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FOURTEENTH ANNUAL REPORT FROM THE COMMISSION
TO THE
EUROPEAN PARLIAMENT

O N

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

(1995)

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FOURTEENTH 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 Relations on the anti-dumping policy of the European Community⁴.

The report concentrates mainly on the Community's activities during 1995, but for the purpose of comparison, the number of anti-dumping and anti-subsidy investigations initiated and concluded by the Community in the years 1991 to 1995, together with a breakdown of the type of measures taken, are summarized in Table 1 below.

For 1995, a concise commentary on each case opened, each provisional and definitive measure taken, and each case terminated without measures, is given in sections 3, 4, 5 and 6 of this report.

2. GENERAL OVERVIEW - MEASURES IN FORCE

At the end of 1995, the Community had 147 measures in force, 10 of which were in the form of undertakings where no residual duty was in application. Of these 147 measures, 129 were original measures and 17 were maintained following a review in accordance with article 15 of Council Reg. (EEC)No. 2423/88. It is, however, very important to note that these measures affect only 0.83% of the total of imports to the Community.

Of all of the measures in force at the end of 1995, 56 or 38.3% of the total were imposed against the then state trading countries⁵, including the P.R. China with 30 measures. Since 1991, measures have been imposed in respect of Central and Eastern European countries (CEECs) in only 11 cases altogether. The other countries most involved since 1991 were Japan with 12 measures, S. Korea with 9, Turkey with 7 and Taiwan with 6.

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; COM(93)516 final; COM(95)16 final and COM (95)309 final

² In accordance with Council Reg. (EEC)No. 2423/88, OJ L 209 of 02.08.1988, replaced by Council Reg. (EC)No. 3283/94, OJ L 349 of 31.12.1994 ; and Commission Decision No. 2424/88/ECSC, OJ L 209 of 02.08.88.

³ OJ no. C 11, 18.01.82, p. 37

⁴ PE 141.178/fin of 30.11.1990, rapporteur Mr. Gijs DE VRIES

⁵ 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.

TABLE 1

Anti-dumping and anti-subsidy investigations
during the period 1 January 1991 - 31 December 1995

	1991	1992	1993	1994	1995
Investigations in progress at the beginning of the period	59	46	57	51	65
Investigations initiated during the period	20	39	21	43	33
Investigations in progress during the period	79	85	78	94	98
Investigations concluded by :					
- imposition of definitive duty	19	16	19	19	13
- acceptance of price undertakings	3	-	-	2	-
- determination of no dumping	1	1	1	5	-
- determination of no subsidisation	-	-	-	-	-
- determination of no injury	6	4	1	1	4
- other reasons	4	7	6	2	4
Total investigations concluded during the period	33	28	27	29	21
Investigations in progress at the end of the period	46	57	51	65	77
Provisional duties imposed during the period	19	18	16	25	21

A more realistic measurement of the impact of anti-dumping measures is, however, the trade value of the product concerned, and this, clearly, varies enormously depending on the product sector. The biggest trade values are generated by high-technology, high added value products, such as electronics, where economies of scale are primordial. On these terms, the measures against Japan take first place, representing 26.9% of the total trade value affected by all measures. At the same time, imports into Japan from the Community of the equivalent products were practically zero.

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

3.1. OVERVIEW

In 1995, 33 investigations were initiated involving imports from 18 countries. The People's Republic of China featured most prominently, with 5 initiations, closely followed by Indonesia, South Korea and Thailand with 4 initiations apiece. Details of these initiations are given in Annex A.

In the five-year period from 1991 to 1995, 156 investigations were initiated involving imports from 38 countries. The countries most involved were the People's Republic of China with 26 investigations, Thailand with 12, S. Korea with 10 and Indonesia, Japan, Malaysia and Russia with 8 investigations each. The investigations initiated over the last five years are broken down by country of export in Annex F.

The sectors most involved in these investigations during the period 1991 - 1995 were those of electronics, chemicals and textiles, with 35, 26 and 22 initiations respectively. Indeed, in 1995, the largest number of initiations took place in the electronics sector, which has also featured strongly in the four previous years. A breakdown by product sector is given in Annex G.

A summary of each investigation opened in 1995 can be found below.

3.2. CASES

3.2.1. Footwear with textile uppers from the P.R. China and Indonesia

The notice of initiation of an anti-dumping proceeding was published on the 22 February 1995 with regard to imports into the Community of certain footwear with textile uppers originating in the People's Republic of China and Indonesia. The proceeding was initiated following a complaint lodged by the European Confederation of Footwear Manufacturers on behalf of national footwear federations whose members allegedly represent a major proportion of Community production.

The complaint contained evidence of significant dumping based, in the case of Indonesia, on a comparison of prices charged for export to the Community with domestic prices of the like product in Indonesia, and in the case of the P.R. China, on the basis of a comparison of export prices with the domestic prices charged for the like product in Thailand, the latter being considered to be an appropriate analogue market for China.

With regard to injury, it was alleged that the market share of these two countries had increased from 25.2% to 44.3% between 1990 and 1993, and that this increase in market share was accompanied by substantial price undercutting. It was further claimed that the market share of the Community industry, together with its profits and production had decreased significantly. In addition, decreases in employment and plant closures were alleged.

3.2.2. Footwear with leather or synthetic uppers from P.R. China, Indonesia and Thailand

The notice of initiation of a proceeding was published on the 22 February 1995 with regard to footwear with leather or synthetic uppers originating in the P. R. China, Indonesia and Thailand. The complaint had also been lodged by the European Confederation of Footwear Manufacturers on behalf of national footwear federations, whose members allegedly represent a major proportion of Community production.

The complaint contained evidence of significant dumping based on a comparison of the prices charged for export to the Community and domestic prices of the like product in Indonesia and Thailand, the latter being considered an appropriate reference country for China.

With regard to injury, it was alleged that the market share of the three countries concerned increased from 7% in 1990 to 20.6% in 1993 and that this market share increase was accompanied by substantial price undercutting. The consequent impact on the Community industry is alleged to be decreased production and employment, together with decreasing profitability and plant closures.

3.2.3. Disposable flint lighters from the Philippines and Mexico

The notice of initiation of an anti-dumping proceeding was published on 18 March 1995 with regard to imports of gas-fuelled, non-refillable pocket flint lighters originating in the Philippines and in Mexico, following two complaints lodged by several Community producers allegedly acting on behalf of a major proportion of Community production.

The complaints contained evidence of significant dumping based on a comparison of export prices to the Community with domestic prices in the Philippines and in Mexico.

With regard to injury, it was alleged that the Filipino exporters' market share had substantially increased, from 0.6% in 1989 to more than 5% in 1993, and that the Mexican exporters' share, starting from zero in 1989, had reached 6% in 1993. It was furthermore alleged that this increase had been achieved by low export prices undercutting those of the Community industry, which caused the latter to lose market share, face price depression and incur financial losses.

3.2.4. 3.5" Microdisks from Canada, Indonesia, Macao and Thailand

The notice of initiation of an anti-dumping proceeding was published on 6 April 1995 with regard to imports of 3.5" microdisks originating in Canada, Indonesia, Macao and Thailand, following a complaint lodged by the Committee of European Diskette Manufacturers (DISKMA), which was also the complainant in three prior proceedings; the first involved Japan, Taiwan and the People's Republic of China (definitive duties in October 1993); the second, Hong Kong and South Korea (definitive duties September 1994); the third, Malaysia, Mexico and the United States (provisional duties in October 1995 - see Section 4.2.10 of this report).

The complaint contained evidence of substantial dumping based on a comparison between export prices to the Community and normal values constructed for each of the countries concerned on the basis of average and typical production costs in Canada, plus a reasonable profit margin. For Indonesia, Macao and Thailand, adjustments were made to reflect differences in production costs.

With regard to injury, it was claimed that imports from the countries concerned had increased significantly both absolutely and in terms of market share. It was further alleged that the volumes and prices of the imported products had had a negative impact on the Community industry's prices, which, together with other effects, had adversely and substantially affected the industry's financial situation.

3.2.5. Sacks and bags of polyethylene and polypropylene originating in India, Indonesia and Thailand

The notice of initiation of an anti-dumping proceeding was published on 13 April 1995 with regard to imports of bags and sacks made of polyethylene or polypropylene originating in India, Indonesia and Thailand, following a complaint lodged by the European Association for Textile Polyolefins (EATP).

The product allegedly being dumped is woven sacks and bags of a kind used for a packaging of goods, not knitted or crocheted, obtained from a polyethylene or polypropylene strip or the like of woven fabrics weighing 120gr/m² or less.

The complaint contained evidence of significant dumping based on a comparison of normal value established on the basis of constructed value with the export price of the product concerned to the Community.

With regard to injury, it was alleged that the three countries cited significantly increased their imports in absolute terms and in terms of market share. The volume and prices of the imported products have had a negative impact on the quantities sold and prices charged by the Community producers, which has, in turn, had a substantial adverse impact on the financial situation of the Community industry.

3.2.6. Furfuryl alcohol originating in the P.R. China and Thailand

The notice of initiation of an anti-dumping proceeding was published on 19 April 1995 concerning the imports into the E.U. of furfuryl alcohol originating in the People's Republic of China and Malaysia. The complaint was lodged by Quaker Oats Chemicals (Q.O.), allegedly acting on behalf of a major proportion of Community industry.

The product concerned is furfuryl alcohol (FAA), which is a chemical commodity belonging to the compound family called "furans". It is mainly used in the resin manufacturing industry and, in a higher purity state, in the pharmaceutical industry.

The complaint contained evidence of significant dumping based on a comparison of export prices of the product concerned to the Community and the constructed normal value in Thailand, the latter also being considered as an appropriate analogue country for the People's Republic of China.

With regard to injury, it was alleged that the combined market share of the two countries concerned had risen from slightly over 0% in 1988 to 18.9% in 1991. The complainant estimated that the market share of the two countries cited reached 16.1% in 1993 and projected that this share would reach 28.9% in 1994. It was, furthermore, claimed that Community prices were being significantly undercut and that an overall price suppression was taking place. The complaint claimed that, as a consequence, the Community industry was suffering reduced capacity utilization and declining sales.

3.2.7. Video cassette recorders originating in South Korea and Singapore and key components thereof originating in South Korea

The notice of initiation of an investigation was published on 25 April 1995 with regard to imports of video cassette recorders (VCRs) from S. Korea and Singapore and certain key components thereof (i.e. scanners and video heads) originating in S. Korea. The complaint was lodged by the Direct Remedy against Unfair Merchandise Committee (DRUM).

The complaint contained evidence of significant dumping. The allegation of dumping for VCRs was based on a comparison of normal values based on domestic prices with the export prices of the product concerned to the Community. The allegation of dumping for key components was based on comparing constructed normal values with constructed export prices of the products concerned.

With regard to injury, it was alleged that VCR imports from S. Korea and Singapore increased significantly in absolute terms and in terms of market share, and that this increase was accompanied by substantial price undercutting. The volume and prices of imported VCRs were claimed to have had a negative impact on the quantities sold and prices charged by the Community producers, which, together with other effects, have had a substantial adverse effect on the financial situation of the Community industry.

For key components, the complainant provided evidence that imports from S. Korea increased significantly and that the volume and prices of the imported products has had a negative impact on the quantities sold and prices charged by the Community producers. In combination with other effects this has had a substantial adverse effect on the financial situation of the Community industry.

3.2.8. Polyester yarn from Malaysia

The notice of initiation of an anti-dumping proceeding was published on 19 April 1995 with regard to imports into the EU of polyester yarn originating in Malaysia, following a complaint lodged by the International Rayon and Synthetic Fibres Committee (CIRFS).

The product allegedly being dumped is polyester textured filament yarn (PTY), which is used both in the weaving and knitting sectors.

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

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

3.2.9. Hydraulic excavators weighing more than six tonnes from South Korea

The notice of initiation of an anti-dumping proceeding was published on 12 May 1995 with regard to imports of hydraulic excavators weighing more than 6 tonnes originating in the Republic of Korea, following a complaint lodged by the Committee for European Construction Equipment (CECE), allegedly acting on behalf of a major proportion of Community production.

The products concerned are self-propelled tracklaying and other hydraulic excavators weighing more than six tonnes and having a 360° revolving superstructure.

The complaint contained evidence of significant dumping on the basis of a comparison of normal value established on domestic prices with the export prices of the product concerned to the Community .

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

3.2.10. Unalloyed, unwrought zinc from Kazakhstan, Poland, Russia, Ukraine and Uzbekistan

This anti-dumping proceeding was initiated on 9 June 1995 following a complaint lodged by Eurometaux (Association Européenne des Métaux Non-Ferreux).

The product allegedly being dumped is unalloyed, unwrought zinc, identifiable as super high grade, SHG, (with a minimum zinc content of 99.995%), high grade, HG, (with a minimum zinc content of 99.9%) and good ordinary brand, GOB, (with a minimum zinc content of 98.5%).

The allegation of dumping is derived from a comparison of normal value established on the basis of domestic prices in Poland with the export prices of the product concerned to the Community. On this basis, substantial dumping margins are alleged for Poland.

In view of the fact that Kazakhstan, Russia, Ukraine and Uzbekistan are non-market economy countries, normal value was established on the basis of the price in Poland as an appropriate market-economy third country for the purpose of establishing normal value.

The allegation of dumping for the non-market economy countries is based on a comparison of normal value for each country, as set out above, with the export prices of the product concerned for each country when sold for export from Kazakhstan, Russia, Ukraine and Uzbekistan to the Community. On this basis, the dumping margins calculated are allegedly substantial.

The complainant alleged, and provided evidence, that imports from Kazakhstan, Poland, Russia, Ukraine and Uzbekistan had increased significantly in absolute terms and terms of market share.

It was further alleged that the volume and prices of the imported products had, among other consequences, a negative impact on the quantities sold and the prices charged by the Community producers, resulting in a substantial adverse effect on the financial situation of the Community industry.

3.2.11. PET video film from the Republic of Korea

On 14 June 1995, the notice of initiation of an anti-dumping proceeding was published with regard to imports into the E.U. of PET video film originating in the Republic of Korea. The complaint had been lodged by Hoechst Diafoil GmbH, Rhône-Poulenc Films and Teijin-Dupont Films, three companies allegedly representing 100% of Community production. PET video film is a special type of polyester-based film used in the manufacture of video tape.

The allegation of dumping contained in the complaint was based on a comparison of normal value established on the basis of Korean domestic prices with the export prices of the product concerned to the Community.

With regard to injury, the complainants claim that imports from Korea had increased from 200 tonnes in 1990 to 5,800 tonnes in 1994, whilst the share of the Community market held by these imports increased from 1% to approximately 16.1% during the same period.

The low level of price of the Korean products allegedly had a depressing effect on the prices of the Community industry, which decreased substantially even though the cost of the main raw materials used to manufacture PET video film strongly increased in 1993 and 1994. The consequent impact on the Community industry was claimed to be felt in the form of lost market segments in an expanding market, unsatisfactory rates of capacity utilization and very unsatisfactory financial results.

3.2.12. Wood pallets from Poland

An anti-dumping proceeding concerning the import into the E.U. of flat pallets of wood originating in Poland was initiated on 13 July 1995, subsequent to a complaint lodged by Anton Heggenstaller AG of Germany, and supported by the European Federation of Pallet and Wood Packaging Manufacturers (FEFPEB).

The complaint contained evidence of substantial dumping based on a comparison of constructed normal value in Poland with export prices to the Community.

The evidence of injury alleged in the complaint showed a significant increase in absolute terms and in terms of market share of the Polish imports. The prices at which these products were sold on the Community market allegedly had a negative impact on the quantities sold and the prices charged by the Community producers.

This proceeding is characterized by the large number of exporters in Poland, as well as of Community producers, requiring recourse to sampling techniques.

3.2.13. Certain sections of iron or steel from the Czech Republic and Hungary

The notice of initiation of an anti-dumping proceeding was published on 14 July 1995 with regard to imports into the E.U. of certain sections of iron or non-alloy steel originating in the Czech Republic and Hungary, following a complaint lodged

by the European Confederation of Iron and Steel Industries (EUROFER), allegedly acting on behalf of producers representing a major proportion of Community production.

