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TWELFTH ANNUAL REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT

ON

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

(1993)

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

1. INTRODUCTION

This report is submitted to the European Parliament following its Resolution of 16 December 1981 on the Community's anti-dumping activities³⁾, and the more recent report of the European Parliament's Committee on External Economic Relations on the anti-dumping policy of the European Community⁴⁾.

The report concentrates mainly on the Community's activities during 1993, but for the purpose of comparison, the number of anti-dumping and anti-subsidy investigations initiated and concluded by the Community in the years 1989 to 1993, together with a breakdown of the type of measures taken, are summarized in Table 1 below⁵⁾.

For 1993, 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 respectively.

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- 1) Previous reports were given in COM(83)519 final/2; COM(84)721 final; COM(86)308 final; COM(87)178 final; COM(88)92 final; COM(89)106 final; COM(90)229 final; SEC(91)92 final; SEC(91)974 final; SEC(92)716 final and COM(93)516 final.
 - 2) In accordance with Council Regulation (EEC) No 2423/88, OJ No L 209 of 02.08.1988, p. 1, and Commission Decision No. 2424/88/ECSC, OJ No L 209 of 02.08.1988, p. 18.
 - 3) OJ No C 11, 18.01.1982, p. 37.
 - 4) PE 141.178/fin of 30.11.1990, rapporteur: Mr. Gijs DE VRIES
 - 5) A general introduction into the Community's anti-dumping and anti-subsidy activity and its underlying rationale is contained in the 11th Annual Report (1992), p.

T A B L E 1

Anti-dumping and anti-subsidy investigations
during the period 1 January 1989 to 31 December 1993

	1989	1990	1991	1992	1993
Investigations in progress at the beginning of the period	53	60	59	46	57
Investigations initiated during the period	27	43	20	39	21
Investigations in progress during the period	80	103	79	85	78
Investigations concluded by:					
- imposition of definitive duty	10	18	19	16	19
- acceptance of price undertaking	5	9	3	-	-
- determination of no dumping	-	-	1	1	1
- determination of no subsidisation	-	-	-	-	-
- determination of no injury	5	13	6	4	1
- other reasons	-	4	4	7	6
Total investigations concluded during the period	20	44	33	28	27
Investigations in progress at the end of the period	60	59	46	57	51
Provisional duties imposed during the period	10	23	19	18	16

2. GENERAL OVERVIEW - MEASURES IN FORCE

At the end of 1993, the Community had 150 measures in force, 110 of which were original measures and 40 of which were measures maintained after a review in accordance with Art. 15 of R.2423/88. Of these 150 measures, 117 were in the form of duties and 33 in the form of undertakings. It should be noted that these measures, although substantial in relation to numbers of investigations, only effect 0.6% of total imports to the Community.

Of all the measures in force, 58 or 38% of the total were imposed against the State trading countries⁶⁾, including China with 23 measures. The other countries most involved were Japan with 18 measures, S. Korea with 12 and Turkey with 18.

The picture changes, however, if measures are examined in relation to trade value, which is a more realistic measurement. In this respect, the measures against Japan take the first position, representing +/-50% of the total trade value affected by all measures.

It is noteworthy that most of the Japanese products, which are subject to measures, approximately 10 in number, can be classified as strategic in terms of their high technology content or their importance to an economy. They are also products where the "learning curve" and economies of sale are crucial and these factors make them particularly vulnerable to a dumping strategy. These products, in fact, won very considerable market shares in the Community, while imports into Japan, from the Community, were practically zero for each of the products⁷⁾.

6) With regard to the then CSSR, Hungary, Poland, Bulgaria and Romania these figures only include measures taken when these countries were classified as State traders. They also include measures applied against individual CIS Republics since the dissolution of the USSR.

7) The situation is similar as regards US exports of such products to Japan, except for DRAMs, where a bilateral agreement with the United States led to some US goods being sold in Japan.

See tables 2 and 3 for a statistical overview of original investigations and reviews for the period 1981 to 1993.

T A B L E 2

ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS DURING THE PERIOD 1981 - 1993

	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
Investigations in progress at the beginning of the period	29	46	53	33	40	44	21	39	53	60	59	46	57
Investigations initiated during the period	48	58	38	49	36	24	39	40	27	43	20	39	21
Investigations in progress during the period	77	104	91	82	76	68	60	79	80	103	79	85	78
Investigations concluded by :													
- imposition of definitive duty	10	7	20	5	8	4	9	18	10	18	19	16	19
- acceptance of price undertaking	7	35	27	27	4	25	8	-	5	9	3	-	-
- determination of no dumping	7	3	-	6	2	4	-	-	-	-	1	1	1
- determination of no subsidisation	-	-	-	-	1	-	-	-	-	-	-	-	-
- determination of no injury	6	6	8	-	15	7	4	5	5	13	6	4	1
- other reasons	1	1	3	4	2	7	-	3	-	5	4	7	6
Total investigations concluded during the period	31	51	58	42	32	47	21	26	20	45	33	28	27
Investigations in progress at the end of the period	46	53	33	40	44	21	39	53	60	58	46	57	51
Provisional duties imposed during the period	10	18	22	11	9	6	13	28	10	23	19	18	16

TABLE 3

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS DURING 1981 - 1993

	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
Reviews in progress at the beginning of the period	1	16	24	2	2	20	27	11	20	15	21	21	30
Reviews opened during the period	17	24	10	7	30	24	8	24	17	26	16	27	22
Reviews in progress during the period	18	40	34	9	32	44	35	35	37	41	37	48	52
Reviews concluded by :													
- imposition of definitive duty in lieu of price undertaking	-	1	8	1	1	1	7	4	4	6	1	1	3
- amendment of definitive duty	-	-	11	2	5	7	8	-	4	2	3	11	17
- suspension of definitive duty	-	-	-	-	3	-	1	-	-	-	-	-	-
- acceptance of price undertaking in lieu of definitive duty	-	-	2	2	1	1	1	3	-	1	-	-	1
- amendment of price undertaking	-	13	8	1	-	2	4	2	1	-	5	1	1
- repeal or expiry of definitive duty	-	-	-	-	2	2	2	1	9	6	4	5	7
- repeal or expiry of price undertaking	-	-	3	-	-	3	-	5	4	5	2	-	1
- repeal of regional duty	1	-	-	1	-	-	-	-	-	-	-	-	-
- no change of the measures in force	1	2	-	-	-	1	1	-	-	-	-	-	2
Total reviews terminated during the period	2	16	32	7	12	17	24	15	22	20	15	18	32
Reviews in progress at the end of the period	16	24	2	2	20	27	11	20	15	21	22	30	20
Provisional duties imposed during the reviews	1	13	3	3	2	8	-	7	1	-	-	-	2

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

3.1 OVERVIEW

In 1993, 21 investigations were initiated involving imports from 15 countries, the People's Republic of China being the most prominent with 4 initiations.

In the five year period from 1989 to 1993, 150 investigations were initiated involving imports from 40 countries. The countries most involved were the People's Republic of China with 25 investigations, Turkey with 15 investigations, S. Korea with 12 and Japan with 11 investigations. The investigations initiated over the last five years are broken down by country of export in Annex G.

The sectors most involved in these investigations were those of Chemicals, textiles and electronics. The largest number of investigations again took place in the electronics sector in 1993. A breakdown by product sector is given in Annex H.

3.2 INITIATIONS IN 1993

3.2.1 Electrolytic capacitors from S. Korea and Taiwan

The notice of initiation of an anti-dumping proceeding was published on 10 March 1993, with regard to imports of large aluminium electrolytic capacitors (LAECs), originating in the Republic of Korea and Taiwan.

The complaint was lodged by the Federation for Appropriate Remedial anti-Dumping (FARAD) on behalf of a major proportion of Community producers.

This request was made further to a previous proceeding which had led to the imposition, by Council Regulation (EEC) n° 3482/92 of 30 November 1992, of a definitive anti-dumping duty on imports of LAECs originating in Japan at the rate of 75%, with the exception of some companies for which the rate of duty ranged from 11.6% to 35.8%.

The complaint contained evidence of significant dumping on the basis of a comparison between export prices to the Community and a constructed normal value, as sales of the like product in the countries concerned were alleged not to permit a proper comparison in reason of their insufficient quantities.

With regard to injury, the complaint claimed that the imports originating in the Republic of Korea increased by 250% and those originating in Taiwan by 100% between 1987 and 1991, leading to a market share on the Community market, when taken together, of more than 9% in 1991. Price undercutting was alleged to contribute to the reduction of 51% in market share held by the complainant and to a poor financial situation which should be considered in the light of the existence of the dumped imports from Japan.

3.2.2 Refractory Chamottes originating in The P.R. 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 P.R. China, following the complaint lodged by a Community producer representing a major proportion of the total community production.

The complaint contained evidence of significant dumping based on a comparison between export prices to the Community and domestic prices in the U.S.A., which was claimed to be an appropriate analogue country.

The complaint also alleged that the market share of Chinese refractory chamottes had increased from 6.9% in 1989 to 12.1% in 1992. This led to a decrease of production, sales, market share and profits of the Community industry.

3.2.3 Urea ammonium nitrate originating in Bulgaria and Poland

The notice of initiation of the anti-dumping proceeding with regard to imports of urea ammonium nitrate originating in Bulgaria and Poland was published on 5 May 1993, following a complaint lodged by the European Fertilizer Manufacturers Association (EFMA) on behalf of producers representing a major proportion of the Community industry concerned.

The complaint contained evidence of significant dumping for both exporting countries, for Bulgaria on the basis of a comparison between export prices to the Community and domestic prices in the former Czechoslovakia, which was claimed to be the most appropriate analogue country, and for Poland on the basis of a comparison between export prices to the Community and the domestic producers' costs of production, as the latter had no domestic sales.

With regard to injury, imports into the Community of UAN from Bulgaria and Poland increased from 35.000 tonnes in the year 1989/1990 to 180.000 tonnes in 1991/1992, representing an alleged rise in market share from 3.7% for 1989/1990 to 21.2% for 1991/1992. The low prices of these imports continuously undercut the prices of the Community producers and depressed the Community market price by substantially more than 10% since 1989/1990.

Although the Community industry's market share remained stable from 1989/1990 to 1991/1992 after a decline in imports from other third countries and a reduction in the Community industry's prices, its market share allegedly decreased by more than 5 percentage points, to a level of around 50% from June to November 1992. Furthermore, its production and sales apparently decreased and its financial situation deteriorated considerably.

3.2.4 Watch movements from Malaysia and Thailand

The notice of initiation of an anti-dumping proceeding was published on 6 July 1993, with regard to imports of certain watch movements originating in Malaysia and Thailand. The complaint was lodged by France Ebauches, the sole Community producer of the product concerned.

The complaint contained evidence of significant dumping based on a comparison of export prices to the Community and constructed normal values for the two countries cited, as there were allegedly no sales of the like product on the domestic markets of the countries concerned.

With regard to injury, it was claimed that the market share of imports from Malaysia and Thailand increased from 1.7% in 1989 to 16% in 1992. The complainant also alleged substantial price undercutting and price depression leading to a decline in sales of the Community producer and to reduced profits or financial losses.

3.2.5 Furfuraldehyde from People's Republic of China

The notice of initiation of an anti-dumping proceeding was published on 31 July 1993, with regard to imports of furfuraldehyde originating in the People's Republic of China. The complaint was lodged by Furfural Espagnol S.A., the sole producer of furfuraldehyde in the European Community.

Furfuraldehyde is used in the production of lubricating oils and as raw materials in the manufacture of furfural alcohol.

The complaint contained evidence of significant dumping based on a comparison of Chinese export prices to the Community with export prices from Argentina, which was claimed to be an appropriate analogue country.

With regard to injury, it was alleged that Chinese imports increased their market share from 22.7% in 1988 to 43% in 1992. Chinese export prices were alleged to have undercut those of the Community producer by 29% in 1992, forcing the latter to depress its prices. As a consequence, it was alleged that the Community industry suffered a decline in production, sales and capacity utilisation and finally heavy losses.

3.2.6 Synthetic hand-knitting yarn from Turkey

The notice of initiation of an anti-dumping proceeding was published on 4 August 1993, with regard to imports of synthetic hand-knitting yarn originating in Turkey, following a complaint lodged by the Committee of the Wool Textile Industry of the EEC (Interlaine) representing a major proportion of Community production.

Since, according to the complainant, domestic prices in Turkey are not reliable, the allegation of dumping is based on the comparison between a constructed normal value of the product (costs of production and a reasonable profit margin) and the prices charged for export to the Community of the product concerned adjusted to an ex-works level. On the basis of the above the dumping margins estimated are significant.

With regard to injury, the market shares of the dumped imports were alleged to have risen from 5.6% in 1988 to 17.9% in 1992. The complaint further alleged substantial price-undercutting, financial losses and a fall in Community production and sales.

3.2.7 Ferro-silico-manganese from Russia, Ukraine, Georgia, Brazil and South Africa

The notice of initiation of an anti-dumping proceeding was published on 4 August 1993, with regard to imports of ferro-silico-manganese originating in Russia, Ukraine, Georgia, Brazil and South Africa. The complaint was lodged by Euroalliages representing all the Community producers of ferro-silico-manganese.

The product, ferro-silico-manganese, is mainly used in the deoxidisation of steel. Other applications are as an alloy element for steel and the formulation of manganese castings.

The complaint contained evidence of significant dumping based on a comparison of export prices to the Community and domestic prices in South Africa and Brazil, the latter being claimed to be an appropriate analogue country for Russia, Ukraine and Georgia.

With regard to injury, it was alleged that the market share of the countries concerned had increased from 15.5% in 1989 to 34.3% in 1992, the imports being made at prices which substantially undercut those charged by the Community producers, forcing the latter to considerably reduce their prices to remain on the

market. As a result of the deterioration of sales of ferro-silico-manganese, the Community industry had incurred a substantial decline in capacity utilisation, reduced employment and suffered heavy financial losses.

3.2.8 Sodium carbonate from the U.S.A.

The notice of initiation of an anti-dumping proceeding was published on 6 August 1993, with regard to imports of sodium carbonate (soda ash) originating in the U.S.A.

The estimated dumping margin alleged by the complainant, based on domestic prices in the U.S.A., was significant.

As far as injury was concerned, the volume of imports from the U.S.A. allegedly represented a rise in market share from 0.9% in 1990 to 11.3% in 1992. It was furthermore alleged that the low prices of these imports had undercut the Community producers' prices, that the market share of the latter had declined by 12.2% over the same period of time, and that their financial situation had deteriorated considerably from profitability in 1990 to increasing losses in 1992.

3.2.9 Furazolidone from the People's Republic of China

The notice of initiation of an anti-dumping proceeding was published on 9 November 1993, with regard to the imports of Furazolidone originating in the People's Republic of China.

Furazolidone is an antibiotic product which is used in medicated feedstuffs for the treatment of diseases in swine and poultry. It can also be used for the treatment of cholera and other human or veterinary diseases. The complaint was lodged by Orphahell BV, the sole Community producer of the product concerned.

The complaint contained evidence of significant dumping based on a comparison of export prices to the Community and constructed normal value in India, which was claimed to be an appropriate analogue country.

With regard to injury, it was alleged that Chinese imports had increased their market share from 20% in 1989 to 38% in 1992 at prices which undercut those charged by the Community producer by up to 23%. The complainant alleged that the effect of these dumped imports was a decline in production, capacity utilisation and sales volume of the Community industry, together with a loss in market share and price erosion leading to financial losses.

3.2.10 Microwave ovens from the P.R. China, S. Korea, Malaysia and Thailand

The notice of initiation of an anti-dumping proceeding was published on 18 December 1993, with regard to imports of microwave ovens originating in the P.R. China, S. Korea, Thailand and Malaysia, following a complaint lodged by the Groupement Interprofessionnel des fabricants d'appareils d'équipement ménager (GIFAM) representing a major proportion of the Community production.

The complaint contained evidence of significant dumping. In the case of the P.R. China, a comparison was made between export prices based on Community import statistics, and the domestic prices of the like product as obtained for sales in S. Korea, which was claimed to be an appropriate analogue country. As regards Korea, it was alleged that the Korean producers sold their exports to the Community through related importers and accordingly the alleged dumping margin was based on a comparison between the export prices constructed in accordance with Article 2(8)(b) of the Basic Regulation, and domestic prices of the like product sold in S. Korea. For Malaysia and Thailand, sales on the domestic markets were allegedly made in insufficient quantities and therefore did not permit a proper comparison with export sales. The complainant consequently calculated a constructed normal value on the basis of the value of the different components of the specific models and the direct labour at standard cost in Thailand and Malaysia, plus an amount for selling, administrative and other general expenses and a reasonable margin of profit. Furthermore, since export sales from both Thailand and Malaysia were alleged to be made through related sales companies in the community, the alleged dumping margin was determined on the basis of a comparison between the constructed normal value and constructed export prices.

