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THIRTEENTH ANNUAL REPORT FROM THE COMMISSION
TO THE
EUROPEAN PARLIAMENT

ON

THE COMMUNITY'S ANTI-DUMPING AND ANTI-SUBSIDY ACTIVITIES

(1994)

C O N T E N T S

	<u>Page</u>
1. INTRODUCTION	1
2. GENERAL OVERVIEW - MEASURES IN FORCE	1
3. INITIATIONS OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS	3
3.1 Overview	3
3.2 Cases	4
1. Unwrought magnesium from Kazakhstan, Russia and Ukraine	4
2. Cotton cloth from the P.R. China, India, Indonesia, Pakistan and Turkey	5
3. Synthetic staple fibre from India, Indonesia, Pakistan and Thailand	5
4. Bed linen from India, Pakistan, Thailand and Turkey	6
5. Bicycles from Indonesia, Malaysia and Thailand	7
6. Pipe or tube fittings from the P.R. China, Croatia, Slovakia, Taiwan and Thailand	7
7. Persulphates from the P.R. China	8
8. Activated powdered carbons from the P.R. China	8
9. Portland cement from the Czech Republic, Poland and Slovakia	9
10. Grain-oriented electrical steel sheets from Russia	9
11. Coumarin from the P.R. China	9
12. Hematite pig iron from the Czech Republic	10
13. Ammonium nitrate fertilizer from Lithuania and Russia	10
14. Tapered roller bearings from Japan	11
15. Polyester yarn (PTY) from Indonesia, India and Thailand	11
16. Polyester staple fibres from Belarus	12
17. Advertising matches from Japan	13
18. Microdisks (3.5") from Malaysia, Mexico and the U.S.A	13

	<u>Page</u>
4. PROVISIONAL AND DEFINITIVE MEASURES	15
4.1 Provisional Measures - Overview	15
4.2 Definitive Measures - Overview	15
4.3 Cases	16
1. Hematite pig iron from Brazil, Poland, Russia and the Ukraine	16
2. Large aluminium electrolytic capacitors from S.Korea and Taiwan	19
3. Microdisks from Hong Kong and S.Korea	21
4. Calcium metal from the P.R. China and and Russia	22
5. Watch movements from Malaysia, Thailand and Turkey	24
6. Urea ammonium nitrate (U.A.N.) from Bulgaria and Poland	25
7. Furazolidone from the P.R. China	26
8. Furfuraldehyde from the P.R. China	28
9. Colour television receivers from Malaysia, the P.R. China, S. Korea, Singapore and Thailand	29
10. Ferro-silico-manganese from Russia, the Ukraine, Brazil and S.Africa	31
11. Ethanolamines from the U.S.A.	32
12. Flourspar from the P.R. China	34
13. Ferro-silicon from the P.R. China and S.Africa	35
14. Isobutanol from Russia	36
15. Television cameras systems from Japan	37
5. ACCEPTANCE OF UNDERTAKINGS	39
5.1 Overview	39
1. Ammonium nitrate fertilizer from Russia and Lithuania	39

	<u>Page</u>
6. TERMINATIONS WITHOUT MEASURES	40
6.1 Overview	40
6.2. Cases	40
1. Ammonium nitrate fertilizer from Belarus, Georgia, Turkmenistan, Ukraine and Uzbekistan	40
2. Antimony trioxide from the P.R. China	40
3. Gum rosin from the P.R. China	41
4. Hand-knitting yarn from Turkey	43
7. ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS - REVIEWS	44
7.1 Overview	44
1. Article 15 reviews	46
2. Article 14 reviews	46
3. "Newcomer" reviews	46
4. Article 13(11) reviews	46
8. MONITORING OF UNDERTAKINGS	47
9. REFUNDS	47
10. THE COURT OF JUSTICE	48
10.1 Overview	48
10.2 Court of First Instance	48
10.3 New Cases	48
10.4 Judgements rendered	48
1. Disposable lighters : judgement of 7 July 1994	49
10.5 Cases Pending	49

