

COUNCIL REGULATION (EC) No 1677/2001
of 13 August 2001
amending Regulation (EC) No 772/1999 imposing definitive anti-dumping and countervailing duties
on imports of farmed Atlantic salmon originating in Norway

THE COUNCIL OF THE EUROPEAN UNION,

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⁾, and in particular Article 8 thereof,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community⁽²⁾, and in particular Article 13 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) On 31 August 1996, by means of two separate notices published in the *Official Journal of the European Communities*, the Commission announced the initiation of an anti-dumping proceeding⁽³⁾ and an anti-subsidy proceeding⁽⁴⁾ in respect of imports of farmed Atlantic salmon originating in Norway.
- (2) These proceedings resulted in anti-dumping and countervailing duties being imposed by Council Regulations (EC) No 1890/97⁽⁵⁾ and 1891/97⁽⁶⁾ in September 1997 in order to eliminate the injurious effects of dumping and subsidisation.
- (3) In parallel to this, by Decision 97/634/EC⁽⁷⁾, the Commission accepted undertakings from 190 Norwegian exporters and imports of farmed Atlantic salmon originating in Norway ('the product concerned') exported to the Community by these companies were exempted from the said anti-dumping and countervailing duties.

- (4) The form of the duties was later reviewed and Regulations (EC) No 1890/97 and (EC) No 1891/97 were replaced by Regulation (EC) No 772/1999⁽⁸⁾.

B. FAILURE TO COMPLY WITH THE UNDERTAKING

- (5) The undertakings offered by the Norwegian companies oblige them, *inter alia*, to provide the Commission with detailed quarterly reports of their sales to the Community of the product concerned. These reports should be received by the Commission no later than 30 days after the end of the quarter in question.
- (6) For the fourth quarter of 2000, two Norwegian companies, Marstein Seafood AS (UT No 1/93, TARIC additional code 8197) and Westmarine AS (UT No 1/192, TARIC additional code 8625), failed to present their sales reports within the prescribed time limit, offering no explanation whatsoever for this failure. The Commission's findings in this respect are set out more fully in Commission Decision 2001/644/EC of 20 July 2001 amending Decision 97/634/EC accepting undertakings offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of farmed Atlantic salmon originating in Norway⁽⁹⁾.
- (7) As breaches of the undertakings have been found to have occurred, acceptance of the undertakings has been withdrawn by the Commission. Definitive anti-dumping and anti-subsidy duties should therefore be imposed forthwith against the two companies concerned.

C. NEW EXPORTERS AND CHANGES OF NAME

- (8) Two Norwegian companies, Atlantis AS and Cape Fish AS, claimed that they are 'new exporters' within the meaning of Article 2 of Regulation (EC) No 772/1999 in conjunction with Article 11(4) of Regulation (EC) No 384/96 and Article 20 of Regulation (EC) No 2026/97, and have offered undertakings. Having investigated the matter, it was established that the applicants fulfilled the conditions for being considered as new exporters and, accordingly, the undertakings offered have been accepted by the Commission. The exemption to the anti-dumping and countervailing duties should therefore be extended to these companies.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2238/2000 (OJ L 257, 11.10.2000, p. 2).

⁽²⁾ OJ L 288, 21.10.1997, p. 1.

⁽³⁾ OJ C 253, 31.8.1996, p. 18.

⁽⁴⁾ OJ C 253, 31.8.1996, p. 20.

⁽⁵⁾ OJ L 267, 30.9.1997, p. 1. Regulation repealed by Regulation (EC) No 772/1999 (OJ L 101, 16.4.1999, p. 1).

⁽⁶⁾ OJ L 267, 30.9.1997, p. 19. Regulation repealed by Regulation (EC) No 772/1999.

⁽⁷⁾ OJ L 267, 30.9.1997, p. 81. Decision as last amended by Commission Decision 2001/544/EC (OJ L 195, 19.7.2001, p. 50).

⁽⁸⁾ OJ L 101, 16.4.1999, p. 1. Regulation as last amended by Regulation (EC) No 1469/2001 (OJ L 195, 19.7.2001, p. 1).

⁽⁹⁾ See page 49 of this Official Journal.

