	C 146, 03.06.88, p. 4
Glutamic acid	Indonesia	C 147, 04.06.88, p. 3
Glutamic acid	Korea	C 147, 04.06.88, p. 3
Glutamic acid	Taiwan	C 147, 04.06.88, p. 3
Glutamic acid	Thailand	C 147, 04.06.88, p. 3
Mini-bearings ¹	Thailand	C 147, 04.06.88, p. 4
Mini bearings	Thailand	C 147, 04.06.88, p. 6
Steel sheets	Yugoslavia	C 184, 14.07.88, p. 4
Welded steel tubes	Romania	C 241, 16.09.88, p. 3
Welded steel tubes	Yugoslavia	C 241, 16.09.88, p. 3
Diesel engines	Finland	C 251, 27.09.88, p. 3
Diesel engines	Sweden	C 251, 27.09.88, p. 3
Television receivers	China	C 288, 12.11.88, p. 13
Television receivers	Hong Kong	C 288, 12.11.88, p. 13
Ferro boron	Japan	C 306, 01.12.88, p. 7
Barium chloride	China	C 308, 03.12.88, p. 7
Barium chloride	GDR	C 308, 03.12.88, p. 7
Ammonium paratungstate	China	C 322, 15.12.88, p. 4
Ammonium paratungstate	Korea	C 322, 15.12.88, p. 4
Tungstic oxide and acid	China	C 322, 15.12.88, p. 5
Tungsten metal powder	China	C 322, 15.12.88, p. 6
Tungsten metal powder	Korea	C 322, 15.12.88, p. 6

¹ Anti-subsidy Investigation

ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS INITIATED
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of Origin</u>	<u>OJ Reference</u>
Tungsten carbide	China	C 322, 15.12.88, p. 7
Tungsten carbide	Korea	C 322, 15.12.88, p. 7
Methenamine	Bulgaria	C 322, 15.12.88, p. 8
Methenamine	CSSR	C 322, 15.12.88, p. 8
Methenamine	Hungary	C 322, 15.12.88, p. 8
Methenamine	Poland	C 322, 15.12.88, p. 8
Methenamine	Romania	C 322, 15.12.88, p. 8
Methenamine	Yugoslavia	C 322, 15.12.88, p. 8
Photo albums	Korea	C 322, 15.12.88, p. 9
Photo albums	Hong Kong	C 322, 15.12.88, p. 9
Mica	Japan	C 323, 16.12.88, p. 3

ANNEX BPROVISIONAL DUTIES IMPOSED DURING ANTI-DUMPING ANTI-SUBSIDY INVESTIGATIONS
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of Origin</u>	<u>Document</u>	<u>OJ Reference</u>
Steel coils	Algeria	Dec 163/88/ECSC	L 18, 22.01.88, p. 31
Steel coils	Mexico	Dec 163/88/ECSC	L 18, 22.01.88, p. 31
Steel coils	Yugoslavia	Dec 163/88/ECSC	L 18, 22.01.88, p. 31
Oxalic acid	Korea	Reg (EEC) No 699/88	L 72, 18.03.88, p. 12
Oxalic acid	Taiwan	Reg (EEC) No 699/88	L 72, 18.03.88, p. 12
Dot matrix printers	Japan	Reg (EEC) No 1418/88	L 130, 26.05.88, p. 12
Polyester yarn	Korea	Reg (EEC) No 1695/88	L 151, 17.06.88, p. 39
Polyester yarn	Mexico	Reg (EEC) No 1695/88	L 151, 17.06.88, p. 39
Polyester yarn	Taiwan	Reg (EEC) No 1695/88	L 151, 17.06.88, p. 39
Polyester yarn	Turkey	Reg (EEC) No 1695/88	L 151, 17.06.88, p. 39
Polyester fibre	Mexico	Reg (EEC) No 1696/88	L 151, 17.06.88, p. 47
Polyester fibre	Romania	Reg (EEC) No 1696/88	L 151, 17.06.88, p. 47
Polyester fibre	Taiwan	Reg (EEC) No 1696/88	L 151, 17.06.88, p. 47
Polyester fibre	Turkey	Reg (EEC) No 1696/88	L 151, 17.06.88, p. 47
Polyester fibre	Yugoslavia	Reg (EEC) No 1696/88	L 151, 17.06.88, p. 47
Daisy wheel printers	Japan	Reg (EEC) No 2005/88	L 177, 08.07.88, p. 1
Steel sections	Turkey	Dec 2158/88/ECSC	L 190, 21.07.88, p. 5
Steel sections	Yugoslavia	Dec 2158/88/ECSC	L 190, 21.07.88, p. 5
Urea	Austria	Reg (EEC) No 2623/88	L 235, 25.08.88, p. 5
Urea	Hungary	Reg (EEC) No 2623/88	L 235, 25.08.88, p. 5
Urea	Malaysia	Reg (EEC) No 2623/88	L 235, 25.08.88, p. 5
Urea	Romania	Reg (EEC) No 2623/88	L 235, 25.08.88, p. 5
Urea	USA	Reg (EEC) No 2623/88	L 235, 25.08.88, p. 5
Urea	Venezuela	Reg (EEC) No 2623/88	L 235, 25.08.88, p. 5
Video cassette recorders	Korea	Reg (EEC) No 2684/88	L 240, 31.08.88, p. 5
Video cassette recorders	Japan	Reg (EEC) No 2684/88	L 240, 31.08.88, p. 5

