# COUNCIL REGULATION (EC) No 963/2002

## of 3 June 2002

## laying down transitional provisions concerning anti-dumping and anti-subsidy measures adopted pursuant to Commission Decisions No 2277/96/ECSC and No 1889/98/ECSC as well as pending anti-dumping and anti-subsidy investigations, complaints and applications pursuant to those Decisions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Treaty establishing the European Coal and Steel Community (ECSC Treaty) will expire on 23 July 2002.

(2) Products which are currently covered by the ECSC Treaty will be subject to the Treaty establishing the European Community as of 24 July 2002.

(3) The Commission has adopted a number of anti-dumping measures pursuant to Commission Decision No 2277/96/ECSC of 28 November 1996 on protection against dumped imports from countries not members of the European Coal and Steel Community (basic anti-dumping Decision) [1]. Measures are normally imposed for a 5-year period in accordance with Article 11(2) of the basic anti-dumping Decision. However, some of these measures will not, at the date of the expiry of the ECSC Treaty, have reached the end of that 5-year period (ECSC anti-dumping measures). Some investigations, initiated pursuant to the basic anti-dumping Decision, may also be pending at the date of the expiry of the ECSC Treaty (pending anti-dumping investigations). Similarly, complaints or other applications for the initiation of an investigation filed pursuant to the provisions of the basic anti-dumping Decision may be pending at the date of the expiry of the ECSC Treaty (pending anti-dumping applications).

(4) It is therefore appropriate to provide for the continued application of ECSC anti-dumping measures under Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (basic anti-dumping Regulation) [2] after the date of the expiry of the ECSC Treaty and to apply from then onwards the provisions of the basic anti-dumping Regulation to such measures. Any pending anti-dumping investigation should, after the date of the expiry of the ECSC Treaty, be continued and concluded pursuant to the provisions of the basic anti-dumping Regulation and any anti-dumping measures resulting from such an investigation should be subject to the provisions of the basic anti-dumping Regulation. Similarly, after the date of the expiry of the ECSC Treaty, pending anti-dumping applications should be dealt with pursuant to the provisions of the basic anti-dumping Regulation.

(5) In this context, it should be noted that the provisions of the basic anti-dumping Decision are, with the exception of those on the Community's decision-making procedure, practically identical to those of the basic anti-dumping Regulation.

(6) The Commission has also adopted a number of countervailing measures pursuant to Commission Decision No 1889/98/ECSC on protection against subsidised imports from countries not members of the European Coal and Steel Community (basic anti-subsidy Decision) [3]. Measures are normally imposed for a 5-year period in accordance with Article 18(1) of the basic anti-subsidy Decision. However, some of these measures will not, at the date of the expiry of the ECSC Treaty, have reached the end of that 5-year period (ECSC countervailing measures). Some investigations, initiated pursuant to the basic anti-subsidy Decision, may also be pending at the date of the expiry of the ECSC Treaty (pending anti-subsidy investigations). Similarly, complaints or other applications for the initiation of an investigation filed pursuant to the provisions of the basic anti-subsidy Decision may be pending at the date of the expiry of the ECSC Treaty (pending anti-subsidy applications).

(7) It is therefore also appropriate to provide for the continued application of ECSC countervailing measures under Council Regulation (EC) No 2026/97 on protection against subsidised imports from countries not members of the European Community (basic anti-subsidy Regulation) [4] after the date of the expiry of the ECSC Treaty and to apply from then onwards the provisions of the basic anti-subsidy Regulation to such measures. Any pending anti-subsidy investigation should after the date of the expiry of the ECSC Treaty be continued and concluded pursuant to the provisions of the basic anti-subsidy Regulation and any countervailing measures resulting from such an investigation should be subject to the provisions of the basic anti-subsidy Regulation. Similarly, after the date of the expiry of the ECSC Treaty, pending anti-subsidy applications should be dealt with pursuant to the provisions of the basic anti-subsidy Regulation.

[1] OJ L 308, 29.11.1996, p. 11. Decision as last amended by Commission Decision No 435/2001/ECSC (OJ L 63, 3.3.2001, p. 14).
[2] 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).
[3] OJ L 245, 4.9.1998, p. 3.
[4] OJ L 288, 21.10.1997, p. 1.