- (9) A Norwegian exporter with an undertaking advised the Commission that the group of companies to which it belongs had been re-organised and that another company within the group was now responsible for exports to the Community. The company therefore requested that its name be replaced on the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC and on the list of companies which benefit from an exemption to the anti-dumping and countervailing duties in the Annex to Regulation (EC) No 772/1999.
- (10) Two other exporters advised the Commission that their names had changed and also requested that the lists of companies mentioned in the previous recital be amended.
- (11) Having verified the nature of these requests, the Commission considered them all to acceptable since the changes do not entail any substantive changes requiring a re-assessment of dumping, nor do they affect any of the considerations on which the acceptance of the undertaking was based. The Commission's findings in this respect are set out more fully in Commission Decision 2001/644/EC.

**D. AMENDMENT OF THE ANNEX TO REGULATION (EC)
No 772/1999**

- (12) In view of all the above, the Annex to Regulation (EC) No 772/1999 which lists the companies exempted from the anti-dumping and countervailing duties should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 772/1999 shall be replaced by the Annex hereto.

Article 2

1. (a) Definitive countervailing and anti-dumping duties are hereby imposed on imports of farmed (other than wild) Atlantic salmon falling within CN codes ex 0302 12 00 (TARIC codes: 0302 12 00*21, 0302 12 00*22, 0302 12 00*23 and 0302 12 00*29), ex 0303 22 00 (TARIC codes: 0303 22 00*21, 0303 22 00*22, 0303 22 00*23 and 0303 22 00*29), ex 0304 10 13 (TARIC codes: 0304 10 13*21 and 0304 10 13*29) and ex 0304 20 13 (TARIC codes: 0304 20 13*21 and 0304 20 13*29) originating in Norway and exported by Marstein Seafood AS or Westmarine AS.
 - (b) These duties shall not apply to wild Atlantic salmon (TARIC codes: 0302 12 00*11, 0304 10 13*11, 0303 22 00*11 and 0304 20 13*11). For the purpose of this Regulation, wild salmon shall be that in respect of which the competent authorities of the Member States of landing are satisfied, by means of all customs and transport documents to be provided by interested parties, that it was caught at sea.
2. (a) The rate of the countervailing duty applicable to the net free-at-Community frontier price, before duty, shall be 3,8 %.
 - (b) The rate of the anti-dumping duty applicable to the net free-at-Community frontier price, before duty, shall be EUR 0,32 per kilogram net product weight. However, if the free-at-Community-frontier price, including the countervailing and anti-dumping duties, is less than the relevant minimum price set out in paragraph 3, the anti-dumping duty to be collected shall be the difference between that minimum price and the free-at-Community-frontier price, including the countervailing duty.

3. For the purpose of paragraph 2, the following minimum prices shall apply per kilogram net product weight:

Presentation of salmon	Minimum price euro/kg net product weight	TARIC code
Whole fish, fresh or chilled	2,925	0302 12 00*21
Gutted, head-on, fresh or chilled	3,25	0302 12 00*22
Gutted, headless, fresh or chilled	3,65	0302 12 00*23
Other, fresh or chilled, including 'steaks'	3,65	0302 12 00*29
Whole fish, frozen	2,925	0303 22 00*21
Gutted, head-on, frozen	3,25	0303 22 00*22

Presentation of salmon	Minimum price euro/kg net product weight	TARIC code
Gutted, headless, frozen	3,65	0303 22 00*23
Other, frozen, including 'steaks'	3,65	0303 22 00*29
Whole fish fillets, more than 300 gr each, fresh or chilled	5,19	0304 10 13*21
Other fish fillets or fillet portions, 300 gr or less each, fresh or chilled	6,55	0304 10 13*29
Whole fish fillets, more than 300 gr each, frozen	5,19	0304 20 13*21
Other fish fillets or fillet portions, weighing 300 gr or less each, frozen	6,55	0304 20 13*29

Article 3

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 August 2001.

For the Council
The President
L. MICHEL

ANNEX

List of companies from which undertakings are accepted and thus exempted from the definitive anti-dumping and countervailing duties

UT No	Company name	TARIC additional code
3	Rosfjord Seafood A/S	8325
7	Aqua Export A/S	8100
8	Aqua Partner A/S	8101
11	Arctic Group International	8109
13	Artic Superior A/S	8111
15	A/S Aalesundfisk	8113
16	Austevoll Eiendom AS	8114
17	A/S Keco	8115
20	A/S Refsnes Fiskeindustri	8118
21	A/S West Fish Ltd	8119
22	Astor A/S	8120
24	Atlantic Seafood A/S	8122
26	Borkowski & Rosnes A/S	8124
27	Brødrene Aasjord A/S	8125
31	Christiansen Partner A/S	8129
32	Clipper Seafood A/S	8130
33	Coast Seafood A/S	8131
35	Dafjord Laks A/S	8133
39	Domstein Fish A/S	8136
41	Ecco Fisk & Delikatesse	8138
42	Edvard Johnsen A/S	8139
43	Fjord Seafood ASA	8140
44	Euronor A/S	8141
46	Fiskeforsyningen A/S	8143
47	Fjord Aqua Group A/S	8144
48	Fjord Trading Ltd A/S	8145
50	Fossen A/S	8147
51	Fresh Atlantic A/S	8148
52	Fresh Marine Company A/S	8149