PROVISIONAL DUTIES IMPOSED DURING ANTI-DUMPING ANTI-SUBSIDY INVESTIGATIONS
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of Origin</u>	<u>Document</u>	<u>OJ Reference</u>
Video cassette tapes	Hong Kong	Reg (EEC) No 4062/88	L 356, 24.12.88, p. 47
Video cassette tapes	Korea	Reg (EEC) No 4062/88	L 356, 24.12.88, p. 47

ANNEX C

INVESTIGATIONS CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of Origin</u>	<u>Document</u>	<u>OJ Reference</u>
Oxalic acid	Korea	Reg (EEC) No 2089/88	L 184, 15.07.88, p. 1
Oxalic acid	Taiwan	Reg (EEC) No 2089/88	L 184, 15.07.88, p. 1
Steel coils	Algeria	Dec 2132/88/ECSC	L 188, 19.07.88, p. 18
Steel coils	Mexico	Dec 2132/88/ECSC	L 188, 19.07.88, p. 18
Steel coils	Yugoslavia	Dec 2132/88/ECSC	L 188, 19.07.88, p. 18
Steel sections	Turkey	Dec 3599/88/ECSC	L 313, 19.11.88, p. 18
Steel sections	Yugoslavia	Dec 3599/88/ECSC	L 313, 19.11.88, p. 18
Dot matrix printers	Japan	Reg (EEC) No 3651/88	L 317, 24.11.88, p. 33
Polyester yarn	Korea	Reg (EEC) No 3905/88	L 347, 16.12.88, p. 10
Polyester yarn	Mexico	Reg (EEC) No 3905/88	L 347, 16.12.88, p. 10
Polyester yarn	Taiwan	Reg (EEC) No 3905/88	L 347, 16.12.88, p. 10
Polyester yarn	Turkey	Reg (EEC) No 3905/88	L 347, 16.12.88, p. 10
Polyester fibre	Mexico	Reg (EEC) No 3946/88	L 348, 17.12.88, p. 49
Polyester fibre	Romania	Reg (EEC) No 3946/88	L 348, 17.12.88, p. 49
Polyester fibre	Taiwan	Reg (EEC) No 3946/88	L 348, 17.12.88, p. 49
Polyester fibre	Turkey	Reg (EEC) No 3946/88	L 348, 17.12.88, p. 49
Polyester fibre	USA	Reg (EEC) No 3946/88	L 348, 17.12.88, p. 49
Polyester fibre	Yugoslavia	Reg (EEC) No 3946/88	L 348, 17.12.88, p. 49