With regard to injury, it was alleged that the share of the Community market held by these imports increased from 33.8% in 1989 to 36.8% in 1992, at prices which undercut those charged by the Community producers by between 30 to 40%. It was alleged that the Community industry's prices had been depressed in an effort to compete with the allegedly dumped imports and to maintain market share. As a result, the complainants' profitability had allegedly decreased drastically, thus undermining its investment potential.

4. PROVISIONAL MEASURES

4.1 OVERVIEW

Provisional measures may be taken where the preliminary examination shows that dumping or a subsidy exists, that there is sufficient evidence of injury caused thereby, and that the interests of the Community call for intervention. Provisional duties have a normal period of validity of four months, which may under certain circumstances be extended for a further period of two months.

Table 1 shows that 16 provisional duties were imposed in 1993, compared to 18 in 1992 and 19 in 1991. The provisional measures imposed cover a wide range of product types and origins.

Details of the provisional duties imposed in 1993 are given in Annex B, whilst the following section of this report gives a summary of each case where provisional duties were imposed during 1993.

4.2 CASES

4.2.1 Bicycles from China

This proceeding was initiated on 12 October 1991 with regard to imports of bicycles from Taiwan as well as China. A provisional anti-dumping duty was imposed on 11 March 1993.

Dumping

Since the People's Republic of China is a state trading country, normal value had to be based on the conditions of a market economy country (analogue country). In this case the domestic prices as well as constructed values in Taiwan were used as a basis for normal value. As all export sales were made to independent buyers, the export price was established on the basis of the prices paid or payable for the product sold for export to the Community. In view of the large number of exporters, the Commission used sampling techniques and included in its sample five companies which represented 85% of all exports from the companies which co-operated with the Commission. On this basis the dumping margin for China amounted to 34.4%.

Injury

In terms of market share, the imports of bicycles from China increased from 4.6% in 1989 to 10.5% in the investigation period whilst the Community producers' market share dropped from 33% to 27% over the same period of time. The investigation also revealed the existence of price undercutting which amounted to 43.8%. The injury was mainly reflected in a stagnation of sales, the loss of market share and unsatisfactory profits during a period of increased demand.

Community interest

It was found that the Community industry had made substantial efforts in order to rationalise the production process and thus demonstrated their determination to remain competitive. Although in the short term, users would probably have to pay more for their products, in the long term it was considered in their interest that fair competition on the Community market be re-established. It was consequently concluded that it was in the interest of the Community to take action.

Measures

Since the level of injury exceeded the dumping margin, a provisional anti-dumping duty of 34.4% was imposed based on the latter.

4.2.2 Low carbon ferro-chrome from Kazakhstan, Russia and Ukraine

On 3 April 1993, a provisional anti-dumping duty was imposed on imports into the Community of ferro-chrome with a carbon content by weight of max. 0.5% (low carbon ferro chrome), originating in Kazakhstan, Russia and Ukraine. The investigation had been initiated against these countries on 1 August 1992, subsequent to a complaint from the Comité de Liaison des Industries de Ferro-Alliage de la CEE.

Dumping

Due to the lack of co-operation, normal value was based on cost of production of the South African producer as submitted in the complaint. South Africa was considered an appropriate analogue country.

In view of the fact that none of the exporters or importers concerned submitted any evidence with respect to the exports of the product concerned, export prices were established on the basis of the Community's import statistics.

In order to make a fair comparison between the normal value and the export price, due allowance was made for the factors affecting price comparability.

On this basis, a dumping margin of 41.3% was established for the three countries concerned.

Injury

With regard to injury, it was found that import quantities had increased by 73% between 1990 and the investigation period, and the market shares held by the countries cited increased over the same period from 10.7% to 18.3%. During the same period, quantities sold by the Community industry dropped by 29% and its market share dropped from 22.9% to 16.2%. Due to the price undercutting of 54% practised by the exporters, the Community industry was forced to reduce its prices, which led to the deterioration of the profitability of its sales in the Community.

Community interest

With regard to Community interest, it was concluded that it was in the interest of the Community to protect the remaining Community producer against unfair competition from the countries concerned in order to maintain efficient and technically advanced production in the Community.

Measures

Since the level of price undercutting significantly exceeded the dumping margin, the duty was imposed at the level of the latter. In order to minimise the risks that the effects of the duty might be evaded by price manipulation, it was considered appropriate to impose the duty in the form of a specific amount per kilogram which was set at 0.276 ECU per kilogram for low carbon ferro-chrome.

4.2.3 3.5" microdisks from Japan, Taiwan and the People's Republic of China

On 22 April 1993, provisional anti-dumping duties were imposed on imports into the Community of 3.5" microdisks originating in Japan, Taiwan and the P.R. China. The proceeding had been initiated on 5 July 1991, following a complaint lodged by the Committee of European Diskette Manufacturers (DISKMA).

Dumping

Dumping margins ranged from 37.3% to 60.1% for cooperating producers in Japan, the corresponding figures for Taiwan being 20.4% to 33.5%. For the P.R. China, the general dumping margin was 41.5%. There was one exception to this, where the dumping margin was 35.6%. For non-cooperators in Japan and Taiwan, the highest dumping margins found were considered appropriate, i.e. 60.1% and 33.5% respectively.

Normal values for Japanese producers were, in the absence of adequate cooperation, constructed on the basis of the facts available in accordance with article 7(7)(b) of the Basic Regulation. For one of the two cooperating producers in Taiwan, normal value was established on the basis of the price actually paid in the ordinary course of trade for domestic sales of the like product. For the other cooperating producer, normal value had to be constructed on the basis of this producer's manufacturing costs, plus an amount for selling, general and

administrative costs, and for profit. As to the P.R. China, a non-market economy, normal value was established on the basis of the weighted average normal value for the two Taiwanese producers referred to above, Taiwan being considered an appropriate analogue country.

Export prices for Japan were constructed in accordance with Article 2(8)(b) of the Basic Regulation on the basis of the prices at which imported microdisks were first resold to independent buyers in the Community, since almost all export sales by the producers concerned were to related importers. For Taiwan, prices actually paid for the product sold for export were used. For the P.R. China, export prices were used in some cases, while export prices to the Community from related Hong Kong companies were used in others. Where exports from China were made to related importers in the Community, export prices were constructed as described above for Japanese producers.

In order to make a fair comparison between normal values and export prices, allowances were made as appropriate for all factors affecting price comparability, such as differences in physical characteristics, conditions of sale, etc.

Injury

The volume of dumped imports into the Community from the three countries in question rose by 110% between 1988 and the reference period. Despite this rise, however, the share of the Community market represented by these imports fell from 37% to 34% over the corresponding period. This decline was wholly due to a fall in imports from Japan, which appeared to have been progressively replaced by offshore production by Japanese companies in third countries and in the Community.

The prices at which these imports were sold underwent declines of up to 75%, much more than could have been expected from the operation of normal economic competition. The Community industry, a newcomer in the production of the product under investigation, had to reduce its prices in an attempt to maintain and develop market position and, consequently, experienced acute price erosion and serious financial deterioration. Given its early stage of development, the industry was dependent on the profitable sales growth essential to the generation of investment funds in a sector of rapidly-changing technology. Due to dumping by the countries concerned, however, the industry was unable to achieve the rates of capacity utilisation, market share (stagnant at around 12% over the period) and profits required to ensure its continuing viability.

Community interest

In this regard, it was considered that any short-term disadvantages of the effects of duties for Community users was outweighed by the benefits of restoring fair competition and ensuring the continued existence of the Community industry, which would, in the long-run, increase the quality and diversity of supply and levels of competition. The Community industry would also be afforded the opportunity of maintaining and developing its presence in an area of technological significance.

Measures

The Commission imposed duties at the level of the lower of the price undercutting margins or the dumping margins. These provisional duties ranged from 5.2% to 40.9% for Japan, and from 20.4% to 33.5% for Taiwan. For the P.R. China, a general level of duty of 41.5% was imposed, with one exception where the provisional duty was 35.6%.

4.2.4 Electronic weighing scales from Singapore and the Republic of Korea

On 6 May 1993, provisional anti-dumping duties were imposed on imports into the Community of certain electronic weighing scales originating in Singapore and the Republic of Korea. The investigation had been initiated on 10 January 1992 for Singapore and extended to Korea on 4 April 1992, subsequent to complaints lodged by several Community producers allegedly representing a major proportion of the Community production.

Dumping

Normal value for all Singapore and Korean producers was established on the basis of the weighted average domestic prices, since those sales were comparable in product type, price structure, quantity and category of customer, to sales to the Community made during the investigation period. Two Korean exporters requested an individual normal value calculation, which would have led to a normal value based on the weighted average prices of sales to a specific category of independent customers. Since evidence presented by the exporters was judged insufficient, normal value for these producers was determined on the basis of all sales to independent customers. For Singapore, export prices were determined on the basis of the prices actually paid or payable for the exports to the Community. For Korea, they were determined in the same way as far as sales to independent customers were concerned. Where sales were made to related importers, export prices were constructed on the basis of the resale prices to the first independent purchaser, adjusted to take account of all costs incurred between importation and resale, plus a reasonable margin of profit.

Normal value was compared with export prices on a transaction-by-transaction basis. Differences affecting price comparability were taken into account, if substantiated. The claims of two Korean producers concerning certain alleged rebates were rejected, because it was concluded that there was no direct link between the rebate and the sales under consideration. For the same reason, however, the amounts of the allowance for sales, salaries and transport claimed by the same producers were adjusted.

Dumping margins were established at a level ranging from 8.5% to 31% for Singapore and from 7.2% to 29% for Korea.

Injury

As far as injury was concerned, it was considered that the effects of Korean and Singapore imports had to be analysed cumulatively, as the exported products of each of the countries concerned were alike in all respects, interchangeable and competed with each other and with retail electronic weighing scales produced in the Community.

Considering the market share and the prices of the dumped imports, it appeared that these shares increased considerably and that price undercutting was significant.

It emerged also from the investigation that, as a result of the dumped imports, the Community industry had experienced falling sales, financial losses and employment cutbacks, and thus suffered material injury.

Community interest

With regard to Community interest, it was established that intervention was warranted. Indeed, the industry concerned not only requires a significant number of qualified staff, but also involves technologies, the loss of which would mean a global loss of competitive edge in the electronics sector. The removal of

the unfair advantages gained by dumping practices was designed to prevent the further decline of the Community industry. It would also help to maintain the availability to the consumer of the widest possible choice of products. There was no evidence that consumer prices would be significantly affected by the measures.

Measures

Since the level of injury exceeded the dumping margin found, the latter formed the basis of the anti-dumping duty. Provisional duties were therefore imposed ranging from 7.2% to 29% for Korea and from 8.5% to 31% for Singapore.

4.2.5 Ethanolamines from the United States of America

On 4 August 1993, a provisional anti-dumping duty was imposed on imports into the Community of ethanolamines originating in USA. The investigation had been initiated on 8 August 1992, subsequent to a complaint lodged by the European Council of Chemical Manufacturers' Federation (CEFIC).

Dumping

Dumping margins of between 62% and 91% were established for the different exporters.

Normal value was established on the basis of domestic prices, excluding loss making sales and sales where prices were influenced by the relationship between seller and buyer, i.e. captive use and sales to associated companies.

In all cases the export sales were made to related importers in the Community. The export price was therefore constructed on the basis of the price to the first independent buyer in the Community, adjusted by costs incurred between importation and resale and a reasonable amount of profit. These costs include those incurred by companies associated to the exporters situated in a third country, which normally would have been borne by an importer in the Community.

In order to ensure a fair comparison at an ex-factory level between the normal value and export prices, allowances were made for all factors affecting price comparability, including selling, transport, insurance, handling, loading expenses etc.

Injury

With regard to injury, it was found that the market share of the dumped imports during the investigation period increased by 18%, whereas the market share of the Community producers decreased by 8%, and the Community consumption rose by 4%. In the same period, the prices of the imports decreased by 41% and the Community producers had to cope with persistent price undercutting which has led to substantial financial losses, preventing them, inter alia, from keeping their investments at the levels required for a sustainable production.

Community interest

The Commission concluded that it was in the Community's interest to restore fair competition in order to enable the Community industry to cover its costs and attain profitability once again, and to also halt the injurious effects on the profitability of the other products produced in the same integrated production facilities as ethanolamine. From the consumer interest point of view, the effects of the measures proposed have to be considered in the long-term, where a sufficient number of suppliers on the Community market competing under fair conditions will ensure fair prices. The available data on the US market, where only three suppliers serve the market, showed that prices for end-users tended to be much higher than those on the Community market.

Measures

A provisional anti-dumping duty in the form of a minimum import price of between 584 ECU/tonne and 652 ECU/tonne, depending on the type of ethanolamine, was therefore imposed on imports of ethanolamines from the USA. It was expected that this measure would enable the EC-producers to become profitable again, whilst allowing the American exporters to maintain their activities on the EC market, thus preserving a healthy competitive balance.

4.2.6 Fluorspar from the People's Republic of China

On 7 September 1993, a provisional anti-dumping duty was imposed on imports into the Community of fluorspar originating in the P.R. China. The investigation was initiated on 25 April 1992.

Six Community producers, two Chinese trading organisations representing 21% of the totality of fluorspar imported from China, and two unrelated importers cooperated in the investigation.

Dumping

The provisional dumping margin established was equivalent to 13.2%. Since China is not a market economy country, normal value was established in an appropriate reference country, namely South Africa. This country was considered appropriate in view of the competitiveness of the market and the volume of production there.

Due to the limited cooperation of the Chinese exporters, the export price was based on the best information available, which was considered to be that contained in Eurostat.

Injury

In view of the fact that a large proportion of sales of the Community producers on the Community market is sold either to related companies or under long-term agreements, and that this captive market is not affected by the dumped imports, the Commission, in accordance with the criteria laid down by the Court of Justice, clearly distinguished, for the determination of injury, a captive market from a free market.

Consequently, the assessment of injury was exclusively based on data referring to the free market.

In this respect, it was found that these imports had increased their market share from 3% in 1988 to 50% in 1991, whilst undercutting the prices of the Community producers by up to 41%. The injury to the Community industry was reflected in a loss of sales and market share, price undercutting and financial losses.

Community interest

With regard to Community interest, it was considered that the need to give legitimate protection to the fluorspar industry outweighed the effect of price increases to the end users of the product under consideration.

Measures

It was established that the injury caused by dumped imports exceeded the level of dumping. The measures were therefore calculated in relation to the latter (13.2%). As far as the form of the duty is concerned, the Commission established a variable duty with a minimum price of 93.40 ECUs per tonne.

4.2.7 Book bound photo albums from the People's Republic of China

On 10 September 1993, a provisional anti-dumping duty was imposed on imports into the Community of book bound photo albums. The investigation had been initiated on 12 May 1992, following a complaint from the Committee of European Photo Album Manufacturers.

Dumping

A dumping margin of 19.4% was provisionally established for these imports from China. Normal value was established on the basis of a constructed value in South Korea, which was considered an appropriate analogue country.

Constructed value was calculated in relation to costs of production, plus an amount for selling, general and administrative expenses and for profit. Export prices were established on the basis of prices to independent importers in the Community.

In order to ensure a fair comparison between normal value and export prices, allowance was made where appropriate for differences in physical characteristics and selling expenses.

No individual treatment was granted to the cooperating exporter essentially because all exports from state trading countries must be subject to a single country-wide duty in circumstances where an exporting entity cannot establish that it is free to act independently from the State. Since such independence by the cooperating exporter was not established, a single dumping margin for all Chinese exports was established.

Injury

With regard to injury, it was found that the volume of Chinese imports had increased by 43% from 1989 to 1992, whilst their prices had undercut those of the Community producers by 32.1%.

The Community industry suffered a loss of sales and market share (43.8% in 1989 to 40.6% in 1992). Whilst some Community producers succeeded in increasing prices of some models of book bound albums in 1991, the overall increase was sufficient to prevent a net worsening of the financial results of the Community industry.