The products concerned are certain U- or I-sections (ECSC) of iron or non-alloy steel, not further worked than hot-rolled, hot-drawn or extruded, of a height of 80mm more but not exceeding 300mm.

The complaint contained evidence of significant dumping on the basis of a comparison of constructed normal value in the Czech Republic and Hungary with the export prices of the product concerned to the Community.

With regard to injury, it was alleged, and evidence was provided, that imports from the Czech Republic and Hungary increased significantly in absolute terms and in terms of market share. It is further alleged that the volume and prices of the imported products had had a negative impact on the quantities sold and prices charged by the Community producers, resulting in a substantial adverse effect on the financial situation of the Community industry.

3.2.14. Glyphosate from the P.R. China

The notice of initiation was published on 13 October 1995 with regard to imports of glyphosate from the People's Republic of China. The complaint was lodged by Monsanto Europe SA/NV with the support of Cheminova Agro A/S.

Glyphosate is used as a herbicide in the Community. Glyphosate is also used extensively in non-crop situations, such as industrial and municipal applications. It is also a very popular herbicide for use by the home-owner.

The complaint contained evidence of significant dumping. In view of the fact that the People's Republic of China is a non-market economy country, the complainant proposed that normal value be established on the basis of the price or the constructed value in a market economy third country. For this purpose the complainant chose Brazil. The allegation of dumping was based on a comparison of normal value as set out above, with the export prices of the product concerned to the Community.

With regard to injury, it was alleged that glyphosate imports from the People's Republic of China increased significantly in absolute terms and in terms of market share, and that this increase was accompanied by substantial price undercutting. The volume and prices of imported glyphosate were claimed to have had a negative impact on the quantities sold and prices charged by the Community producers, which, together with other effects, have had a substantial adverse effect on the financial situation of the Community industry.

3.2.15. Ring binder mechanisms from the P.R. China and Malaysia

The notice of initiation of an antidumping proceeding was published on 28 October 1995 with regard to imports of certain ring binder mechanisms originating in Malaysia and the People's Republic of China, following a complaint by two Community producers said to represent about 90% of the Community production.

The products concerned are ring binder mechanisms used as fittings for loose-leaf binders or files, but excluding lever arch mechanisms, and consisting of two or more round, arched or D-shaped sturdy metal rings.

With regard to Malaysia, the complaint contained evidence of significant dumping established by comparing export prices to the Community to a constructed normal value based on the estimated production costs in Malaysia plus a profit margin.

Since the People's Republic of China is a non-market economy country, the complaint presented evidence of significant dumping based on a comparison between Chinese export prices to the Community and the constructed normal value in Malaysia, which was claimed to be the most appropriate analogue country.

With regard to injury, it was alleged that the market share of the two exporting countries increased from 26% in 1991 to 39% in 1994, and that the prices at which the imports came into the Community undercut those charged by the Community producers by between 24% and 58% for the Chinese products, and between 14% and 54% for those of Malaysian origin, despite a decrease in the Community's industry prices by up to 70% over the last 4 years. This is claimed to have had a deleterious effect on the financial situation of the Community producers.

This proceeding is the first to be initiated under the new provisions concerning time limits in antidumping investigations.

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, under Council Regulation (EC) No. 2423/88, a normal period of validity of four months, which may, under certain circumstances, be extended for a further two months. Council Regulation (EC) No. 3283/94, which came into force on 1 January 1995 and governs all new investigations initiated after that date, provides that provisional duties may be imposed for six months and extended for a further three months, or they may be imposed for a nine-month period. However, they may only be extended or imposed for a nine-month period where exporters representing a significant percentage of the trade involved so request, or do not object upon notification by the Commission.

During 1995, 21 provisional duties were imposed. As shown in Table 1, this figure compares to 25 in 1994 and 16 in 1993. These provisional measures cover a wide range of product types and origins.

Details of the provisional duties imposed in 1995 are given in Annex B, whilst this section of the report gives a summary of each of these cases.

4.2. CASES

4.2.1 Sodium carbonate (soda ash) from the U.S.A.

On 13 April 1995, a provisional anti-dumping duty was imposed on imports into the Community of sodium carbonate (soda ash) originating in the United States of America. The proceeding had been initiated on 6 August 1993, following a complaint lodged by the European Chemical Industry Council (CEFIC).

Dumping

Dumping margins ranged from 0.1% to 14.3%. For non cooperators, the highest dumping margin found, 14.3%, was considered appropriate.

Normal values for six of the seven American producers were determined on the basis of the profitable sales on the domestic market in accordance with Article 2(3)(a) of Regulation (EEC) N° 2423/88.

For one exporter, the volume of sales on the domestic market in the ordinary course of trade was less than 5% of the volume of exports of the product to the Community since most sales were made to related parties. Therefore, the normal value was constructed in accordance with Article 2(3)(b)ii of the basic Regulation.

Export prices were in general established on the prices actually paid or payable for the product sold for export to unrelated parties in the Community.

Where there were sales to related parties in the Community, export prices were constructed in accordance on the basis of the prices at which the imported product was first resold to independent buyers in the Community.

Injury

With regard to injury, it was found that the volume of imports into the Community rose substantially, representing an increase in market share from 0.8% in 1990 to 8.3% in the first half of 1993, whereas the market share of the Community industry decreased from 96% to 88% over the same period.

After examination of all the elements affecting the Community industry, the Commission concluded that the latter was suffering material injury, characterised mainly by the decline in market share, the deterioration of financial results and employment cutbacks. The prevailing situation had also forced the Community

producers to reduce production and production capacity and in some cases to shut down plants.

As far as causation was concerned, it was established that the injury suffered by the Community industry coincided with the increase of the dumped imports from the USA. With regard to other factors, it was concluded that the dumped imports from the USA, taken in isolation, had, via their increased market penetration and price undercutting of up to 15% caused injury which had to be regarded as material.

Community interest

After examining the various interests involved, and in particular the position of the major processing industry, the glass industry, it was established that the adoption of the measures would re-establish fair competition by eliminating the injury caused by dumping. Furthermore, the impact of the anti-dumping duties on the prices of glass was considered to be minimal.

Accordingly, it was concluded that to leave the Community soda ash industry without protection against this unfair competition would not be in the interest of the Community and that the Community interest called for the imposition of anti-dumping measures.

4.2.

Measures

The level of injury suffered was in some cases lower than the dumping margins found. Therefore, the anti-dumping duties imposed were based on the lower level found for each company, ranging from 5.4% to 14.3%, with the exception of one company to which no duty was applicable. See section 5.2.4. below with regard to definitive measures taken in this case.

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

On 8 July 1995, provisional anti-dumping duties were imposed on imports into the Community of microwave ovens originating in the People's Republic of China, the Republic of Korea, Thailand and Malaysia. The investigation had been initiated on 18 December 1993 following a complaint lodged by the Groupement Interprofessionnel des Fabricants d'Appareils Electroménagers.

Dumping

Dumping margins ranged from 4.8% to 32.8% for the cooperating producers in Korea, and were 31.7% for the cooperating Malaysian producer, 20.3% for the Thai cooperating producer and 20.8% for the P.R. China. Given the high level of non-cooperation for microwave ovens originating in Thailand, a residual duty of 31.8% was imposed, based on the highest weighted average dumping margin found for the cooperating producer with regard to an individual microwave oven segment.

The Republic of Korea was selected as an analogue country for the determination of normal value for the P.R. China.

Normal values for Thailand and Malaysia were constructed on the basis of the costs of manufacturing of the cooperating producers plus a reasonable amount for selling, general and administrative expenses and profit based on the profitable sales of the Korean producers, as none of the Malaysian and Thai companies concerned had domestic sales.

For the Korean producers who had sufficient domestic sales in the ordinary course of trade on their domestic market, normal value was either based on the price actually paid or payable for comparable models, or constructed for those models exported which were not comparable to models sold on their domestic market by using the costs of manufacturing of the exported models plus the selling, general and administrative expenses and profit of the producers concerned. For the Korean producer who had sufficient domestic sales to permit a proper comparison, but where it was found that those sales were not in the ordinary course of trade, normal value was constructed by using its costs of manufacturing plus its selling, general and administrative expenses and a reasonable margin for profit established as the average of other Korean companies which had profitable sales on the domestic market. For the Korean producer which had no domestic sales on the Korean market, normal value was constructed by using its manufacturing costs, while selling, general and administrative expenses and profit were established as the average of other Korean producers which had profitable sales on the domestic market.

Export prices were either based on prices actually paid or payable for the products sold for export to unrelated parties in the Community, or constructed on the basis of the prices at which the imported ovens were resold to the first independent buyer. This was done where sales were made via related parties in the Community, which was the case for a number of Korean producers.

In order to permit a fair comparison between the normal values and the export prices, allowance was made for all factors affecting price comparability.

Injury and causation

After examining all the elements affecting the Community industry, the Commission concluded that the latter was suffering material injury, particularly visible in the form of deteriorating financial results which turned into substantial and increasing losses and in the form of a decrease in market shares.

Import prices were found to have undercut the prices charged by the Community producers by margins ranging from 21% to 40%.

As far as causation was concerned, it was established that the injury suffered by the Community industry coincided with an increase in volume and market share of

the low priced dumped imports. No other major factors were identified that could have caused the injury suffered by the Community industry.

Community interest

With regard to Community interest, it was considered that the adoption of measures was necessary in order to re-establish effective competitive conditions on the Community market and to eliminate the injurious effects of the dumped imports which might jeopardize the viability of the production of microwave ovens by the complaining industry. The dumped imports would also directly affect suppliers of components and spare parts, and could indirectly affect the whole sector of household appliances.

Measures

Since the level of injury found exceeded the dumping margins, the provisional duties were imposed at the level of the latter. For Korea, the provisional duties imposed ranged from 4.8% to 32.8%, the provisional duty for the cooperating Malaysian producer was 31.7%, 20.3% for the Thai cooperating producer and 20.8% for the P.R. China. As explained above, a residual duty of 31.8% was imposed for non-cooperating Thai producers.

4.2.3. Persulphates from the P.R. China

On 17 July 1995, a provisional anti-dumping duty was imposed on imports into the Community of persulphates originating in the People's Republic of China. The investigation had been initiated on 2 March 1994, subsequent to a complaint lodged by the European Chemical Industry Council (CEFIC) representing the totality of Community producers.

The Commission found that the three different types of persulphates (ammonium, sodium, potassium) should be treated as one single product because the three different types are perfectly interchangeable. The Commission also concluded that persulphates produced in the Community and the reference country, Japan, were alike to persulphates produced in the People's Republic of China, persulphates of these origins being identical on a type-by-type basis in their chemical composition and in their applications.

Dumping

As the People's Republic of China is a non-market economy country, the determination of normal value had to be based on market economy country. The complainant suggested the USA as reference country. However, the producer in the USA refused to co-operate with the Commission. The Commission then contacted to other known producers of persulphates in Taiwan, Turkey, Japan, India and Mexico. Producers in Turkey and Japan agreed to co-operate with the Commission. The total production of persulphates by the sole producer in Turkey was found to be limited. On the other hand, Japan was found to be the second

largest producer of persulphates in the world, and the presence of two independent producers was likely to ensure competition on the Japanese market. All three types of persulphates were produced in Japan using the same manufacturing process as in the People's Republic of China. Based on information submitted by the two Japanese companies willing to co-operate with the Commission, normal value was established on the basis of the net selling price at which the like product was sold in Japan.

Export prices for co-operating exporters were established on the basis of sales to unrelated importers actually paid or payable for the products sold for export to the Community by the co-operating exporters.

The Commission decided to establish export prices for the non-cooperating exporters on the basis of the export prices of the two cooperating exporters, in accordance with Article 7 (7) (b) of Council Regulation (EEC) No 2423/88.

The dumping margin established on this basis, expressed as a percentage of the CIF Community frontier import price, was 110.1%.

Injury

With regard to injury, it was found that imports had increased from 1.454 tonnes in 1989 to 3.367 tonnes in 1993. The share of the Community market held by the Chinese exporters increased from 7.4% in 1989 to 18.1% in 1993. During the same period, quantities sold by the Community industry dropped from 15.081 tonnes to 12.287 tonnes, whilst its market share dropped from 76.6% to 65.3%. Profitability for the Community producers decreased substantially, while one of them suffered heavy financial losses. Based on these elements, the Commission concluded, for the purpose of its preliminary findings, that the Community industry had suffered material injury.

Community interest

With regard to Community interest, it was concluded that it was in the interest of the Community to adopt measures aimed at eliminating the injury caused to the Community industry by dumped imports of persulphates from the People's Republic of China. Indeed, the cost of persulphates as an oxidizing agent forms an extremely small part of the overall cost of the end-users. Under these circumstances it would not be in the interest of the Community to expose itself to the risk of total shutdown of an entire industry for the benefit of short-term advantages for end-users of persulphates.

The injury margin established being below the dumping margin found, the provisional duty was imposed at the level of the latter, i.e. 83.3%.

4.2.4. Refractory chamottes from 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. A provisional anti-dumping duty was imposed on 30 July 1995.

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 in the U.S.A. were used as a basis for normal value.

As no cooperation was obtained from any Chinese exporter or related importer, the export prices were established on the basis of the export prices contained in EUROSTAT statistics. The dumping margin thus established amounted to 28.4 %.

Injury

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

Community interest

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

On the other hand, it was considered that, firstly, the measures would probably lead to a price increase and would thus have an impact on the production costs of the user industry and that, secondly, the measures should not result in a withdrawal of the Chinese exporters from the Community market. It was concluded, therefore, that the measures should be limited to a level necessary to remove the injury to the Community industry.

Measures

Therefore, a variable provisional anti-dumping duty was imposed on the basis of a minimum price of 75 ECU per tonne, this being equivalent to an increase of 10 % of the average import price found in the investigation period.

4.2.5. Powdered activated carbons from the P.R. China

On 15 August 1995, a provisional anti-dumping duty was imposed on imports into the Community of powdered activated carbons originating in the People's Republic of China. The proceeding had been initiated on 2 March 1994 following a complaint lodged by the Council of European Chemical Industries (CEFIC), representing a major proportion of Community production.

Dumping

A dumping margin of 71.5% was established for all Chinese exports to the Community. The normal value was based on domestic prices in the USA which was considered to be an appropriate analogue country for this product.

Injury

It was found that Chinese imports had increased their market share of the Community market from 4.1% in 1990 to 11.4% during the investigation period (1993). The prices at which these imports were sold on the Community market were found to have undercut the prices charged by the Community industry by 23.5%.

It was, furthermore, established that the Community industry had suffered losses in production, sales, and market share, which led to a decrease in employment and resulted in increasing financial losses.

Community interest

It was considered that the short-term price advantages gained by users of powdered activated carbons from the dumped prices had to be seen against the background of the longer term effects of not restoring fair competition. Furthermore, it was clear that unless measures were taken, the viability of the Community industry might be at risk. As, in addition, the effect of any anti-dumping measures on PAC users could not be significant, it was concluded that it was in the interest of the Community to remove the injury suffered by the Community industry through the effects of Chinese dumping and to restore fair competition by the imposition of a provisional anti-dumping duty.

Measures

As the injury elimination level was lower than the dumping margin established, the provisional duty for Chinese PAC imports was set at the level of the former, i.e. 66.8% of the net free-at-Community frontier price before duty.

4.2.6. Butt-welded tube or pipe fittings from the P.R. China, Croatia and Thailand

On 3 October 1995, provisional anti-dumping duties were imposed on imports into the Community of tube or pipe fittings originating in the P.R. China, Croatia and Thailand. The proceeding had been initiated in February 1994 with regard to these three countries, as well as the Slovak Republic and Taiwan, subsequent to a complaint lodged by the Defence Committee of the EEC Steel Butt-Welded Fittings Industry.