Correction

The following investigation was omitted from Annex C of the Sixth Annual Report:

Deep freezers	USSR	Reg (EEC) No 29/87	L 6, 08.01.87, p. 1.
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ANNEX D

INVESTIGATIONS CONCLUDED ON A FINDING OF NO INJURY
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of Origin</u>	<u>Document</u>	<u>OJ Reference</u>
Kraftliner	Brazil	88/125/EEC	L 62, 08.03.88, p. 39
Kraftliner	South Africa	88/125/EEC	L 62, 08.03.88, p. 39
Cellular mobile telephones	Canada	88/651/EEC	L 362, 30.12.88, p. 59
Cellular mobile telephones	Hong Kong	88/651/EEC	L 362, 30.12.88, p. 59
Cellular mobile telephones	Japan	88/651/EEC	L 362, 30.12.88, p. 59

ANNEX E

INVESTIGATIONS CONCLUDED FOR OTHER REASONS
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of Origin</u>	<u>Document</u>	<u>OJ Reference</u>
Microwave ovens	Korea	88/622/EEC	L 343, 13.12.88, p. 33
Microwave ovens	Japan	88/622/EEC	L 343, 13.12.88, p. 33
Microwave ovens	Singapore	88/622/EEC	L 343, 13.12.88, p. 33

ANNEX E

INVESTIGATIONS INITIATED BY COUNTRY OF EXPORT
DURING THE PERIOD 1 JANUARY 1986 TO 31 DECEMBER 1988

<u>Country of origin</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
Algeria	-	1	-
Austria	-	1	1
Brazil	2	1	-
Bulgaria	-	-	1
Canada	-	1	-
China	2	-	7
Czechoslovakia	2	-	1
Finland	-	-	1
GDR	3	-	1
Hong Kong	-	1	3
Hungary	-	1	1
Indonesia	-	-	1
Japan	1	7	4
Korea	1	5	7
Kuwait	1	-	-
Libya	1	-	-
Malaysia	-	1	-
Mexico	1	3	-
Poland	-	-	1
Romania	1	2	2
Saudi Arabia	1	-	-
Singapore	1	-	-
South Africa	-	1	-
Sweden	-	-	1
Taiwan	-	3	1
Thailand	-	-	3
Trinidad and Tobago	1	-	-
Turkey	1	3	-

INVESTIGATIONS INITIATED BY COUNTRY OF EXPORT
DURING THE PERIOD 1 JANUARY 1986 TO 31 DECEMBER 1988

<u>Country of origin</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
USA	-	2	-
USSR	1	2	1
Venezuela	-	1	-
Yugoslavia	4	3	3
	<u> </u>	<u> </u>	<u> </u>
TOTAL	24	39	40
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INVESTIGATIONS INITIATED BY PRODUCT SECTOR
DURING THE PERIOD 1 JANUARY 1986 TO 31 DECEMBER 1988

<u>Product Sector</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
Chemical and allied	11	11	13
Textiles and allied	4	10	-
Wood and paper	1	2	2
Mechanical engineering	4	10	10
Iron and steel			
(EEC and ECSC)	2	5	4
Other metals	2	1	10
Other	-	-	1
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TOTAL	24	39	40
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ANNEX H