III

	<u>Page</u>
11. GATT ISSUES	50
11.1 Implementation of the 1994 anti-dumping agreement	50
11.2 Implementation of the 1994 anti-subsidy agreement	51
11.3 Implementation by third countries	52
1. U.S.A.	52
11.4 Anti-subsidy investigations of third countries concerning imports from E.U. member states	53
1. Australia	53
2. Brazil	53
3. Argentina	54
4. Mexico	54
5. Venezuela	55
6. Peru	55
7. Jamaica	55
8. Canada	55
9. Bolivia	56
10. United States	56
11.5 Dispute settlement proceedings	56
1. Panel proceedings in which the Community is involved	56
11.6 Anti-subsidy investigations carried out by the Commission	57
1. Ball bearings from Thailand	57
 12. PERSONNEL AND ADMINISTRATION	 58

THIRTEENTH ANNUAL REPORT¹ OF THE COMMISSION ON THE COMMUNITY'S ANTI-DUMPING AND ANTI-SUBSIDY ACTIVITIES²

1. INTRODUCTION

This report is submitted to the European Parliament following its Resolution of 16 December 1981 on the Community's anti-dumping activities³, and the more recent report of the European Parliament's Committee on External Relations on the anti-dumping policy of the European Community⁴.

The report concentrates mainly on the Community's activities during 1994, but for the purpose of comparison, the number of anti-dumping and anti-subsidy investigations initiated and concluded by the Community in the years 1990 to 1994, together with a breakdown of the type of measures taken, are summarized in Table 1 below.

For 1994, a concise commentary on each case opened, each provisional and definitive measure taken, the undertakings accepted and each case terminated without measures, is given in sections 3, 4, 5 and 6 of this report.

2. GENERAL OVERVIEW - MEASURES IN FORCE

At the end of 1994, the Community had 151 measures in force, 23 of which were in the form of undertakings. Of these 151 measures, 124 were original measures and 27 were maintained following a review in accordance with article 15 of Council Reg. 2423/88. It is very important to note that they affect only 0.71% of total imports to the Community.

Of all the measures in force at the end of 1994, 57 or 37.7% of the total were imposed against the then state trading countries⁵, including the P.R. China with 26 measures. Since 1990, measures have been imposed in respect of Central and Eastern European countries (CEECs) in only 15 cases altogether. The other countries most involved were Japan with 16 measures, S. Korea with 12, Turkey with 8 and Taiwan with 6.

¹ Previous reports were given in COM(83)519 final/2; COM(84)721 final; COM(86)308 final; COM(87)178 final; COM(88)92 final; COM(89)106 final; COM(90)229 final; SEC(91)92 final; SEC(91)974 final; SEC(92)716 final; COM(93)516 final and COM(95)16.

² In accordance with Council Reg. (EEC)No. 2423/88, OJ No. L 206 of 02.08.1988, p.1, and Commission Decision No. 2424/88/ECSC, OJ No. L 209 of 02.08.88, p. 18

³ OJ no. C 11. 18.01.82, p. 37

⁴ PE 141.178/fin of 30.11.1990, rapporteur Mr. Gijs DE VRIES

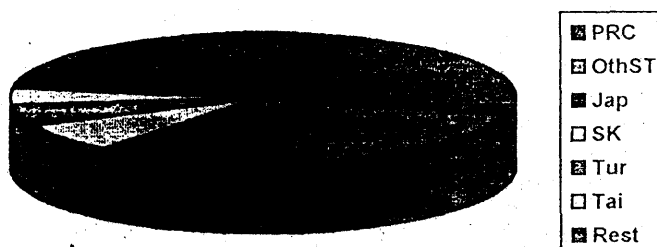
⁵ With regard to the then CSSR, Hungary, Poland, Bulgaria and Romania these figures only include measures taken when these countries were classified as state traders. They also include measures applied against individual CIS Republics since the dissolution of the USSR.

TABLE 1

Anti-dumping and anti-subsidy investigations
during the period 1 January 1990 - 31 December 1994

	1990	1991	1992	1993	1994
Investigations in progress at the beginning of the period	60	59	46	57	51
Investigations initiated during the period	43	20	39	21	43
Investigations in progress during the period	103	79	85	78	94
Investigations concluded by :					
- imposition of definitive duty	18	19	16	19	19
- acceptance of price undertakings	9	3	-	-	2
- determination of no dumping	-	1	1	1	5
- determination of no subsidisation	-	-	-	-	-
- determination of no injury	13	6	4	1	1
- other reasons	4	4	7	6	2
Total investigations concluded during the period	44	33	28	27	29
Investigations in progress at the end of the period	59	46	57	51	65
Provisional duties imposed during the period	23	19	18	16	25

AD measures 1994



A more realistic measurement of the impact of anti-dumping measures is, however, the trade value of the product concerned, and this, clearly, varies enormously depending on the product sector. The biggest trade values are generated by high-technology, high added value products, such as electronics, where economies of scale are primordial. On these terms, the measures against Japan take first place, still representing 38.8% of the total trade value affected by all measures. At the same time, imports into Japan from the Community of the equivalent products were practically zero.