It was found that the pressure of the dumped Chinese imports, whose increase in volume coincided in time with a decrease in Community production, had had the effect of depriving the Community industry of the full benefit of the anti-dumping measures taken in 1990 against other imports of the like product, and had had significant deleterious effect on the Community book bound photo album market.

Community interest

The Commission felt it would not be in the Community's interest for this industry to be forced to cease production, thereby rendering the Community entirely dependent on third country imports to satisfy market demand.

Measures

The injury caused to the Community industry exceeded the level of dumping found, and measures were therefore calculated in relation to the latter. The Commission, consequently, imposed a single provisional anti-dumping duty on imports of book bound photo albums originating in P. R. China at a rate of 19.4%.

4.2.8 Ferro-silicon from South Africa and the People's Republic of China

On 22 September 1993, provisional anti-dumping duties were imposed on imports into the Community of ferro-silicon originating in South Africa and the P.R. China. The investigation was opened on 9 July 1992, subsequent to a complaint lodged by the Liaison Committee of Ferro-Alloy Industries (CLIFA).

Dumping

For South Africa, the dumping margins found ranged from 34.7% to 47.7%. For the P.R. China, the margin was established at 49.7%. Normal value for the South African companies was calculated on the basis of domestic prices. For China, normal value was established on the basis of constructed value in Norway as that country was considered to have an appropriate analogue market.

For South Africa, export prices were based on the actual prices charged to independent importers in the Community. Where exports were made to related importers, export prices were constructed on the basis of adjusted resale prices to the first independent purchaser.

As no Chinese exporters cooperated in the investigation, export prices for that country were based upon the most reasonable information, which was, in this case, the Eurostat statistics.

In order to ensure a fair comparison between normal value and export prices, allowances were made for factors affecting price comparability.

Injury

With regard to injury, the effects of South African and Chinese imports had to be analysed accumulatively, as the ferro-silicon exported by each of the countries concerned was alike in all respects with the product manufactured and sold on the Community market. When assessing the injurious effect of these imports, account had also to be taken of the imports from other countries which were subject at the same time to a review procedure.

Dumped imports from South Africa and China, taken in isolation, had to be considered as having a substantial influence on the injurious situation of the Community industry.

Community interest

In the particular circumstances of this proceeding, failure to take provisional measures would have aggravated the already precarious situation of the Community industry, especially noticeable from the financial losses incurred, the shrinking of market shares and the resulting downgrading of investments. The Community industry had been affected by imports from other non-Community countries, namely Norway, Sweden, Iceland, Kazakhstan, Russia, Brazil, Venezuela, Poland and Egypt, which were subject to anti-dumping measures. All these countries would have been treated in a discriminatory manner and the effectiveness of the measures in force undermined if no measures had been taken against South Africa and China. As to the interest of the end

users of ferro-silicon, their short-term price advantages had to be viewed against the background of the longer-term effects of not restoring fair competition. The disappearance of the Community industry would have reduced supply and competition to the detriment of the consumers. Moreover the price of ferro-silicon represents, on average, only 0.2% of the cost of a tonne of steel.

Measures

For both countries, the level of injury was higher than the dumping margins found. Duties were imposed on the basis of the latter, i.e. 49.7% for the P.R. China and 47.4% for South Africa (with an individual rate of 34.7% for one company).

4.2.9 Isobutanol from Russian Federation

On 2 October 1993, provisional anti-dumping duties were imposed on imports into the Community of isobutanol originating in the Russian Federation. The investigation had been initiated on 18 September 1992, following a complaint lodged by the European Chemical Industry Council (CEFIC).

Dumping

A dumping margin of 46.1% was established for the Russian producers as a whole.

Normal value was based on the domestic sales prices of a sample of United States producers representing about 69% of domestic sales in the United States.

In view of the non-cooperation of Russian producers, export prices were based on the best information available, which in this case was considered to be that presented by two importers, one unrelated and one related. In the case of the former, the export price was determined on the basis of the actual CIF price, duty unpaid, whilst for the latter, the CIF price was reconstructed by deducting from the average resale price to the first independent buyer in the Community all costs between import and resale, plus a reasonable margin of profit.

In order to ensure a fair comparison between normal value and export prices, allowances were made to take account of differences in physical characteristics between the US product and the Russian product. Furthermore, adjustments were made in respect to inland freight, sea freight, insurance, handling/loading, packing, credit costs, technical assistance and salesmen's salaries.

Injury

With regard to injury, the provisional findings revealed that market share of Russian exporters doubled from 13.5% in 1988 to 23.2% in the investigation period, while Community industry saw its market share falling from 64.3% to 40.6%. This loss of market share occurred against a background of declining consumption which aggravated falls in production levels and in the prices charged by Community producers, who were forced to reduce their prices by 31.5% between 1990 and the investigation period. The negative evolution of sales, combined with price erosion, resulted in heavy financial losses for Community producers.

Community interest

With regard to Community interest, it was considered that the imposition of duties would have a limited effect on prices of isobutanol in view of the high number of suppliers. The price of the end product would not be significantly affected either. Furthermore, it was clear that if no measures were taken, the situation of the Community producers would further deteriorate. It was therefore in the interests both of the Community industry and consumers that fair competition be restored on the Community market.

Measures

As the level of injury caused by the dumping was greater than the dumping found, the duty was aligned on the dumping margin and expressed as a fixed amount of 102 ECU/tonne.

4.2.10 Television Cameras from Japan

On 30 October 1993, provisional anti-dumping duties were imposed on imports into the Community of television cameras originating in Japan. The investigation had been initiated on 10 March 1993.

Dumping

The dumping margins found varied between 49.9% and 97%, depending on the exporter concerned.

The normal value was based on prices in Japan which appeared to be largely profitable.

All exporters sold to the Community via related importers. The export prices had, therefore, to be constructed on the basis of the resale prices charged by the various related importers, adjusted to the level of CIF at the Community frontier by deducting all costs of the importer and an amount for profit.

In order to ensure a fair comparison between the normal value and export price, allowances were made for all factors affecting price comparability. In this respect, adjustments were made for differences in salesmen's salaries, packing, insurance, handling, warranty, payment terms and overseas transport. Some of the adjustments, however, were partially rejected because they did not directly relate to the sales under consideration.

Injury

With regard to injury, the Commission found that the imports of television cameras increased by 74% between 1989 and 1990 and decreased by 10% in the period of investigation. From 1989 to 1990 the sales of the Community industry decreased by almost 9%, and by a further 20% between 1990 and the investigation period.

In terms of share of the Community market, the Japanese exporters increased their market share from 52% in 1989 to 68% in 1990 and to 70% during the investigation period. At the same time, the Community producers lost market share from 48% in 1989 to 32% in 1990, and to 30% during the investigation period.

It was also established that the prices charged by the Japanese exporters undercut those of the Community producers by margins varying between 40% and 64%, depending on the exporter.

The effect of these factors on the situation of the Community industry was characterised by the sharply negative development of all relevant economic indicators of the Community industry. Material injury was consequently clearly established.

Community interest

In determining whether it was in the interest of the Community that measures be taken, the Commission took account of the interest of the Community producers of television camera systems as well as the interest of the users in the Community. The Commission concluded that commercial defence measures were required which would safeguard a variety of sources of supply in the Community, and should have positive long-term effects with regard to the number of competitors and consequently on consumer prices.

Measures

It was consequently decided to impose a provisional anti-dumping duty on the imports of television cameras in the form of ad valorem duties which varied between 49.9% and 97%, depending on the exporter concerned.

5. DEFINITIVE MEASURES

5.1 OVERVIEW

Definitive measures may be taken where the facts as finally established during the investigation show that there is dumping or subsidization, that injury is caused thereby, and that the interests of the Community call for intervention. Definitive anti-dumping or countervailing duties are imposed by the Council, acting by qualified majority⁸⁾, on a proposal submitted by the Commission after consultation of Member States.

During the course of 1993, 19 definitive duties were imposed as a result of anti-dumping investigations. This figure is in line with the number of definitive duties imposed over the three previous years. The measures imposed reflect a wide diversity of product sectors and origins. Details of the definitive duties imposed in 1993 are given in Annex C, and the following section of this report gives a summary of each case where definitive duties were imposed during 1993.

8) As part of the reform of the decision-making process agreed upon by the Council on 15 December 1993 (see below 10.1), the Council decided that, as of 10 March 1994, decisions on anti-dumping and countervailing duties will be taken by simple majority.

5.2 CASES

5.2.1 Synthetic fibres of polyester from India and the Republic of Korea

On 15 January 1993, definitive anti-dumping duties were imposed on imports into the Community of synthetic fibres of polyester originating in India and the Republic of Korea. The investigations had been opened on 21 November 1990, subsequent to a complaint lodged by the International Rayon and Synthetic Fibres Committee (CIRFS). Provisional anti-dumping duties were imposed on 16 July 1992.

Dumping

With regard to India, no dumping was found for one producer and rates of from 2% to 7.2% were established for the remainder; for South Korea, no dumping was found for one producer and rates of 1.6% and 4.8% were established for the two other producers involved.

Normal values were established on the basis of domestic prices or, where sales were made in insufficient quantities, on the basis of constructed value, i.e. the actual costs of manufacture, plus an amount for selling, general and administrative costs and for profit.

Export prices were based on the actual prices charged to independent importers in the Community.

In order to ensure a fair comparison between the normal value and the export prices, allowance was made for all factors affecting price comparability, including differences in physical characteristics, selling expenses and import charges.

Injury

With regard to injury, the combined market share of these imports increased from 1.1% in 1988 to 6.2% in 1991, whilst their prices undercut those charged by the Community producers by between 10% and 29%. Though consumption, Community production and market share remained relatively stable, the investigation found that there was a negative return on sales of the Community industry from 1988 onwards. In 1990, none of the Community producers reached reasonable profitability, and several of them incurred severe losses. Over the same period, the Community industry cut its workforce by 5%, cut its investments and closed two plants. It was found, furthermore, that the rapid penetration of the Indian and Korean imports was obtained at the expense of imports already subject to anti-dumping measures, and had the effect of impeding the improvement of the Community industry.

Community interest

As far as Community interest was concerned, though the Commission recognized that the imposition of duties could affect the relative competitiveness of the exporters, it also held that the removal of unfair advantages gained by dumping was designed to prevent the decline of the Community industry and to maintain the availability of choice.

Measures

The rates of duty levels were established at the level of the dumping margins definitively determined. Definitive anti-dumping duties were, therefore, imposed at a level of 7.2% for synthetic fibres of polyesters originating in India with individual rates up to 7.2% and 4.8% for synthetic fibres of polyester originating in the Republic of Korea with individual rates up to 4.8%.

5.2.2 Outer rings of tapered roller bearings from Japan

On 15 January 1993, the Council imposed definitive anti-dumping duties on imports of outer rings of tapered roller bearings (commonly known as "TRB cups") originating in Japan. The investigation had been initiated on 4 January 1991 and provisional measures were imposed on 18 July 1992.

Six Community producers, two Japanese exporters and six producers situated in the Community related to the Japanese exporters cooperated in the investigation.

Dumping

The definitive dumping margins established ranged from 6% to 11.3%. The normal value was established on the basis of domestic sales in Japan or, where there were insufficient sales of a particular type or the sales were below the costs of production, on the basis of constructed value (i.e. the actual costs of manufacture, plus an amount for selling, general and administrative costs and for profit). Export prices were constructed on the basis of the selling price to the first independent buyer in the Community.

Injury

With regard to injury, it was found that these imports from Japan had increased their share of the Community market from 11.2% in 1988 to 14.3% during 1990, whilst undercutting the prices of the Community producers by up to 9.4%. The injury to the complainant industry was reflected in a loss of sales and market share, price undercutting, price depression and financial losses.

Community interest

With regard to Community interest, it was considered that the need to give legitimate protection to a strategic industry outweighed the limited effect of price increases for the end-users of TRB cups.

Measures

As it was established that the injury caused by dumped imports in all cases exceeded the level of dumping, the measures were based on the latter. Duties ranging from 6% to 11.3% were therefore imposed.

5.2.3 DRAMs originating in the Republic of Korea

After the imposition of a provisional anti-dumping duty in September 1992, the Commission imposed definitive anti-dumping measures on 18 March 1993.

Dumping

On the basis of the investigation carried out after the imposition of provisional measures, dumping margins of between 16.6% and 120.1% were established.

Injury

The provisional findings with regard to injury were confirmed at the definitive stage, i.e. the Commission determined a substantial increase in the Korean producers' market share from 6% in 1986 to 25% in 1990 and substantial undercutting by the Korean producers of the Community producers' prices.

Despite a relatively positive development of the Community industry with respect to the production and sales quantities after it started operations in the Community in 1989, its financial performance deteriorated considerably thereafter, reaching a level threatening overall viability.

Community interest

The conclusions reached at the provisional stage with respect to the Community interest were confirmed at the definitive stage, i.e. the need for a balance between maintaining a viable Community DRAM industry operating in a key downstream DRAM-user industry, which is technologically equally important.

Measures

Taking into account the conclusions on dumping, injury and Community interest, undertakings offered by the Korean producers which function as a safety net were accepted by the Commission, as this type of measure ensured the flexibility needed to avoid any undue adverse effect on market prices. Furthermore, a definitive anti-dumping duty of 24.7% was imposed on all other imports originating in Korea.

5.2.4 Seamless iron or steel tubes from Hungary, Poland and Croatia

On 15 May 1993, the Council imposed definitive anti-dumping duties on imports of certain iron or steel tubes from Hungary, Poland and Croatia. At the same time, the Commission accepted undertakings from producers and exporters in these countries which co-operated in the proceeding.

The investigation was initiated on 12 December 1991. In addition to the aforementioned countries, the notice of initiation included the then Czechoslovakia. On 14 November 1992, provisional anti-dumping duties were imposed on imports from all of the countries involved in this proceeding, whilst temporarily suspending the duty imposed with regard to Croatia.

At the same time as the definitive measures were imposed, negotiations were held with the Czech Republic and the Slovak Republic with regard to establishing trade arrangements for certain steel products including those subject to the proceeding. It was, therefore, considered appropriate, at this point in time, to exclude these two countries from the scope of definitive measures.

Dumping

Dumping margins were definitively established at a level of 25.5% for Croatia, 21.8% for Hungary, 11.7% for Poland and 49.6% for both the Czech and Slovak Republics.

Normal value for Croatia was established on the basis of domestic prices of the sole Croatian producer. As Poland, Hungary and the former Czechoslovakia could not be considered to have market-economies throughout the investigation period, it was decided to apply the normal values established for Croatia to the Hungarian, Polish and Czechoslovak products.

Export prices were established on the basis of sales to independent importers in the Community.

In order to make a fair comparison between the normal values and export prices, allowance was made for factors affecting price comparability, such as transport, insurance and the effect of differences in the cost of credit granted.

Injury

With regard to injury, it was found that the cumulated market share of the exporting countries concerned rose from 7.8% in 1988 to 13.7% in 1991, whilst the prices of these imports undercut those of Community producers by between 10.8% and 30.4%.

The consequent impact on the Community industry was a decline of production and sales volume, a significant loss of market share, depression of prices in a period of rising production costs and a substantial deterioration in financial results.

Community interest

Taking into account that the steel tube production is an important basic industry, with both upward and downward ramifications in other steel sectors, it was concluded that it was in the Community's interest to re-establish fair competitive conditions in the market. Furthermore, it was considered that the impact of the price increases necessary would have a limited effect and that, in any event, Community processors could not expect to benefit from unfair competition forcing Community producers to sell at a loss.

Measures

Definitive anti-dumping duties were established at the level of injury found. On this basis, the rates of duty imposed amount to 21.7% for Hungary, 10.8% for Poland and 17.4% for Croatia.

The Hungarian, Polish and Croatian producers and exporters cooperating in this proceeding offered undertakings which were accepted by the Commission, and were therefore exempted from the scope of the duty.

5.2.5 Magnesium oxide (caustic magnesite) from the People's Republic of China

On 17 June 1993, the Council imposed a definitive anti-dumping duty on imports of magnesium oxide originating in China. The investigation had been initiated on 26 October 1991 and a provisional anti-dumping duty was imposed on 26 September 1992.

A prolonged process of consultation was necessary in order to fully consider the views of all of the parties before the Commission was able to draw its final conclusions. This lengthy consultation resulted in the provisional measures lapsing on 26 March 1993, before the imposition of definitive measures.

Dumping

A dumping margin of 27.09% was established for the P. R. China.