Dumping

Since the P.R. China is a state-trading country, normal value had to be based on the conditions of a market economy country. In this case, domestic prices as well as constructed values in Thailand were used as a basis for normal value. For Croatia, it was found to be necessary to establish normal value on the basis of the facts available. With regard to Thailand, normal value was based on domestic prices, and for certain product types either sold at a loss or not sold at all on the domestic market, on constructed value, calculated by adding costs of production and a reasonable amount for profit.

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

On this basis, dumping margins were provisionally established at a level of 58.6% for the P.R. China and Croatia, and between 39.5% and 63.4% for the three Thai exporters.

Injury

With regard to injury, the investigation revealed that the cumulated market share of the exporting countries concerned rose from 2.5% in 1989 to 14.3% during the investigation period. The imports were made at prices which undercut those of the Community industry by between 21.3% and 40.7%. As a result, the Community industry suffered a decline in production and sales volume, and a loss of market share, and was unable to introduce price increases to cover rising production costs. Their financial results deteriorated as a consequence.

Community interest

In assessing the Community interest, it was established that, in view of the substantial financial losses incurred by the Community producers, not to take anti-dumping measures would aggravate the situation and threaten the viability of the Community industry. With regard to the prices of the products concerned, it was

considered that the imposition of anti-dumping duties would have a limited effect on the end user industries. The investigation therefore concluded that it was in the Community's interest to remove the injury caused to the industry and to restore fair competition by the imposition of provisional anti-dumping measures.

Measures

Since, in the case of the sole Croatian producer and one of the Thai producers, the injury margin was lower than the dumping margin found, the duty for these producers was based on this lower level. In all other cases, the provisional duty was limited to the dumping margins established. The duty rates were, therefore, 58.6% for the P.R. China and 38.4% for Croatia. For Thailand, provisional duties ranged from 39.5% to 58.9%.

4.2.7. Coumarin from the P.R. China

Provisional anti-dumping duties were imposed on 7 October 1995 on imports into the Community of coumarin originating in the People's Republic of China. The investigation had been initiated on 20 May 1994, following a complaint lodged by the European Chemical Industry Council, on behalf of Rhône-Poulenc, the sole Community producer of coumarin.

Dumping

The dumping margin calculated for these imports was in excess of 50%. The normal value was based on domestic sales prices in the U.S.A., the only market economy country in which it was possible to find a coumarin producer willing to co-operate. Furthermore, it was established that the U.S.A. could be considered to be an appropriate analogue country.

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

Injury

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

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

Community interest

The Commission considered that it was not in the Community interest to risk the shutting down of the sole coumarin plant in the Community, in view of its heavy consequences on employment; in this case, not only the people directly involved in the production of coumarin would lose their jobs, but also those employed in other linked production processes, which would become uncompetitive. The Commission also found that the impact of the duty on the prices of the perfume compounds containing coumarin would be negligible.

Measures

Since the dumping margin exceeded the level of injury, the anti-dumping duty was based on the latter. A provisional antidumping duty of 3479 ECU per tonne was therefore imposed on imports of coumarin from the P.R. of China.

4.2.8. Bicycles from Indonesia, Malaysia and Thailand

On 14 October 1995, provisional anti-dumping duties were imposed on imports of bicycles from Indonesia, Malaysia and Thailand. The proceeding had been initiated on 3 February 1994, following a complaint lodged by the European Bicycle Manufacturers Association (EBMA). This was the second complaint involving bicycles. The first, concerning imports from Taiwan and the People's Republic of China, had been initiated in October 1991 and was concluded with the imposition of a definitive anti-dumping duty of 30.6% on imports from the People's Republic of China in September 1993. With regard to imports from Taiwan, that proceeding was terminated without measures in September 1993.

Dumping

Dumping margins for co-operating producers ranged from 0.4% to 22.8% in Indonesia, from 25.2% to 38.3% in Malaysia and from 13.2% to 41.9% in Thailand. For non-co-operating producers in each of the three countries, a dumping margin based on the weighted average of the highest dumping margins found for bicycle models exported to the Community was considered appropriate. Those duty rates were 29.0% for Indonesia, 41.5% for Malaysia and 48.8% for Thailand. For two Indonesian companies which did not sufficiently co-operate in the investigation, provisional dumping margins were based on the arithmetic average of the highest dumping margin found for a co-operating company in Indonesia and the rate established for non-cooperating producers. That rate was 25.9%.

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

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

Injury

The aggregated market share of dumped imports from Indonesia, Malaysia and Thailand increased from 4.4% in 1990 to 6.8% in 1993, whilst the share of the Community producers fell from 42.0% in 1990 to 33.5% in 1993. The prices of dumped imports significantly undercut prices of the Community industry by up to over 40%. Contrary to positive expectations for recovery, based upon the decline of imports from the People's Republic of China, sales, turnover and production decreased substantially, resulting in a significant loss of market share, a lower capacity utilization, smaller employment figures and a deterioration of the financial situation.

As regards causation, it was found that imports from India, South Korea and Vietnam, as well as sales from non-cooperating Italian companies, also increased. A customs investigation co-ordinated by DG XXI revealed that bicycles reported in EUROSTAT as coming from Vietnam actually originated in China.

As regards prices, the Commission had no evidence that Indian or South Korean bicycles, or bicycles produced by non-cooperating Italian producers, were sold at prices as low as those from the countries under investigation. It could not be ruled out that imports from India, South Korea or Vietnam or sales by non-cooperating Italian producers may have contributed to the difficult state of the Community industry. However, it was concluded that, given the substantial increase of import volumes from Indonesia, Malaysia and Thailand and the considerable degree of price undercutting, those imports, taken in isolation, had caused material injury to the Community industry.

Community interest

Having examined the various interests involved, it was felt that the imposition of provisional measures would re-establish fair competition by eliminating the injurious effects of dumping practices from Indonesia, Malaysia and Thailand, and would afford to the Community industry the opportunity of maintaining competitive production. Furthermore, it was considered to be in the Community interest to adopt provisional anti-dumping duties in order to prevent further injury being caused by the dumped imports during the remainder of the investigation.

Measures

Undercutting margins for all co-operating producers were higher than the provisional dumping margins. Therefore, provisional duties were imposed at the level of the dumping margins.

4.2.9. Microdisks from Malaysia, Mexico and the U.S.A.

On 16 October 1995, provisional anti-dumping duties were imposed on imports into the Community of 3.5" microdisks originating in Malaysia, Mexico and the USA. The proceeding had been initiated on 2 September 1994, following a complaint lodged by the Committee of European Diskette Manufacturers (DISKMA). This was the third complaint involving 3.5" microdisks lodged by DISKMA. In the first, concerning imports from Japan, Taiwan and the People's Republic of China, definitive anti-dumping duties were imposed in October 1993; the second involved Hong Kong and South Korea, with the imposition of definitive duties in September 1994.

Dumping

It proved unnecessary to establish whether dumping existed for co-operating producers in Mexico and the US, as the injury margins for these producers were found to be de minimis. For Malaysia, dumping margins ranged from 26.8% to 46.4%.

A large proportion of exports from each of the countries concerned was not covered by the investigation (32% for Malaysia, 65% for Mexico and 40% for the US). In addition, Eurostat data showed that the prices of the exports of non-cooperating producers in each country were greatly below those of producers which had cooperated, and undercut Community industry prices by large margins. In the light of these factors, dumping margins for non-cooperating producers were established on the basis of the highest dumping margin found or the dumping margin alleged by the complainant, whichever was the higher. The resultant margins were 46.4% for Malaysia, and 44% for Mexico and the USA.

For Malaysia, normal value for one cooperating producer was established on the basis of the price actually paid in the ordinary course of trade for domestic sales of the product concerned. As the domestic sales of the other cooperating producer were insufficient to permit a proper comparison, normal value was calculated on the basis of the verified costs of production for the producer concerned plus a reasonable amount for selling, general and administrative expenses, and profit.

Export prices for Malaysia were generally established on the basis of the price actually paid or payable for the product sold for export to unrelated parties in the Community. Where there were sales to related parties in the Community, as was the case for one co-operating producer, export prices were constructed in accordance with Article 2(9) of Regulation (EC) No 3283/94, on the basis of the price at which the imported product was first resold to independent buyers in the Community.

Injury

After examination of all the elements affecting the Community industry, the Commission concluded that the latter was suffering material injury. Although certain quantitative indicators, such as production, sales and capacity utilisation showed positive development, due in large measure to the expansion of the market, the benefit of this positive movement was totally offset by the low levels of prices, which remained below the threshold necessary for the generation of profits adequate to finance the investment needed to allow the Community industry to keep pace with the swiftly changing conditions prevailing in the area of information technology. Despite expanding consumption, for example, the Community industry's prices fell by 44% between 1990 and July 1994.

Community interest

After weighing the various interests involved, it was concluded that the adoption of measures would re-establish fair competition by eliminating the injury caused by dumping, and allow the Community industry an opportunity to maintain and develop its presence in a rapidly changing sector of technological importance. In addition, the component supply industry would derive a degree of security from the continued viability of the Community industry.

Measures

The Commission imposed provisional measures at the level of the lower of the price undercutting margins or the dumping margins. For Malaysia, provisional duties ranged from 13% to 46.4%, and, for Mexico and the USA, from 0% to 44%.

4.2.10. Grain-oriented electrical steel sheet from Russia

On 20 October 1995, a provisional anti-dumping duty was imposed on imports of certain grain-oriented electrical sheets originating in Russia. The investigation had been initiated on 20 May 1994, following a complaint lodged by EUROFER.

(European Federation of Iron and Steel Industries) allegedly acting on behalf of a major proportion of Community production.

The product concerned is grain oriented cold-rolled sheets and strips of silicon-electrical steel with a width of more than 500 mm, which are used for electromagnetic appliances and in installations such as power and distribution transformers. The product concerned is an ECSC product.

Dumping

Russia being a non-market economy country, Brazil was selected as analogue country. Normal value was calculated on the basis of the weighted average

domestic selling price of the like product sold for consumption on the Brazilian market.

Since all export transactions were found to have been dumped, the export price was calculated on the basis of the weighted average selling price actually paid or payable for all export transactions to the Community

On the basis of this approach, a substantial dumping margin was determined at the provisional stage, amounting to 73.46%.

Injury

With regard to injury, the investigation determined that the imports concerned had substantially increased, reaching a market share of 7.4% in 1993 and in the first four months of 1994, up from 0.7% in 1990. These imports were made at prices which undercut those of the Community producers by up to 28%. The Community industry suffered losses of sales and market share, and was forced to depress its prices, factors which together led to a decline in profits and, in the end, to financial losses.

Community interest

With regard to the Community producers, the investigation showed that the substantial increase in the of dumped imports had already caused a significant deterioration of their situation and that, in the absence of protective measures, this situation would continue or even be aggravated. As grain-oriented electrical sheets are used mainly in the electrotechnical industry for the production of a wide variety of industrial and other appliances used in sensitive areas like defence, transport and power distribution, it was considered to be in the interest of the Community to preserve its own steady, reliable and high quality sources of supply.

With regard to the end users, it was considered that, even if the imposition of anti-dumping measures were to result in a certain increase in the price of the steel sheets in question, such an effect would be counterbalanced by the maintenance of a continued supply of high quality products from sources within the Community.

Measures

As the dumping margin found was greater than the level of injury caused by the dumping, the provisional duty was set at the level of the injury margin, i.e. 43,2 %.

4.2.11 Unwrought magnesium from Russia and Ukraine

On 23 December, a provisional anti-dumping duty was imposed on imports into the Community of unwrought magnesium originating in Russia and the Ukraine. The proceeding had been initiated on 15 January 1994, following a complaint lodged by the Liaison Committee for Ferro-Alloy Industries (Euroalliages).

Dumping

Dumping margins of 55% and 64% were established for Russia and Ukraine respectively. As these countries are both considered to be non-market economies, the normal value had to be based on a market economy country. The complainants had suggested Japan, which the Commission considered not to be comparable to Russia and the Ukraine with regard to access to raw materials and technology used. A producer in the U.S.A. decided not to cooperate in the proceeding, whilst one producer in Canada who was willing to cooperate was found not to have sufficiently representative domestic sales. Norway was finally selected as reference country for both Russia and the Ukraine, a choice justified by the fact that the production plants in Russia and the Ukraine were set up during the existence of the USSR and used the same production technology. Though the Norwegian producer was found to have substantial domestic sales, normal value was constructed as it was established that this producer had not made profitable sales of the product concerned in sufficient quantities during the investigation period.

Export prices and volumes for Russia were determined on the basis of all the export transactions reported by one of the Russian producers and on the basis of the sales transactions reported by the other producer as having been made to its related company located in Switzerland. Export prices and volumes for Ukraine were determined by taking into consideration all sales transactions for which the shipping address was a customer located in the Community.

Injury

With regard to injury, it was found that cumulated imports from Russia and the Ukraine had increased from 2.000 metric tonnes in 1991 to 6.000 metric tonnes in the investigation period, corresponding to an increase in market share from 4% in 1991 to 20% during the investigation period. In comparison, the Community industry's market share fell from 17% to 7% over the same period. Furthermore, the prices of the imports were found to have continually decreased, undercutting those of the Community industry, which were already depressed, by between 30% and 40% during the investigation period. In addition, the Community industry's substantially reduced production and sales volume, the decrease in capacity utilization and the increase in stocks led to significant financial losses during the investigation period, despite efforts to reduce costs. Based on these elements, the Commission concluded, for the purposes of its preliminary findings, that the Community industry had suffered material injury.

Community interest

In this regard, it was noted that, without remedial action, the viability of the Community industry would have been threatened, a consequence of which had already been foreshadowed by the fact that one Community producer had already ceased production. With respect to the competition situation, it was found to be unjustified to conclude that the imposition of measures would have the consequence of eliminating Russian and Ukrainian exporters from the Community

market in view of the presence of other exporters who were not dumping. No users of unwrought magnesium submitted information relating to the possible effect of anti-dumping measures on their situation, though it could be assumed that they had benefitted, in the short term, from the low prices of dumped imports. Due to the relatively small percentage of total production costs represented by unwrought magnesium in its main applications, it was concluded that the effect on the users, if any, of imposing measures would be very limited. It was, therefore, deemed to be in the interest of the Community to ensure the viability of the sole Community producer and consequently to impose anti-dumping measures.

Measures

As the injury elimination margin was found to be higher than the dumping margin, the measures were imposed on the basis of the latter. The measures took the form of a variable duty based on a minimum price of ECU 2.735 for Russia and ECU 2.701 for Ukraine in order to enable the exporters to maximize their returns while at the same time ensuring that injurious dumping is eliminated.

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 simple majority on a proposal submitted by the Commission after consultation of the Member States.

As shown in Table 1, definitive duties were imposed in 1995 in 13 cases. Though rather less than in previous years, it reflects the fact that all but one of the provisional duties imposed in 1995 were published in the second half of the year, and as such, can be valid for up to six months. The definitive duties imposed again cover various product sectors and origins. Whilst details of these duties can be found in Annex C, a summary of each case is given below.

5.2. CASES

5.2.1 Furfuraldehyde from the P.R. China

On 21 January 1995 the Council imposed a definitive antidumping duty on imports into the Community of furfuraldehyde originating in the P.R. China. The investigation had been initiated in July 1993, and a provisional duty imposed on 21 July 1994.

Dumping

A dumping margin of 62,6% was established for the Chinese exports. The normal value was calculated on the basis of domestic sale prices in Argentina , which was considered to be an appropriate analogue country.

Export prices were determined on the basis of actual prices to independent importers in the Community. In order to allow a fair comparison between normal value and export prices, allowances were made for all factors affecting price comparability.

Injury

After a further analysis, the Commission decided to include in the assessment of injury the imports from a third country, which had been formerly excluded on the grounds that these imports occurred in a captive market. On this basis, it was found that imports from the P.R. China had increased from 13.7% in 1992 to 15.7% during the investigation period. The prices of these imports were found to have undercut those of the Community producer by 24%, and and to have decreased by more than 30% during the investigation period.

In this larger market context, it was established that the Community producer managed to maintain its market share at a level of around 6%, by dint of dropping its sales prices by 36% between 1991 and the investigation period.