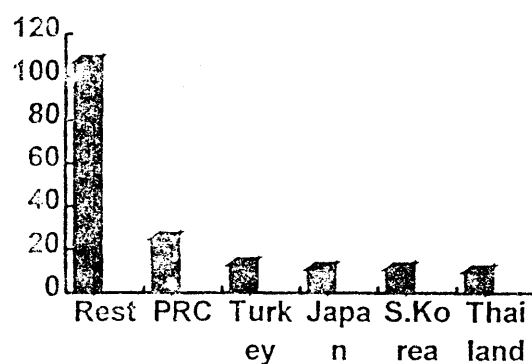
3. INITIATIONS OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS

3.1. OVERVIEW

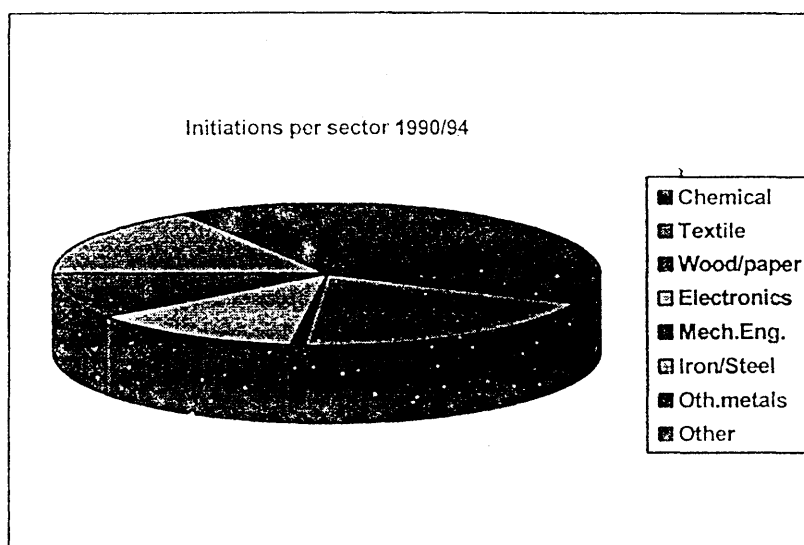
In 1994, 43 investigations were initiated involving imports from 20 countries, the People's Republic of China and Thailand being most prominent with 5 initiations each, closely followed by India and Indonesia with 4 each. Details of these initiations are given in Annex A.

In the five year period from 1990 to 1994, 166 investigations were initiated involving imports from 39 countries. The countries most involved were the People's Republic of China with 25 investigations, Turkey with 13, Japan and S. Korea with 11 investigations each and Thailand with 10. The investigations initiated over the last five years are broken down by country of export in Annex H, and are illustrated in the graph below.

No. of investigations 1990-1994



The sectors most involved in these investigations during the period 1990 - 1994 were those of textiles, chemicals, iron and steel and electronics. In 1994, by far the largest number of initiations took place in the textile sector, following a lull for the previous three years. A breakdown by product sector is given in Annex I, and illustrated by the chart below.



3.2. CASES

3.2.1 Unwrought magnesium from Kazakhstan, Russia and the Ukraine

The notice of initiation of an anti-dumping proceeding was published on 15 January 1994, concerning imports of unwrought magnesium originating in Kazakhstan, Russia and the Ukraine, following a complaint lodged by EuroAlliances on behalf of the sole Community producer.

The complaint contained evidence of significant dumping on the basis of a comparison between export prices to the Community and prices in three possible analogue countries, i.e. Canada, Japan and the U.S.

With regard to injury, import volumes and the corresponding market shared increased substantially, the combined market shares more than tripling between 1991 and 1992 to reach a level of 17%. The complaint alleged that this increase had been achieved by low export prices undercutting those of the Community industry, which caused the latter to incur substantial financial losses.