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES OPENED
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of Origin</u>	<u>OJ Reference</u>
Cycle chains	China	C 2, 06.01.88, p. 2
Steel plate	Yugoslavia	C 22, 28.01.88, p. 10
Potassium permanganate	China	C 37, 09.02.88, p. 3
Ferro-chrome	South Africa	C 57, 01.03.88, p. 3
Ferro-chrome	Turkey	C 57, 01.03.88, p. 3
Ferro-chrome	Zimbabwe	C 57, 01.03.88, p. 3
Acrylic fibre	Mexico	C 117, 04.05.88, p. 3
Ferro-silicon	Iceland	C 145, 02.06.88, p. 4
Ferro-silicon	Norway	C 145, 02.06.88, p. 4
Ferro-silicon	Sweden	C 145, 02.06.88, p. 4
Ferro-silicon	Venezuela	C 145, 02.06.88, p. 4
Ferro-silicon	Yugoslavia	C 145, 02.06.88, p. 4
Steel coils	Argentina	C 158, 17.06.88, p. 3
Steel coils	Canada	C 158, 17.06.88, p. 3
Ball bearings	Japan	C 159, 18.06.88, p. 2
Sodium carbonate	Bulgaria	C 162, 21.06.88, p. 9
Sodium carbonate	GDR	C 162, 21.06.88, p. 9
Sodium carbonate	Poland	C 162, 21.06.88, p. 9
Sodium carbonate	Romania	C 162, 21.06.88, p. 9
Sodium carbonate	USSR	C 162, 21.06.88, p. 9
Hardboard	Brazil	C 165, 24.06.88, p. 2
Hardboard	CSSR	C 165, 24.06.88, p. 2
Hardboard	Poland	C 165, 24.06.88, p. 2
Hardboard	Romania	C 165, 24.06.88, p. 2
Hardboard	Sweden	C 165, 24.06.88, p. 2
Hardboard	USSR	C 165, 24.06.88, p. 2
Copper sulphate	Bulgaria	C 200, 30.07.88, p. 9
Copper sulphate	USSR	C 200, 30.07.88, p. 9
Paint brushes	China	C 257, 04.10.88, p. 5

ANNEX I

PROVISIONAL DUTIES IMPOSED DURING REVIEWS OF ANTI-DUMPING ANTI-SUBSIDY MEASURES
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of Origin</u>	<u>Document</u>	<u>OJ Reference</u>
Cycle chains	China	Reg (EEC) No 14/88	L 3, 06.01.88, p. 5
Steel plates	Yugoslavia	Dec 229/88/ECSC	L 23, 28.01.88, p. 3
Potassium permanganate	China	Reg (EEC) No 360/88	L 35, 09.02.88, p. 13
Copper sulphate	Bulgaria	Reg (EEC) No 2386/88	L 205, 30.07.88, p. 68
Copper sulphate	USSR	Reg (EEC) No 2386/88	L 205, 30.07.88, p. 68
Paint brushes	China	Reg (EEC) No 3052/88	L 272, 04.10.88, p. 16
Paracetamol	China	Reg (EEC) No 3923/88	L 348, 17.12.88, p. 1

ANNEX J

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES CONCLUDED BY THE IMPOSITION OF
DEFINITIVE DUTIES DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of Origin</u>	<u>Document</u>	<u>OJ Reference</u>
Cycle chains	China	Reg (EEC) No 1198/80	L 115, 03.05.88, p. 1
Potassium permanganate	China	Reg (EEC) No 1531/88	L 138, 03.06.88, p. 1
Steel sheets	Yugoslavia	Dec 2131/88/ECSC	L 188, 19.07.88, p. 14
Paracetamol	China	Reg (EEC) No 3923/88	L 348, 17.12.88, p. 1

ANNEX K

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES CONCLUDED BY
THE ACCEPTANCE OF A PRICE UNDERTAKING IN LIEU OF DEFINITIVE DUTY
DURING THE PERIOD 1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of Origin</u>	<u>Document</u>	<u>OJ Reference</u>
Herbicide	Romania	Dec 88/47/EEC	L 26, 30.01.88, p. 107
Oxalic acid	China	Dec 88/623/EEC	L 343, 13.12.88, p. 34
Oxalic acid	CSSR	Dec 88/623/EEC	L 343, 13.12.88, p. 34

ANNEX L

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES CONCLUDED
BY THE AMENDMENT OF PRICE UNDERTAKINGS DURING THE PERIOD
1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of</u> <u>Origin</u>	<u>Document</u>	<u>OJ Reference</u>
Cycle tubes and tyres	Korea	Dec 88/305/EEC	L 134, 31.05.88, p. 61
Cycle tubes and tyres	Taiwan	Dec 88/305/EEC	L 134, 31.05.88, p. 61

