

COUNCIL REGULATION (EC) No 1678/2001

of 13 August 2001

amending Regulation (EC) No 2334/97 imposing a definitive anti-dumping duty on certain imports of flat pallets of wood originating in the Republic of Poland and collecting definitively the provisional duty imposed

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 4(1) and (2) thereof,

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 9(4) thereof,

Having regard to Regulation (EC) No 2334/97 ⁽²⁾, and in particular Article 4(1) and (2) thereof,

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

Whereas:

A. PREVIOUS PROCEDURE

(1) The Council, by Regulation (EC) No 2334/97, imposed definitive 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 producers in connection with these imports. Sampling was applied to Polish producers/exporters and individual duties ranging from 4,0 % to 10,6 % were imposed on the companies in the sample, while on other cooperating companies not included in the sample a weighted average duty of 6,3 % was imposed. A duty of 10,6 % was imposed on companies which either did not make themselves known or did not cooperate in the investigation. The producers from whom undertakings were accepted were exempted from anti-dumping duties with regard to imports of one specific pallet type, the EUR-pallet, which is the only pallet type covered by the undertakings.

(2) Article 4(1) of Regulation (EC) No 2334/97 stipulates that any party which provides sufficient evidence to the Commission that:

- it did not export to the Community or produce wooden pallets described in Article 1(1) of that Regulation during the investigation period,

- it is not related to any of the producers or exporters in Poland which are subject to the anti-dumping duties imposed by that Regulation,

- it has actually exported to the Community the goods concerned after the investigation period, or it has entered into any irrevocable contractual obligation to export a significant quantity to the Community,

then that Regulation can be amended by granting that party the duty rate applicable to cooperating producers who were not in the sample, i.e. 6,3 %.

(3) Article 4(2) of Regulation (EC) No 2334/97 provides furthermore that any party which met the criteria set out in Article 4(1) thereof can also be exempted from the payment of the anti-dumping duty if an undertaking with regard to the so-called EUR-pallet is accepted from such party.

(4) The Council, by Regulations (EC) No 2079/98 ⁽³⁾, (EC) No 2048/1999 ⁽⁴⁾ and (EC) No 1521/2000 ⁽⁵⁾ amended Annexes I and II of Regulation (EC) No 2334/97.

(5) 14 new Polish exporting producers having requested the same treatment as the companies which cooperated in the original investigation but were not included in the sample, have provided, on request, evidence showing that they meet the requirements set out in Article 4(1) of Regulation (EC) No 2334/97. The evidence provided by these applicant companies is considered sufficient to allow Regulation (EC) No 2334/97 to be amended by adding these 14 exporting producers to Annex I to the said Regulation. Annex I specifies the exporting producers which are subject to the weighted average duty of 6,3 %.

(6) Five of the 14 Polish exporting producers which will receive the weighted average duty of 6,3 %, have also offered undertakings with regard to the EUR-pallet which were accepted by Commission Decision 2001/643/EC ⁽⁶⁾. Consequently, these five companies should be added to Annex II to Regulation (EC) No 2334/97, which contains a list of companies from which the Commission has accepted undertakings with regard to imports of the EUR-pallet and to which the duty does not, therefore, apply in this respect.

⁽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 324, 27.11.1997, p. 1, Regulation as last amended by Regulation (EC) No 1521/2000 (OJ L 175, 14.7.2000, p. 1).

⁽³⁾ OJ L 266, 1.10.1998, p. 1.

⁽⁴⁾ OJ L 255, 30.9.1999, p. 1.

⁽⁵⁾ OJ L 175, 14.7.2000, p. 1.

⁽⁶⁾ See page 44 of this Official Journal.

B. WITHDRAWAL OF UNDERTAKING

- (7) 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),

Produkcja — Skup Elementow i Palet, Stanislaw Gorecki, Czajkow (TARIC additional code 8483), and

one Polish producer, MACED Sklad Palet, J. Macionga, Miastko (TARIC additional code 8539), stated that it no longer produced the product concerned.

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.

C. CHANGE OF ADDRESSES AND COMPANY NAMES

- (8) The following five Polish exporting producers, subject to a weighted average anti-dumping duty, have informed the Commission services that their addresses have changed:

P.P.H. 'GKT' S.C., Bilgoraj,

P.P.U.H. 'Alwa' Sp.zo.o., Slawno,

Z.P.H.U. Drewnex Mamos, Luczak, Mamos s.j., Cekow, Drewpal sp.j., Blizanow,

P.P.H. 'Astra' Sp.zo.o., Nawojowa.

- (9) The following two Polish exporting producers have informed the Commission services that their names have changed:

P.P.H.U. 'Eurex' BIS, Godynice,

B.H. 'MARINO', Drawsko Pomorskie.

The Commission is satisfied that the change of name in no way affects the original findings and therefore concludes that the change of name should not prejudice the right of the company to benefit from the individual duty rates applied to the company under its previous name.

- (10) Hence, Annexes I and II to Regulation (EC) No 2334/97 must be changed accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 2334/97 shall be replaced by Annexes I and II respectively to this Regulation.