3.2.2 Cotton cloth from the P.R. China, India, Indonesia, Pakistan and Turkey

The notice of initiation of an anti-dumping proceeding was published on 20 January 1994 with regard to imports of cotton cloth originating in the People's Republic of China, India, Indonesia, Pakistan and Turkey, following a complaint lodged by the Committee of the Cotton and Allied Textile Industries of the EEC (EUROCOTON), allegedly acting on behalf of a major proportion of Community production.

The product concerned is fabric composed either totally or partially (more than 50%) of cotton and destined principally for products of the clothing, household linen and furniture industries.

The complaint contained evidence of significant dumping on the basis of a comparison between export prices to the Community and a constructed normal value based on the estimated production costs in each exporting country plus a profit margin, except in the case of the P.R. China. Since the latter is a non-market economy country, its normal value was established on the basis of the constructed value in India, which was claimed to be the most appropriate analogue country.

With regard to injury, it was claimed that the market share of the cotton fabric imported from the countries concerned had risen from 14.4% in 1989 to 19.3% in 1992, whilst consumption in the Community had dropped over the same period. It was furthermore alleged that the low prices of the imports in question had continuously undercut the prices charged by the Community producers by between 22% and 38%. As a consequence, the Community industry was allegedly forced to align its prices downwards to levels insufficient to cover costs. Furthermore, employment in the Community was alleged to have decreased by 22% since 1988.

3.2.3 Synthetic staple fibre cloth from India, Indonesia, Pakistan and Thailand

The notice of initiation of an anti-dumping proceeding was published on 20 January 1994 with regard to imports of certain synthetic staple fibre cloth originating in India, Indonesia, Pakistan and Thailand, following a complaint lodged by the Committee of the Cotton and Allied Textile Industries of the EEC (EUROCOTON), allegedly acting on behalf of a major proportion of Community production.

The product concerned is fabric composed either totally or partially (more than 50%) of synthetic staple fibres and destined principally for products of the clothing, household textile and furniture industries.

The complaint contained evidence of significant dumping on the basis of a comparison between export prices to the Community and a constructed normal value based on the estimated production costs in each exporting country plus a profit margin.

With regard to injury, it was claimed that the market share of the cotton fabric imported from the countries concerned had risen from 18.5% in 1989 to 37.5% in 1992. It was furthermore alleged that the low prices of the imports in question had continuously undercut the prices charged by the Community producers, causing a reduction in prices of 18% from 1989 to 1992. As a consequence, the Community industry was allegedly forced to align its prices downwards to levels insufficient to cover costs. Furthermore, employment in the Community was alleged to have decreased by 22% since 1988.

3.2.4 Bed linen from India, Pakistan, Thailand and Turkey

The notice of initiation of an anti-dumping proceeding was published on 25 January 1994 with regard to imports of certain types of bed linen originating in India, Pakistan, Thailand and Turkey, following a complaint lodged by the Committee of the Cotton and Allied Textile Industries of the EEC (EUROCOTON), allegedly acting on behalf of a major proportion of Community production of bed linen.

The complaint covered 100% cotton bed sheets of sizes 20/20 and 24/24, packaged in sets including a top sheet, bottom sheet and a pair of pillow cases, said to accounting for a major proportion of the allegedly dumped imports, in order to establish the export price and the normal value.

The complaint contained evidence of significant dumping based on a comparison of the export price to the Community and the constructed normal value, which the complainants considered appropriate in view of their claims that similar products are not sold in sufficiently significant quantities on the domestic markets of the countries concerned.

With regard to injury, it was alleged that the market share of these four countries increased from 24.5% in 1990 to 29% in 1992, and that the prices at which the imports came into the Community undercut those charged by the Community producers by between 40% and 52%. It was further claimed that the market share of the Community industry had declined, that their profitability decreased drastically and that a certain number of jobs had been lost due to the allegedly dumped imports.

3.2.5 Bicycles from Indonesia, Malaysia and Thailand

The notice of initiation of an anti-dumping proceeding was published on 3 February 1994 with regard to bicycles originating in Indonesia, Malaysia and Thailand. The complaint was lodged by the European Bicycle Manufacturers' Association on behalf of a major proportion of Community production.

The complaint contained evidence of significant dumping on the basis of a comparison of domestic prices in Indonesia, Malaysia and Thailand with the price charged for the corresponding product exported to the Community.

With regard to injury, it was claimed that imports from Indonesia, Malaysia and Thailand rose by more than 500% between 1989 and 1993, increasing their share of the Community market more than four-fold, to 10.3%. Furthermore, it was alleged that prices at which imports were sold in the Community significantly undercut those of the Community producers to the tune of between 44%-48%, according to the exporting country.