ANNEX M

ANTI-DUMPING AND ANTI-SUBSIDY MEASURES WHICH EXPIRED DURING
THE PERIOD 1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of Origin</u>	<u>Measure</u>	<u>OJ Reference²</u>
Styrene monomer ³	USA	duty	L 154, 13.06.81, p. 10
Herbicide ³	Romania	duty	L 128, 11.05.82, p. 17
Vacuum cleaners ³	CSSR	undertaking	L 172, 18.06.82, p. 47
Vacuum cleaners ³	GDR	undertaking	L 172, 18.06.82, p. 47
Vacuum cleaners ³	Poland	undertaking	L 172, 18.06.82, p. 47
Photographic enlargers ³	Poland	undertaking	L 9, 12.01.83, p. 5
Polyvinyl-choride ³	CSSR	undertaking	L 18, 22.01.83, p. 26
Steel sheets(AS) ³	Brazil	duty	L 45, 17.02.83, p. 11
Polyester yarn ³	USA	duty	L 50, 23.02.83, p. 1
Acrylic fibre ³	USA	undertaking	L 55, 02.03.83, p. 1
Kraftliner ³	Austria	undertaking	L 64, 10.03.83, p. 25
Kraftliner ³	Canada	undertaking	L 64, 10.03.83, p. 25
Kraftliner ³	Finland	undertaking	L 64, 10.03.83, p. 25
Kraftliner ³	Sweden	undertaking	L 64, 10.03.83, p. 25
Kraftliner ³	USA	duty	L 64, 10.03.83, p. 25
Kraftliner ³	USSR	undertaking	L 64, 10.03.83, p. 25
Orthoxylene ³	Puerto Rico	duty	L 101, 20.04.83, p. 4
Orthoxylene ³	USA	duty	L 101, 20.04.83, p. 4
Paraxylene ³	Puerto Rico	duty	L 101, 20.04.83, p. 1
Paraxylene ³	USA	undertaking	L 101, 20.04.83, p. 1
Paraxylene ³	Virgin Islands	duty	L 101, 20.04.83, p. 1
Cellulose ester resins ³	USA	undertaking	L 106, 23.04.83, p. 24
Steel plates ³	Brazil	duty	L 131, 20.05.83, p. 9

² The OJ reference is to the imposition of the measure.

³ Notice of expiry was published in OJ No C 72, 18.03.88, p. 6.

ANTI-DUMPING AND ANTI-SUBSIDY MEASURES WHICH EXPIRED DURING
THE PERIOD 1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of Origin</u>	<u>Measure</u>	<u>OJ Reference²</u>
Polyethylene ³	CSSR	undertaking	L 138, 27.05.83, p. 65
Polyethylene ³	GDR	undertaking	L 138, 27.05.83, p. 65
Polyethylene ³	Poland	undertaking	L 138, 27.05.83, p. 65
Polyethylene ³	USSR	undertaking	L 138, 27.05.83, p. 65
Refrigerators ⁴	CSSR	undertaking	L 184, 29.06.82, p. 23
Refrigerators ⁴	GDR	undertaking	L 184, 29.06.82, p. 23
Refrigerators ⁴	Hungary	undertaking	L 184, 29.06.82, p. 23
Refrigerators ⁴	Poland	undertaking	L 184, 29.06.82, p. 23
Refrigerators ⁴	Romania	undertaking	L 184, 29.06.82, p. 23
Refrigerators ⁴	USSR	undertaking	L 184, 29.06.82, p. 23
Refrigerators ⁴	Yugoslavia	undertaking	L 184, 29.06.82, p. 23
Galvanized sheets	GDR	duty	L 96, 15.04.83, p. 10
Steel sheets ⁴	GDR	duty	L 96, 15.04.83, p. 10
Orthoxylene ⁴	USA	undertaking	L 101, 20.04.83, p. 4
Hexamine ⁵	CSSR	undertaking	L 40, 12.02.83, p. 24
Hexamine ⁵	Romania	undertaking	L 40, 12.02.83, p. 24
Hexamine ⁵	GDR	duty	L 151, 09.06.83, p. 9
Hexamine ⁵	USSR	duty	L 151, 09.06.88, p. 9
Ferro-chrome ⁵	Sweden	undertaking	L 161, 21.06.83, p. 15
Bisphenol ⁵	USA	duty	L 199, 22.07.83, p. 4
Steel plate (AS) ⁵	Brazil	duty	L 205, 29.07.83, p. 29
Steel coils ⁵	Brazil	duty	L 210, 02.08.83, p. 5
Steel coils ⁵	Venezuela	duty	L 210, 02.08.83, p. 5
Barium chloride ⁵	China	duty	L 228, 20.08.83, p. 28
Barium chloride ⁵	GDR	duty	L 228, 20.08.83, p. 28