(8) In this context, it should be noted that the provisions of the basic anti-subsidy Decision are, with the exception of those on the Community's decision making procedure, practically identical to those of the basic anti-subsidy Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The anti-dumping measures, set out in Annex I hereto, which have been adopted pursuant to Decision No 2277/96/ECSC and which are still in force on 23 July 2002 (the anti-dumping measures set out in Annex I), shall be continued and shall be governed by the provisions of Regulation (EC) No 384/96 with effect from 24 July 2002.

2. In calculating the date on which the anti-dumping measures set out in Annex I shall expire pursuant to Article 11(2) of Regulation (EC) No 384/96, regard shall be had to the original date of entry into force of those measures.

3. Any investigation, which has been initiated pursuant to Decision No 2277/96/ECSC and which is still pending on 23 July 2002, or any complaint or application for the initiation of such an investigation which is still pending on that date, shall be continued and shall be governed by the provisions of Regulation (EC) No 384/96 with effect from 24 July 2002. Any anti-dumping measures resulting from such pending anti-dumping investigations, complaints or applications shall be governed by the provisions of Regulation (EC) No 384/96.

*Article 2*

1. The countervailing measures, set out in Annex II hereto, which have been adopted pursuant to Decision No 1898/98/ECSC and which are still in force on 23 July 2002 (the anti-subsidy measures set out in Annex II), shall be continued and shall be governed by the provisions of Regulation (EC) No 2026/97 with effect from 24 July 2002.

2. In calculating the date on which the anti-subsidy measures set out in Annex II shall expire pursuant to Article 18(1) of Regulation (EC) No 2026/97, regard shall be had to the original date of entry into force of those measures.

3. Any investigation which has been initiated pursuant to Decision No 1898/98/ECSC and which is still pending on 23 July 2002, or any complaint or application for the initiation of such an investigation which is still pending on 23 July 2002, shall be continued and shall be governed by the provisions of Regulation (EC) No 2026/97 with effect from 24 July 2002. Any countervailing measures resulting from such pending anti-subsidy investigations, complaints or applications shall be governed by the provisions of Regulation (EC) No 2026/97.

*Article 3*

This Regulation shall enter into force on 24 July 2002.

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

Done at Luxembourg, 3 June 2002.

*For the Council*

*The President*

J. C. APARICIO PÉREZ

*ANNEX I*

**ECSC anti-dumping measures in force on 23 July 2002**

| Product | Decision No | CN code<br>TARIC code | Origin | Manufacturers<br>(additional TARIC code) | Level of duty |
|---|---|---|---|---|---|
| Coke of coal in pieces with a diameter of more than 80 mm | Commission Decision No 2730/2000/ECSC 14.12.2000 (OJ L 316, 15.12.2000, p. 30) | 2704 00 19<br>(2704 00 19 10) | People's Republic of China | All companies | EUR 32,6 per tonne of dry net weight |
| Flat-rolled products of iron or non-alloy steel (hot rolled coils) | Commission Decision No 283/2000/ECSC 4.2.2000 (OJ L 31, 5.2.2000, p. 15) (corrected by Decision No 2009/2000/ECSC 22.9.2000) (OJ L 240, 23.9.2000, p. 12) as last amended by Decision No 1357/2001/ECSC 4.7.2001 (OJ L 182, 5.7.2001, p. 27) | 7208 10 00<br>7208 25 00<br>7208 26 00<br>7208 27 00<br>7208 36 00<br>7208 37 10<br>7208 37 90<br>7208 38 10<br>7208 38 90<br>7208 39 10<br>7208 39 90 | Bulgaria | All companies (A999)<br>Kremikovtzi Corp. (A082) | 7,5 %<br>Undertaking |
| | | | India | Tata Iron & Steel Company Ltd (A078)<br>All companies (A999)<br>Essar Steel Ltd (A083)<br>Steel Authority of India Ltd (A084)<br>Jindal Vijayanagar Steel Ltd (A270)<br>Ispat Industries Ltd (A204) | 0<br>10,7 %<br>Undertaking/1,5 %<br>Undertaking/11,5 %<br>18,1 %<br>Undertaking/15 % |
| | | | South Africa | Iscor Ltd (A079)<br>All companies (A999)<br>Highveld Steel & Vanadium Corp. (A085) | 5,2 %<br>37,8 %<br>Undertaking |
| | | | Taiwan | China Steel Corp. (A080)<br>Yieh Loong Enterprise Co., Ltd (A081)<br>All companies (A999) | 2,7 %<br>2,1 %<br>24,9 % |
| | | | Yougoslavia (FR) | All companies | 15,4 % |
| Grain-oriented electrical steel sheets | Commission Decision 303/96/ECSC 19.2.1996 (OJ L 42, 20.2.1996, p. 7) | 7225 11 00<br>7226 11 10 | Russia | All companies (8877)<br>Novolipetsk Iron and Steel Corp. (8878)<br>OOO VIZ-STAL (8878)<br>VO 'Promsyrioimport' (8878) | 40,1 %<br>Undertaking<br>Undertaking<br>Undertaking |