However, as the market shrank, the complainant suffered a considerable decline in sales and production volumes which, cumulated with the price depression, resulted in heavy financial losses.

Community interest

The Council considered that it would not be in the Community interest to risk the disappearance of the sole remaining producer left in the Community of a product which has a strategic importance in the oil refining sector. The Council also found that the impact of an increase in the price of furfuraldehyde on the price of the end product would be negligible.

Measures

Since the dumping margin found exceeded the level of injury, the anti-dumping duty was based on the latter. A definitive anti-dumping duty was imposed which took the form of a fixed amount of 352 ECU per tonne.

5.2.2. Colour television receivers from Malaysia, the P.R. China, S. Korea, Singapore, and Thailand

On the 01.04.95, definitive anti-dumping duties were imposed on imports into the Community of CTVs from the five countries referred to above. The proceeding

was initiated on the 25 November 1992 following a complaint from SCAN, representing several large Community producers. Provisional duties were imposed on the 1 October 1994.

Origin

In the case of several exporters, the origin of their CTV exports was found to be different to the origin declared to the Customs authorities on importation into the Community. This finding was especially marked in the case of exports made from Turkey and was one of the principal determining factors which led the Commission to terminate the proceeding in respect of Turkey. A separate summary of the Commission's decision is outlined below (section 6.2.5.)

Dumping

For technical reasons which would have required numerous adjustments to the domestic selling prices charged in each of the exporting market economy countries, normal values for these countries were based instead on constructed values. These normal values were constructed by adding to the reported manufacturing costs of the models exported to the Community, the weighted average SG&A costs incurred on the domestic markets of these countries. To these production costs was added an amount for profit corresponding to the average profit earned on CTV sales on the domestic markets.

Because the P.R. China is a non-market economy country, normal value was based on constructed value in Thailand, which was considered to be an appropriate analogue country.

Export prices were constructed for some exports from S. Korea, Thailand and Singapore on the basis of the prices charged to the first independent customer in the Community, as these exports had been imported by related parties and the CIF price was, therefore, a transfer price.

In order to establish a fair basis for comparison between domestic and export prices, allowances were made, where appropriate, for all factors affecting price comparability, e.g. differences in conditions of sale such as different credit terms, duty drawback claims on exported models, transport and other direct selling costs.

The dumping margins found ranged from 2.3% to 25.1% for Malaysia, 14.7% to 33.6% for Thailand, 0% to 24.6% for Singapore, 13.4% to 17.9% for S. Korea. A single margin of 25.6% was established for the P.R. China, while a zero dumping margin was established for two Turkish companies assembling CTVs of S. Korean origin.

Injury

Between 1989 and the end of the investigation period, imports from the countries concerned increased by almost 135%, from 2.04 million units in 1989 to 4.8

million units. This import surge was accompanied by a parallel increase in market share, which increased from 9.9% to 19.6% over the same period, whilst sales by the Community industry fell by 6% in terms of volume and the corresponding market share declined from 36% to 28%.

Injury calculations were based on the weighted average margin of price undercutting found in France, Germany, Greece, Italy, Spain and the U.K. The margins of price undercutting found at the provisional stage were confirmed and injury elimination levels were calculated as follows, up to 23.4% for Malaysia, up to 29.89% for Thailand, up to 23.68% for Singapore, up to 54% for S. Korea and 58.7% for the P.R.China.

The Community industry was found to have suffered injury with declines in production, capacity utilization, sales, market share, prices and employment. The Commission found that, notwithstanding the possible negative impact of other factors on the Community industry, dumped imports from the countries concerned, with the exception of Turkey, had materially injured the Community industry.

Community interest

It was considered that the restoration of fair trading practices would neither prevent producers in third countries or other established producers in the Community competing on the Community market, nor reduce diversity of supply. The anticipated remedial effects of the measures were expected to take the form of a redistribution in the market shares held by the competing elements on the Community market, with any price increases being limited by the nature of the measures imposed and the number of competitors on the Community market.

Measures

The definitive duties imposed were equivalent to the lower of the price undercutting margins found and ranged from 0% in the case of CTVs of S. Korean origin assembled in Turkey to 17.9% for S. Korea, from 2.3% to 23.4% for Malaysia, from 0% to 23.6% for Singapore, from 3% to 29.8% for Thailand, and a single duty of 25.6% for the People's Republic of China.

5.2.3. Ammonium nitrate fertilizer from Russia

In June 1994, the Commission announced the initiation of an anti-dumping proceeding concerning imports into the Community of ammonium nitrate originating in Lithuania and Russia, and commenced an investigation.

Dumping

The investigation revealed that imports from both Russia and Lithuania had been dumped. The investigation period was April 1993 - March 1994. Since these countries were both non-market economies, normal value was based on profitable

domestic sales of ammonium nitrate in Poland, which was chosen as analogue country. The dumping margins established were 31.3 ECU/tonne for Russia and 21 ECU/tonne for Lithuania.

Injury

Between 1990/91 and 1993/94, the Community industry lost market share and sales, and suffered a steep fall in production and selling prices. A profit of 15.6% on sales in 1990/91 deteriorated to a loss of 6.8% by 1993/94. The Community industry was therefore found to have suffered material injury.

The market share of imports from Russia increased from 0.3% in 1990/91 to 7.3%, and undercut the price of the Community producers by 6 ECU per tonne, even after a quality adjustment. Russian imports were therefore found to have caused material injury to the Community industry.

Community interest

The need to re-establish a situation of fair competition by protecting the Community industry from injurious dumping was considered to outweigh any small increase in fertiliser prices to farmers which may result from the measure.

Measures

Imports from Lithuania, however, in view of their much lower and declining market share (3.2%) and their slightly higher price, were not considered to have caused material injury, and the proceeding was terminated with regard to Lithuania (see section 6.2.1).

Consequently, a definitive anti-dumping duty was imposed only on imports of ammonium nitrate from Russia, in the form of a variable duty. The minimum price of 102.9 ECU per tonne was based on the injury threshold, which was just below the dumping margin.

In view of this finding, the UK regional anti-dumping measure against imports from Russia (a quantitative undertaking set at 100.000 tonnes per year) was therefore be repealed, while the equivalent regional measure concerning imports from Lithuania remained in force.

5.2.4. Sodium carbonate (soda ash) from the U.S.A.

Provisional duties were imposed on this product from the U.S.A. on 13 April 1995 (see section 4.2.1. above). At the definitive stage, these duties were adjusted subsequent to a recalculation of the underselling margins. The level of duties imposed at the definitive stage thus ranged from 2.5% to 13.9%, with the exception of one company to which no duty was applicable.

5.2.5. Ferro-silico-manganese from Brazil, Russia, S. Africa and Ukraine

On 6 October 1995, definitive anti-dumping duties were imposed on imports of ferro-silico-manganese originating in Brazil, Russia, S. Africa and Ukraine. The investigation had been initiated on 4 August 1993, and provisional duties were imposed on 19 December 1994.

Dumping

The dumping margins definitively established were 54.2% for Russia, 43.9% for Ukraine, 36.1% for Brazil, and 45.3% and 48.3% for the cooperating producers in South Africa.

Since Russia and Ukraine are non-market economies, the normal value for these countries was based on the normal value calculated for Brazil. With regard to Brazil, only two companies cooperated in the investigation and, since one was a subsidiary of the other, it was considered appropriate to calculate one dumping margin for the group. The normal value for Brazil was accordingly based on an average of the data submitted by both producers. It was determined on a monthly basis in order to offset inflation, and recourse was had to domestic sales or to a constructed value where prices did not permit recovery of all costs in the ordinary course of trade. For the South African producers, normal value was based on domestic sales in the ordinary course of trade.

Export prices were those charged to independent importers or constructed where, as in the case of one South African producer, sales were made to a related importer in the Community. In comparing the normal value with the export prices, due allowances were made for differences in physical characteristics and selling expenses affecting price comparability.

Injury

With regard to injury, it was found that the cumulated market share of the countries cited increased from 15.4% in 1989 to 29.7% during the investigation period, whilst prices of these imports continuously decreased, undercutting those of the Community industry. The consequent impact on the Community industry was a loss in market share, price depression and a deterioration of the financial results of this industry, leading to heavy losses.

Community interest

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

Measures

Definitive duties were imposed at the level of the dumping margins found, in the form of variable duties, which amounted to the difference between the net free-at-

Community frontier price, before duty, and minimum prices of 504 ECU/tonne for Russia, 492 ECU/tonne for Ukraine, 485 ECU/tonne for Brazil and 500 ECU/tonne for South Africa.

The cooperating Ukrainian and South African exporters offered undertakings which were considered to be acceptable by the Commission, and were therefore excluded from the scope of the duty. However, due to the immediate withdrawal of its undertaking, the imports of one South African company were made subject to registration.

5.2.6. Persulphates from the P.R. China

Provisional duties were imposed on this product from the P.R. China on 17 July 1995 (see section 4.2.3 above). At the definitive stage, having considered the arguments presented, particularly with regard to quality differences and like product, the provisional duty level of 83.3% was confirmed at the definitive stage.

6. 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 1995, eight investigations were concluded without measures, 4 of which due to findings of no injury, 3 due to the withdrawal of the complaint and one because the products exported were found not to have the origin of the exporting country. The ratio of investigations terminated without measures to the total number of investigations concluded over the last five years has remained relatively steady, at about one-third. Details of the investigations terminated without measures are given in Annexes D and E, and a short summary of each case is given below.

6.2. CASES

6.2.1. Colour television receivers from Turkey

On 1st April 1995, the Commission terminated the anti-dumping proceeding in respect of imports into the Community of colour television receivers originating in Turkey. The proceeding had been initiated on 25 November 1992 following a complaint from SCAN, representing several large Community producers.

Dumping

The dumping investigation established that the vast majority of the televisions exported from Turkey originated in either South Korea or the Community itself. In addition, it was established that a number of practices which were likely to favour the dumping of colour televisions from Turkey had been, or were in the process of being, phased out by the Turkish government.

In the light of the above and the absence of any new evidence, the Commission saw no reason to amend its provisional finding that there were insufficient elements to justify the imposition of measures on CTVs exported from Turkey and accordingly, terminated the proceeding.

6.2.2. Watch movements from Malaysia and Thailand

In May 1994, the Commission imposed a provisional anti-dumping duty on imports into the Community of watch movements originating in Malaysia and Thailand. Shortly after the imposition of this provisional duty, the sole Community producer, which was the complainant industry in this proceeding, went into receivership. In October 1994, the Commission was informed that the Community producer concerned had been taken over by another company.

Given this change of circumstances with regard to the Community industry, the Commission examined whether this factor might lead to a change in its findings as set out in the provisional Regulation. In this regard, the Commission noted that, since the take-over of the sole Community producer, the new owners of the company had explicitly requested that the proceeding not be pursued. In these circumstances, the Commission concluded that the proceeding should be terminated without the imposition of protective measures. A Decision to that effect was published in the Official Journal on 1 June 1995.

6.2.3. Ammonium nitrate fertilizer from Lithuania

In June 1994, the Commission announced the initiation of an anti-dumping proceeding concerning imports into the Community of ammonium nitrate originating in Lithuania and Russia.

The investigation revealed that imports from Lithuania had been dumped. As Lithuania is a non-market economy country, normal value was based on profitable domestic sales of the like product in Poland, which was chosen as analogue country. The dumping margin was established at 21 ECU/tonne for Lithuania.

Imports from Lithuania, however, in view of their small and declining market share ((3.2%) and their slightly higher price, were not considered to have caused material injury to the Community industry. It was therefore considered unnecessary to impose anti-dumping measures on Lithuania, and the proceeding was consequently terminated on 23 August 1995.

6.2.4. Butt-welded tube or pipe fittings from Slovakia and Taiwan

The notice of initiation of an anti-dumping proceeding with regard to imports into the Community of butt-welded tube or pipe fittings from, inter alia, Slovakia and

Taiwan was published on 3 February 1994, subsequent to a complaint lodged by the Defence Committee of the EEC Steel Butt-Welded Fittings Industry.

Dumping

Since the sales made by the companies concerned on their domestic markets in Slovakia and Taiwan were found to have been made at a loss, normal values were constructed by adding a reasonable profit margin to the cost of production. Export prices for both countries were established on the basis of actual prices paid or payable by independent importers in the Community. The comparison of normal values with export prices showed dumping margins of 25.2% for Slovakia and between 49.9% and 54.4% for the Taiwanese exporters.

Injury

It was found that the volume and market shares of the imports from Taiwan and Slovakia were sharply declining. It was therefore considered that they were not contributing to the material injury suffered by the Community industry. Accordingly, protective measures were deemed unnecessary, and the Decision terminating the investigation with regard to Slovakia and Taiwan was published on 3 October 1995.

6.2.5. Parts for disposable lighters from Japan

On 7 October 1995, the Commission terminated the anti-dumping proceeding with regard to imports into the Community of parts for gas-fuelled, non-refillable pocket lighters originating in Japan. The investigation had been initiated on 1st August 1991

During the course of the investigation, the Commission found that, subsequent to the complaint being lodged, the pattern of trade had changed insofar as parts of lighters were no longer exclusively sourced in Japan. Since doubts existed in relation to the actual origin of the parts in question, an additional investigation was carried out in order to determine the real origin of the goods.

This investigation did not reveal any misdeclaration in respect of origin but, given the long period of time which it required, during which the anti-dumping investigation was suspended, the Commission considered it appropriate to verify whether the resumption of the latter investigation was warranted. Questioned in this respect, the complaining Community producers admitted that market developments since the initiation of the proceeding had resulted in imports of parts

of gas-fuelled, non-refillable pocket lighters originating in Japan being no longer as injurious to them as they were when the complaint was lodged. They consequently withdrew their complaint.

6.2.6. Ferro-silico-manganese from Georgia

The anti-dumping proceeding concerning imports of ferro-silico-manganese from Georgia was terminated without measures on 14 October 1995. The proceeding was initiated in August 1993 with regard to imports from Russia, Ukraine, Georgia, Brazil and South Africa, subsequent to a complaint lodged by the Liaison Committee of Ferro-Alloy Industries (Euroalliages).

Provisional duties were imposed on the other countries involved on 19 December 1994. At that time, the imports from Georgia were excluded from the scope of the measures on the grounds that their negligible volume could not be considered to be contributing to the injury suffered by the Community industry. At the definitive stage, this finding was contested by neither the Community industry nor the other exporters. The Commission therefore formally terminated the proceeding with regard to Georgia.

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

7.1. OVERVIEW

Anti-dumping or countervailing measures, including price undertakings, may be subject, under the new basic legislation, to 5 types of review during their lifetime :

- Article 11(2) provides for the expiry of anti-dumping measures after five years unless an expiry review demonstrates that they should be maintained in their original form ;
- Article 11(3) provides for the interim review of measures during their validity period on the initiative of the Commission, at the request of a Member State or, at least one year after the imposition of the definitive measure, following a request from an interested party ;
- Article 11(4) allows for a review to be carried out for the purpose of determining individual margins of dumping for new exporters in the exporting country subject to measures who have not exported the product during the investigation period and who can fulfill certain other criteria ("newcomer review") ;
- Article 12 provides that an investigation may be reopened, where the Community industry submits sufficient information showing that measures have led to no movement, or insufficient movement, in resale prices in the Community, to examine whether the measure has had an effect on those prices ("absorption review") ;
- Article 13 provides for the reopening of an investigation where sufficient information is submitted to show that circumvention of measures is taking place, that the remedial effects of the duty are being undermined, and that there is evidence of dumping in relation to the normal values previously established.

Circumvention is defined as a change in the pattern of trade between third countries and the Community which stems from a practice, process or work for which there is insufficient due cause or economic justification, other than the imposition of the duty.

The above-mentioned reviews continue to represent a major part of the work of the Commission's anti-dumping unit. In the period from 1991 to 1995, as well as in the single year 1995, review investigations represented over 40% of all investigations opened.