UT No	Company name	TARIC additional code
58	Grieg Seafood A/S	8300
61	Hallvard Lerøy A/S	8303
62	Fjord Seafood Måløy A/S	8304
66	Marine Harvest Norway AS	8159
67	Hydrotech-gruppen A/S	8428
72	Inter Sea A/S	8174
76	Joh. H. Pettersen A/S	8178
77	Johan J. Helland A/S	8179
79	Karsten J. Ellingsen A/S	8181
80	Kr Kleiven & Co. A/S	8182
82	Labeyrie Norge A/S	8184
83	Lafjord Group A/S	8185
85	Leica Fiskeprodukter	8187
87	Lofoten Seafood Export A/S	8188
92	Marine Seafood A/S	8196
96	Memo Food A/S	8200
98	Misundfisk A/S	8202
100	Naco Trading A/S	8206
101	Fjord Seafood Midt-Norge A/S	8207
104	Nergård A/S	8210
105	Nils Williksen A/S	8211
107	Nisja Trading A/S	8213
108	Nor-Food A/S	8214
111	Nordic Group ASA	8217
112	Nordreisa Laks A/S	8218
113	Norexport A/S	8223
114	Norfi Produkter A/S	8227
115	Norfood Group A/S	8228
116	Norfra Eksport A/S	8229
119	Norsk Akvakultur A/S	8232
120	Norsk Sjømat A/S	8233
121	Northern Seafood A/S	8307

UT No	Company name	TARIC additional code
122	Nortrade A/S	8308
123	Norway Royal Salmon Sales A/S	8309
124	Norway Royal Salmon A/S	8312
126	Frionor A/S	8314
128	Norwell A/S	8316
137	Pan Fish Sales A/S	8242
140	Polar Salmon AS	8247
141	Prilam Norvège A/S	8248
142	Pundslett Fisk	8251
144	Olsen Seafood AS	8254
145	Marine Harvest Rogaland AS	8256
146	Rørvik Fisk- og fiskematforretning A/S	8257
147	Saga Lax Norge A/S	8258
148	Prima Nor A/S	8259
151	Sangolgruppa A/S	8262
153	Scanfood A/S	8264
154	Sea Eagle Group A/S	8265
155	Sea Star International A/S	8266
156	Sea-Bell A/S	8267
157	Seaco A/S	8268
158	Seacom A/S	8269
160	Seafood Farmers of Norway Ltd A/S	8271
161	Seanor A/S	8272
162	Sekkingstad A/S	8273
164	Sirena Norway A/S	8275
165	Kinn Salmon A/S	8276
167	Fjord Seafood Sales AS	8278
168	SMP Marine Produkter A/S	8279
172	Stjermelaks A/S	8283
174	Stolt Sea Farm A/S	8285
175	Storm Company A/S	8286
176	Superior A/S	8287

UT No	Company name	TARIC additional code
178	Terra Seafood A/S	8289
180	Timar Seafood A/S	8294
182	Torris Products Ltd A/S	8298
183	Troll Salmon A/S	8317
188	Vikenco A/S	8322
189	Wannebo International A/S	8323
190	West Fish Norwegian Salmon A/S	8324
191	Nor-Fa Fish AS	8102
193	Uhrenholt Seafood Norway A/S	A033
194	Mesan Holding AS	A034
195	Polaris Seafood A/S	A035
196	Scanfish A/S	A036
197	Normarine A/S	A049
198	Oskar Einar Rydbeck	A050
199	Emborg Foods Norge A/S	A157
200	Helle Mat A/S	A158
201	Norsea Food A/S	A159
202	Salmon Company Fjord Norway A/S	A160
203	Stella Polaris A/S	A161
204	First Salmon AS	A205
205	Norlaks A/S	A206
206	Atlantis AS	A257
207	Cape Fish AS	A258