Article 2

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 I

ANNEX I

Manufacturer

1	"Baumann Palety" Sp. z o.o., Barczewo
2	"DAST" GmbH, Poznan
3	Drew-Pol Export-Import, Wodarz Norbert, Murow
4	E. Dziurny — C. Nowak S.C., Snietnica
5	F.P.H. "Tina" S.C., Katowice
6	F.P.H. Tadeusz Fisher, Maly Gleboczek
7	F.P.U.H. "Rol-Mar", Adam Piatek, Klodzko
8	Z.P.H.U. Mirosław Przybyłek, Klonowa
9	Internationale Paletten Company Sp., Lebork
10	"Kross-Pol" Sp.zo.o., Kolobrzeg
11	P.P.U.H. "Drewmax" Sp.zo.o. (formerly P.P.H. "Drewnex"), Krakow
12	P.P.H. "GKT" S.C., Bilgoraj
13	P.P.H. "Pamadex", Ligota
14	P.P.H. "Unikat", Aleksandrow IV 697
15	P.P.H.U. "Adapol" S.C., Wolomin
16	P.P.U.H. "Alwa" Sp.zo.o., Slawno
17	P.P.U.H. "SMS" — St. Mrozowicz, Suleczyno
18	P.T.H. "Mirex", Kolobrzeg
19	P.W. "Peteco" Sp.zo.o., Warszawa
20	Parafia Rzymsko-Katolicka, B. Niepokalaneg Dzialalnose Gospodaroz, Nowy Sacz
21	Produkcja Palet "A. Adamus", Kuznia Grabowska
22	Produkcja Skup Palet Drewnanych, Stanislaw Lachowicz, Majdan Sieniawski 170
23	Przedsiębiorstwo "Amesko", Andrzej Skora, Trzebnica
24	P.H.U. "Justyna", Gubin
25	P.H.U. "Akropol", Krakow
26	P.H.U. Produkcyjne "Lech", Lech Szwez, Zary
27	Przedsiębiorstwo Obrobki Drewna "Palet-Pol" Sp.zo.o., Dabrowka WLKP
28	P.P.H. Zygmunt Skibinski, Kowal
29	P.P.H.U. "AWA" Sp.zo.o., Nowy Sacz

30	Przedsiębiorstwo Wielobranzowe, Zdziolaw Milocki, Ostroda
31	"Scanproduct" SA., Czarny Dunajec
32	S.C. "Bed", Dariusz Zuk, Krasienin
33	S.U.T.R. "Rol Trak", Prochowice
34	Stolarstwo Export-Import, Tadeusz Swirski, Długopole Zdroj
35	Torunskie Przedsiębiorstwo Przemysłu Drzewnego w Toruniu, Adam Wisniewski, Torun
36	"Transdrewneks" Sp.zo.o., Grudziadz-Owczarki
37	W.Z.P.U.M. "Euro-Tech", Rakszawa
38	Wytwarzanie Skrzyn i Opakowan Drewnianych, Malgorzata i Ryszard Nowak, Piaszyna
39	Zaklad Produkcyjny Bohuszko, Ryszard Bohuszko, Osno
40	Z.P.H. "Maw" S.C., Andrzej Kulej, Lubomierz
41	Zaklad Uslugowo-Handlowy "Rolmex", E. Cackowski, Lipno
42	Zaklad Wielobranzowy Produkcyjno Uslugowy, Ryszard Potoniec, Muszyna
43	Zaklad Przerobu Drewna S.C., Drawsko Pomorskie
44	Zphu "Drewex" SC., Agnieszka Pawlaczyk, Skwierzyna
45	Z.P.H.U. "Sek-Pol" Sp.zo.o., Tarnobrzeg
46	"Euro-Mega-Plus" Sp.zo.o., Kielce
47	"C.M.C." Sp.zo.o., Andrychow, Inwald
48	Wyrob, Sprzedaz, Skup Palet, Josef Kolodziejczyk, Aleksandrow IV 704
49	Firma Produkcyjno Transportowa Marian Gerka, Brodnica
50	Z.P.H.U. "Drewnex" Mamos, Luczak, Mamos s.j., Cekow
51	Import-Export "Elko" Sp.zo.o., Kalisz
52	P.P.H.U. "Probox", Import-Export, Kalisz
53	Drewpal sp.j., Blizanow
54	Zaman S.C., Radom
55	"Marimpex", Pulawy
56	"AVEN" Sp.zo.o., Kostrzyn
57	P.P.H.U. "Eurex" BIS, Godynice
58	P.H. "Drewex" S.C., Lebork
59	MACED Sklad Palet, J. Macionga, Miastko
60	ENKEL S.C., Pulawy
61	PAL-PACK Sp.zo.o., Wierzchowo
62	Produkcja Stolarska Posrednictwo Export-Import, W.i.T. HENSOLDT, Lebork
63	Biuro Uslugowo-Handlowe, Wieslaw Rzeczniczek, Lebork