² The OJ reference is to the imposition of the measure.

³ Notice of expiry was published in OJ No C 72, 18.03.88, p. 6.

⁴ Notice of expiry was published in OJ No C 131, 20.05.88, p. 3.

⁵ Notice of expiry was published in OJ No C 307, 02.12.88, p. 2.

ANTI-DUMPING AND ANTI-SUBSIDY MEASURES WHICH EXPIRED DURING
THE PERIOD 1 JANUARY TO 31 DECEMBER 1988

<u>Product</u>	<u>Country of Origin</u>	<u>Measure</u>	<u>OJ Reference²</u>
Caravans ⁵	Yugoslavia	undertaking	L 240, 30.08.83, p. 12
Lithium hydroxide ⁵	China	undertaking	L 294, 26.10.83, p. 29
Lithium hydroxide ⁵	USA	duty	L 294, 26.10.83, p. 3
Lithium hydroxide ⁵	USSR	duty	L 294, 26.10.83, p. 3
Sanitary fixtures ⁵	CSSR	undertaking	L 325, 22.11.83, p. 18
Sanitary fixtures ⁵	Hungary	undertaking	L 325, 22.11.83, p. 18

² The OJ reference is to the imposition of the measure.

⁵ Notice of expiry was published in OJ No C 307, 02.12.88, p. 2.

ANNEX N

ANTI-DUMPING AND ANTI-SUBSIDY CASES BEFORE
THE EUROPEAN COURT OF JUSTICE IN 1988

Case 56/85	Brother Industries Ltd and Others v Commission
Case 187/85	FEDIOL v Commission
Case 188/85	FEDIOL v Commission
Case 250/85	Brother Industries Ltd v Council
Case 260/85	Tokyo Electric Co Ltd (TEC) and Others v Council
Case 273/85	Silver Seiko Limited and Others v Council
Case 300/85	Canon Inc. and Others v Council
Case 297/85	Towa Sankiden Corporation v Council
Case 301/85	Sharp Corporation v Council
Case 308/85	Nippon Seiko KK v Council
Case 106/86	Tokyo Electric Co Ltd (TEC) v Council
Case 107/86	Silver Seiko Ltd v Council
Case 121/86	Epichirissen Metalleftikon Viomikhanikon kai Naftiliakon AE and Others v Council
Case 122/86	Epichirissen Metalleftikon Viomikhanikon kai Naftiliakon AE and Others v Commission and Council
Case 129/86	Hellenic Republic v Commission and Council
Case 191/86	Tokyo Electric Co Ltd v Council
Case 294/86	Technointorg v Commission
Case 304/86	Enital SpA v Commission
Case 305/86	Neotype Techmaslexport GmbH v Commission
Case 320/86	Stanko France v Commission
Case 77/87	Technointorg v Council
Case 133/87	Nashua Corporation v Commission
Case 150/87	Nashua Corporation and Others v Council
Case 156/87	Gestetner Holdings plc v Council and Commission
Case 157/87	Electroimpex v Council
Case 160/87	Neotype Technomashlexport GmbH v Council
Case 171/87	Canon Inc. v Council
Case 172/87	Mita Industrial Co Ltd v Council
Case 174/87	Ricoh Company Ltd v Council

