

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 July 2001

accepting undertakings in connection with the anti-dumping proceeding concerning imports of flat pallets of wood originating in the Republic of Poland

(notified under document number C(2001) 2390)

(2001/643/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⁾, as last amended by Regulation (EC) No 2238/2000 ⁽²⁾, and in particular Article 8(1) thereof,

Having regard to Commission Regulation (EC) No 1023/97 of 6 June 1997 imposing a provisional anti-dumping duty on certain imports of flat pallets of wood originating in Poland and accepting undertakings offered from certain exporters in connection with those imports ⁽³⁾, as amended by Regulations (EC) No 1632/97 ⁽⁴⁾ and (EC) No 1633/97 ⁽⁵⁾, and in particular Article 2 thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) The Commission, by Regulation (EC) No 1023/97 (hereinafter referred to as 'the provisional Regulation'), imposed provisional anti-dumping duties on certain imports of flat pallets of wood falling within CN code ex 4415 20 20 originating in the Republic of Poland and accepted undertakings offered from certain exporting producers. These undertakings concerned only one pallet type, i.e. the EUR pallet.
- (2) Since sampling was used in the investigation, requests for reviews under Article 11(4) of Regulation (EC) No 384/96 could not be accepted. However, in order to

ensure equal treatment between new exporters and the cooperating companies not included in the sample during the original investigation, the provisional Regulation was amended. Article 2 of Regulation (EC) No 1632/97 stipulated that new Polish exporting producers could have undertakings accepted with regard to exports of EUR pallets, provided they satisfied the criteria set out therein.

- (3) By Regulation (EC) No 2334/97 ⁽⁶⁾, as last amended by Regulation (EC) No 1521/2000 ⁽⁷⁾, the Council imposed a definitive anti-dumping duty on certain imports of flat pallets of wood originating in the Republic of Poland.

B. NEW EXPORTERS' REQUEST

- (4) Following the adoption of Regulation (EC) No 2334/97, the following five further new Polish exporting producers have requested that Article 2 of Regulation (EC) No 1632/97 is applied to them and they offered undertakings with regard to the EUR pallets:

- P.P.D.B. 'Lesnik' S.C., Krosno,
- 'Europal' S.C., Brzeziny,
- P.P.U.H. 'Centropal' Eksport-Import, Czajkow,
- Energomontaz Polnoc Serwis Sp.zo.o., Swierze Gorne,
- P.P.H. 'BOM'S' S-ka zo.o., Suwalki.

They have also provided sufficient evidence pursuant to the aforementioned Article of this regulation showing that they are genuine new exporting producers. In application of Article 2 of Regulation (EC) No 1632/97, the undertakings offered by these five Polish exporting producers with regard to the EUR pallet should therefore be accepted.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 257, 11.10.2000, p. 2.

⁽³⁾ OJ L 150, 7.6.1997, p. 4.

⁽⁴⁾ OJ L 225, 15.8.1997, p. 11.

⁽⁵⁾ OJ L 225, 15.8.1997, p. 13.

⁽⁶⁾ OJ L 324, 27.11.1997, p. 1.

⁽⁷⁾ OJ L 175, 14.7.2000, p. 1.

C. WITHDRAWAL OF UNDERTAKING

- (5) The following five Polish exporting producers, from which the Commission accepted the undertaking, have violated the undertaking by not complying with their reporting obligations as laid down in the undertaking:
- Internationale Paletten Company Sp., Lebork (TARIC additional code 8575),
 - P.P.U.H. 'Drewmax' Sp.zo.o., Krakow (TARIC additional code 8577),
 - S.U.T.R. 'Rol Trak', Prochowice (TARIC additional code 8714),
 - Sliwka Lucyna, Klodzko (TARIC additional code 8445) and
 - Produkcja — Skup Elementow i Palet, Stanislaw Gorecki, Czajkow (TARIC additional code 8483).
- (6) One Polish producer, MACED Sklad Palet, J. Macionga, Miastko (TARIC additional code 8539), stated that they no longer produce the product concerned.
- (7) Therefore, the Commission informed these six companies that it is intended to remove their names from the list of companies from which an undertaking was accepted. These companies did not object to this course of action.

D. COMPANIES SUBJECT TO THE UNDERTAKING

- (8) For the sake of clarity all the companies subject to the undertaking are listed in the Annex to this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The undertakings offered with regard to the EUR pallet by:

- P.P.D.B. 'Lesnik' S.C., Krosno,
- 'EUROPAL' S.C., Brzeziny,
- P.P.U.H. 'Centropal' Eksport-Import, Czajkow,

- Energomontaz Polnoc Serwis Sp.zo.o., Swierze Gorne,
- P.P.H. 'BOM'S' S-ka zo.o., Suwalki;

in connection with the anti-dumping proceeding concerning imports of flat pallets of wood originating in Poland and falling within CN code ex 4415 20 20 are hereby accepted.

Article 2

The undertakings accepted with regard to the EUR pallet by:

- Internationale Paletten Company Sp., Lebork (TARIC additional code 8575),
- P.P.U.H. 'Drewmax' Sp.zo.o. (formerly P.P.H. 'Drewnex'), Krakow (TARIC additional code 8577),
- S.U.T.R. 'Rol Trak', Prochowice (TARIC additional code 8714),
- MACED Sklad Palet, J. Macionga, Miastko (TARIC additional code 8539),
- Sliwka Lucyna, Klodzko (TARIC additional code 8445),
- Produkcja — Skup Elementow i Palet, Stanislaw Gorecki, Czajkow (TARIC additional code 8483);

in connection with the anti-dumping proceeding concerning imports of flat pallets of wood originating in Poland and falling within CN code ex 4415 20 20 are hereby repealed.