64	P.P.U.H. "DREWPOL", Braszewice
65	PTN Krukłanki Sp.zo.o., Krukłanki
66	WEDAM S.C., Stezyca
67	Import-Export Jan Sibinski, Czajków
68	Zakład Produkcyjny "Tarta", Lubsko
69	Firma "Krausdrew", Cewice
70	"Lidal" S.C., Miastko
71	Zakład Przerobu Drewna Import-Export, Stanisław Kociołek, Ładek Zdrój
72	P.P.H.U. "Alk", Bierzwnik
73	"Empol" S.C., Jastrzebniki 37
74	Zakład Produkcji Drzewnej Nr. 1, Export-Import, Julian Bartkowski, Sanok
75	P.P.H. "Drewex", Czarnków
76	"ZAP" Przedsiębiorstwo Handlowo-Uslugowe Sp.C., Wschowa
77	P.P.H.U. "Opal", Zygmunt Podgórski, Bukowsko 41
78	"Algepa-Pol" Sp.zo.o., Lubsko
79	P.P.H. "A-Produkt" S.C., Resko
80	PPH "Paletex" Sibinski Jarosław, Czajków
81	Euro-Handels Sp.zo.o., Szczecin
82	Firma "KIKO" S.C., Poznań
83	"Enkel" Waldemar Wnuk, Puławy
84	Sliwka Lucyna, Klodzko
85	Firma Borkowski S.C. Export-Import, Grabów n. Proszna
86	Produkcja — Skup Elementów i Palet, Stanisław Gorecki, Czajków
87	"Prodpalet" Handel, Bolesławiec
88	Z.P.H.U. "Drexpert" S.C., Olecko, Osiedle Lesk
89	"Bilusa" Sp.zo.o., Klodawa
90	Paweł Bilko "Pablo", Klodawa
91	Z.P.W. "Gober" Sp.zo.o., Gorzów Wlkp.
92	Kisiel Małgorzata "Drew-Pal", Dobra Nowa
93	P.W. "Remag", Złocieniec
94	P.P.U.H. PAL-POL S.C., Prabuty
95	Firma "A.C.S." S.C., Kamień
96	B.H. "MARINO", Drawsko Pomorskie

97	P.T.P.U.H. "ROB-POL", Milkow
98	Z.H.U.P. Agromal, Sieradz
99	"SMT" Sp.zo.o., Miastko
100	Firma Transdrewneks Gadzala Antoni, Torun
101	Artur Rochmankowski, Trzcinsko-Zdroj
102	"Depo" Sp.zo.o., Ilowa
103	B.P.R. Sp.zo.o., Warszawa
104	"DREWNO" Sp.zo.o., Kostrzyn
105	P.P.H. "Astra" Sp.zo.o., Nawojowa
106	"D & M & D" Sp.zo.o., Blizanow
107	P.P.H. "Vector", Kalisz
108	"Palko" Sp.zo.o., Sedziszow
109	P.P.H. Pol-Wood S.C., Rzekun
110	PPH "YANSAM", Zlocieniec
111	P.P.H.U. "ELMA" S.C., Sobieski
112	PPH SWENDEX S.C., Lublin
113	P.P.H.U. ROMAX Import-Eksport, Wroclaw
114	Z.P.H.U. "BESTPOL" Sp. z o.o., Lututow
115	P.P.H.U. Zbigniew Marek, Andrichow
116	Pomorski Serwis Paletowy Sp. z o.o., Kobylnica
117	"EMI" S.C., Bilgoraj
118	P.P.H.U. "Wal-Trans" Waldemar Latka, Jelenia Gora
119	P.P.D.B. "Lesnik" S.C., Krosno
120	"EUROPAL" S.C., Brzeziny
121	P.P.U.H. "CENTROPAL" EKSPORT-IMPORT, Czajkow
122	Energomontaz Polnoc Serwis Sp. zo.o., Swierze Gorne
123	P.P.H.U. Jerzy Florczyk, Ruciane Nida
124	Paletten-Systeme Sp.zo.o., Grabow n.Prosna
125	ARBOR S.C., Trzebnica
126	P.P.H. "BOM'S" S-ka zo.o., Suwalki
127	P.P.H.U. Futex. Stargard Szczecinski
128	PALDREW Henryk Bednarski, Czarne
129	P.P.H.U. "Marco-Drew" S.C., Stargard Szczecinski
130	"Tilia", Szczecin
131	"Tartak — Domaszkow", Domaszkow'

ANNEX II

ANNEX II

Manufacturer

		TARIC additional code
1	"Baumann Palety" Sp. z o.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., Inowroclaw	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" SA., 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	Zaklad 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

		TARIC additional code
29	Firma Produkcyjno Transportowa Marian Gerka, Brodnica	8530
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	PPH "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	PPH SWENDEX S.C., Lublin	A110

		TARIC additional code
61	P.P.H.U. Zbigniew Marek, Andrichow	A113
62	Pomorski Serwis Paletowy Sp. z o.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'