ANTI-DUMPING AND ANTI-SUBSIDY CASES BEFORE
THE EUROPEAN COURT OF JUSTICE IN 1988

Case 175/87	Matsushita Electrical Industrial Co Ltd and Matsushita Electric Trading Co Ltd v Council
Case 176/87	Konishiroku Photo Industry Co Ltd v Council
Case 177/87	Sanyo Electric Co Ltd v Council
Case 178/87	Minolta Camera Co Ltd v Council
Case 179/87	Sharp Corporation v Council
Case 185/87	Enital SpA v Council
Case 188/87	Stanko France v Council
Case 246/87	Continentale Produkten - Gesellschaft Erhardt Renken (GmbH & Co) v Hauptzollamt München-West
Case 26/88	Brother International GmbH v Hauptzollamt Giessen
Case 49/88	Al-Jubail Fertilizer Co and another v Commission
Case 188/88	NMB (Deutschland) GmbH and others v Commission
Case 189/88	Cartorobica SpA v Ministero delle Finanze dello Stato
Case 323/88	Sermes SA v Directeur des Services des Douanes de Strasbourg

ANTI-DUMPING ACTIONS 1980 - 1988

	Investigations opened	Investigations concluded by:			
		Definitive duties	Price undertakings	Total	No measures applied
1980	25	7	46	53	12
1981	47	10	6	16	14
1982	55	7	35	42	9
1983	36	19	27	46	10
1984	48	4	27	31	10
1985	36	8	4	12	19
1986	24	4	25	29	18
1987	39	9	8	17	4
1988	39	18	-	18	8

ANNEX P

ANTI-DUMPING INVESTIGATIONS INITIATED BY GEOGRAPHICAL REGION
DURING THE YEARS 1980 TO 1988

	<u>No of Investigations</u>	<u>% of Total</u>
Western Europe	69	19.8
Eastern Europe	119	34.1
North Africa	3	0.9
Central and South Africa	5	1.4
North America	33	9.5
Central and South America	29	8.3
Middle East	4	1.1
Far East	86	24.6
Australasia	1	0.3
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TOTAL	349	100.0
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ANNEX Q

ANTI-DUMPING INVESTIGATIONS BY TYPE OF COUNTRY INITIATED
DURING THE YEARS 1980 TO 1988

<u>Industrialised</u> <u>countries</u>	<u>No of</u> <u>Investigations</u>	<u>%</u>	<u>% change in value</u> <u>of imports 1980-88</u>
EFTA	15	4.3	+ 87
Portugal	2	0.6	(1)
Spain	18	5.2	(1)
Other Western European	34	9.7	+ 197
USA	25	7.2	+ 42
Canada	6	1.7	+ 31
Japan	27	7.7	+ 193
Other	<u>5</u>	<u>1.4</u>	<u>+ 79</u>
	132	37.8	+ 82
<hr/>			
<u>Developing countries</u>			
Asian NIEs ⁽²⁾	30	8.6	+ 145
South American NIEs ⁽³⁾	24	6.9	+ 39
OPEC ⁽⁴⁾	5	1.4	- 59
Other	<u>17</u>	<u>4.9</u>	<u>+ 34</u>
	76	21.8	- 11
<hr/>			
<u>State trading countries</u>			
Eastern Europe	119	34.1	+ 19
China	21	6.0	+ 252
Other	<u>1</u>	<u>0.3</u>	<u>- 7</u>
	141	40.4	+ 38
<hr/>			
TOTAL	349	100.0	+ 36
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(1) Not applicable

(2) Hong Kong, Korea, Taiwan and Singapore.

(3) Argentina, Brazil, Mexico and Venezuela.

(4) Excluding Venezuela.