3.2.6 Pipe or tube fittings from the P.R. China, Croatia, Slovakia, Taiwan and Thailand

The notice of initiation of an anti-dumping proceeding was published on 3 February 1994 with regard to the import into the Community of tube or pipe fittings of iron or steel, originating in China, Croatia, Slovakia, Taiwan and Thailand. The complaint had been lodged by the Defence Committee of the EEC Steel Butt-Welded Fittings Industry, allegedly representing a major proportion of Community production.

The complaint contained evidence of significant dumping based on a comparison of export prices to the Community and domestic prices in Croatia, Slovakia, Taiwan and Thailand, the latter being considered to be an appropriate reference country for China.

With regard to injury, it was alleged that the market share of the five countries concerned had risen from 5.1% in 1989 to 23.4% in 1992, and that this increase in market share was accompanied by substantial price undercutting. It was furthermore claimed that the heavy price undercutting had resulted in a decline of sales, market shares, production and capacity utilization, as well as in the reduced profits or financial losses of Community producers which, in some cases, were forced to introduce short-time working and redundancies.

3.2.7 Persulphates from the P.R. China

The notice of initiation of an anti-dumping proceeding was published on 2 March 1994 with regard to imports of peroxodisulphates (ammonium, sodium and potassium persulphates) originating in the People's Republic of China, subsequent to a complaint lodged by the European Chemical Industries Council (CEFIC) allegedly on behalf of all producers of persulphates in the Community. The product concerned is used as an initiator and oxidizing agent in the textile and chemical industries.

As the People's Republic of China is not a market economy country, it was necessary to compare prices of the product originating in China with prices in a market economy country. The complainants proposed the USA as reference country and, on that basis, the estimated dumping margins alleged by the complainants were significant.

With regard to injury, the complaint stated that the dumped imports increased from 1.454 tonnes in 1989 to 3.139 tonnes in 1992. It was furthermore alleged that the prices at which those imports were sold in the Community significantly undercut the prices of Community producers. The consequent impact on the Community industry was claimed to be a reduction in Community production and a decline in market share held by the Community producers from 76.7% in 1989 to 65.4% in 1992.

3.2.8 Activated powdered carbons from the P.R. China

The notice of initiation of an anti-dumping proceeding was published on 2 March 1994 with regard to the import into the Community of certain activated powdered carbons from the P.R. China, following a complaint lodged by the Council of European Chemical Industries (CEFIC), allegedly representing a major proportion of Community production.

The complaint contained evidence of significant dumping on the basis of a comparison between export prices to the Community and domestic prices in the USA, which was claimed to be the most appropriate analogue country.

With regard to injury, the market share of the Chinese product was alleged to have risen from 13.8% in 1989 to 17.6% in 1992. The complaint further alleged substantial undercutting and decreasing Chinese prices. Considerable losses on the part of the Community producers were also expected.

3.2.9 Portland cement from the Czech Republic, Poland and Slovakia

The notice of initiation of an regional anti-dumping proceeding was published on 28 April 1994 following a complaint by the "Bundesverband der Deutschen Zementindustrie" (Federal Association of the German Cement Industry), on behalf of a major proportion German production of cement.

The proceeding was opened in respect of a regional market composed of ten German Länder, in accordance with Article 4(5) of Council Regulation (EC)No. 2423/88. The Commission had received sufficient evidence that the producers within the region concerned sold all or almost all of their production in that market, the demand of which was not supplied to any substantial degree by producers located elsewhere in the Community, and that the imports from the countries concerned were concentrated in the allegedly affected market.

3.2.10 Grain-oriented electrical steel sheets from Russia

The notice of initiation of an anti-dumping proceeding was published on 20 May 1994 with regard to imports into the Community of certain grain-oriented electrical steel sheets originating in Russia, subsequent to a complaint by EUROFER, allegedly acting on behalf of three Community producers representing about 70% of Community production.

The products concerned are grain-oriented cold-rolled sheets and strips of silicon-electrical steel with width of more than 500mm, which are used for electromagnetic appliances and installations.

Since Russia is not a market-economy country, the complaint presented evidence of significant dumping based on a comparison between Russian export prices to the Community and the domestic prices in S. Korea, which was claimed to be the most appropriate analogue country.