Between 1991 and 1995, a total of 108 review investigations were initiated, 35 of which were "sunset" or expiry reviews, 60 of which were interim reviews (including 14 "newcomer" reviews), 4 of which were "absorption" reviews, and 9 under article 13 of the new basic regulation concerning circumvention. In about half of the cases initiated under the "sunset" provisions, the measures were allowed to expire following the review, whilst for the other half, measures were continued, mainly in amended form. In this respect, it should be noted under the provisions for expiry review contained in the new regulation, measures may either be maintained or repealed, but not amended.

In 1995, a total of 26 reviews were initiated. Of these, 10 were interim reviews (including one "newcomer" review), 7 were expiry reviews and 9 were opened according to the new provisions on circumvention. Details of the review investigations and of the results of review investigations concluded in 1995 can be found in Annexes G, H and J-M, whilst Table 2 provides statistical information for the years 1991 - 1995.

7.1.1. EXPIRY REVIEWS

Since the "sunset", or expiry, provision of the basic legislation came into force in 1985 (art. 15 of the previous basic regulation, art. 11(2) of the current regulation), a total of 251 measures have been allowed to expire automatically.

In 1995, 11 measures were allowed to expire automatically under article 11(2), and one measure was, in addition, allowed to expire following a "sunset" review. In two further cases, measures were continued in an amended form. The references for all these measures are set out in Annexes H, L and P.

By way of example, a summary of one important expiry review investigation is given below.

i) Plain paper photocopiers from Japan

In October 1995, the Council decided to maintain the definitive anti-dumping duty on imports of plain paper photocopiers (PPCs) originating in Japan further to a review of those measures initiated in August 1992.

The review found that the existing anti-dumping duty had been effective in significantly reducing the volume of imports of PPCs originating in Japan. The

TABLE 2**Reviews of Anti dumping and anti-subsidy investigations
during the period 1 January 1991 - 31 December 1995**

	1991	1992	1993	1994	1995
Reviews in progress at the beginning of the period	21	21	30	20	24
Reviews opened during the period	16	27	22	17	26
Reviews in progress during the period	37	48	52	37	50
Investigations concluded by :					
- imposition of definitive duty in lieu of price undertaking	1	1	1	1	-
- amendment of definitive duty	3	11	17	10	6
- suspension of definitive duty	-	-	-	-	-
- acceptance of price undertaking in lieu of definitive duty	-	-	1	-	-
- amendment of price undertaking	5	1	1	-	-
- repeal or expiry of definitive duty	4	5	7	2	7
- repeal or expiry of price undertaking	2	-	1	-	1
- no change of the measures in force	-	-	2	-	2
Total reviews terminated during the period	15	18	30	13	16
Reviews in progress at the end of the period	22	30	22	24	34
Provisional duties imposed during the reviews	-	-	2	2	4
Duties imposed as a result of violation of undertaking					4
Measures suspended without review					3

remaining import volumes, however, still represented 26 percent in volume. Those imports were substantially dumped and sold at prices in the Community which significantly undercut those of the Community industry for comparable models. Furthermore, the dumped imports had become particularly injurious in that they consisted, to a much larger degree than before, of large PPCs which used to be sold mainly and profitably by the Community industry. The degree of undercutting on large PPCs was found to be twice that of small PPCs. As a result, the Community industry lost a large part of its market share of large PPCs to the dumped imports from Japan and profitability declined considerably. On the whole, it was found that the Community industry could not be said to be in a better position than at the time of the original investigation, when the Council determined that material injury existed.

The Council thus decided to maintain the existing anti-dumping duty at its rates already in force (which vary between 7.2 percent and 20 percent) for a further period of two years (taking into account the exceptionally long duration of the review procedure), and to extend the product scope of the duty to include PPCs capable of operating at a speed of more than 75 copies per minute of A4 size paper. The maintenance of measures at their existing level and their extension to PPCs over 75 copies per minute was deemed necessary, but also sufficient, to counteract the injurious effects of dumping, especially on large PPCs.

The limitation of the new measures to two years instead of the usual five years was considered justified by the exceptional length of the review investigation during which the existing duty had remained in force.

7.1.2. INTERIM REVIEWS

Since 1991, 61 reviews have been initiated under the provisions for interim reviews (art. 14 of the previous basic regulation, art. 11(3) of the current regulation). Following review, 23 measures were repealed and 43 were allowed to continue, mainly in amended form.

In 1995, 9 reviews were initiated under article 11(3). During 1995, and subsequent to review investigations, 7 measures were repealed and 4 allowed to continue in amended form. Details of these reviews can be found in Annexes H, I, L, M, and N.

7.1.3. "NEWCOMER" REVIEWS

The principle of granting reviews to new exporters is enshrined in article 11(4) of the new basic regulation. Such reviews had also been carried out in the past for the benefit of 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. New exporters need to provide sufficient evidence that they have no links with any party involved in the original investigation, and that they have exported to the Community since the investigation period, or have an irrevocable contractual obligation to do so. When a review for a new exporter is initiated,

the duties are suspended for the duration of the investigation, whilst imports from that company are made subject to registration.

Since the Commission carried out the first review of this type in 1990, 15 investigations have been initiated, one of which was in 1995. Also in 1995, one measure was allowed to remain in place unamended as a result of a newcomer review.

7.1.4. "ABSORPTION" REVIEWS

The possibility of "absorption" reviews, which deal with situations where the exporters directly or indirectly bear the cost of the duty and thereby increase the dumping margin, was incorporated into the basic legislation of 1988 under article 13(11), and enshrined in article 12 of the 1994 basic legislation.

Since 1988, six such reviews have been initiated, though none was initiated in 1995. Two "absorption" review investigations were terminated in 1995, where additional duties were imposed in one case (electronic weighing scales from

Singapore) and no further action was taken in the other (electronic weighing scales from Japan). References can be found in Annexes I and L.

7.1.5. "CIRCUMVENTION" REVIEWS

The possibility of investigations being re-opened in circumstances where evidence is brought that anti-dumping measures are being circumvented was introduced by article 13 of the new basic regulation.

In 1995, investigations were opened with regard to 9 countries where it was alleged that practices intended to circumvent anti-dumping measures was taking place. These investigations are listed in Annex H.

8. SUSPENSION OF MEASURES

Article 14(4) of the new basic regulation provides, for the first time, for the temporary suspension of measures in cases where market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of the suspension. Measures may be reinstated if the reason for the suspension is no longer applicable. In 1995, this article was applied for the first time, and measures were suspended in three cases. Details are given in Annex O.

9. MONITORING OF UNDERTAKINGS

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

Most undertakings accepted by the Commission take the form of price undertakings, but some quantitative undertakings are also in force at the present time. Given that the respect of undertakings is not controlled by the customs authorities, effective monitoring by the Commission is of particular importance.

The monitoring of undertakings begins with the reports submitted by the companies concerned to the Commission's services. The frequency of these reports varies between one and four per year depending on the terms of the undertaking. These reports are then checked against the undertaking itself and against the import statistics published by EUROSTAT. Further information may be requested if necessary.

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

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

In 1995, undertakings were accepted from one or more companies in the framework of several anti-dumping investigations. Four definitive duties were imposed in 1995 following the withdrawal of an undertaking by the exporters. These measures concerned imports of tungsten ores and concentrates, tungstic oxide and acid, and tungsten carbide and fused tungsten carbide originating in the P.R. China, and artificial corundum originating in Russia. Details of these measures are given in Annex J.

10. REFUNDS

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

In 1995, one decision was rendered with regard to requests for refund⁶. This decision declared inadmissible a request for the refund of anti-dumping duties paid on imports of espadrilles originating in the P.R. China.

This decision was motivated by the fact that insufficient information had been provided with regard to normal value and export prices in order to enable the Commission to calculate the actual dumping margin. Other refund requests were withdrawn during the course of the year.

11. COURT OF FIRST INSTANCE

11.1. OVERVIEW

A list of the anti-dumping and anti-subsidy cases before the Court of First Instance is given in Annex P. It shows the cases which were still pending at the beginning of 1995, in addition to the five new cases brought during the year. Judgements were rendered in five cases, summaries of which are given below. In addition, one case was removed from the register.

11.2 NEW CASES

The nine new cases brought during the year concerned : the annulment of duties imposed on the grounds that they create a monopoly position for the community producer;⁷ the annulment of a decision not to grant refunds of anti-dumping duties paid, and challenging the Commission's inclusion of those duties as a cost⁸ ; the extent of the scope of the product subject to measures in relation to that which formed the basis of the injury determination⁹ ; a challenge to the amendment of anti-dumping duties in respect of one country and their repeal in respect of another¹⁰ ; a challenge to the initiation of proceedings¹¹ ; and a challenge to the initiation of review proceedings¹² ; the annulment of provisional duties¹³, the profit used for calculating the injury threshold¹⁴ and, the failure to impose anti-dumping measures¹⁵.

At the end of 1995, 15 cases were still pending in front of the Court of First Instance. An appeal lodged by the Commission against a judgement of the Court of First Instance was also pending in front of the Court of Justice, as well as one lodged by Blackspur DIY against a judgement of the Court of First Instance.

⁶ OJ No L 229, 26.9.95, p. 10.

⁷ Case T - 2/95, OJ C54, 04.03.95

⁸ Case T- 78/95, OJ C 119, 13.05.95

⁹ Case T - 97/95, OJ C 159, 24.06.95

¹⁰ Case T - 121/95, OJ C 189, 22.07.95

¹¹ Case T-134/95, OJ C 229, 02.09.95

¹² Case T-192/95, OJ C 351, 30.12.95

¹³ Case T - 208/95, OJ C 351, 30.12.95

¹⁴ Case T - 210/95, OJ C 31, 03.02.96

¹⁵ Case T - 212/95, OJ C 64, 02.03.96

11.3. JUDGEMENTS RENDERED

The Court of First Instance delivered judgements in 1995 in seven cases :

11.3.1. Ball-bearings : judgement of 2 May 1995¹⁶

- Cases T-163/94 and T-165/94, NTN Corporation and Koyo Seiko v. Council

The applications in these cases were lodged by two companies manufacturing ball-bearings in Japan, and whose exports to the Community were subject to anti-dumping duties of 3.2% (NTN) and 5.5% (Koyo), until, as a result of a review investigation, those duties were increased to 11.6% and 13.7% respectively.

The applicants had put forward several pleas contesting the regulation extending and increasing the definitive duties as a result of the review, which had taken 41 months to complete, and during which the measures would otherwise have expired after the normal five-year period. These pleas concerned the abnormal length of time taken to carry out the review; the allegation that the Council had failed to establish injury to the Community industry and did not correctly determine the possible effects of the expiry of the existing measures; the fact that the measures were imposed in the absence of any finding of injury or threat of injury, and of any likelihood of recurrence of material injury; an alleged misuse of powers on the ground that the Council was aware that there was neither injury nor a threat of injury to the Community industry; and the level of anti-dumping duties imposed.

With regard to the pleas on absence of injury or threat of injury, the Court noted that the Council's decision to modify the duties subsequent to review was based on the view that the dumped imports threatened to cause material injury to the Community industry, it being clear that the contested regulation contained no evidence of actual material injury, and that the removal of the existing anti-dumping measures could lead to a recurrence of material injury.

In the light of the above, the Court found that the Council's conclusion in the contested regulation that the dumped imports threatened to cause material injury to the Community ball-bearing industry was wrong in law and in fact. In this respect, the Court further found that the general result of the errors of fact made by the Council was to show trends contrary to the true evolution of the market.

With regard to the plea that the review investigation was not completed within a reasonable time, the Court held that the one year period mentioned in the basic regulation had to be considered as a guideline rather than a mandatory time-limit. However, in view of the Community institutions' familiarity with the ball-bearings sector, going back to 1976, and the fact that other investigations in respect of this sector had been completed in far less time, the Court considered that the Council could not rely on its arguments relating to the complexity of the data to be collected and examination of the profitability of Community production to justify such a long period.

¹⁶ Cases T-163/94 and T 165/94, OJ C 159, 24.06.95

Consequently, the Court ruled that Article 1 of the contested regulation should be annulled in so far as it affected the applicants, and deemed it unnecessary to rule on their other pleas.

11.3.2. Outer rings of tapered roller bearings (cups) : judgement of 14 July 1995¹⁷

- Case T-166/94, Koyo Seiko v. Council

The applicant is a manufacturer of, inter alia, outer rings of tapered roller bearings (cups) in Japan, the import of which into the Community were subjected to a definitive anti-dumping duty in January 1993.

Though the parties agreed that cups are a separate product which may be the subject of a separate anti-dumping proceeding, the applicant claimed that there was, in the present case, no competition between the cups of different producers since, in practice, it was impossible to assemble the cups of one producer with the other components of another producer's tapered roller bearings. Therefore, the import of dumped cups could not cause injury different from the injury caused by the import of dumped complete tapered roller bearings.

In this respect, the Court held that the Community institutions were correct to concentrate their analysis on the cup as a separate product since, in addition to the technical distinction that exists between a cup and a complete TRB, the cups

were sold and invoiced separately from the other components of the TRB. The Court further held that the existence of competition between cups from different producers did not merely depend upon their degree of interchangeability but that, since the product as a whole could be replaced by another, any advantage derived from one of the components of that product was likely to influence the consumer's choice. By the same token, undercutting the price of the cup was indeed likely to injure the Community producers of cups.

The applicant further contested the Community institutions' right to limit their investigation into injury to only one part of the Community market though, as in this case, the parties had agreed that the French, German and United Kingdom producers represented a major proportion - 80% - of Community production.

The Court held that the institutions' practice of taking only a representative part of the Community market in order to investigate the impact of dumped imports did not infringe the principle of the unity of that market, provided that the representative nature of the sample was sufficiently demonstrated. The Spanish and Italian markets, which were closed to imports as a result of national protective measures, were considered to be atypical in comparison with the Community market for cups as a whole. The Court therefore held that the institutions were right in regarding the sample taken to be representative of the Community market as a whole, both as regards price differences and as regards sales and market shares.

¹⁷ Case T-166/94, OJ C 268, 14.10.95

The applicant had further complained that the Council had insufficiently investigated whether or not imports of cups from third countries other than Japan might have contributed to the injury caused to the Community industry. Although all parties had recognized that the term "small quantities" used in the regulation imposing provisional duties, and referring to imports of cups from third countries other than Japan, was incorrect, the Court considered that the content of the provisional regulation as a whole had to be interpreted by reference to the entire reasoning adopted by the institutions in order to establish whether other reasons likely to have affected the injury found were investigated, and whether such factors had been taken into account.

In this respect, the Court noted that the Community institutions at least investigated whether the import of cups from third countries other than Japan might have contributed to the injury suffered by the Community industry. It further noted that the applicant had never disputed that the Community institutions had correctly determined the injury in terms of the profitability of the Community industry, in spite of its claims that manifest errors of appraisal were committed. Consequently, since the injury was determined in terms of the Community producers' profitability, it was not unreasonable for the Community institutions to consider that the import of cups originating from related companies could not have had an effect on the profitability of the Community producers. Indeed, the aim of any producer being to increase the profitability of

its business, the decision to import cups from related companies either in order to sell them directly and separately on the Community market, or in order to incorporate them into complete TRBs with the objective of reducing the cost price and thus increasing profitability, could not have resulted in a loss in profits and could not therefore have constituted a cause of injury.

The Court therefore held that the Community institutions had correctly considered that the import of cups from third countries other than Japan could not have affected the profitability of the Community industry, and did not therefore have to be taken into account in order to determine the injury caused by the dumped Japanese imports.

The application was dismissed.

11.3.3. Electronic weighing scales : judgement of 14 September 1995¹⁸

- Case T-171/94, Descom Scales Manufacturing Co. Ltd. v. Council

The applicant is a producer of electronic weighing scales in S. Korea, being jointly owned by Dailim Scales of Seoul, S. Korea and Ishida Scales, Kyoto, Japan. The product concerned, on which an anti-dumping duty of 26.7% was imposed in October 1993, is an electronic weighing scale for use in the retail trade, manufactured by Descom, and marketed in Korea by Dailim and in the rest of the world by Ishida. Ishida Europe Ltd., a wholly-owned subsidiary of Ishida

¹⁸ Case T-171/94, OJ C 286, 28.10.95

Japan, marketed the scales in Europe via three independent buyer/distributors, and invoiced the latter via Descom and Ishida Japan.

