

COMMISSION

COMMISSION DECISION

of 17 May 2004

repealing Commission Decision No 303/96/ECSC accepting an undertaking offered in connection with imports into the Community of certain grain-oriented electrical sheets originating in Russia

(2004/497/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ ('the basic Regulation'), and in particular Articles 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

(1) On 19 February 1996, the Commission, by Decision No 303/96/ECSC⁽²⁾, imposed a single country-wide definitive anti-dumping duty on imports of certain grain-oriented electrical sheets ('GOES'), originating in Russia. By the same Decision, the Commission accepted an undertaking combining a quantitative limitation and a pricing commitment offered by the Russian authorities in conjunction with the Russian exporters of GOES.

(2) Further to a request lodged by the European Confederation of Iron and Steel Industries ('Eurofer') on behalf of the Community industry of GOES, the Commission initiated an expiry review in accordance with Article 11 (2) of Commission Decision No 2277/96/ECSC⁽³⁾ ('the basic Decision'). At the same time, the Commission also initiated on its own initiative an investigation in accordance with Article 11(3) of the basic Decision in order to examine the appropriateness of the form of the measures⁽⁴⁾.

(3) In view of the expiry of the Treaty establishing the European Coal and Steel Community on 23 July 2002, the Council, by Regulation (EC) No 963/2002⁽⁵⁾, decided that anti-dumping proceedings initiated pursuant to the basic Decision and still in force shall be continued and be governed by the basic Regulation with effect from 24 July 2002. Likewise, any anti-dumping measures resulting from pending anti-dumping investigations shall be governed by the provisions of the basic Regulation from 24 July 2002.

(4) Further to a request by two exporting producers of GOES in Russia, namely OOO VIZ — STAL, ('VIZ-STAL') and Novolipetsk Iron and Steel Corporation ('NLMK'), the Commission initiated in August 2002 an investigation pursuant to Article 11(3) of the basic Regulation, with respect to VIZ STAL⁽⁶⁾ and subsequently, in October 2002, an investigation pursuant to Article 11(3) of the basic Regulation with respect to NLMK⁽⁷⁾. Both reviews were limited in scope to the examination of dumping.

(5) As a result of the expiry review mentioned in recital 2, the Council, in January 2003, by Regulation (EC) No 151/2003⁽⁸⁾ confirmed the definitive anti-dumping duty imposed by Decision No 303/96/ECSC. However, the interim review limited to the form of the measures remained open at the conclusion of the expiry review.

(6) In both reviews mentioned in recital 4, the aspects of dumping had to be investigated, which could eventually affect the level of the measures subject to the *ex officio* review, mentioned in recital 2, limited to the form of the measure. Furthermore, the three reviews concerned the same anti-dumping measure. It was therefore considered appropriate, for reasons of sound administration, to conclude the three interim reviews together in order to be able to take into account the eventually changed

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

⁽²⁾ OJ L 42, 20.2.1996, p. 7.

⁽³⁾ OJ L 308, 29.11.1996, p. 11. Decision as last amended by Decision No 435/2001/ECSC (OJ L 63, 3.3.2001, p. 14).

⁽⁴⁾ OJ C 53, 20.2.2001, p. 13.

⁽⁵⁾ OJ L 149, 7.6.2002, p. 3. Regulation as amended by Regulation (EC) No 1310/2002 (OJ L 192, 20.7.2002, p. 9).

⁽⁶⁾ OJ C 186, 6.8.2002, p. 15.

⁽⁷⁾ OJ C 242, 8.10.2002, p. 16.

⁽⁸⁾ OJ L 25, 31.1.2003, p. 7.

economic circumstances of the exporting producers concerned.

**B. WITHDRAWAL OF THE ACCEPTANCE OF
AN UNDERTAKING**

- (7) The Council, by Regulation (EC) No 990/2004 ⁽¹⁾, concluded all three abovementioned reviews.
- (8) As set out in recitals 89 to 100 of Regulation (EC) No 990/2004, and after having consulted all interested parties concerned, the undertaking in its current form is not appropriate anymore. On this basis, and also in accordance with the relevant clauses of the undertaking in question, which authorises the Commission unilaterally to withdraw the acceptance of the undertaking, the Commission has concluded to withdraw the acceptance of the undertaking.
- (9) The Commission informed the Russian authorities and the Russian exporters concerned in January 2004 that it proposed to withdraw the acceptance of the current undertaking. The Russian authorities and one exporting producer objected to the above proposal and requested that a duty-free tariff quota should be maintained for imports of GOES originating in Russia, in particular in view of the enlargement of the European Union on 1

May 2004. These arguments could not be accepted for the reasons set out in recital 99 of Regulation (EC) No 990/2004.

C. REPEAL OF DECISION No 303/96/ECSC

- (10) In view of the above, Article 2 of Decision No 303/96/ECSC should be repealed.
- (11) In parallel to this Decision, the Council, by Regulation (EC) No 990/2004 has imposed a definitive anti-dumping duty on the exporters concerned,

HAS ADOPTED THIS DECISION:

Article 1

Article 2 of Decision No 303/96/ECSC is hereby repealed.

Article 2

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 17 May 2004.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ OJ L 182, 19.5.2004, p. 5.