With regard to injury, it was alleged that the market share of the imports from Russia increased from 2.3% to 7.1% between 1991 and the first seven months of 1993. The complaint also alleged price undercutting, price depression leading to a decline in Community production, significant loss of market share and reduced profitability or losses.

3.2.11 Coumarin from the P.R. China

The notice of initiation of an anti-dumping proceeding was published on 20 May 1994, with regard to imports of coumarin from the People's Republic of China, subsequent to a complaint lodged by the European Chemical Industries Council (CEPIC) on behalf of Rhône Poulenc, the sole Community producer of coumarin.

The complaint contained evidence of significant dumping on the basis of a comparison between Chinese export prices to the Community and domestic prices in the USA, which was claimed to be the most appropriate analogue country.

With regard to injury, the market share of imports from China allegedly tripled between 1989 and 1992, when it reached 48%. Substantial price undercutting was alleged to have caused the Community producer to lose market share, to decrease its production and to incur financial losses.

3.2.12 Hematite pig iron from the Czech Republic

The notice of initiation of an anti-dumping proceeding with regard to imports of hematite pig-iron originating in the Czech Republic was published on 21 May 1994, subsequent to a complaint lodged by EUROFONTFS on behalf of producers representing nearly 100% of the production of hematite pig-iron in the Community.

Hematite pig-iron serves mainly for the production of cast iron with flake graphite (grey cast iron) and is used in particular for high-quality machine and machine tool castings as well as for castings with thermal and/or chemical stress.

The complaint contained evidence of significant dumping on the basis of a comparison of the domestic sales prices on the Czech market, duly adjusted, with the export prices as derived from Eurostat statistics.

With regard to injury, it was claimed that the imports in question increased from zero in 1991 to 4,316 tonnes and to 8,826 tonnes during the first seven months of 1993. It was alleged that this led to an increase in market share from 0% in 1991 to 0,5% in 1992 and to 2,4% during the first six months of 1993 and that in Germany alone the market share during the latter period reached 9,7%. It was furthermore alleged that the prices at which these imports were sold undercut those of the Community producers by 52 ECU/tonne or 28%.

3.2.13 Ammonium nitrate fertilizer from Lithuania and Russia

Following the acceptance of undertakings in the regional case concerning the U.K. (see section 5.1.1), the European Fertilizer Manufacturers' Association (EFMA) lodged a Community-wide complaint, and an investigation was opened on 9 June 1994.

The complaint alleged significant dumping margins for Russian and Lithuanian imports on the basis of a comparison between the export prices from those countries and domestic prices in Hungary. Further injury had allegedly been caused to the Community industry as a whole, following a rise in the market share of the imports in question to 10%.

3.2.14 Tapered roller bearings from Japan

On 2 July 1994, the notice of initiation of an anti-dumping proceeding was published with regard to the imports into the Community of tapered roller bearings originating in Japan. The complaint had been lodged by the Federation of European Bearing Manufacturers' Associations (FEBMA), allegedly representing a major proportion of Community production.

The allegation of substantial dumping contained in the complaint was based on a comparison between prices prevailing on the Japanese domestic market and export prices reconstructed on the basis of prices to the first independent buyer in the Community, in view of the fact that most importers were said to be related to the Japanese exporters.

With regard to injury, the complainants claimed that the share of the Community market held by Japanese imports increased from 9.9% in 1989 to 11.5% in 1993 in a period of contracting demand. Furthermore, it was claimed that, for certain types of TRBs sold in high volumes, the Japanese market share reached more than 30%. It was, moreover, alleged that this was only made possible by the fact that the prices of the Japanese product apparently undercut those of the Community producers by 10-15%, and in selected cases by more than 50%.

The consequent impact on the Community industry was claimed to be price depression of up to 10% from 1989 to 1993, and a reduction of the Community producers' market share over the same period. The complainants further stated that this situation had seriously affected the profitability of the Community industry, which allegedly made substantial losses from 1992 to 1993. In addition, it was claimed that this precarious situation had led to a significant decrease in investments made by the Community industry since 1992, coupled with a reduction in employment.

3.2.15 Polyester yarn (PTY) from Indonesia, India and Thailand

The notice of initiation of an anti-dumping proceeding was published on 29 July 1994, with regard to imports of polyester yarn originating in Indonesia, India and Thailand, following a complaint lodged by the International Rayon and Synthetic Fibres Committee (CIRFS) on behalf of producers allegedly representing a major proportion of the Community production.