The applicant challenged the Commission and Council's finding that the export price of its product was unreliable because Ishida Europe incurred selling expenses for the product which were normally borne by an importer. The Community institutions had constructed the export price on the basis of the price invoices to the three importers, from which were deducted the average general expenses of Ishida Europe and a reasonable profit. The applicant argued that none of the conditions for constructing the export price given in the basic regulation had been met.

The Court noted that Ishida Europe, Ishida Japan and Descom were, indeed connected undertakings, that the scales produced by Descom were sold through the intermediary of Ishida Europe, which also handled customers' orders, and that Ishida Europe was established in the Community, the formalities for exporting the products from Japan being carried out by Descom and not by Ishida Europe. The Court further noted that the unit price for the product paid by one of the three independent buyers to Ishida Europe did not correspond to the price invoiced to the latter by Ishida Japan. The Court therefore held that, in the circumstances mentioned above, and bearing in mind the association between Ishida Europe and Descom, the price paid by the three independent buyers could not be used as the export price.

As to the applicant's claim that their rights of defence were infringed, in that the Commission failed at the time the facts were verified to inform the applicant of its decision to reject its claim for adjustments to salesmen's salaries, and failed to provide a written note of the verification made, the Court held that the basic regulation did not lay down any obligation to draw up a report after each verification in the course of an investigation. The Court further noted that the regulation provides that exporters and importers may request to be informed of the essential facts and considerations on which the recommended measures are based, and that the Commission may give that information either orally or in writing as it considers appropriate.

The application was therefore dismissed.

11.3.4 Paint brushes : judgements of 18 September 1995¹⁹

- Case T-167/94, Detlef Nölle v. Council and Commission
- Case T-168/94, Blackspur DIY Ltd. and others v. Council and Commission

The applicants are importers into Germany and the U.K. of paint, distemper, varnish and similar brushes originating in the People's Republic of China, which had been subject to anti-dumping duties in March 1989.

Following the judgement of the Court of Justice (Case C-16/90, see 10th Annual Report, section 6.2.4.) which declared invalid the regulation imposing definitive

¹⁹ Cases T-167/94 and 168/94, OJ C 286, 28.10.95

anti-dumping duties and collecting the provisional duties, the applicants lodged claims for compensation for the damage allegedly incurred by reason of the adoption of that regulation.

The Court dismissed the applications for compensation, and ordered the applicants to pay the costs. Blackspur DIY subsequently lodged an appeal.

11.3.5. Potassium chloride (potash) : judgement of 28 September 1995²⁰

- Case T-164/94, Ferchimex S.A. v. Council

Ferchimex S.A., the applicant, is an official importer of potash from Russia and Belarus into the Community, and was involved, in that capacity, in the anti-dumping proceeding which resulted in the imposition of definitive duties on imports into the Community of potassium chloride originating in Belarus, Russia and Ukraine.

The applicant argued that normal value had been wrongly determined, that the assessment of injury was illegal since no account had been taken of the role played by the complainants, and that the Commission failed to notify the authorities in Russia, Belarus and Ukraine of the proceeding.

With regard to the first plea, the Court held that the determination of normal value fell within the wide discretion enjoyed by the institutions in analysing complex economic situations. In view of the fact that Canada had, in this case, to be regarded as an appropriate reference country, and of the efforts made by the Commission to obtain information from sources other than a Canadian producer with links to Community producers, the Court concluded that the Commission had had no alternative but to use information emanating from that company. It was also considered reasonable for this information to have been used in conjunction with information on prices on the U.S. market in view of the fact that the Canadian market had been found to be too small to be representative.

The Court also held that no provision in the basic regulation obliged the Commission, on opening the proceeding, to inform the parties of the method by which normal value was to be calculated.

With regard to the plea that the assessment of injury was illegal since no account was taken of the role played by the complainants, the Court considered that the Council had not exceeded the limits of the discretion conferred on the institutions by deciding not to exclude the complainants who had imported from the definition of Community industry in view of the small proportion represented by those imports.

As far as concerned the plea that the Commission had failed to notify the authorities in Russia, Belarus and Ukraine of the anti-dumping proceeding, the Court held that nothing in the basic regulation, nor any general principle, obliged

²⁰ Case T-164/94, OJ C 315, 25.11.95

the Commission to repeat a notification made to a state to any states which may succeed it. Indeed, in assuming the rights and obligations of the state which they succeed, those states had to take anti-dumping proceedings as they found them.

In view of the above, the Court dismissed the action.

12. ANTI-SUBSIDY INVESTIGATIONS OF THIRD COUNTRIES CONCERNING IMPORTS FROM E.U. MEMBER STATES

12.1. U.S.A.

12.1.1. Pasta

On 1 June 1995, the US initiated an anti-dumping and CVD investigation concerning imports of pasta from Italy. The subsidies alleged with regard to Italy are Community export refunds and structural funds, and Italian Government incentives, mostly concerning the Mezzogiorno region. On 26 June 1995, the ITC made a positive preliminary injury finding.

On 10 October 1995, the DOC imposed provisional countervailing duties of up to 10.67% on imports of pasta from Italy. For most exporters, the duties do not exceed 4%. The DOC carried out verification visits to the Commission, the Government of Italy and the exporters between 26 October and 10 November 1995. There were also parallel anti-dumping investigations concerning Italy, in which preliminary findings were due on 15 December 1995.

The Commission has held several rounds of consultations with the US under Article 13 of the Subsidies Agreement. It plans to make a further submission on the non-actionability of regional schemes and on injury, and will hold further consultations with the US before the final decision is taken by the DOC in early 1996.

12.1.2 Steel

In October 1995, the DOC completed the administrative review in the CVD case concerning lead and bismuth steel products from the UK. The duties were assessed at between 2.68 and 20.33%.

The DOC also imposed definitive countervailing duties on imports of seamless pipes and oil country tubular goods from Italy.

12.2. Argentina

12.2.1 Canned Peaches

On 31 January 1995, Argentina initiated a CVD case concerning canned peaches from the EU. The Commission prepared a submission on behalf of the Community with regard to the subsidy and injury aspects of the case. It emphasised in particular the decline in exports to Argentina in 1994 and the consequent lack of injury caused by EC exports.

Argentina has now terminated its preliminary investigation and is due to make a finding shortly with regard to this case. The Community's final submission was sent on 5 December 1995.

12.2.2. Olive oil

On 22 September 1995, Argentina terminated the countervailing duty investigation concerning olive oil from the EU without measures.

12.3 Mexico

12.3.1. Beef

On 3 June 1994, Mexico announced the imposition of a definitive countervailing duty of 45.74% on imports of frozen beef from the EC.

Following the intervention of the Commission, a review request was submitted in November 1995, on the basis that export subsidies have now been eliminated and imports have been negligible over the past year. Mexico will decide in the near future whether or not to initiate a review.

12.3.2. Pork

On 22 November 1994, Mexico opened an anti-subsidy investigation concerning imports of certain pork products from Denmark. The market share of Danish imports was only 1% and no evidence had been presented concerning the situation of the domestic industry.

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

Following consultations, Mexico has now agreed (subject to a domestic legal challenge from the petitioner) to recognize the authority of the Community in these matters and to consider the information presented by the Commission. The Commission has argued against imposing definitive measures, since there seems

to be no threat of injury and the export refund of the main pork products has been abolished.

Mexico should make a decision by the end of the year, although this timetable may be delayed by domestic legal problems.

12.4 Canada

12.4.1. Sugar

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

On 7 July 1995, Canada imposed a provisional countervailing duty on imports from the EU. The Commission held consultations with Canada in Geneva on 25 September 1995, emphasising the lack of injury and the over-estimation of the subsidy amount, and written submissions were made to both Revenue Canada and the CITT.

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

In a parallel anti-dumping case, Canada made a definitive dumping finding against UK, Germany, Netherlands and Denmark. As the level of the countervailing duty was higher than the dumping, no extra dumping duty will be collected.

Consultations under the Subsidies Agreement were held with Canada on 14 December 1995, in order to clarify the issues of the amount of subsidy and the threat of injury finding, neither of which seem satisfactory. In particular, imports from the Community account for only about 1% of the Canadian market and have declined sharply in recent years.

12.4.2. Pasta

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

The Commission, assisted by the Italian authorities, replied to Revenue Canada's questionnaire and verification took place in October 1995.

At that stage, the countervailing investigation concerned only export refunds, and the Commission had already pointed out in consultations that these had not been granted since June 1995, and would be unlikely to be granted in the foreseeable future.

Canada, however, maintained its countervailing investigation, and on 20 November 1995 extended it (at the petitioner's request) to include all the Italian

national programmes examined in the US case. The Commission requested Canada the exclusion of a number of programmes found by the US to be either non-countervailable or not used, but Canada refused this request. The Commission therefore asked for immediate consultations in Geneva under the Subsidies Agreement in view of the lack of pre-consultations and the apparent lack of sufficient evidence for this new investigation.

12.4.3. Canned ham and luncheon meat

On 21 March 1995, Canada decided, following an expiry review, to maintain the countervailing measures on canned ham from Denmark and the Netherlands and luncheon meat from the EU.

12.5. Israel

12.5.1. Pasta and baked goods

On 26 July 1995, the Commission was notified by Israel of countervailing duty complaints concerning imports of pasta from Italy and baked goods from the EU. Consultations on this matter were held with the Ministry of Industry and Trade in Jerusalem of 31 August 1995.

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

With regard to pasta, the investigation (CVD and anti-dumping) was opened on 1 October 1995. The Commission made a full submission by 15 December 1995.

12.6 New Zealand

12.6.1. Spaghetti and baked beans

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

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

A decision on initiation is still awaited from New Zealand.

12.7. Australia

12.7.1. Diesel-fuelled generators

On 27 October 1995, Australia notified the Commission of a CVD complaint on imports of diesel fuelled generators from UK. The only exporter is in Northern Ireland, and the alleged subsidy is the Selective Financial Assistance scheme.

The Commission, with help from the UK authorities, presented information to attempt to show that this is a non-actionable regional scheme under Article 8.2(b).

Australia, however, decided to initiate an investigation on 12 December 1995.

12.7.2. Canned tomatoes

On 18 October 1995, Australia initiated a review of the amount of subsidy in the countervailing case concerning canned tomatoes from Italy and Spain. The Commission submitted factual information in this regard.

12.8 Bolivia

In June 1995, following the Commission's intervention, Bolivia terminated the CVD case concerning wheat from Germany and Denmark without measures.

13. GATT ISSUES

13.1 DISPUTE SETTLEMENT PROCEEDINGS

13.1.1 GATT/WTO panel proceedings requested by the Community

i) Lead and bismuth steel bars

This panel agreed with the Community, in October 1994, that countervailing duties imposed by the US on these products exported from France, Germany and the UK were not in conformity with the (then in force) 1979 Subsidies Code. The report has been discussed on at least two occasions by the Tokyo Round Committee on Subsidies and Countervailing Measures, but the US has refused to agree to its adoption by the Committee. This Committee remains in operation throughout 1996 for the purpose of pending dispute settlement proceedings, and the report may still be discussed before it.

ii) Flat-rolled steel products

The Community had originally requested the establishment of this panel to deal with imposition of countervailing duties by the US on these products exported

from the Community. The proceedings were subsequently suspended in December 1994 and remain so.

13.1.2. GATT/WTO panel proceedings requested by third countries against the Community

i) Audio-cassettes

The establishment of this panel had been requested by Japan, which alleged that anti-dumping duties imposed by the Community on imports of audio-cassettes from Japan were not in conformity with the (then in force) 1979 Anti-Dumping Code. The panel issued a report in April 1995. On most issues, it found Japan's allegations to be unfounded; however, it criticised the Community on one issue concerning the calculation of the dumping margin. The report has been examined once by the GATT Anti-Dumping Committee, which has not yet concluded on the contents of the report.

ii) Cotton yarn

The establishment of this panel had been requested by Brazil, which alleged that anti-dumping duties imposed by the Community on imports of cotton yarn from Brazil were not in conformity with the (then in force) 1979 Anti-Dumping Code. The panel issued a report in July 1995. It found the allegations by Brazil to be unfounded in their entirety, and confirmed that the Community's actions were in conformity with international rules. Brazil agreed to the adoption of the report by the Tokyo Round Anti-Dumping Committee in October 1995.

14. PROPOSAL FOR A NEW BASIC REGULATION

Following the publication of the new basic regulation (Council Reg. no.(EC) 3283/94) on 31 December 1994, it came to the Commission and Council's attention that a number of modifications were required in the texts which had been published in some of the Community languages. These modifications were of a purely technical nature, and did not entail changes in the substance of the text which had, of course, been agreed during and subsequent to the Uruguay Round negotiations. In order to amend the various linguistic versions of the text, and to produce versions in each of the Community languages which are considered to be satisfactory, the most appropriate solution appeared to be the adoption of a new consolidated text (also incorporating two substantive amendments made earlier in 1995 to the current basic regulation), which would replace regulation 3283/94. The European Parliament was consulted on, and approved, the final revised text. Publication of the amended basic regulation took place on

15. PERSONNEL AND ADMINISTRATION

Thanks to the support of the European Parliament, the Commission was able to obtain the projected reinforcement of staff for 1995. Of the 59 new posts allocated to the anti-dumping/anti-subsidy services, 4 were foreseen for the translation services and 55 for DG

I. The anti-dumping/anti-subsidy services of DG I therefore numbered 199 members of staff at the end of 1995, including external personnel.

The extensive recruitment campaign started in 1994 by DG I was intensified in 1995. All of the candidates who had been successful in open competitions and who appeared to possess the necessary qualifications and experience, a total of 400 people, were interviewed by the anti-dumping/anti-subsidy services during the course of 1995, and selections made throughout the year. Almost all of the posts allocated in 1995 were filled during that budgetary year, and the remainder will be filled at the beginning of 1996.

Of those recruited during 1995, 25 have already joined the anti-dumping/anti-subsidy services, swelling the ranks of the new officials recruited in 1994.

At the end of the year, the European Parliament decided on the second and final block of posts destined for the anti-dumping/anti-subsidy services. Of the 59 new posts granted for the budgetary year 1996, 54 will be for DG I. This final block of posts will make up the full contingent of staff for the anti-dumping/anti-subsidy services, in accordance with the increased staffing requirements arising from the decision to introduce legal deadlines in respect of anti-dumping and anti-subsidy proceedings (Council Regs. (EC)Nos. 521/94 and 522/94).

In June 1995, the Commission approved the new organigramme of the anti-dumping/anti-subsidy services within DG I. This formalized the separation of proceedings into dumping investigations on the one hand, and injury investigations on the other. Since this decision was taken, DG I's anti-dumping/anti-subsidy services have been divided into two distinct directorates, each one being responsible for one of the two aspects of the proceedings. In view of the amendments and nominations required to render the new structure effective, it became fully operational only in December 1995.