| Product | Decision No | CN code TARIC code | Origin | Manufacturers (additional TARIC code) | Level of duty |
|---|---|---|---|---|---|
| Hot-rolled flat products of non-alloy steel (quarto plates) | Commission Decision No 1758/2000/ECSC 9.8.2000 (OJ L 202, 10.8.2000, p. 21) | ex 7208 51 30 (7208 51 30 10) ex 7208 51 50 (7208 51 50 10) ex 7208 51 91 (7208 51 91 10) ex 7208 51 99 (7208 51 99 10) ex 7208 52 91 (7208 52 91 10) | People's Republic of China | All companies | 8,1 % |
| | | | India | All companies (A999) | 22,3 % |
| | | | | Steel Authority of India (A178) | Undertaking |
| | | | Romania | Sidex SA (A069) | Undertaking/5,7 % |
| | | | | All other companies (A999) | 11,5 % |
| | | | | Sidex Trading SRL (A179) | Undertaking |
| | | | | Metalexportimport SA (A179) | Undertaking |
| | | | | Metanef SA (A179) | Undertaking |
| | | | | Metagrimex Business Group SA (A179) | Undertaking |
| | | | | Uzinsider SA (A179) | Undertaking |
| | | | | Uzinexport SA (A179) | Undertaking |
| | | | | Shiral Trading Impex SRL (A179) | Undertaking |
| | | | | Metaltrade International '97 SRL (A179) | Undertaking |
| | | | | Romilexim Trading Limited SRL (A179) | Undertaking |
| | | | | Metal SA (A179) | Undertaking |

*ANNEX II*

## ECSC ANTI-SUBSIDY MEASURES IN FORCE ON 23 JULY 2002

| Product | Decision No | CN code | Origin | Manufacturers and/or TARIC code (additional TARIC code) | Level of duty |
|---|---|---|---|---|---|
| Flat-rolled products of iron or non-alloy steel (hot-rolled coils) | Commission Decision No 284/2000/ECSC 4.2.2000 (OJ L 31 du 5.2.2000, p. 44) corrected by Commission Decision No 2071/2000/ECSC 29.9.2000 (OJ L 246 du 30.9.2000, p. 32) | 7208 10 00<br>7208 25 00<br>7208 26 00<br>7208 27 00<br>7208 36 00<br>7208 37 10<br>7208 37 90 | India | Essar Steel Ltd (A119)<br>The Steel Authority of India Ltd (A120)<br>Tata Iron & Steel Company Ltd (A121)<br>All other companies (A999)<br>Essar Steel Ltd (A083)<br>The Steel Authority of India Ltd (A084)<br>Tata Iron & Steel Company Ltd (A075) | 4,9 %<br>12,3 %<br>6,4 %<br>13,1 %<br>Undertaking<br>Undertaking<br>Undertaking |
| | | 7208 38 10<br>7208 38 90<br>7208 39 10<br>7208 39 90 | Taiwan | China Steel Corp. (A071)<br>Yieh Loong Enterprise Co., Ltd (A072)<br>All other companies (A999) | 4,4 %<br>0<br>4,4 % |