Normal value was based on constructed values in Turkey, which was considered an appropriate analogue country. Export prices were established on the basis of the prices actually paid or payable by the cooperating importers in the Community.

In order to make a fair comparison between normal value and export prices, allowances were made for all factors affecting price comparability.

Injury

With regard to injury, it was found that the Chinese imports had increased their market share from 21% in 1988 to 33% in 1991. The prices of the dumped imports undercut the Community producers' prices by 37.7% during the investigation period. The Community industry faced falls in production, capacity utilisation, sales quantities, prices, and in employment, and incurred losses or seriously reduced returns on sales. The material injury suffered by the Community industry coincided with the increase of dumped imports from the P.R. China.

Community interest

With regard to Community interest, it was considered that measures were necessary to preserve a Community presence in this sector and to avoid the total shut-down of the Community industry. In any event, it was felt that the form of the measures, a variable duty based on a minimum price, would bring price stability to a market which has seen continuous price cutting by Chinese exporters, whilst permitting the Chinese imports to remain in the Community market.

Measures

The level of injury found exceeded the dumping margin and, therefore, the minimum price for the variable duty imposed was based on the latter. This minimum price is 112 ECU per tonne.

5.2.6 Bicycles from the People's Republic of China

This proceeding was initiated on 12.10.1991. A provisional anti-dumping duty was imposed on 11 March 1993 followed by the imposition of a definitive anti-dumping duty on 9 September 1993.

Dumping

Since the P.R. China is a state trading country, normal value had to be based on the conditions of an analogue market economy country. In this case, the domestic prices as well as constructed values in Taiwan were used as a basis for normal value. The export price was established on the basis of the prices charged to independent purchasers in the Community. In view of the large number of exporters, the Commission used sampling techniques and included in its sample six companies which represented 88% of sales of all companies which co-operated with the Commission. On this basis the dumping margin for China amounted to 30.6%.

Injury

In terms of market share, the imports of bicycles from China increased from 4.6% in 1989 to 10.5% during the investigation period. The investigation also revealed the existence of price undercutting which amounted to 59%. The injury was mainly reflected in a stagnation of sales, the loss of market share and unsatisfactory profits during a period of increased demand.

Community interest

The Community Industry had made substantial efforts in order to rationalise the production process and thus demonstrated their determination to remain competitive. Although in the short term, users would probably have to pay more for their products, in the long term it was considered in their interest that fair competition on the Community market be re-established. It was consequently concluded that it was in the interest of the Community to take action.

Measures

Since the level of injury exceeded the dumping a definitive anti-dumping duty of 30.6% was imposed based on the margin of dumping.

5.2.7 Low carbon ferro-chrome from Kazakhstan, Russia and Ukraine

On 3 October 1993, a definitive anti-dumping duty was imposed on imports into the Community of ferro-chrome with a carbon content by weight of max. 0.5% (low carbon ferro-chrome), originating in Kazakhstan, Russia and Ukraine. The investigation had been initiated against these countries on 1 August 1992, subsequent to a complaint from the EC Liaison Committee of Ferro-Alloy Industries and, on 3 April 1993, a provisional anti-dumping duty was imposed on these imports.

Dumping

For the final determination, normal value was based on cost of production of the producer located in Zimbabwe which replied to the Commission's questionnaire after the imposition of the provisional duty. Zimbabwe was considered an appropriate analogue country.

Since one exporter, which accounted for more than 90% of the total imports into the EC, submitted evidence after the imposition of the provisional duty with respect to its export quantities and prices of the product concerned, export prices were established on the basis of the price paid or payable to independent customers in the EC.

In order to make a fair comparison between the normal value and the export price, due allowance was made for the factors affecting price comparability.

On this basis a dumping margin of 44.9% was established for the three countries concerned.

Injury

In view of the fact that no new evidence concerning injury was submitted after the imposition of the provisional duty, the provisional injury assessment was maintained for the final determination.

Community interest

The provisional assessment of the Community interest was maintained for the final determination since no new aspects were submitted after the imposition of the provisional duty.

Duty level

Since price undercutting significantly exceeded the dumping margin, the duty was imposed at the level of the latter. In order to minimise the risks that the effects of the duty might be evaded by price manipulation, it was considered appropriate to impose a duty in the form of a specific amount per kilogram, which was set at 0.31 ECU per kilogram of low carbon ferro-chrome.

5.2.8 3.5" microdisks from Japan, Taiwan and the People's Republic of China

On 22 October 1993, the Council imposed definitive anti-dumping duties on imports of 3.5" microdisks originating in Japan, Taiwan and the P.R. China. The investigation had been initiated on 5 July 1991, and provisional duties were imposed on 22 April 1993.

Dumping

Dumping margins ranged from 32.8% to 60.1% for Japan and from 19.8% to 32.7% for Taiwan. For the P.R. China, a non-market economy, a general margin of 39.4% was established, one exception being a margin of 35.6%. For non-cooperating producers, the margin was set at the highest dumping margins found for each country concerned.

Normal values for Japan were constructed on the basis of the facts available, as cooperation on the part of Japanese producers was inadequate. In the case of Taiwan, the normal value provisionally established for one of the producers concerned was adjusted at the definitive determination stage following representations from this producer. As regards the P.R. China, normal value for the two cooperating Taiwanese producers was used, Taiwan being considered an appropriate analogue country for the Chinese non-market economy.

Export prices for Japan were constructed on the basis of the prices at which the imported products were first resold to independent buyers in the Community, since almost all export sales by the producers concerned were made to related importers. For Taiwan, prices actually paid for the product sold for export were used. With regard to the P.R. China, export prices were established depending on the commercial channels involved. As a result, prices actually paid for the product sold for export were used, as well as export prices to the Community from related Hong Kong companies, depending on the circumstances. For Chinese sales through related importers in the Community, export prices were constructed in the same way as for Japanese producers.

In order to make a fair comparison between the normal values and export prices, allowances were made as appropriate for all factors affecting price comparability, such as differences in physical characteristics, conditions of sale, etc.

Injury

The volume of dumped imports into the Community from the three countries in question rose by 110% between 1988 and the reference period. Despite this rise, however, the share of the Community market represented by these importers fell from 37% to 34% over the corresponding period. This decline was wholly due to a fall in imports from Japan which appeared to have been progressively replaced by offshore production by Japanese companies in third countries and in the Community.

The prices at which these imports were sold underwent declines of up to 75%, much more than could have been expected from the operation of normal economic competition. The Community industry, a newcomer in the manufacture of the product under investigation, had to reduce its prices in an attempt to maintain and develop market position and, consequently, experienced acute price erosion and serious financial deterioration. Given its early stage of development, the industry was dependent on the profitable sales growth essential to the generation of investment funds in a sector of rapidly-changing technology. Due to dumping by the countries concerned, however, the industry was unable to achieve the rates of capacity utilisation, market share (stagnant at around 12% over the period) and profits required to ensure its continuing viability.

Community Interest

In this context, it was considered that any short-term disadvantages of the effects of duties for Community users was outweighed by the benefits of restoring fair competition and ensuring the continued existence of the Community industry, which would, in the long-run, increase the quality and diversity of supply and levels of competition. The Community industry would also be afforded the opportunity of maintaining and developing its presence in an area of technological significance.

Measures

Definitive duties were imposed at levels equalling the margins of injury or the dumping margins established, whichever was the lower. Duties ranged from 6.1% to 40.9% for Japan, and from 19.8% to 32.7% for Taiwan. With regard to the P.R. China, a general duty of 39.4% was imposed, with one exception of a duty of 35.6%.

5.2.9 Electronic weighing scales from Singapore and the Republic of Korea

On 22 October 1993, the Council imposed definitive anti-dumping duties on imports of certain electronic weighing scales originating in Singapore and Korea. These investigations were initiated on 10 January 1992 for Singapore and extended to Korea on 4 April 1992. Provisional anti-dumping duties were imposed on 6 May 1993.

Dumping

For the purpose of the findings, both normal value and export prices were established on the basis of the same methods as those used in the provisional determination of dumping (see above), with certain adjustments of the calculations, made on the basis of submissions by the parties. For one Korean producer, which sold to its parent in Japan, which in turn sold to its related company in the Community, export prices were constructed on the basis of the price to the first independent buyer.

The comparison between normal value and export prices to the Community showed definitive dumping margins ranging from 7.2% to 26.7% for the Korean and from 10.8% to 31% for the Singapore producers.

Injury

As far as injury and Community interest were concerned, no new facts were put forward subsequent to the imposition of the provisional duties. The Council's findings in these areas were therefore maintained.

Measures

The duties were imposed for all producers at the level of the dumping margins established, since the level found necessary to remove injury was much higher. Definitive anti-dumping duties ranging from 10.8% to 31% and from 7.2% to 26.7% were therefore imposed on Singapore and S. Korea respectively.

5.2.10 Deadburned magnesia from the People's Republic of China

On 11 December 1993, the Council imposed a definitive anti-dumping duty on imports into the Community of deadburned magnesia originating in the P. R. of China. The investigation had been initiated on 23 October 1991 and a provisional anti-dumping duty was imposed on 26 September 1992.

A prolonged process of consultation was necessary in order to consider fully the views of all parties before the Council was able to draw its final conclusions. This lengthy consultation resulted in the provisional measures lapsing on 26 March 1993, before the imposition of definitive measures.

Dumping

A dumping margin of 63.3% was established for the P.R. of China.

Normal value was based on constructed values in Turkey, which was considered an appropriate analogue country. Export prices were established on the basis of the prices actually paid or payable by the cooperating importers in the Community.

In order to make a fair comparison between normal value and export price, allowances were made for all factors affecting price comparability.

Injury

With regard to injury, it was found that the Chinese imports had increased their market share from 31% in 1988 to 41% in 1991, whilst the share of the Community producers fell from 37% in 1988 to 23% in 1991. The prices of the dumped imports undercut the Community producers' prices by 64% during the investigation period. The Community industry faced a fall in production, a decline in capacity utilisation, a fall in sales quantities and prices, an increase in stocks, a fall in employment, and incurred losses or seriously reduced return on sales. The material injury suffered by the Community industry coincided with the rise of dumped imports from the P.R. China.

Community interest

With regard to Community interest, it was considered that measures were necessary to preserve a Community presence in this sector and to avoid the total shut-down of the Community industry. In any event, it was felt that the form of the measures, a variable duty based on a minimum price, would bring price stability to a market which has seen continual price cutting by Chinese exporters, whilst at the same time permitting the Chinese imports to maintain a presence on the Community market.

Duty level

The level of injury found exceeded the dumping margin and, therefore, the minimum price for the variable duty imposed was based on the latter. This minimum price was 120 ECU per tonne.

5.2.11 Book bound photo albums from the People's Republic of China

On 31 December 1993, a definitive anti-dumping duty was imposed on imports into the Community of book bound photo albums originating in the P.R. China. The investigation had been initiated on 12 May 1992, and a provisional anti-dumping duty was imposed by the Council on 10 September 1993.

Dumping

A dumping margin of 18.6% was established for these imports originating in China. South Korea was considered an appropriate analogue country for the purpose of establishing normal value which, because of the numerous additional features of the albums sold in the domestic South Korean market compared with the Chinese export models, had to be constructed on the basis of actual manufacturing costs in South Korea, plus an amount for selling, general and administrative expenses and for profit.

Export prices were established on the basis of prices to independent importers in the Community. The export prices of non-cooperating Chinese producers were based on the lowest prices at which the sole cooperating exporter had sold representative types of book-bound albums.

In order to ensure a fair comparison between normal value and export prices, allowances were made where appropriate for differences in physical characteristics and selling expenses.

No individual treatment was granted to the cooperating exporter, essentially because all exports from state-trading countries must be subject to a single country-wide duty in circumstances where an exporting entity cannot establish that it is free to act independently from the state. Since such independence by the cooperating exporter was not established, a single dumping margin for all Chinese exports was determined.

Injury

With regard to injury, it was found that Chinese imports had increased by 433% from 1989 to 1992 while their prices had undercut those of the Community producers by 32.1%.

The Community industry suffered a loss of sales and their market share fell from 43.8% in 1989 to 40.6% in 1992. While some Community producers succeeded in increasing prices of some models of book-bound albums in 1991, the overall increase was insufficient to prevent a net deterioration of the financial results of the Community industry.

It was found that the pressure of the dumped Chinese imports, the increase in volume of which coincided in time with a decrease in Community production, had the effect of depriving the Community industry of the full benefit of the anti-dumping measures taken in 1990 against imports of the same product from other sources bringing a significant deleterious effect on the Community book-bound photo album market.

Community interest

The Commission felt that it would not be in the Community interest to fail to take measures since, should this industry be forced to cease production, the Community would be rendered entirely dependent on third country imports to satisfy market demand.

Measures

The injury caused to the Community industry exceeded the level of dumping found, and measures were therefore calculated in relation to the latter. The Commission, consequently, imposed a single definitive anti-dumping duty on imports of book-bound photo albums originating in the P. R. of China at a rate of 18.6%.

5.3 Acceptance of price undertakings

Table 1 also shows that the Commission did not conclude any investigations solely by the acceptance of price undertakings in 1993. However, some cases were concluded both by the acceptance of undertakings and the imposition of duties. These cases are included in Table 1 under duties imposed, but the investigations in question are identified in Annex C.

6. ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS - TERMINATIONS WITHOUT MEASURES

6.1 OVERVIEW

Investigations are concluded without measures when no dumping or injury is found or for other reasons, such as the withdrawal of the complaint. In 1993, 1 investigation was concluded without measures due to a finding of no dumping, 1 due to findings of no injury, 4 due to the withdrawal of the complaint, 1 due to a lack of cooperation from the Community industry, and 1 as a result of other bilateral arrangements between the Commission and the exporting country. The number of closures without measures has remained, in relation to the number of investigations concluded, relatively steady over the last five years, i.e. a ratio of approximately one third. The references for the investigations terminated without measures are given in Annexes D, E and F. A concise commentary of the investigations concluded without the imposition of measures in 1993 is given below.

6.2 CASES

6.2.1 Manganese steel wearparts from the Republic of South Africa

The anti-dumping proceeding concerning imports of manganese steel wearparts originating in the Republic of South Africa was terminated without measures on 12 May 1993. This proceeding had been initiated in March 1992 further to a complaint lodged by six Community producers of manganese steel wearparts whose collective output was stated to constitute a major proportion of Community production of the product in question.

During the investigation concerning injury, the Commission received information concerning only a small proportion of the total Community production. In the absence of information on the rest of the Community industry, it was not possible to make findings on injury. Under such conditions, no further investigation was conducted. The Commission informed the complainants of these facts, which were not contested. Following consultation with the Member States, the Commission formally terminated the proceeding.

6.2.2 Paint, distemper, varnish and similar brushes from the People's Republic of China

The anti-dumping proceeding concerning imports of paint, distemper, varnish and similar brushes originating in the People's Republic of China was terminated without measures on 25 May 1993.

The proceeding was originally opened in 1986 subsequent to a complaint lodged by the Fédération européenne de l'industrie de la brosse et de la pinceanterie (FEIBP) and resulted in the imposition of definitive anti-dumping duties in March 1989. Following the Judgement in October 1991 of the Court of Justice, which rendered the Council Regulation imposing definitive anti-dumping duties invalid, the Commission resumed the investigation.

During the course of the investigation, it was established that the level of imports from the P.R. China had decreased by 55% between 1988 and the investigation period. The market share of these imports was found to have dropped from 36% to 15% over the same period.

As regards the Community industry, it was established that the production had increased by 23%, the sales volume by 32% and the market share from 50% to 68% between 1988 and the investigation period.

In addition, the profitability of the Community industry recovered to a satisfactory level and other factors such as investment and employment had improved substantially.

Given these developments, the Commission concluded that the Community industry had not suffered material injury. Furthermore, the Commission examined whether a threat of injury to the Community industry existed, but did not find any evidence of that.

The Commission therefore considered a dumping investigation unnecessary and, following consultation with the Member States, formally terminated the proceeding.

6.2.3 Compact disc players from Taiwan, Malaysia and Singapore

The anti-dumping proceeding concerning imports of compact disc players from Taiwan, Malaysia and Singapore was terminated without measures on 19 July 1993.

This proceeding had been initiated in June 1992 further to a complaint lodged by the Committee of Mechoptronics Producers and Connected Technologies (COMPACT). The two major Community producers subsequently advised the Commission of their intention to cease production of compact disc players in the Community. These producers had declared that the discontinuation of their production within the Community would be completed by the end of 1993 and that they were of the opinion that there was no justification for protective measures.