LIST OF ANNEXES

- A. Anti-dumping and anti-subsidy investigations initiated during the period 1 January to 31 December 1995
- B. Provisional duties imposed during the anti-dumping and anti-subsidy investigations during the period 1 January - 31 December 1995
- C. Investigations concluded by the imposition of definitive duties during the period 1 January - 31 December 1995
- D. Investigations concluded on a finding of no injury during the period 1 January - 31 December 1995
- E. Investigations concluded for other reasons during the period 1 January - 31 December 1995
- F. Investigations initiated by country of export during the period 1 January 1991 - 31 December 1995
- G. Investigations initiated by product sector during the period 1 January 1991 to 31 December 1995
- H. Reviews of anti-dumping and anti-subsidy measures opened during the period 1 January - 31 December 1995
- I. Review of anti-dumping and anti-subsidy measures concluded by the amendment of definitive duties during the period 1 January - 31 December 1995
- J. Review 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 1995
- K. Provisional duties imposed during review investigations during the period 1 January - 31 December 1995
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- M. Reviews of anti-dumping and anti-subsidy measures concluded by the repeal of definitive duties during the period 1 January - 31 December 1995
- N. Reviews of anti-dumping and anti-subsidy measures concluded by the repeal of undertakings during the period 1 January - 31 December 1995
- O. Anti-dumping measures suspended during the period 1 January - 31 December 1995
- P. Anti-dumping and anti-subsidy measures which expired during the period 1 January - 31 December 1995
- Q. Anti-dumping and anti-subsidy cases before the Court of First Instance in 1995
- R. Anti-dumping and anti-subsidy measures in force as at 31 December 1995

ANNEX A

ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS INITIATED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Footwear (textile)	P.R. China	C45, 22.02.95
Footwear (textile)	Indonesia	C45, 22.02.95
Footwear (leather)	P.R. China	C45, 22.02.95
Footwear (leather)	Indonesia	C45, 22.02.95
Footwear (leather)	Thailand	C45, 22.02.95
Disposable lighters	Philippines	C67, 18.03.95
Disposable lighters	Mexico	C67, 18.03.95
Microdisks (3.5")	Canada	C84, 06.04.95
Microdisks (3.5")	Indonesia	C84, 06.04.95
Microdisks (3.5")	Macao	C84, 06.04.95
Microdisks (3.5")	Thailand	C84, 06.04.95
Polyethylene/polypropylene sacks	India	C92, 13.04.95
Polyethylene/polypropylene sacks	Indonesia	C92, 13.04.95
Polyethylene/polypropylene sacks	Thailand	C92, 13.04.95
Furfuryl alcohol	P.R. China	C95, 19.04.95
Furfuryl alcohol	Thailand	C95, 19.04.95
Polyester yarn	Malaysia	C95, 19.04.95
Video cassette recorders	S. Korea	C104, 25.04.95
Video Cassette recorders	Singapore	C104, 25.04.95

ANNEX A (continued)

ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS INITIATED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Key components of video cassette recorders	S. Korea	C104, 25.04.95
Hydraulic excavators (> 6 tonnes)	S. Korea	C117, 12.05.95
Unwrought unalloyed zinc	Kazakhstan	C143, 09.06.95
Unwrought unalloyed zinc	Poland	C143, 09.06.95
Unwrought unalloyed zinc	Russia	C143, 09.06.95
Unwrought unalloyed zinc	Ukraine	C143, 09.06.95
Unwrought unalloyed zinc	Uzbekistan	C143, 09.06.95
Pet video film	S. Korea	C147, 14.06.95
Wooden pallets	Poland	C178, 13.07.95
Iron or steel sections	Czech Republic	C180, 14.07.95
Iron or steel sections	Hungary	C180, 14.07.95
Glyphosate	P.R. China	C266, 13.10.95
Ring binder mechanisms	P.R. China	C 284, 28.10.95
Ring binder mechanisms	Malaysia	C 284, 28.10.95

ANNEX B

PROVISIONAL DUTIES IMPOSED DURING ANTI-DUMPING AND
ANTI-SUBSIDY INVESTIGATIONS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>Regulation</u>	<u>OJ reference</u>
Disodium carbonate (soda ash)	U.S.A.	Com. Reg. (EC) No. 823/95 10.04.95	L83, 13.04.95
Microwave ovens	P.R. China	Com. Reg. (EC) No. 1645/95 05.07.95	L156, 07.07.95
Microwave ovens	S. Korea	Com. Reg. (EC) No. 1645/95 05.07.95	L156, 07.07.95
Microwave ovens	Thailand	Com. Reg. (EC) No. 1645/95 05.07.95	L156, 07.07.95
Microwave ovens	Malaysia	Com. Reg. (EC) No. 1645/95 05.07.95	L156, 07.07.95
Persulphates	P.R. China	Com. Reg. (EC) No. 1748/95 17.07.95	L169, 19.07.95
Refractory chamottes	P.R. China	Com. Reg. (EC) No. 1878/95 28.07.95	L179, 29.07.95
Powdered activated carbon	P.R. China	Com. Reg. (EC) No. 1984/95 10.08.95	L192, 15.08.95
Butt-welded tube or pipe fittings	P.R. China	Com. Reg. (EC) No. 2318/95 27.09.95	L234, 03.10.95
Butt-welded tube or pipe fittings	Croatia	Com. Reg. (EC) No. 2318/95 27.09.95	L234, 03.10.95

ANNEX B (continued)

PROVISIONAL DUTIES IMPOSED DURING ANTI-DUMPING AND
ANTI-SUBSIDY INVESTIGATIONS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>Regulation</u>	<u>OJ reference</u>
Butt-welded tube or pipe fittings	Thailand	Com. Reg. (EC) No. 2318/95 27.09.95	L234, 03.10.95
Coumarin	P.R. China	Com. Reg. (EC) No. 2352/95 06.10.95	L239, 07.10.95
Bicycles	Indonesia	Com.Reg. (EC)No. 2414/95 13.10.95	L248, 14.10.95
Bicycles	Malaysia	Com.Reg. (EC)No. 2414/95 13.10.95	L248, 14.10.95
Bicycles	Thailand	Com.Reg. (EC)No. 2414/95 13.10.95	L248, 14.10.95
Microdisks (3.5")	Malaysia	Com.Reg. (EC)No. 2426/95 16.10.95	L249, 17.10.95
Microdisks (3.5")	Mexico	Com.Reg. (EC)No. 2426/95 16.10.95	L249, 17.10.95
Microdisks (3.5")	U.S.A.	Com.Reg. (EC)No. 2426/95 16.10.95	L249, 17.10.95
Grain-oriented electrical steel sheet	Russia	Com.Dec. 2450/95/ECSC 19.10.95	L 252, 20.10.95
Unwrought magnesium	Russia	Com.Reg. (EC)No.2997/95 20.12.95	L 312, 23.12.95
Unwrought magnesium	Ukraine	Com.Reg. (EC)No.2997/95 20.12.95	L 312, 23.12.95

ANNEX C

INVESTIGATIONS CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>Regulation</u>	<u>OJ reference</u>
Furfuraldehyde	P.R. China	Council Reg. (EC) No. 95/95 16.01.95	L15, 21.01.95
Televisions (colour)	Malaysia	Council Reg. (EC) No. 710/95 27.03.95	L73, 01.04.95
Televisions (colour)	P.R. China	Council Reg. (EC) No. 710/95 27.03.95	L73, 01.04.95
Televisions (colour)	S. Korea	Council Reg. (EC) No. 710/95 27.03.95	L73, 01.04.95
Televisions (colour)	Singapore	Council Reg. (EC) No. 710/95 27.03.95	L73, 01.04.95
Televisions (colour)	Thailand	Council Reg. (EC) No. 710/95 27.03.95	L73, 01.04.95
Ammonium nitrate fertilizer	Russia	Council Reg. (EC) No. 2022/95 16.08.95	L198, 23.08.95
Sodium carbonate (soda ash)	U.S.A.	Council Reg. (EC) No. 2381/95 10.10.95	L244, 12.10.95
Ferro-silico-manganese	Brazil	Council Reg. (EC)No. 2413/95 06.10.95	L248, 14.10.95

ANNEX C (continued)

INVESTIGATIONS CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>Regulation</u>	<u>OJ reference</u>
Ferro-silico-manganese	Russia	Council Reg. (EC)No. 2413/95 06.10.95	L248, 14.10.95
Ferro-silico-manganese	S. Africa ¹	Council Reg. (EC)No. 2413/95 06.10.95	L248, 14.10.95
Ferro-silico-manganese	Ukraine	Council Reg. (EC)No. 2413/95 06.10.95	L248, 14.10.95
Peroxodisulphates	P.R. China	Council Reg. (EC)No. 2961/95 18.12.95	L308, 21.12.95

¹ Includes the acceptance of certain undertakings

ANNEX D

INVESTIGATIONS CONCLUDED ON A FINDING OF NO INJURY
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>Decision</u>	<u>OJ reference</u>
Ammonium nitrate fertilizer	Lithuania	Com. Dec. 95/344/EC 03.08.95	L198, 23.08.95
Butt-welded tube or pipe fittings	Slovakia	Com. Reg. (EC) No. 2318/95 27.09.95	L234, 03.10.95
Butt-welded tube or pipe fittings	Taiwan	Com. Reg. (EC) No. 2318/95 27.09.95	L234, 03.10.95
Ferro-silico-manganese	Georgia	Com.Dec. 95/418/EC 26.07.95	L248, 14.10.95

ANNEX E

INVESTIGATIONS CONCLUDED FOR OTHER REASONS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>Decision</u>	<u>OJ reference</u>
Televisions (colour)	Turkey	Com. Dec. 95/92/EC 20.03.95	L73, 01.04.95
Watch movements	Malaysia	Com. Dec. 95/187/EC 31.05.95	L121, 01.06.95
Watch movements	Thailand	Com. Dec. 95/187/EC 31.05.95	L121, 01.06.95
Parts for disposable lighters	Japan	Com. Dec. 95/406/EC 05.10.95	L239, 07.10.95

ANNEX F

INVESTIGATIONS INITIATED BY COUNTRY OF EXPORT
DURING THE PERIOD 1 JANUARY 1991 - 31 DECEMBER 1995

<u>Country of origin</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
Belarus	-	1	-	1	-
Brazil	-	1	1	-	-
Bulgaria	-	-	1	-	-
Canada	-	-	-	-	1
China R.P.	4	8	4	5	5
Croatia	-	-	-	1	-
Czech Republic	1	-	-	2	1
Egypt	1	-	-	-	-
Georgia	-	1	1	-	-
Hong Kong	-	1	-	-	-
Hungary	1	-	-	-	1
India	-	-	-	4	1
Indonesia	-	-	-	4	4
Japan	5	-	1	2	-
Kazakhstan	-	1	-	1	1
Korea S.	1	3	2	-	4
Lithuania	-	1	-	1	-
Macao	-	-	-	-	1
Malaysia	-	2	2	2	2
Mexico	-	-	-	1	1
Pakistan	-	-	-	3	-
Philippines	-	-	-	-	1
Poland	2	1	1	1	2
Romania	-	1	-	-	-
Russia	-	3	1	3	1
Singapore	-	3	-	-	1
Slovakia	-	-	-	2	-
South Africa	-	2	1	-	-
Taiwan	2	1	1	1	-
Thailand	-	1	2	5	4
Tunisia	-	1	-	-	-
Turkey	1	2	1	2	-
Turkmenistan	-	1	-	-	-
Ukraine	-	2	1	1	1
USA	-	1	1	1	-
USSR	1	-	-	-	-
Uzbekistan	-	1	-	-	1
Yugoslavia	1	-	-	-	-
	20	39	21	43	33

ANNEX G

INVESTIGATIONS INITIATED BY PRODUCT SECTOR
DURING THE PERIOD 1 JANUARY 1991 TO 31 DECEMBER 1995

<u>Product</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
Chemical and allied	4	10	5	3	4
Textiles and allied	-	-	1	17	4
Wood and paper	1	-	-	-	1
Electronics	5	13	7	3	7
Other mechanical engineering	4	-	2	4	3
Iron and Steel (EEC & ECSC)	6	3	-	7	2
Other metals	-	5	5	3	5
Other	-	8	1	6	7
	-----	-----	-----	-----	-----
	20	39	21	43	33
	=====	=====	=====	=====	=====

ANNEX H

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES OPENED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Disposable lighters	Thailand	C67, 18.03.95
Ball bearings > 30 mm	Japan	C71, 23.03.95
Ball bearings (mini)	Japan	C71, 23.03.95
Colour television receivers	S. Korea	C105, 26.04.95
DRAMs	Japan	C181, 15.07.95
DRAMs	S. Korea	C181, 15.07.95
Silicon metal	P.R. China	C193, 27.07.95
Potassium chloride	Belarus	C201, 05.08.95
Potassium chloride	Russia	C201, 05.08.95
Potassium chloride	Ukraine	C201, 05.08.95
Colour television receivers	P.R. China	C203, 08.08.95
Tungsten ores and concentrates	P.R. China	C244, 21.09.95
Tungsten carbide and fused tungsten carbide	P.R. China	C244, 21.09.95
Tungstic oxide and acid	P.R. China	C244, 21.09.95
EPROMS	Japan	C262, 07.10.95
Polyethylene/polypropylene sacks	P.R. China	C271, 17.10.95

ANNEX H (continued)

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES OPENED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Microdisks (3.5") ²	Canada	L252, 20.10.95
Microdisks (3.5") ²	Hong Kong	L252, 20.10.95
Microdisks (3.5") ²	India	L252, 20.10.95
Microdisks (3.5") ²	Indonesia	L252, 20.10.95
Microdisks (3.5") ²	Macao	L252, 20.10.95
Microdisks (3.5") ²	Malaysia	L252, 20.10.95
Microdisks (3.5") ²	Philippines	L252, 20.10.95
Microdisks (3.5") ²	Singapore	L252, 20.10.95
Microdisks (3.5") ²	Thailand	L252, 20.10.95
Synthetic fibres of polyester	India	L262, 01.11.95

² Circumvention investigation

ANNEX I

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES
CONCLUDED BY THE AMENDMENT OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Urea	Russia	Council Reg. (EC) No. 477/95 16.01.95	L49, 04.03.95
Polyester yarns (man-made staple)	Indonesia	Council Reg. (EC) No. 1168/95 22.05.95	L118, 25.05.95
Ball bearings ⁽³⁾ (mini)	Thailand	Council Reg. (EC) No. 1169/95 22.05.95	L118, 25.05.95
Ferro-silicon	Brazil	Council Reg. (EC) No. 1171/95 22.05.95	L118, 25.05.95
Photocopiers	Japan	Council Reg. (EC) No. 2380/95 02.10.95	L244, 12.10.95
Electronic weighing scales	Singapore	Council Reg. (EC)No. 2937/95 20.12.95	L307, 20.12.95

⁽³⁾ Definitive countervailing duty on indirect imports. Includes acceptance of undertakings on direct imports from Thailand. See Commission Decision 95/180/EC, OJ C 118, 25.05.95.

ANNEX J

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 1995

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Tungsten ores ⁽⁴⁾ and concentrates	P.R. China	Council Reg. (EC) No. 610/95 20.03.95	L64, 22.03.95
Tungstic oxide ⁽⁴⁾ and acid	P.R. China	Council Reg. (EC) No. 610/95 20.03.95	L64, 22.03.95
Tungsten carbide and fused tungsten carbide ⁽⁴⁾	P.R. China	Council Reg. (EC) No. 610/95 20.03.95	L64, 22.03.95
Artificial ⁽⁴⁾ corundum	Russia	Council Reg. (EC) No. 709/95 27.03.95	L73, 01.04.95

⁽⁴⁾ Duty imposed as a result of withdrawal of undertaking.