Article 3

Articles 1 and 2 shall take effect on the day following publication of this Decision in the *Official Journal of the European Communities*.

Done at Brussels, 30 July 2001.

For the Commission

Pascal LAMY

Member of the Commission

ANNEX

Manufacturer

		TARIC additional code
1	'Baumann Palety' Sp.zo.o., Barczewo	8570
2	E. Dziurny — C. Nowak S.C., Snietnica	8571
3	F.P.H. 'Tina' S.C., Katowice	8572
4	Firma 'Sabelmar' S.C., Konczyce Male	8573
5	Z.P.H.U. Mirosław Przybyłek, Klonowa	8574
6	'Kross-Pol' Sp.zo.o., Kolobrzeg	8576
7	P.P.H. 'GKT' S.C., Bilgoraj	8584
8	P.P.H. 'Unikat', Aleksandrow IV 697	8586
9	P.P.H.U. 'Adapol' S.C., Wolomin	8587
10	P.P.H.U. 'Alpa' Sp.zo.o., Dobrzyca	8588
11	P.P.U.H. 'Alwa' Sp.zo.o., Sławno	8589
12	P.P.H.U. 'Palimex' Sp.zo.o., Włoszakowice	8590
13	P.P.U.H. 'SMS' — St. Mrozowicz, Suleczyno	8591
14	P.T.H. 'Mirex', Kolobrzeg	8597
15	P.W. 'Intur-KFS' Sp.zo.o., Inowrocław	8662
16	P.W. 'Peteco' Sp.zo.o., Warszawa	8690
17	'Paletex' Produkcja Palet, Roman Panasiuk, Warszawa	8691
18	Produkcja Palet 'A. Adamus', Kuznia Grabowska	8692
19	P.P.H. Zygmunt Skibinski, Kowal	8693
20	'Scanproduct' S.A., Czarny Dujanec	8715
21	'Transdrewneks' Sp.zo.o., Grudziadz-Owczarki	8716
22	W.Z.P.U.M. 'Euro-Tech', Rakszawa	8725
23	Z.P.H. 'Palettenwerk' — K. Kozik, Jordanow	8726
24	Zakład Przerobu Drewna S.C., Drawsko Pomorskie	8745
25	Z.P.H.U. 'Sek-Pol' Sp.zo.o., Tarnobrzeg	8526
26	'Euro-Mega-Plus' Sp.zo.o., Kielce	8527
27	'C.M.C.' Sp.zo.o., Andrychow, Inwald	8528
28	Wyrob, Sprzedaz, Skup Palet, Josef Kolodziejczyk, Aleksandrow IV 704	8529
29	Firma Produkcyjno Transportowa Marian Gerka, Brodnica	8530

		TARIC additional code
30	Z.P.H.U. 'Drewnex' Mamos, Luczak, Mamos s.j., Cekow	8531
31	Import-Export 'Elko' Sp.zo.o., Kalisz	8532
32	P.P.H.U. 'Probox', Import-Export, Kalisz	8533
33	Drewpal sp.j., Blizanow	8534
34	Zaman S.C., Radom	8535
35	'Marimpex', Pulawy	8537
36	'AVEN' Sp.zo.o., Kostrzyn	8558
37	P.P.H.U. 'Eurex' BIS, Godynice	8538
38	ENKEL S.C., Pulawy	8540
39	Produkcja Stolarska Posrednictwo Export-Import, W.i.T. HENSOLDT, Lebork	8541
40	P.P.U.H. 'DREWPOL', Braszewice	8834
41	PTN Krukanki Sp.zo.o., Krukanki	8556
42	WEDAM S.C., Stezyca	8557
43	Import-Export Jan Sibinski, Czajkow	8559
44	P.P.H.U. 'Alk', Bierzwnik	8561
45	'Empol' S.C., Jastrzebniki 37	8560
46	Euro-Handels Sp.zo.o., Szczecin	8440
47	P.P.H. 'Paletex' Sibinski Jaroslaw, Czajkow	8441
48	Firma 'KIKO' S.C., Poznan	8443
49	'Enkel' Waldemar Wnuk, Pulawy	8444
50	Firma Borkowski S.C. Export-Import, Grabow n. Prosna	8446
51	'Bilusa' Sp.zo.o., Klodawa	8484
52	P.P.U.H. PAL-POL S.C., Prabuty	8485
53	Firma 'A.C.S.' S.C., Kamien	8486
54	'SMT' Sp.zo.o., Miastko	8562
55	Firma Transdrewneks Gadzala Antoni, Torun	8563
56	'Palko' Sp.zo.o., Sedziszow	8565
57	'D & M & D' Sp.zo.o., Blizanow	8566
58	P.P.H. 'Vector', Kalisz	8567
59	P.P.H.U. 'ELMA' S.C., Sobieseki	A109
60	P.P.H. SWENDEX S.C., Lublin	A110
61	P.P.H.U. Zbigniew Marek, Andrichow	A113

		TARIC additional code
62	Pomorski Serwis Paletowy Sp.zo.o., Kobylnica	A114
63	'EMI' S.C., Bilgoraj	A124
64	P.P.H.U. ROMAX Import-Eksport, Wroclaw	A133
65	P.P.D.B. 'Lesnik' S.C., Krosno	A259
66	'EUROPAL' S.C., Brzeziny	A260
67	P.P.U.H. 'CENTROPAL' EKSPORT-IMPORT, Czajkow	A261
68	Energomontaz Polnoc Serwis Sp.zo.o., Swierze Gorne	A262
69	P.P.H. 'BOM'S' S-ka zo.o., Suwalki	A263