Furthermore, COMPACT, representing the producers comprising the Community industry, formally withdrew its complaint on 6 April 1993. The Commission considered that a termination of this proceeding would not be against the interest of the Community.

In these circumstances, it was considered that protective measures were unnecessary and that the anti-dumping proceeding should be terminated without the imposition of protective measures.

6.2.4 Bicycles from Taiwan

This proceeding was initiated on 12 October 1991 at the same time as the above-mentioned proceeding with regard to the P.R. China.

The Commission investigation of dumping had concluded that margins of dumping established for Taiwan were negligible, and consequently decided to terminate the proceeding. On 8 September 1993, a Commission Decision was published to that effect.

6.2.5 Unwrought manganese from the People's Republic of China

The anti-dumping proceeding concerning imports of unwrought manganese containing more than 96% by weight of manganese originating in the P.R. China was terminated on 28 September 1993. The proceeding had been initiated in January 1992 subsequent to a complaint lodged by the Chambre Syndicale de l'électrometallurgie et de l'électrochimie on behalf of the sole producer in the Community.

During the course of the investigation, the Commission was informed by the sole Community producer that it had decided to discontinue production of unwrought manganese, and was in the process of phasing out its manufacturing operations. Accordingly, since Community production was discontinued, protective measures were deemed unnecessary and the proceeding was terminated.

6.2.6 Seamless tubes of iron or steel from the Czech Republic and the Slovak Republic

The anti-dumping proceeding concerning imports of seamless tubes of iron or steel from the Czech Republic and the Slovak Republic was terminated without measures on 9 October 1993.

The proceeding had been initiated in December 1991 with regard to the then Czechoslovakia, together with Hungary, Poland and the former Yugoslavia, subsequent to a complaint lodged by the Liaison Committee of the European Community Steel Tube Industry.

Following the imposition of provisional anti-dumping duties on 14 November 1992, the Czech and Slovak Republic were excluded from the scope of definitive measures in the light of negotiations of trade arrangements with these countries covering certain steel products, including the seamless tubes subject to the proceeding. Following the opening of tariff quotas on 23 July 1993 covering, inter alia, the products in question, the Commission considered that protective measures were unnecessary and decided, after consultation with the Member States, to formally terminate the proceeding with regard to the Czech Republic and the Slovak Republic.

7. ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS - REVIEWS

7.1 OVERVIEW

The Regulations and Decisions imposing anti-dumping or countervailing duties and Decisions accepting price undertakings may be subject, under the basic legislation, to 4 types of review during their lifetime:

- Article 15 provides for the expiry of anti-dumping measures after 5 years unless a "sunset" review demonstrates that they should remain in force;
- Article 14 provides for the review of measures on the Initiative of the Commission, at the request of a Member State or, once they have been in force for 12 months, following a request from an interested party;
- A specific type of review carried out under Article 14 are "newcomer" reviews. Such reviews may be requested by exporters who become subject to measures but who did not export during the original investigation, and who have subsequently commenced exporting or have the firm intention of doing so. These reviews are carried out without any time restrictions;
- Article 13.11 also provides for the review of anti-dumping duties where evidence is presented that the duty is being absorbed by the exporter, thus effectively reducing the export price and increasing the dumping margin.

The above-mentioned reviews are now a major part of the work of the Commission's Anti-Dumping Unit. In the period from 1981, they represented approximately 35% of all cases initiated and in the last 5 years this ratio was increased to just over 40%; in 1993, review investigations represented half of all investigations opened.

Between 1989 and 1993, a total of 108 review investigations were initiated, 29 of which were under Article 15, 75 under Article 14, of which 13 were "newcomer" reviews, and 4 were under Article 13.11. In approximately half of the cases initiated under Article 15, the measures were allowed to expire following the review while for the other half, measures were continued, mainly in amended form.

In 1993, a total of 22 reviews were initiated, 1 of which was under Article 15, 17 under Article 14 and 4 as "newcomer" reviews. There were no reviews opened under Article 13.11 in 1993. Details of the review investigations opened and of the results of reviews concluded in 1993, can be found in Annexes I - Q.

Table 4 provides statistical information for the period 1989 to 1993.

7.1.1 ARTICLE 15 REVIEWS

Since Article 15 of the basic legislation came into force in 1985, a total of 222 anti-dumping measures have been allowed to expire automatically.

T A B L E 4

Reviews of anti-dumping and anti-subsidy investigations
during the period 1 January 1989 to 31 December 1993

	1989	1990	1991	1992	1993
Reviews in progress at the beginning of the period	20	15	21	21	30
Reviews opened during the period	17	26	16	27	22
Reviews in progress during the period	37	41	37	48	52
Reviews concluded by:					
- imposition of definitive duty in lieu of price undertaking	4	6	1	1	1
- amendment of definitive duty	4	2	3	11	17
- suspension of definitive duty	-	-	-	-	-
- acceptance of price undertaking in lieu of definitive duty	-	1	-	-	1
- amendment of price undertaking	1	-	5	1	1
- repeal or expiry of definitive duty	9	6	4	5	7
- repeal or expiry of price undertaking	4	5	2	-	1
- no change of the measures in force	-	-	-	-	2
Total reviews terminated during the period	22	20	15	18	30
Reviews in progress at the end of the period	15	21	22	30	22
Provisional duties imposed during the reviews	7	1	-	-	2

In 1993, 10 measures were allowed to expire automatically under Article 15, while reviews were carried out leading to 8 further expiries, and the continuance of 20 measures in amended form and 2 unchanged. The references for these reviews are set out in Annexes J-R.

7.1.2 ARTICLE 14 REVIEWS

Since 1989, a total of 75 reviews have been initiated under Article 14. Following review, 28 measures were repealed and 36 measures were allowed to continue, mainly in amended form.

In 1993, 22 reviews were initiated under Article 14. During 1993, and following reviews; 5 measures were allowed to expire and 18 measures allowed to continue, mainly in amended form. One measure was taken under Article 13.11.

7.1.3 "NEWCOMER" REVIEWS

Newcomer reviews are now a common feature in the administration of the anti-dumping instrument. These reviews are carried out for the benefit of new exporters which are subject to residual duties but which were not investigated in the original investigation because they had not yet exported to the Community.

Since the Commission carried out the first review of this type in 1990, 13 investigations have been initiated and 4 of those were in 1992. Two investigations were concluded in 1993 and the references of these initiations and conclusions are given in Annexes I and J.

7.1.4 ARTICLE 13(11) REVIEWS

The possibility for these Article 13.11 reviews, which deal with situations where the exporters directly or indirectly bears the cost of the duty and thereby increases the dumping margin, was incorporated into the basic legislation in 1988.

Since then four such reviews have been initiated, all in 1991, one of which was concluded on 25 August 1993, when an additional anti-dumping duty was imposed on imports of polyolefin woven bags originating in the People's Republic of China. References are given in Annex J.

8. REFUNDS

In 1993, two decisions on refunds were rendered with regard to requests for refund. In both cases, the application was rejected because of a lack of evidence that the anti-duties paid were higher than the actual dumping margin. These individual decisions were not published since the policy of the Commission is to publish only the decisions in cases of general interest. In one of these two cases, the decision also contained confidential elements.

9. COURT OF JUSTICE

9.1 Overview

A list of the anti-dumping and anti-subsidy cases before the Court of Justice in 1993 is given in Annex S. It gives the cases which were still pending at the beginning of 1993, in addition to the five new cases brought during the year. Judgements were rendered in 4 cases, and a summary of these judgements is given below.

9.2 New cases

The five new cases brought during the year concerned: the use by the institutions of allegedly biased data, and contested causality⁹⁾, lack of injury or threat of injury¹⁰⁾, lack of injury, lack of grounds for anti-circumvention measures, use of limited data on injury and failure to take account of third country imports in assessment of injury¹¹⁾, a claim for compensation for damages suffered as a result of the imposition of anti-dumping duties¹²⁾, and product comparison, sampling methods and failure to grant individual treatment¹³⁾.

9.3 Judgements rendered

The Court also rendered judgements or preliminary rulings. In 1993 in the following cases:

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- 9) Case 8/93, OJ No. C 52, 23.02.93, p. 6
 - 10) Case 10/93, OJ No. C 62, 04.03.93, p. 4
 - 11) Case 263/93, OJ No. C 160, 12.06.93, p. 6
 - 12) Case 326/93, OJ No. C 222, 18.08.93, p. 8
 - 13) Case 477/93, OJ No. C 76, 12.03.94, p. 7

9.3.1. Housed bearing units: preliminary ruling of 1 April 1993¹⁴⁾

- Case 136/91 : Findling Wälzlager Handels-GmbH v. Hauptzollamt Karlsruhe

This case was referred to*the Court of Justice by a court in the region of Baden-Württemberg (Germany) for a preliminary ruling on the interpretation of Article 1(3) of Council Regulation (EEC)No. 347/87, imposing definitive anti-dumping duties on the import of housed bearing units originating in Japan:

The plaintiff had imported housed bearing units manufactured, and marked, by a Japanese producer subject to an individual duty rate. However, as these bearings had been exported by a Japanese company other than that listed in the Annex to the above-mentioned regulation, the local customs office in Germany had levied the much higher residual definitive anti-dumping duty.

The Court pointed out that, in interpreting a provision of Community law, not only its wording but also its context and the purpose of the legislation of which it forms part have to be taken into account. The basic regulation governing the anti-dumping instrument specifies that the amount of anti-dumping duties imposed may not exceed the dumping margin found, and must be less if such lesser duty is adequate to remove the injury.

The Court thus ruled that it was sufficient, for the purpose of applying the individual rates of duty assigned to the trade marks listed in the Annex to the above-mentioned regulation, that the housed bearing units could be proved to have been manufactured by or for the corresponding undertaking.

14) Case 136/91, OJ No. C 124, 06.05.93, p. 7

9.3.2 Ball-bearings/bearing bushes : preliminary ruling of 24th June 1993¹⁵⁾

- Case 90/92 : Dr. Tretter GmbH & Co. v. Hauptzollamt Stuttgart Ost

This case was referred to the Court by the customs administration in Stuttgart (Germany) for a preliminary ruling on the interpretation of the description of ball-bearings and tapered roller bearings from Japan subject to anti-dumping duties as imposed by Council Regulation (EEC) No. 1739/85.

The Court ruled that the above-mentioned regulation imposing anti-dumping duties on imports of certain ball-bearings and tapered roller bearings originating in Japan must be interpreted as meaning that it does not include bearing bushes.

9.3.3 Compact disc players from Japan: Judgement of 13th October 1993¹⁶⁾

- Case 104/90 : Matsushita Electrical Industrial Co. Ltd. v. Council

The application was lodged by the parent company of HI-FI Audio Division, a manufacturer of compact disc players in Japan. The company's products were sold to 77 associated companies and two independent companies responsible for the regional distribution to independent purchasers, who in turn sold to the ultimate consumers. In June 1987, Matsushita Electrical Industrial Co. Ltd. (MEI) was the subject of an anti-dumping complaint lodged by Community producers, which, subsequent to investigation, led to the imposition of provisional anti-dumping duties of 33.9% in 1989, followed by that of definitive anti-dumping duties of 26.3% in January 1990.

15) Case 90/92, OJ No. C 196, 20.07.93, p. 11

16) Case 104/90, OJ No. C 300, 06.11.93, p. 12

The applicant maintained that, in the first place, the institutions had infringed Council Regulation (EEC) No. 2423/88 by determining the normal value on the basis of the sale price charged by the associated distribution companies. The normal value ought, according to MEI, to have been fixed on the basis of the price paid by the associated distribution companies, or on the comparable price of a similar product exported to a third country, or on a value constructed in accordance with the above-mentioned regulation. In this manner, MEI claimed that it and its associated distribution companies had been wrongly treated as a single economic unit.

The Court pointed out that, according to the documents presented, 77 of the 79 distribution companies were partly or wholly owned by MEI and other companies of its group. However, before concluding that there was a single economic unit, the Court found it necessary to determine whether tasks normally carried out by the internal sales department of the manufacturers were given over to the distribution companies.

The Court found that although the manufacturer, via Hi-Fi, had carried out certain sales functions itself, these were only complementary to those carried out by the distribution companies. It had not, however, been demonstrated that Hi-Fi itself sold compact disc players directly to a wholesaler, retailer or final consumer, it remaining undeniable that a distributor, whether or not associated, was always necessary.

The Court upheld the conclusion of the institutions that there was a single economic unit, and consequently also their determination of normal value on the basis of the price paid to distributors.

The application was dismissed and the applicant ordered to pay the costs, including those of the intervener.

9.3.4 Ferro-silicon : Judgement of 7th December 1993¹⁷⁾

- Case 216/91 : Rima Eletrometalurgia S.A. v. Council

The application was lodged by a producer in Brazil of ferro-alloys, including ferro-silicon, who had been involved in 1986 and 1987 in an anti-dumping investigation carried out on the basis of a complaint lodged by the Community industry. That investigation had shown that Rima was not dumping, and the company was subsequently excluded, by Commission Regulation (EEC) No. 2409/87, from the scope of the anti-dumping duties.

Following a request from certain Brazilian exporters, the Commission initiated, in May 1990, a review of the measures imposed following the original investigation. The scope of that review was extended, by the Commission, to all exporters in Brazil, including Rima, and resulted in the imposition on that company in April 1991 of an anti-dumping duty of 12.2%.

The applicant contested the validity of that measure on the grounds that, in view of the initial finding of no dumping, their very inclusion in the review investigation had been illegal.

The Court upheld the applicant's view, observing that the existence of sufficient evidence of dumping and the resulting injury is always a prerequisite for initiating an investigation, including a review investigation.

17) Case 216/91, OJ No. C 1, 04.01.94, p. 9

The Court noted that the request for review had been submitted by five other Brazilian exporters with the intention of showing that they had not been engaged in dumping during 1989. Since the concept of dumping implied that the price on the Community market was lower than the price on the domestic market of the exporter, the change in the market situation due to the substantial fall in prices on the Community market could not be considered as sufficient evidence of dumping.

The opening of a new investigation in the case of the applicant, who had been excluded from the scope of anti-dumping duties, could not be justified, even taking considerations of equal treatment into account.

The Court therefore annulled Article 1(3) of Council Regulation (EEC) No. 1115/91 of 29 April 1991.

9.4 Cases withdrawn

In addition to the above-mentioned judgements and preliminary rulings, one case was removed from the register, as follows:

- 124/91 : Phoenix Electric Co. Ltd. v. Council

9.5 Cases pending

At the end of 1993, eleven cases were therefore still pending on the register of the Court of Justice. These cases can be identified in Annex S.

9.6 Court of First Instance

By decision of 8 June 1993, the Council enlarged the Jurisdiction of the Court of First Instance by giving It Jurisdiction to hear and determine at first instance all actions brought by natural or legal persons.

Nevertheless, the entry into force of that decision as regards anti-dumping and anti-subsidies cases was deferred to a date to be subsequently fixed by a decision of the Council¹⁸⁾.

18) Based upon an agreement reached in the Council on 15 December 1993, anti-dumping and anti-subsidy cases have been included into the Jurisdiction of the Court of First Instance as of 1994. See also point 10. below.

10. REFORM OF THE E.C. LEGISLATION

By decision of 15 December 1993, the Council agreed in principle on a package of measures aimed at rendering the usage of the Community's commercial defence instruments more efficient. In the area of anti-dumping/anti-subsidies action, the measures provide for a reform of the decision-making process and the introduction of procedural time limits. In addition, the competence of the Court of First Instance was extended to cover this area (see point 9.6 above). The Council decision constitutes a partial acceptance of proposals submitted by the Commission in 1992 (decision-making process) (see 11th Annual Report, 1992) and in November 1993 (time limits). The decision was transformed into formal Community law in March 1994.

10.1 Reform of the decision-making process

The Council decision of 15 December 1993 recognises the fact that the requirement of a qualified majority for the imposition of definitive anti-dumping/anti-subsidy measures can delay, and sometimes impede, efficient action against unfair trade practices. In this connection, it should be asked that other country's legislation concerning the usage of trade defence instruments does not often even provide for a ministerial decision in this respect; thus, e.g. in the US, definitive measures are taken by administrative decision. In the Community, the imposition of definitive measures remains in the competence of the Council, but decisions will, as of 15 March 1994, be taken by simple majority.