ANNEX K

PROVISIONAL DUTIES IMPOSED DURING REVIEW INVESTIGATIONS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Monosodium glutamate	Indonesia	Com. Reg. (EC) No. 1754/95 18.07.95	L170, 20.07.95
Monosodium glutamate	S. Korea	Com. Reg. (EC) No. 1754/95 18.07.95	L170, 20.07.95
Monosodium glutamate	Taiwan	Com. Reg. (EC) No. 1754/95 18.07.95	L170, 20.07.95
Monosodium glutamate	Thailand	Com. Reg. (EC) No. 1754/95 18.07.95	L170, 20.07.95

ANNEX L

REVIEW INVESTIGATIONS RESULTING IN
NO CHANGE IN THE MEASURES IN FORCE
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>Regulation</u>	<u>OJ reference</u>
Lighters (disposable)	P.R. China	Council Reg. (EC) No. 1006/95 03.05.95	L101, 04.05.95
Electronic weighing scales	Japan	Com.Dec.95/478/EC 14.11.95	L274, 17.11.95

ANNEX M

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES
CONCLUDED BY THE REPEAL OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>Decision</u>	<u>OJ reference</u>
Urea	C.S.S.R.	Council Reg. (EC) No. 477/95 16.01.95	L49, 04.03.95
Aspartame	Japan	Council Reg. (EC) No. 1936/95 03.08.95	L186, 05.08.95
Aspartame	U.S.A.	Council Reg. (EC) No. 1936/95 03.08.95	L186, 05.08.95
Welded tubes of iron or non-alloy steel	ex-Yugoslavia	Council Reg. (EC)No.2962/95 18.12.95	L308, 21.12.95
Welded tubes of iron or non-alloy steel	Romania	Council Reg. (EC)No.2962/95 18.12.95	L308, 21.12.95
Welded tubes of iron or non-alloy steel	Turkey	Council Reg. (EC)No.2962/95 18.12.95	L308, 21.12.95
Welded tubes of iron or non-alloy steel	Venezuela	Council Reg. (EC)No.2962/95 18.12.95	L308, 21.12.95

ANNEX N

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES
CONCLUDED BY THE REPEAL OF UNDERTAKINGS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>Decision</u>	<u>OJ reference</u>
Ammonium nitrate fertilizer	Russia	Com. Dec. 95/345/EC 03.08.95	L198, 23.08.95

ANNEX O

ANTI-DUMPING MEASURES SUSPENDED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>Decision</u>	<u>Publication</u>
DRAMs	Japan	Com. Dec. 95/197/EC 08.06.95	L126, 09.06.95
DRAMs	S. Korea	Com. Dec. 95/197/EC 08.06.95	L126, 09.06.95
EPROMs	Japan	Com. Dec. 95/272/EC 14.07.95	L165, 15.07.95

ANNEX P

ANTI-DUMPING AND ANTI-SUBSIDY MEASURES WHICH EXPIRED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1995

<u>Product</u>	<u>Country of origin</u>	<u>Type of measure</u>	<u>OJ reference⁽⁵⁾</u>
Potassium ⁽⁶⁾ permanganate	Former Czechoslovakia	Duty	L42, 16.02.90
Certain welded ⁽⁷⁾ tubes of iron or non-alloy steel	Former Yugoslavia	Duty	L91, 06.04.90
Methenamine ⁽⁸⁾	Bulgaria	Undertakings	L104, 24.04.90
Methenamine ⁽⁸⁾	Former Czechoslovakia	Undertakings	L104, 24.04.90
Methenamine ⁽⁸⁾	Poland	Undertakings	L104, 24.04.90
Methenamine ⁽⁸⁾	Romania	Undertakings	L104, 24.04.90
Certain photo albums ⁽⁹⁾	S. Korea	Undertakings	L138, 31.05.90
Certain photo albums ⁽⁹⁾	Hong-Kong	Undertakings	L138, 31.05.90
Ferroboron ⁽¹⁰⁾	Japan	Duty	L187, 19.07.90
Oxalic acid ⁽¹¹⁾	Brazil	Undertakings	L184, 17.07.90
Ball bearings ⁽¹²⁾ (mini)	Thailand	Duty	L281, 12.10.90

⁽⁵⁾ The OJ reference is to the imposition of the measure.

⁽⁶⁾ Notice of expiry was published in OJ C 40, 17.02.95

⁽⁷⁾ Notice of expiry was published in OJ C 77, 29.03.95

⁽⁸⁾ Notice of expiry was published in OJ C 100, 22.04.95

⁽⁹⁾ Notice of expiry was published in OJ C 124, 20.05.95

⁽¹⁰⁾ Notice of expiry was published in OJ C 176, 11.07.95

⁽¹¹⁾ Notice of expiry was published in OJ C 201, 05.08.95

⁽¹²⁾ Notice of expiry was published in OJ C 258, 03.10.95

ANNEX Q
ANTI-DUMPING AND ANTI-SUBSIDY CASES BEFORE
THE EUROPEAN COURT OF FIRST INSTANCE IN 1995

Case T - 159/94	Ajinomoto Co. Inc. v. Council
Case T - 160/94	The Nutrasweet Company v. Council
Case T - 161/94	Sinochem Heilongjiang v. Council
Case T - 162/94	NMB France Sarl and Others v. Commission
Case T - 163/94	NTN Corporation v. Council ⁽¹³⁾
Case T - 164/94	Ferchimex S.A. v. Council ⁽¹⁴⁾
Case T - 165/94	Koyo Seiko v. Council ⁽¹³⁾
Case T - 166/94	Koyo Seiko v. Council ⁽¹⁵⁾
Case T - 167/94	Detlef Nölle v. Council and Commission ⁽¹⁶⁾
Case T - 168/94	Blackspur DIY and others v. Council and Commission ⁽¹⁶⁾
Case T - 170/94	Shanghai Bicycle Corporation Group v. Council
Case T - 171/94	Descom Scales Manufacturing v. Council ⁽¹⁷⁾
Case T - 172/94	Rima v. Council ⁽¹⁸⁾
Case T - 155/94	Climax Paper Converters Ltd v. Council
Case T - 224/94	Ferchimex S.A. v. Council
Case T - 2/95	Industrie des Poudres Sphériques (IPS) v. Council
Case T - 78/95	NMB France Sarl, NMB Minebea GmbH, NMB (UK) Ltd, and NMB Italia Srl v. Commission
Case T - 97/95	Sinochem National Chemicals Import and Export Corporation v. Council
Case T - 121/95	European Fertilizer Manufacturers' Association v. Council
Case C - 245/95 P	Commission v. Court of First Instance ⁽¹⁹⁾

⁽¹³⁾ Judgement rendered on 02.05.95, OJ C 87, 08.04.95

⁽¹⁴⁾ Judgement rendered on 28.09.95, OJ C 315, 25.11.95

⁽¹⁵⁾ Judgement rendered on 14.07.95, OJ C 268, 14.10.95

⁽¹⁶⁾ Judgement rendered on 18.09.95, OJ C 286, 28.10.95

⁽¹⁷⁾ Judgement rendered on 14.09.95, OJ C 286, 28.10.95

⁽¹⁸⁾ Removed from register, OJ C 87, 08.04.95

⁽¹⁹⁾ Appeal lodged with Court of Justice

ANNEX Q (continued)

- Case C - 362/95 P Blackspur v. Court of First Instance⁽¹⁹⁾
- Case T - 134/95 Dysan Magnetics and Others v. Commission
- Case T - 192/95 Hitachi and Others v. Commission
- Case T - 208/95 Miwon Co. Ltd. v. Commission
- Case T - 210/95 European Fertilizer Manufacturers Association (EFMA) v. Council
- Case T - 212/95 Association de Fabricantes de Cemento de Espana (Oficemen)
v. Commission

ANNEX R

ANTI-DUMPING AND ANTI-SUBSIDY MEASURES IN FORCE
AS AT 31st DECEMBER 1995

<u>Product</u>	<u>Origin</u>	<u>Measure</u>	<u>Regulation/Dec.</u>	<u>Publication</u>
Ammonium nitrate fertilizer	Lithuania	undertaking (UK reg.)	Com.Dec. 94/293/EC 13.04.94	OJ L 129 21.05.94,p.24
	Russia	duties	Council Reg. (EC)No.2022/95 16.08.95	OJ L 198 23.08.95,p.1
Artificial corundum	C.S.S.R.	undertakings	Com.Dec. 91/512/EEC 23.7.91	OJ L 275 02.10.91,p.27
	Hungary			
	Poland			
	Brazil Yugoslavia			
	Russia	duties	Council Reg. (EEC)No.2552/93 13.09.93	OJ L 235 18.09.93,p. 1
	Ukraine		Council Reg. (EC)No.709/95 27.03.95	OJ L 73 01.04.95,p.1
	P.R. China	duties	Council Reg. (EC)No.2556/94 19.10.94	OJ L 270 21.10.94,p.27
			Council Reg. (EC)No.709/95 27.03.95	OJ L 73 01.04.95,p.1
Asbestos cement pipes	Turkey	undertakings	Com.Dec.91/392/EEC 21.06.91	OJ L 209 31.7.91,p.37
Audio tapes in cassettes	Japan	duties	Council Reg. (EEC)No.1251/91 13.5.91	OJ L 119 14.5.91,p.35
	S. Korea			
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)	Com.Dec.94/639/EC 03.08.94	OJ L 247 22.09.94,p.29
		duties (CVD)	Council Reg. (EC)No.2271/94 19.09.94	OJ L 247 22.09.94,p.1

Ball bearings (>30mm)	Japan	duties	Council Reg. (EEC)No.2849/92 28.09.95	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
Calcium metal	P.R. China Russia	duties	Council Reg. (EC)No.2557/94 19.10.94	OJ L 270, 21.10.94,p.27
Car radios	S. Korea	duties	Council Reg. (EEC)No.2306/92 04.08.92	OJ L 222 07.08.1992,p.8
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
	Turkey	duties	Council Reg. (EC)No.1828/94 25.07.94	OJ L 182 27.07.94,p.3
Dihydrostrepto- mycin	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

* Duties suspended by Commission Decision no. 95/197/EC, OJ no. L 126, 09.06.95, p. 58

Electrolyte capacitors	Japan	duty	Council Reg. (EEC)No.3482/92 30.11.92	OJ L 353 03.12.92,p.1
	S. Korea Taiwan	duty	Council Reg. (EC)No.1384/94 13.06.94	OJ L 152 18.06.94,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
	Singapore	additional duty	Council Reg. (EC)No.2937/95 20.12.95	OJ L 307 20.12.95,p.30
EPROM's*	Japan	duties	Council Reg. (EEC)No.577/91 04.03.91	OJ L 65, 12.03.91, p.1
		undertakings	Com.Dec.91/131/EEC 11.03.91 Com.Dec.93/538/93 18.10.93	OJ L 65, 12.03.91 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
Ethanolamines	U.S.A.	duties	Council Reg. (EC)No. 229/94 01.02.94	OJ L 28, 02.02.94,p.40
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* 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

(*suspended according to Council Regulation (EC)no. 5/94)

* Suspended on 15.07.95, L 165, p. 26

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
S. Africa P.R China	duty	Council Reg. (EC)No. 621/94 17.03.94	OJ L 77 19.03.94,p.48

Ferro-silico-manganese	Russia Ukraine Brazil S. Africa	duty	Council Reg. (EC)No. 2413/95 06.10.95	OJ L 248 14.10.95,p.1
Fluorspar	P.R. China	duties	Council Reg. (EC)No. 486/94 04.03.94	OJ L 62 05.03.94, p. 1
Furazolidone	P.R. China	duties	Council Reg. (EC)No.2674/94	OJ L 285 04.11.94, p. 1
Furfuraldehyde	P.R. China	duties	Council Reg. (EC)No. 95/95 16.01.95	OJ L 15 21.01.95, p.11
Glutamic acid (monosodium glutamate)	Indonesia Korea Taiwan Thailand	duties	Council Reg. (EEC)No.2455/93 2.9.93	OJ-L 225 04.09.93, p. 1
		undertakings	Commission Dec. 93/497/EEC 30.07.93	OJ L 225 04.09.93,p.35
Isobutanol	Russia	duties	Council Reg. (EC)No. 721/94 29.03.94	OJ L 87 31.03.94,p. 3
Lighters (disposable)	Japan P.R. China S.Korea Thailand	duties	Council Reg. (EEC)No.3433/91 25.11.91	OJ L 326, 28.11.91,p.1
		Thailand undertaking	Com.Dec.91/604/EEC 25.10.91	OJ L 326, 28.11.91,p.31
		P.R. China duties	Council Reg. (EC)No. 1006/95 03.04.95	OJ L 101, 04.05.95,p.38
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

Microdisks	Japan	duties	Council Reg.	OJ L 262
	Taiwan P.R. China		(EEC)No.2861/93 18.10.93	21.10.93, p.4
	Hong Kong	duties	Council Reg.	OJ L 236
	S.Korea		(EC)No.2199/94 09.09.94	10.09.94, p.2
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	India P.R. China	duties	Council Reg. (EEC)No.3434/91 25.11.91	OJ L 326 28.11.91,p.6
Peroxidisul- phates	P.R. China	duty	Council Reg. (EC)No.2961/95 18.12.95	OJ L 308 21.12.95,p.61
Photo albums	P.R. China	duty	Council Reg. (EC)No.3664/93 22.12.93	OJ L 333 31.12.93,p.67
Pig iron (haematite)	Brazil Poland Russia Ukraine	duties	Com. Dec.(EC) No.1751/94/ECSC	OJ L 182 16.07.94,p.37
Plain paper photocopiers	Japan	duty	Council Reg. (EC)No.2380/95 02.10.95	OJ L 244 12.10.95,p.1
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)	Taiwan Turkey	duties	Council Reg. (EEC)No.3905/88 12.12.88	OJ L 347 16.12.88,p.10
Polyester yarns	Taiwan Indonesia P.R. China Turkey	duties	Council Reg. (EEC)no.830/92 30.03.92	OJ L 88 03.04.92,p.1
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

Potassium chloride	Belarus Russia Ukraine	duties	Council Reg. (EC)No. 643/94 21.03.94	OJ L 80 24.03.94, p. 1
Potassium permanganate	P.R.China	duty	Council Reg. (EC)No.2819/94 17.11.94	OJ L 298 19.11.94, p.32
Seamless steel tubes	Hungary Poland Croatia	duty undertakings	Council Reg. (EEC)No.1189/93 14.05.93 ComDec93/260/EEC 14.05.93	OJ L 120 15.05.93, p.34 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	Russia Poland P.R. China Ukraine	duties	Council Reg. (EC)No.821/94 12.04.94	OJ L 94 13.04.94, p.21
Silicon metal	P.R. China	duty additional duty	Council Reg. (EEC)No.2200/90 27.7.90 Council Reg. (EEC)No.1607/92 22.6.92	OJ L 198 28.7.90, p.57 OJ L 170 25.6.92, p. 1
	Brazil	duty	(EEC)No.2305/92 04.08.92	OJ L 222 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 (soda ash)	U.S.A.	duties	Council Reg. (EC)No. 2381/95 10.10.95	OJ L 244 12.10.95, p.32
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 duties
S. Korea

Council Reg.
(EEC)No. 54/93
08.01.93

OJ L 9,
15.01.93,p. 2

Televisions (colour)	Malaysia P.R. China S. Korea Singapore Thailand	duties	Council Reg. (EC)No. 710/95 27.03.95	OJ L 73 01.04.95,p.3
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
Television camera systems	Japan	duties	Council Reg. (EC)No.1015/94 29.04.94	OJ L 111 30.04.94,p106
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 24.09.90	OJ L 264 27.09.90,p.7
		duties	Council Reg. (EC)No. 610/95 20.03.95	OJ L 64 22.03.95,p.1
Tungsten ores and concentrates	P.R. China	duties	Council Reg. (EEC)No.2735/90 24.09.90	OJ L 264 27.09.90,p.1
		duties	Council Reg. (EC)No. 610/95 20.03.95	OJ L 64 22.03.95,p.1
Tungstic oxide and acid	P.R. China	duties	Council Reg. (EEC)No.2736/90 24.09.90	OJ L 264 27.09.90,p.4
		duties	Council Reg. (EC)No. 610/95 20.03.95	OJ L 64 22.03.95,p.1
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	Venezuela	duties	Council Reg. (EEC)No.2835/91 23.9.91	OJ L 272 28.9.91,p.10
	Russia	duties	Council Reg. (EC)No. 477/95 16.01.95	OJ L 49 04.03.95,p.1
Urea ammonium nitrate	Bulgaria	duties	Council Reg. (EC)No.3319/94 22.12.94	OJ L 350 31.12.94,p.20
	Poland	undertakings	Com.Dec.94/825/EC 12.12.94	OJ L 350 31.12.94,p.115
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
		undertakings	Com: Dec. 90/166/EEC 2.4.90	OJ L 91 6.4.90,p.36
	Turkey Venezuela	duties	Council Reg. (EEC) No. 898/91 8.4.91	OJ L 91 12.4.91,p.1
Welded wire mesh	Yugoslavia	undertakings	Com.Dec.91/256/EEC 14.5.91	OJ L 123 18.5.91,p.54