10.2 Time limits in anti-dumping and anti-subsidy investigations

The excessive duration of anti-dumping and anti-subsidy procedures has been a major preoccupation in the Community for some time and provoked criticisms from the European Parliament, Member States, Community industries, importers and exporters, all of whom have condemned the length of these Community investigations. Excessive time delays cause uncertainties in the market place, reduce the likelihood that measures, once taken, have the desired effect, and contribute to creating a lack of confidence in the effectiveness of Community commercial policy. Thus, to maintain the credibility of this aspect of commercial defence it is necessary to propose corrective action to improve efficiency.

At present, investigations frequently take up to 18 months in the Community between the initiation and the provisional determination, which is nearly twice the time taken by, for example, the United States.

The short duration in the United States is due to several reasons. First, the scope of their investigations is more limited in that they neither apply a public interest test nor a "lesser duty rule", i.e. they automatically apply the full margin of dumping as a duty rather than investigating whether a lower amount would suffice. Furthermore, they have a simple decision-making process and they operate in one language, a situation which is also true for Canada and Australia.

However, the main reason for the short duration is that these countries operate mandatory legal limits which they are able to apply because they have allocated sufficient resources to the problem.

Certain of the differences between the EC and US systems outlined above will, of course, always remain and thus the most feasible solution is the introduction of mandatory time limits based on the practice of our major trading partners but adapted to the peculiarities of the EC. Thus, the time limits adopted for the EC are:

- a maximum 1 month from receipt of complaint to initiation or rejection of complaint;
- a maximum 9 months between initiation of investigation and provisional measures;
- a maximum time period between initiation of investigation and definitive conclusion which is 15 months for anti-dumping and 13 months for anti-subsidy procedures.

These time limits can, of course, only be adhered to if the necessary staff is made available to the anti-dumping/anti-subsidy services. Indeed a 50% reduction in the duration of investigations means that more work has to be done in a shorter time. While the consequences of the new system will be a gradual reduction in the number of cases in progress at any given time, the workload is increased at any point in time. Thus, it is imperative that the implementation of time limits and the recruitment of additional staff be accomplished in tandem.

The Council decision of 15 December 1993 recognises this need. The application of these time limits is, therefore, made dependent on a further proposal by the Commission once the additional staff is in place. It is, however, hoped that the new regulation will come into force by 1 April 1995.

10.3 Further measures to improve investigations and rules of procedures

The Council decision of 15 December also provides a basis for further procedural improvements¹⁹⁾. Thus, associations of industrial users and of consumers will be given the status of interested parties which, in particular, grants them better access to information in the course of an investigation. The possibilities for sampling where there are a large number of parties involved will be improved and the provisions with regard to the treatment of non or partial cooperators clarified. Finally, the provisional measures will in future be imposed for a full 6 months rather than (as currently) for 4 months with the possibility of extension for a further two months. All these measures enter into force together with the introduction of time limits (10.2 above).

19) These rules have also become effective on 15 March 1994.

11. DEVELOPMENTS IN THIRD COUNTRIES

11.1. TRANSITION TOWARDS MARKET ECONOMIES

In line with the agreements on trade and accompanying measures concluded between the Community and the Czech Republic, Hungary, Poland and the Slovak Republic, which came into force in 1992, the Community concluded Interim Agreements with Bulgaria and Romania. These agreements came into force on 31 December 1993 and 1 May 1993 respectively.

With the entry into force of these agreements, Bulgaria and Romania were eliminated from the list of non-market economy countries annexed to Council Regulation (EEC) No 1765/82²⁰). As a consequence, the "normal value" for goods originating in the countries concerned will, subsequent to the entry into force of the Agreements, be established according to the provisions of Article 2(3) of Regulation (EEC) No 2423/88 relating to market economies.

11.2. ADVICE TO THIRD COUNTRIES

As in previous years, the Commission's anti-dumping/anti-subsidy service continued to be approached by governments which are or intend to become signatories to the GATT Anti-Dumping/Anti-Subsidy Code, or are candidates for GATT membership, with a view to providing assistance, in the form of advice on how to establish commercial defence systems in the countries concerned. To the extent that the limited resources of the service permit such activity, the Commission attempts to respond favourably to such requests. It is, indeed, important that newly-created national systems respect the obligations resulting from the GATT rules, particularly with regard to the requirements of a fair process and the guarantee of full rights of defence for all parties concerned.

20) OJ No 195, 05.07.1982

11.3. DEFENCE OF EXPORT INTERESTS

The defence of interests of EC firms involved in anti-dumping and anti-subsidy procedures in third countries rests primarily upon the firms themselves, as all the information in the case of anti-dumping, and most of the information in the case of anti-subsidy, can only be provided by these firms.

Thus, the role of the Commission is limited to those cases in which substantive or procedural rules provided for under the GATT appear to have been violated. In such cases, the Commission may engage in bilateral consultations and, in the event that these are unsuccessful, may take the matter to the GATT Anti-Dumping or Subsidies Committee and, in certain circumstances, to a panel.

During 1993, the Commission requested the establishment of a panel following the imposition of countervailing duties by Brazil on imports of milk powder from the EC. The panel found that these duties had been imposed in violation of the Subsidies Code and recommended their appeal.

Consultations also took place with Argentina on countervailing measures against EC exports of dairy products and canned peaches.

In addition, the Commission has been active in defending the Community's interests in the US and Canadian steel cases, given the large volume of trade involved and the substantive issues which have arisen.

The Commission has held several rounds of anti-dumping and countervailing duty consultations on the first round of steel cases concerning lead and bismuth carbon steel, and it asked for conciliation by the GATT Subsidies Committee. Since no satisfactory results were achieved, the Community asked in June 1993 for the establishment of a panel under the Subsidies Code to decide on a large number of methodological issues the US Department of Commerce had applied. This panel has not yet produced its report.

In the meantime, a second wave of steel cases on flat-rolled steel products was initiated by the US Department of Commerce, and countervailing duties were imposed in 1993.

The Commission held extensive consultations on the preliminary and final determinations concerning the findings of dumping, subsidy and injury. In October and November 1993, two rounds of conciliation were held by both the Anti-Dumping Committee and the Subsidies Committee.

12. GATT ISSUES: URUGUAY ROUND NEGOTIATIONS

The Uruguay Round negotiations in which agreement on a new anti-dumping and subsidies Code played a major role were essentially concluded on 15 December 1993. At the same date, the Council approved the results achieved in these negotiations.

12.1 Anti-Dumping

Globally, the outcome of the negotiations in a new anti-dumping Code can be qualified as positive for the EC. There will be much greater legal certainty in the handling of the instrument which remains an efficient tool in combatting unfair trade practices. The new provisions also mean that there will be firm guidelines for the scrutiny of decisions by GATT panels, whilst ensuring that the discretion of the administering authorities (Commission and Council) remains within the limits set by the European Court of Justice.

More specifically, the following points are to be highlighted:

a) Maintained efficiency

To achieve its main objective, to maintain the efficiency of the instrument, the Community had to accept a compromise, in particular as regard the establishment of dumping. Thus, the new Code allows selling at a loss for a certain period in a start-up phase and specifies that up to 20% of sales included in the normal value may now be at a loss.

These novelties should, however, be measured against the fact that the Code contains a clearer set of rules, which should avoid dispute panels. Moreover, a considerable number of the new rules on the calculation of dumping margins closely reflect existing EC practice, e.g. with regard to the choice of overheads and profit to be used when constructing normal value, level of trade and the fair comparison of prices.

b) Reinforced disciplines and transparency

In this respect, the negotiations have been largely successful. All the EC proposals in this area have been adopted, i.e. precise rules on initiation, the subsequent investigation and the imposition of provisional or definitive measures.

The Code now contains clear and precise rules on cumulation and standing points, which if they had been left unaddressed would have very quickly led to panel disputes. It should also be noted that the new general rule on standing states that complaints must normally be supported by more than 50% of domestic production and in no case less than 25%.

The new code also contains firm guidelines on the termination of cases where the dumping or the share of import volume held by the exporter is de-minimis, thus increasing legal certainty in an area which has been very contentious in the past.

While many of the new rules are in line with existing Community practice, their introduction into the Code is important with regard to anti-dumping action by third Countries against Community exporters. This is particularly true with regard to the new "sunset" provision which obliges all countries, inclusive of the US which did not apply such rules in the past, to put an end to the application of a duty after 5 years unless the need for its continued action has been positively established.

c) Adaption of the Code to new realities of international trade

In this respect, the result of the negotiations is not fully satisfactory. It has, in particular, not been possible to agree on rules concerning the circumvention of anti-dumping duties, a point which for the Community was of great importance in view of the fact that its own legislation in this area had been found by a panel to be GATT inconsistent. However, the importance of the problem of circumvention was recognised in a Ministerial declaration; on this basis, the Community will continue to insist, in the GATT Anti-dumping Committee, that priority is given to finding a solution to this question. In the meantime, the Community anti-dumping legislation will have to be amended in order to bring it in full conformity with the GATT.

12.2 Anti-subsidy and compensatory duties

The text of the Agreement largely corresponds to the objectives that the Community wished to achieve in this sector of negotiation, though the final round of these negotiations led to changes on a number of points, in particular, in respect of the "green list" of non-actionable and non-counteravailable subsidies.

The new agreement contains, in comparison with the Subsidies Code of 1979, an important number of clarifications and improvements, notably on the definition of a subsidy, on its specific availability to certain enterprises and on the calculation of a subsidy in terms of benefit to the recipient. Prohibited per se are: export subsidies (de jure and de facto) and subsidies contingent upon the use of domestic over imported goods. All other subsidies are actionable or countervailable if they are found to cause adverse effects to the interests of another WTO Member, e.g. by causing injury to the industry producing a product "like" the subsidized product. Four "green" subsidy categories are exempted (i.e. they are not actionable or countervailable, provided they meet a number of precise conditions) i) generally available subsidies; ii) R&D subsidies (75% of the costs of industrial research and 50% of the costs of pre-competitive development may be subsidized); iii) regional assistance, iv) environmental assistance (limited to 20% of the cost of adaptation to new environmental requirements). The new subsidies agreement also contains special provisions for economies in transition and for developing countries, which eventually should lead to a gradual adopting of the full disciplines of this agreement by these countries.

The new Subsidies Agreement also provides for more clarity in respect of several injury issues, e.g. on the treatment of negligible imports and on the issue of cumulation of imports. Furthermore, the agreement makes clear the minimum proportion of Community industry which must support a complaint.

LIST OF ANNEXES

- A. Anti-dumping and anti-subsidy investigations initiated during the period 1 January to 31 December 1993
- B. Provisional duties imposed during anti-dumping and anti-subsidy investigations during the period 1 January to 31 December 1993
- C. Investigations concluded by the imposition of definitive duties during the period 1 January to 31 December 1993
- D. Investigations concluded on a finding of no dumping during the period 1 January to 31 December 1993
- E. Investigations concluded on a finding of no injury during the period 1 January to 31 December 1993
- F. Investigations concluded for other reasons during the period 1 January to 31 December 1993
- G. Investigations initiated by country of export during the period 1 January 1989 to 31 December 1993
- H. Investigations initiated by product sector during the period 1 January 1989 to 31 December 1993
- I. Reviews of anti-dumping and anti-subsidy investigations opened during the period 1 January to 31 December 1993
- J. Reviews of anti-dumping and anti-subsidy measures concluded by the amendment of definitive duties during the period 1 January to 31 December 1993
- K. Reviews of anti-dumping and anti-subsidy measures concluded by the imposition of definitive duties in lieu of price undertakings during the period 1 January to 31 December 1993
- L. Reviews of anti-dumping and anti-subsidy measures concluded by the acceptance of price undertakings in lieu of price undertakings during the period 1 January to 31 December 1993
- M. Reviews of anti-dumping and anti-subsidy measures concluded by the amendment of undertakings during the period 1 January to 31 December 1993

- N. Reviews of anti-dumping and anti-subsidy investigations concluded with no change in the measures in force during the period 1 January to 31 December 1993.
- O. Provisional duties imposed during review investigations during the period 1 January to 31 December 1993
- P. Reviews of anti-dumping and anti-subsidy measures concluded by the repeal or expiry of definitive duties during the period 1 January to 31 December 1993
- Q. Reviews of anti-dumping and anti-subsidy measures concluded by the repeal or expiry of undertakings during the period 1 January to 31 December 1993.
- R. Anti-dumping and anti-subsidy measures which expired during the period 1 January to 31 December 1993.
- S. Anti-dumping and anti-subsidy cases before the European Court of Justice in 1993.
- T. Anti-dumping measures in force as at 31.12.93

ANNEX AANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS INITIATED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Large aluminium electrolytic capacitors	S. Korea	C 67, 10.03.93, p. 7
Large aluminium electrolytic capacitors	Taiwan	C 67, 10.03.93, p. 7
Television Cameras	Japan	C 67, 10.03.93, p. 8
Refractory Chamottes	P.R. China	C104, 15.04.93, p. 8
Urea Ammonium Nitrate	Bulgaria	C123, 05.05.93, p. 5
Urea Ammonium Nitrate	Poland	C123, 05.05.93, p. 5
Watch Movements	Malaysia	C183, 06.07.93, p. 9
Watch Movements	Thailand	C183, 06.07.93, p. 9
Furfuraldehyde	P.R. China	C208, 31.07.93, p. 8
Synthetic Hand-Knitting Yarn	Turkey	C210, 04.08.93, p. 4
Ferro-silico-manganese	Russia	C210, 04.08.93, p. 5
Ferro-silico-manganese	Ukraine	C210, 04.08.93, p. 5
Ferro-silico-manganese	Georgia	C210, 04.08.93, p. 5
Ferro-silico-manganese	Brazil	C210, 04.08.93, p. 5
Ferro-silico-manganese	South Africa	C210, 04.08.93, p. 5
Sodium Carbonate(soda ash)	U.S.A.	C213, 06.08.93, p.12

ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS INITIATED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Furazolidone	P.R. China	C302, 09.11.93, p. 2
Microwave Ovens	P.R. China	C341, 18.12.93, p.12
Microwave Ovens	S. Korea	C341, 18.12.93, p.12
Microwave Ovens	Thailand	C341, 18.12.93, p.12
Microwave Ovens	Malaysia	C341, 18.12.93, p.12

ANNEX B

PROVISIONAL DUTIES IMPOSED DURING ANTI-DUMPING AND
ANTI-SUBSIDY INVESTIGATIONS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Bicycles	P.R. China	Commission Reg. (EEC)No. 550/93 05.03.93	L58,11.03.93 p. 12
Ferrochrome (low carbon)	Kazakhstan	Commission Reg. (EEC) No. 797/93 30.03.93	L80,02.04.93 p. 8
Ferrochrome (low carbon)	Russia	Commission Reg. (EEC) No. 797/93 30.03.93	L80,02.04.93 p. 8
Ferrochrome (low carbon)	Ukraine	Commission Reg. (EEC) No. 797/93 30.03.93	L80,02.04.93 p. 8
Microdisks	Japan	Commission Reg. (EEC) No. 920/93 15.04.93	L95,21.04.93 p. 5
Microdisks	Taiwan	Commission Reg. (EEC) No. 920/93 15.04.93	L95,21.04.93 p. 5
Microdisks	P.R. China	Commission Reg. (EEC) No. 920/93 15.04.93	L95,21.04.93 p. 5
Electronic Weighing Scales	Singapore	Commission Reg. (EEC)No. 1103/93 30.04.93	L112,06.05.93 p. 20
Electronic Weighing Scales	S. Korea	Commission Reg. (EEC)No. 1103/93 30.04.93	L112,06.05.93 p. 20
Ethanolamines	U.S.A.	Commission Reg. (EEC)No. 2172/93 30.07.93	L195,04.08.93 p. 5

ANNEX B (continued)

PROVISIONAL DUTIES IMPOSED DURING ANTI-DUMPING AND
ANTI-SUBSIDY INVESTIGATIONS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Fluorspar	P.R. China	Commission Reg. (EEC)No. 2463/93 01.09.93	L226,07.09.93 p. 3
Photo Albums	P.R. China	Commission Reg. (EEC)No. 2477/93 06.09.93	L228,09.09.93 p. 16
Ferro-silicon	P.R. China	Commission Reg. (EEC)No. 2581/93. 20.09.93	L237,22.09.93 p. 2
Ferro-silicon	S. Africa	Commission Reg. (EEC)No. 2581/93 20.09.93	L237,22.09.93 p. 2
Isobutanol	Russia	Commission Reg. (EEC)No. 2720/93 28.09.93	L246,02.10.93 p. 12
Television cameras	Japan	Commission Reg. (EEC)No. 3029/93 29.10.93	L271,30.10.93 p. 1

INVESTIGATIONS CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Synthetic fibres of polyester	India	Council Reg. (EEC)No. 54/93 08.01.93	OJ L 9, 15.01.93 p. 2
Synthetic fibres of polyester	S. Korea	Council Reg. (EEC)No. 54/93 08.01.93	OJ L 9, 15.01.93 p. 2
Outer rings of TRB (cups)	Japan	Council Reg. (EEC)No. 55/93 08.01.93	OJ L 9, 15.01.93 p. 7
DRAM's(1)	S. Korea	Council Reg. (EEC)No. 611/93 15.03.93	OJ L 66, 18.03.93 p. 1
Seamless steel(1) tubes	Hungary	Council Reg. (EEC)No.1189/93 14.05.93	OJ L 120, 15.05.93 p. 34
Seamless steel(1) tubes	Poland	Council Reg. (EEC)No.1189/93 14.05.93	OJ L 120, 15.05.93 p. 34
Seamless steel(1) tubes	Croatia	Council Reg. (EEC)No.1189/93 14.05.93	OJ L 120, 15.05.93 p. 34
Magnesium oxide (caustic magnesite)	P.R. China	Council Reg. (EEC)No.1473/93 14.06.93	OJ L 145, 17.06.93 p. 1
Bicycles	P.R. China	Council Reg. (EEC)No.2474/93 08.09.93	OJ L 228, 09.09.93 p.1

(1) Includes acceptance of certain undertakings.

ANNEX C (continued)INVESTIGATIONS CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Ferrochrome (low-carbon)	Kazakhstan	Council Reg. (EEC)No.2717/93 28.09.93	OJ L 246, 02.10.93, p.1
Ferrochrome (low-carbon)	Russia	Council Reg. (EEC)No.2717/93 28.09.93	OJ L 246, 02.10.93, p.1
Ferrochrome (low-carbon)	Ukraine	Council Reg. (EEC)No.2717/93 28.09.93	OJ L 246, 02.10.93, p.1
Microdisks	Japan	Council Reg. (EEC)No.2861/93 18.10.93	OJ L 262, 21.10.93 p.4
Microdisks	Taiwan	Council Reg. (EEC)No.2861/93 18.10.93	OJ L 262, 21.10.93 p.4
Microdisks	P.R. China	Council Reg. (EEC)No.2861/93 18.10.93	OJ L 262, 21.10.93 p.4
Electronic weighing scales	Singapore	Council Reg. (EEC)No.2887/93 20.10.93	OJ L 263, 22.10.93 p.1
Electronic weighing scales	S. Korea	Council Reg. (EEC)No.2887/93 20.10.93	OJ L 263, 22.10.93 p.1
Dead-burned magnesia	P.R. China	Council Reg. (EC)No.3386/93 06.12.93	OJ L 306,11.12.93 p.16
Photo albums	P.R. China	Council Reg. (EC)No.3664/93 22.12.93	OJ L 333, 31.12.93 p.67

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ANNEX D

INVESTIGATIONS CONCLUDED ON A FINDING OF NO DUMPING
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Bicycles	Taiwan	Com.Dec.93/485/EC 06.09.93	L 227, 08.09.93, p.70

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ANNEX E

INVESTIGATIONS CONCLUDED ON A FINDING OF NO INJURY
DURING THE PERIOD 1 JANUARY – 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Paint brushes	P.R. China	Com.Dec.93/325/EC 18.05.93	L127, 27.05.93 P. 15

ANNEX FINVESTIGATIONS CONCLUDED FOR OTHER REASONS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Manganese steel wearparts	S. Africa	Com.Dec.93/318/EEC 12.05.93	L122, 18.05.93 p. 46
Compact disc Players	Malaysia	Com.Dec.93/413/EEC 19.07.93	L185, 28.07.93 p. 51
Compact disc Players	Singapore	Com.Dec.93/413/EEC 19.07.93	L185, 28.07.93 p. 51
Compact disc Players	Taiwan	Com.Dec.93/413/EEC 19.07.93	L185, 28.07.93 p. 51
Unwrought Manganese	P. R. China	Com.Dec.93/519/EEC 28.09.93	L244, 30.09.93 p. 32
Seamless steel ⁽¹⁾ Tubes	Czech Republic	Com.Dec.93/526/EEC 06.10.93	L252, 09.10.93 p. 39
Seamless steel ⁽¹⁾ Tubes	Slovak Republic	Com.Dec.93/526/EEC 06.10.93	L252, 09.10.93 p. 39

(1) Originally opened against Czechoslovakia as one country.

ANNEX GINVESTIGATIONS INITIATED BY COUNTRY OF EXPORT
DURING THE PERIOD 1 JANUARY 1989 - 31 DECEMBER 1993

<u>Country of origin</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>
Albania	-	1	-	-	-
Argentina	-	1	-	-	-
Belarus	-	-	-	1	-
Brazil	-	4	-	1	1
Bulgaria	1	-	-	-	1
China P.R.	5	4	4	8	4
Czechoslovakia	1	-	1	-	-
Egypt	-	2	1	-	-
Georgia	-	-	-	1	1
Hong Kong	2	-	-	1	-
Hungary	1	-	1	-	-
India	-	4	-	-	-
Indonesia	1	1	-	-	-
Japan	2	3	5	-	1
Kazakhstan	-	-	-	1	-
Korea S.	1	5	1	3	2
Lithuania	-	-	-	1	-
Macao	1	-	-	-	-
Malaysia	-	-	-	2	2
Norway	-	1	-	-	-
Poland	1	-	2	1	1
Romania	2	-	-	1	-
Russia	-	-	-	3	1
Singapore	-	-	-	3	-
South Africa	-	-	-	2	1
Taiwan	1	1	2	1	1
Thailand	-	2	-	1	2
Trinidad & Tobago	-	1	-	-	-
Tunisia	-	-	-	1	-
Turkey	4	7	1	2	1
Turkmenistan	-	-	-	1	-
Ukraine	-	-	-	2	1
USA	-	1	-	1	1
USSR	1	2	1	-	-
Uzbekistan	-	-	-	1	-
Venezuela	1	-	-	-	-
Yugoslavia	2	3	1	-	-
	<u>27</u>	<u>43</u>	<u>20</u>	<u>39</u>	<u>21</u>

INVESTIGATIONS INITIATED BY PRODUCT SECTOR
DURING THE PERIOD 1 JANUARY 1989 TO 31 DECEMBER 1993

<u>Product</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>
Chemical and allied	6	8	4	10	5
Textiles and allied	9	14	-	-	1
Wood and paper	-	-	1	-	-
Electronics	3	6	4	-	7
Other mechanical engineering	3	6	4	-	2
Iron and Steel (EEC & ECSC)	2	9	6	3	-
Other metals	2	3	-	5	5
Other	1	2	-	8	1
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	27	43	20	39	21
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS OPENED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Polyester yarn (PTY) (newc)	Turkey	OJ C 76, 18.03.93, p. 3
Urea	Czech Republic	OJ C 87, 27.03.93, p. 7
Urea	Slovakia	OJ C 87, 27.03.93, p. 7
Urea	Belarus	OJ C 87, 27.03.93, p. 7
Urea	Georgia	OJ C 87, 27.03.93, p. 7
Urea	Tajikistan	OJ C 87, 27.03.93, p. 7
Urea	Uzbekistan	OJ C 87, 27.03.93, p. 7
Urea	Russia	OJ C 87, 27.03.93, p. 7
Urea	Ukraine	OJ C 87, 27.03.93, p. 7
Cotton yarn	Brazil	OJ C 131, 11.05.93, p. 2
Cotton yarn	Turkey	OJ C 131, 11.05.93, p. 2
Acrylic Fibres	Mexico	OJ C 154, 05.06.93, p.8
Potassium chloride (potash)	Belarus	OJ C 175, 26.06.93, p. 10
Potassium chloride (potash)	Russia	OJ C 175, 26.06.93, p. 10
Potassium chloride (potash)	Ukraine	OJ C 175, 26.06.93, p. 10

ANNEX I (continued)REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS OPENED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Potassium Permanganate	P.R. China	OJ C 248, 11.09.93, p. 9
Mini ball-bearings ⁽¹⁾	Thailand	OJ C 286, 22.10.93, p. 6
Disposable lighters	P.R. China	OJ C 343, 21.12.93, p.10
Welded tubes	Romania	OJ C 344, 22.12.93, p.5
Welded tubes	ex-Yugoslavia	OJ C 344, 22.12.93, p.5
Welded tubes	Turkey	OJ C 344, 22.12.93, p.5
Welded tubes	Venezuela	OJ C 344, 22.12.93, p.5

(1) Countervailing review investigation.

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES
CONCLUDED BY THE AMENDMENT OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of * origin</u>	<u>Document</u>	<u>OJ reference</u>
Electronic weighing scales	Japan	Council Reg. (EEC) No. 993/93 26.04.93	L104, 29.04.93 p. 4
Ball bearings ⁽¹⁾	Thailand	Council Reg. (EEC) No. 1781/93 30.06.93	L163, 06.07.93 p. 1
Polyolefin ⁽²⁾ woven bags	P.R. China	Council Reg. (EEC) No. 2346/93 23.08.93	L215, 25.08.93 p. 1
Monosodium ⁽³⁾ glutamate	Indonesia	Council Reg. (EEC) No. 2455/93 02.09.93	L225, 04.09.93, p. 1
Monosodium ⁽³⁾ glutamate	S. Korea	Council Reg. (EEC) No. 2455/93 02.09.93	L225, 04.09.93, p. 1
Monosodium ⁽³⁾ glutamate	Taiwan	Council Reg. (EEC) No. 2455/93 02.09.93	L225, 04.09.93, p. 1
Monosodium ⁽³⁾ glutamate	Thailand	Council Reg. (EEC) No. 2455/93 02.09.93	L225, 04.09.93, p. 1
Cotton yarn	Brazil	Council Reg. (EEC) No. 3203/93 22.11.93	L289, 24.11.93 p. 1
Cotton yarn	Turkey	Council Reg. (EEC) No. 3203/93 22.11.93	L289, 24.11.93 p. 1

(1) Definitive countervailing duty on indirect imports. Includes acceptance of undertakings on direct imports from Thailand. See Com. Dec. 93/381/EEC in L 163/35 of 6.7.93.

(2) Additional definitive duty.

(3) Includes acceptance of certain undertakings

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES
CONCLUDED BY THE AMENDMENT OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

Ferro-silicon	Iceland	Council Reg. (EEC)No. 3359/93 02.12.93	L302, 09.12.93 p. 1
Ferro-silicon	Norway	Council Reg. (EEC)No. 3359/93 02.12.93	L302, 09.12.93 p. 1
Ferro-silicon	Sweden	Council Reg. (EEC)No. 3359/93 02.12.93	L302, 09.12.93 p. 1
Ferro-silicon	Venezuela	Council Reg. (EEC)No. 3359/93 02.12.93	L302, 09.12.93 p. 1
Ferro-silicon	Brazil	Council Reg. (EEC)No. 3359/93 02.12.93	L302, 09.12.93 p. 1
Artificial(1) corundum	P.R. China	Council Reg. (EEC) No. 2552/93 13.09.93	L235, 18.09.93 p.1
Artificial(1) corundum	Russia	Council Reg. (EEC) No. 2552/93 13.09.93	L235, 18.09.93 p.1
Artificial(1) corundum	Ukraine	Council Reg. (EEC) No. 2552/93 13.09.93	L235, 18.09.93 p.1

(1) Imposition of definitive, residual duties.

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES
CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES
IN LIEU OF PRICE UNDERTAKINGS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

Ferro-silicon(1)	Russia	Council Reg. (EEC)No. 3359/93 02.12.93	L302, 09.12.93 p. 1
Ferro-silicon(1)	Kazakhstan	Council Reg. (EEC)No. 3359/93 02.12.93	L302, 09.12.93 p. 1
Ferro-silicon(1)	Ukraine	Council Reg. (EEC)No. 3359/93 02.12.93	L302, 09.12.93 p. 1

(1) Review investigation originally opened with regard to the former USSR as one entity

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES
CONCLUDED BY THE ACCEPTANCE OF PRICE UNDERTAKINGS
IN LIEU OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
EPROMs	Japan	Com. Dec. 93/538/EEC 18.10.93	L262, 21.10.93, p.64

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ANNEX M

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES CONCLUDED BY
THE AMENDMENT OF UNDERTAKINGS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Binder and baler twine	Brazil	Com.Dec. 93/521/EEC 03.09.93	L251, 08.10.93 p. 28

ANNEX NREVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS
CONCLUDED WITH NO CHANGE IN THE MEASURES IN FORCE
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Disposable lighters	P.R. China	Com.Dec. 93/377/EEC 22.06.93	L158, 30.06.93 p. 43
Polyester yarn	Turkey	Com.Dec. 93/537/EEC 12.10.93	L261, 20.10.93 p. 41

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ANNEX O

PROVISIONAL DUTIES IMPOSED DURING REVIEW INVESTIGATIONS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Mini ball ⁽¹⁾ bearings	Thailand	Com.Reg. (EEC) No. 527/93 05.03.93	L56, 09.03.93 p. 24
Disposable ⁽²⁾ lighters	Thailand	Com.Reg. (EEC) No. 2957/93 26.10.93	L267, 28.10.93 p. 2

(1) Provisional countervailing duty

(2) Provisional duty imposed as a result of withdrawal of undertaking

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES CONCLUDED
BY THE REPEAL OR EXPIRY OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Electronic type-writers	Japan	Com.Dec. 93/376/EEC 16.06.93	L157, 29.06.93 p. 76
Compact disc players	Japan	Council Reg. (EEC) No. 2347/93 24.08.93	L215, 25.08.93 p. 4
Compact disc players	S. Korea	Council Reg. (EEC) No. 2347/93 24.08.93	L215, 25.08.93 p. 4
Ball-bearings	Singapore	Council Reg. (EEC) No. 2553/93 13.09.93	L235, 18.09.93 p. 3
Tapered roller bearings	Japan	Council Reg. (EEC) No. 2655/93 27.09.93	L244, 30.09.93 p. 1
Ferro-silicon	Former Yugoslavia	Council Reg. (EEC) No. 2359/93 02.12.93	L302, 09.12.93 p. 1
Outboard motors	Japan	Com.Dec. 93/672/EEC 09.12.93	L310, 14.12.93 p. 42

ANNEX Q

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES CONCLUDED
BY THE REPEAL OR EXPIRY OF UNDERTAKINGS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Binder and baler twine	Mexico	Com.Dec. 93/521/EEC 03.09.93	L251, 08.10.93 p. 28

ANNEX RANTI-DUMPING AND ANTI-SUBSIDY MEASURES WHICH EXPIRED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1993

<u>Product</u>	<u>Country of origin</u>	<u>Type of measure</u>	<u>OJ reference</u> ⁽¹⁾
Herbicide ⁽²⁾	Romania	Undertakings	L26, 30.01.88
Roller chains ⁽³⁾ for cycles	P.R. China	Duty	L115, 03.05.88
Inner tubes and ⁽⁴⁾ tyre cases for bicycles	S. Korea	Undertakings	L134, 31.05.88
Inner tubes and ⁽⁴⁾ tyre cases for bicycles	Taiwan	Undertakings	L134, 31.05.88
Oxalic acid ⁽⁵⁾	Taiwan	Undertakings	L160, 28.06.88
Oxalic acid ⁽⁵⁾	Taiwan	Duty	L184, 15.07.88
Oxalic acid ⁽⁵⁾	S. Korea	Duty	L184, 15.07.88
Iron or steel ⁽⁶⁾ sections	Turkey	Duty	L313, 19.11.88
Iron or steel ⁽⁶⁾ sections	Former Yugoslavia	Duty	L313, 19.11.88
Dot matrix ⁽⁷⁾ printers	Japan	Duty	L317, 24.11.88

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

(2) Notice of expiry was published in OJ C 22, 26.01.93

(3) Notice of expiry was published in OJ C 113, 23.04.93

(4) Notice of expiry was published in OJ C 144, 25.05.93

(5) Notice of expiry was published in OJ C 186, 08.07.93

(6) Notice of expiry was published in OJ C 303, 10.11.93

(7) Notice of expiry was published in OJ C 311, 17.11.93

ANNEX SANTI-DUMPING AND ANTI-SUBSIDY CASES BEFORE
THE EUROPEAN COURT OF JUSTICE IN 1993

Case 104/90	Matsushita Electrical Industrial Co. Ltd v. Council ⁽¹⁾
Case 124/91	Phoenix Electric Co. Ltd. v. Council ⁽²⁾
Case 136/91	Findling Wälzlager Handels-GmbH. v. Hauptzollamt Karlsruhe ⁽³⁾
Case 216/91	Rima Eletrometalurgia S.A. (RIMA) v. Council ⁽⁴⁾
Case 223/91	Ajinomoto Co. Inc. v. Council
Case 224/91	The Nutrasweet Company v. Council
Case 61/92	Sinochem Heilongjiang v. Council
Case 75/92	Gao Yao (Hong Kong) Hua Fa Industrial Co. Ltd v. Council
Case 90/92	Dr. Tretter GmbH and Co. v. Hauptzollamt Stuttgart Ost. ⁽⁵⁾
Case 346/92	NMB France Sarl and others v. Commission
Case 423/92	NTN Corporation v. Council
Case 8/93	Ferchimex S.A. v. Council
Case 10/93	Koyo Seiko v. Council
Case 263/93	Koyo Seiko v. Council
Case 326/93	Detlef Nölle v. Council and Commission
Case C477/93	Shanghai Bicycle Corporation Group v. Council

(1) Judgement rendered on 13.10.93

(2) Case withdrawn

(3) Judgement rendered on 01.04.93

(4) Judgement rendered on 01.12.93

(5) Judgement rendered on 24.06.93

ANNEX I

ANTI-DUMPING MEASURES IN FORCE AS AT 31.12.93

<u>Product</u>	<u>Origin</u>	<u>Measure</u>	<u>Regulation/Decision</u>	<u>Publication</u>
Acrylic fibres	Mexico	duty undertakings	Council Reg. (EEC)No.3121/89 16.10.89	OJ L 301 19.10.89,p.1
Artificial corundum	C.S.S.R. Hungary Poland Brazil Yugoslavia	undertakings	Com.Dec. 91/512/EEC 23.7.91	OJ L 275 02.10.91,p.27
	P.R. China Russia Ukraine	duties	Council Reg. (EEC)No.2552/93 13.09.93	OJ L 235 18.09.93,p. 1
Asbestos cement pipes	Turkey	undertakings	Com.Dec.91/392/EEC 21.06.91	OJ L 209 31.7.91,p.37
Aspartame	Japan U.S.A.	duties	Council Reg. (EEC)1391/91 27.5.91	OJ L 134 29.5.91,p. 1
Audio tapes in cassettes	Japan S. Korea	duties	Council Reg. (EEC)No.1251/91 13.5.91	OJ L 119 14.5.91,p.35
Ball bearings (miniature)	Japan	duties	Council Reg. (EEC)No.2685/90 17.9.90	OJ L 256 20.9.90,p.1
	Thailand	undertakings (countervailing) duties	Com.Dec.99/381/EEC 01.07.93 Council Reg. (EEC)No.1781/93 01.07.93	OJ L 163 06.07.93,p.35 OJ L 163 06.07.93,p. 1
Ball bearings (>30mm)	Japan	duties	Council Reg. (EEC)No.2849/92 28.09.92	OJ L 286 01.10.92, p.2
Barium-chloride	P.R. China	duties	Council Reg. (EEC)No.541/91 4.3.91	OJ L 60, 7.3.91,p.1

Bicycles	P.R. China	duties	Council Reg. (EEC)No.2474/93 08.09.93	OJ L 228, 09.09.93,p.1
Car radios	S. Korea	duties	Council Reg. (EEC)No.2306/92 04.08.92	OJ L 222 07.08.1992,p.8
Container corner fittings	Austria	undertakings	Com.Dec.92/313/EEC 13.06.92	OJ L 165 19.6.92,p.37
Copper sulphate	Bulgaria U.S.S.R	duties	Council Reg. (EEC)No.176/89 23.1.89	OJ L 23 27.1.89,p.1
Cotton yarn	Brazil Turkey	duties	Council Reg. (EEC)No.738/92 23.3.92	OJ L 82 27.3.92,p.1
		duties	Council Reg. (EC)No.3203/93 22.11.93	OJ L 289 24.11.93,p.1
Daisy wheel printers	Japan	duty	Council Reg. (EEC)No.34/89 05.01.89	OJ L 5 07.01.89,p.23
Dicumyl peroxide	Japan	undertaking	Com.Dec.89/573/EEC 30.10.89	OJ L 317 31.10.89,p.49
Diesel engines	Finland Sweden	undertakings	Com.Dec.90/138/EEC 16.03.90	OJ L 76 22.3.90,p.28
Dihydrostreptomycin	P.R. China	duties	Council Reg. (EEC)No.3836/91 19.12.91	OJ L 362 31.12.91,p.1
D R A M's	Japan	undertakings	Commission Reg. (EEC)No.165/90 23.1.90	OJ L 20 25.1.90,p.5
		undertaking	Commission Dec. 92/494/EEC 12.10.92	OJ L 299 15.10.92,p.43
		duties	Council Reg. (EEC)No.2112/90 23.7.90	OJ L 193 25.7.90,p.1
	S. Korea	duties	Council Reg. (EEC)No. 611/93 15.03.93	OJ L 66 18.03.93,p.1
		undertakings	Com.Dec.93/157/EEC 04.03.93	OJ L 66 18.03.93,P.37

Electrolyte capacitors	Japan	duty	Council Reg. (EEC)No.3482/92 30.11.92	OJ L 353 03.12.92,p.1	
Electronic weighing scales	Japan	duty	Council Reg. (EEC)No.993/93 26.04.93	OJ L 104 29.4.93,p.4	
	S. Korea Singapore	duty	Council Reg. (EEC)No.2887/93 20.10.93	OJ L 263 22.10.93,p.1	
EPROM's	Japan	duties	Council Reg. (EEC)No.577/91 04.03.91	OJ L 65, 12.03.91, p.1	
		undertakings	Com.Dec.91/131/EEC	OJ L 65, 12.03.91	
			Com.Dec.93/538/93	OJ L 262, 21.10.93,p.64	
Espadrilles	P.R. China	duties	Council Reg. (EEC)No.1812/91 24.6.91	OJ L 166, 28.6.91, p. 1	
Ferroboron	Japan	duties	Council Reg. (EEC)No.2036/90 16.7.90	OJ L 187 19.7.90, p. 1	
Ferrochrome (low-carbon)	Kazakhstan Russia Ukraine	duties	Council Reg. (EEC)No.2717/93 28.09.93	OJ L 246 02.10.93,p. 1	
Ferrosilicon	Brazil Russia Kazakhstan Ukraine Iceland Norway Sweden Venezuela	duty	Council Reg. (EC)No.3359/93 02.12.93	OJ L 302 09.12.93,p.1	
		Egypt	undertaking	Commission Reg. 92/331/EEC 30.06.92	OJ L 183 03.07.92,p.40
		Poland Egypt	duty	Council Reg. (EEC)No.3642/92 14.12.92	OJ L 369 18.12.92,p.1
		Poland	undertaking	Commission Dec. 92/572/EEC 14.12.92	OJ L 369 18.12.92,p.32

Glutamic acid (monosodium glutamate)	Indonesia	duties	Council Reg. (EEC)No.2455/93 2.9.93	OJ L 225 4.9.93, p. 1
	Korea Taiwan Thailand			
		undertakings	Commission Dec. 93/497/EEC 30.07.93	OJ L 225 04.04.92, p.35
Lighters (disposable)	Japan	duties	Council Reg. (EEC)No.3433/91 25.11.91	OJ L 326, 28.11.91, p.1
	P.R. China S.Korea Thailand			
	Thailand	undertaking	Com.Dec.91/604/EEC 25.10.91	OJ L 326, 28.11.91, p.31
Linear tungsten halogen lamps	Japan	duty	Council Reg. (EEC)No. 117/91 16.01.91	OJ L 14, 19.01.91, p. 1
Magnesia (deadburned)	P.R. China	duty	Council Reg. (EC)No.3386/93 06.12.93	OJ L 306, 11.12.93, p.16
Magnesium oxide (caustic magnesite)	P.R. China	duty	Council Reg. (EEC)No.1473/93 14.06.93	OJ L 145, 17.06.93, p. 1
Methenamine (hexamethylene- tetramine)	Bulgaria C.S.S.R. Poland Romania	undertakings	Com.Dec.90/196/EEC 10.4.90	OJ L 104 24.4.90, p.14
Microdisks	Japan Taiwan P.R. China	duties	Council Reg. (EEC)No.2861/93 18.10.93	OJ L 262 21.10.93, p.4

Outer rings of TRBs (cups)	Japan	duties	Council Reg. (EEC)No. 55/93 08.01.93	OJ L 9 15.01.93,p.7
Oxalic acid	Brazil	undertakings	Com.Dec.90/378/EEC 13.7.90	OJ L 184 17.7.90,p.
	India P.R. China	duties	Council Reg. (EEC)No.3434/91 25.11.91	OJ L 326 28.11.91,p.6
Paracetamol	P.R.China	duty	Council Reg. (EEC)No.3923/88 12.12.88	OJ L 348 17.12.88,p.1
Photo albums	S. Korea Hong Kong	undertakings	Com.Dec.90/241/EEC 22.5.90	OJ L 138 31.5.90, p.48
	P.R. China	duty	Council Reg. (EC)No.3664/93 22.12.93	OJ L 333
Plain paper photocopiers	Japan	duty	Council Reg. (EEC)No.535/87 23.2.87	OJ L 54 24.2.87,p.12
		undertakings	Com.Dec.87/135/EEC 23.2.87	OJ L 54 24.2.87,p.56
			Com.Dec.88/519/EEC 17.10.88	OJ L 284 19.10.88,p.60
			Com.Dec.88/638/EEC 16.11.88	OJ L 355 23.12.88,p.66
			Com.Dec.89/116/EEC 23.12.88	OJ L 43 15.2.89,p.54
			Com.Dec.89/309/EEC 28.4.89	OJ L 126 9.5.89,p.38
Polyester fibres and yarns	Turkey	undertaking (countervailing)	Com.Dec.91/511/91 23.09.91	OJ L 272, 28.9.91,p.92
Polyester fibres (synthetic)	South Korea	duties	Council Reg. (EEC)No.3905/88 12.12.88	OJ L 347 16.12.88,p.10
	Taiwan Turkey			
Polyester yarns	Taiwan	duties	Council Reg. (EEC)no.830/92 30.03.92	OJ L 88 03.04.92,p.1
	Indonesia			
	India			
	P.R. China			
	Turkey			
Polyolefin woven bags	P.R. China	duties	Council Reg. (EEC)No.3308/90 15.11.90	OJ L 318 17.11.90,p.2
		additional duties	Council Reg. (EEC)No.2346/93 23.08.93	OJ L 215 25.08.93,p.1

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Potassium chloride	Belarus Russia Ukraine	duties	Council Reg. (EEC)No.3068/92 23.10.92	OJ L 308 24.10.92,p.41
Potassium permanganate	P.R.China	duty	Council Reg. (EEC)No.1531/88 31.5.88	OJ L 138 3.6.88,p.1
	C.S.S.R.	duty	Council Reg. (EEC)No.385/90 12.2.1990	OJ L 42 16.2.90,p.1
Seamless steel tubes	Hungary Poland Croatia	duty	Council Reg. (EEC)No.1189/93 14.05.93	OJ L 120 15.05.93,p.34
		undertakings	ComDec93/260/EEC 14.05.93	OJ L 120 15.05.93,p.42
Semi-finished products of alloy steel	Brazil Turkey	duty undertaking	ComDec1775/92/ECSC 30.06.92	OJ L 182 02.07.92,p.23
Sheets and plates of iron or steel	Slovenia Macedonia Montenegro Serbia	duty	Com.Dec. 2297/92/ECSC 31.07.92	OJ L 221 06.08.92,p.36
Silicon carbide	Norway Poland P.R. China U.S.S.R	undertakings	Com.Dec.86/497/EEC 7.10.86	OJ L 287 10.10.86,p.25
Silicon metal	P.R. China	duty	Council Reg. (EEC)No.2200/90 27.7.90	OJ L 198 28.7.90, p.57
		additional duty	Council Reg. (EEC)No.1607/92 22.6.92	OJ L 170 25.6.92, p. 1
	Brazil	duty	(EEC)No.2305/92 04.08.92	07.08.92, p.1
Sisal twine (binder and baler)	Brazil	undertakings	Com.Dec.93/521/EEC 03.09.93	OJ L 251 08.10.93

Sodium carbonate	Bulgaria Poland Romania	duties	Council Reg. (EEC)No.1306/89 11.5.89	OJ L 131 13.5.89,p.4
Steel, flat-rolled, non-alloy	Yugoslavia	duty	Com.Dec.2031/89/ECSC 6.7.89	OJ L 193 8.7.89,p.11
Synthetic textile fibres of polyester	Romania Taiwan Turkey Serbia Montenegro FYR Macedonia	duties	Council Reg. (EEC)No.3017/92 19.10.92	OJ L 306 22.10.92,p. 1
	India S. Korea	duties	Council Reg. (EEC)No. 54/93 08.01.93	OJ L 9, 15.01.93,p. 2
Televisions (small-screen colour)	S. Korea	duties	Council Reg. (EEC)No.1048/90 25.04.90	OJ L 107 27.4.90,p.56
	P.R. China Hong-Kong	duties	Council Reg. (EEC)No.2093/91 15.07.91	OJ L 195 18.7.91,p.1
Thermal paper	Japan	duties	Council Reg. (EEC)No. 729/92 16.03.92	OJ L 81 26.03.92,p.1
		undertakings	Com.Dec.92/177/EEC 16.03.92	OJ L 81 26.03.92,p.22
Tungsten carbide and fused tungsten carbide	P.R. China	duties	Council Reg. (EEC)No.2737/90 24.9.90	OJ L 264 27.9.90,p.7
		undertakings	Com.Dec.90/480/EEC 24.9.90	OJ L 264 27.9.90,p.59
Tungsten ores and concentrates	P.R. China	duties	Council Reg. (EEC)No.2735/90 24.9.90	OJ L 264 27.9.90,p.1
		undertakings	Com.Dec.90/478/EEC 24.9.90	OJ L 264 27.9.90,p.55
Tungstic oxide and acid	P.R. China	duties	Council Reg. (EEC)No.2736/90 24.9.90	OJ L 264 27.9.90,p.4
		undertakings	Com.Dec.90/479/EEC 24.9.90	OJ L 264 27.9.90,p.57

Typewriter ribbons	P.R. China undertakings		Com.Regulation (EEC)No.1937/90	OJ L 174 4.7.90,p.27
	duties		Council Reg. (EEC)No.3200/90 5.11.90	OJ L 306 6.11.90,p.21
Urea	Austria undertakings		Com.Dec.89/143/EEC 21.2.89	OJ L 52 24.2.89,p.37
	Hungary			
	Malaysia			
	Romania			
	C.S.S.R undertakings		Council Reg. (EEC)No.3339/87 4.11.87	OJ L 317 7.11.87,p. 1
	Kuwait			
	U.S.S.R			
	Yugoslavia			
	U.S.A. duties		Council Reg. (EEC)No.450/89 20.2.89	OJ L 52 24.2.89,p.1
	Venezuela			
Video cassette recorders	Japan duties		Council Reg. (EEC)No.501/89 27.2.89	OJ L 57 28.2.89,p.57
	S. Korea			
	undertakings		Council Dec. 89/148/EEC,27.2.89	OJ L 57 28.2.89,p.61
Video cassette tapes	Hong Kong duties		Council Reg. (EEC)No.1768/89 19.6.89	OJ L 174 22.6.89,p.1
	South Korea			
	Hong Kong undertakings		Com.Dec.89/376/EEC 19.6.89	OJ L 174 22.6.89,p.30
	P.R. China duties		Council Reg. (EEC)No.3091/91 21.10.91	OJ L 293 24.10.91,p.2
Welded tubes of iron or steel	Romania duties		Council Reg. (EEC)No. 868/90 2.4.90	OJ L 91, 6.4.90, p.8
	Yugoslavia			
	undertakings		Com.Dec.90/166/EEC 2.4.90	OJ L 91 6.4.90, p.36
	Turkey duties		Council Reg. (EEC)No. 898/91 8.4.91	OJ L 91 12.4.91, p.1
	Venezuela			

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mesh

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