The product allegedly being dumped is polyester textured filament yarn (PTY), which is used in both the weaving and knitting sectors.

The complaint contained evidence of significant dumping based on a comparison between the domestic prices in Indonesia, India and Thailand and export prices to the Community.

With regard to injury, it was claimed that the market share of imports originating in these three countries had risen from 1.9% in 1991 to 6% in 1993. Substantial price undercutting and price depression were also alleged, causing market losses for the Community producers as well as unfavourable financial results. Despite a considerable reduction of production capacity, the utilisation level in 1993 had not grown compared to 1991 when it was claimed to have been 77%, a rate considered insufficient for this capital intensive industry.

3.2.16 Polyester staple fibres from Belarus

The notice of initiation of an anti-dumping proceeding was published on 3 August 1994, with regard to imports of polyester staple fibre originating in Belarus, subsequent to a complaint lodged by the International Rayon and Synthetic Fibres Committee (CIRFS) on behalf of producers allegedly representing over 95% of Community production.

The product concerned is a raw material used in various stages of textile production, depending on the nature of the textile to be produced. Some 60% of the polyester fibres consumed in the Community is used for spinning yarn to make fabric, mixed, where necessary, with other fibres such as wool or cotton. The remainder is used as padding for cushions, car seats, anoraks and the like, including other non-spun applications such as carpet manufacture.

Since Belarus does not have a market economy, it was necessary to compare the export prices of the product originating in that country with prices or costs in a market economy country, in this case Poland. On this basis, the estimated dumping margins alleged were significant.

With regard to injury, it was claimed that the market share of imports from Belarus rose from less than 0.1% in 1990 to almost 5% in 1993. It was furthermore alleged that the Community producers had been forced to depress their prices as a result of the pressure exerted by the allegedly dumped imports. Despite a considerable reduction of production capacity, the utilisation level in 1993 purportedly dropped to 69%, a rate considered to be insufficient for this capital intensive industry.

3.2.17 Advertising matches from Japan

The notice of initiation of an anti-dumping proceeding was published on 4 August 1994 with regard to imports into the Community of advertising matches originating in Japan. The complaint had been lodged by FEFA (the European Federation of Match Manufacturers) on behalf of producers allegedly representing a major proportion of total output in the Community.

The advertising matches concerned are, in particular, book and box matches with a printed advertising logo which distinguishes them from other types of matches.

The complaint contained evidence of significant dumping based on a comparison between the prices charged by Japanese producers on their own market and the prices of their exports to the Community.

With regard to injury, the complaint alleged that, despite a 15% decrease of the total market for advertising matches in the Community between 1990 and 1993, the market share held by the Japanese imports increased from 31% in 1990 to 34% in 1993. It was further alleged that the low prices at which these imports were sold on the Community market had continuously undercut the prices of the Community producers. For the period 1992-93, for example, the complainant had calculated average undercutting of about 35%. Moreover, it was claimed that the production capacity in the Community had had to be decreased, with the consequent loss of employment, and that substantial financial losses had been incurred by the Community industry since 1990.

3.2.18 Microdisks (3.5") from Malaysia, Mexico and the U.S.A.

The notice of initiation of an anti-dumping proceeding concerning imports of certain magnetic disks (3.5" microdisks) originating in Malaysia, Mexico and the USA was published on 2 September 1994. The complaint was lodged by the Committee of European Diskette Manufacturers (DISKMA), and is the third presented by the same complainant concerning this product. The first proceeding involved imports from Japan, Taiwan and the People's Republic of China, with the imposition of definitive duties in October 1993; the second concerned Hong Kong and the Republic of Korea, with definitive duties introduced in September 1994.

The complaint contained evidence of significant dumping margins for the exporting countries named, based on a comparison of constructed normal values and constructed export prices for all three countries. Construction of normal values was alleged to be necessary for Mexico and the USA as the prices at which the majority

of 3.5" microdisks were sold domestically did not permit the recovery of costs, whilst for Malaysia, quantities sold domestically were insufficient for appropriate comparisons. Export prices had to be constructed, it was alleged, because most export sales in the Community involve parties related to the exporters concerned.

As to injury, it was claimed that the share of the Community market represented by imports from Malaysia, Mexico and the USA rose from 33.8% in 1990 to 37.1% in 1993, with imports in absolute terms rising from 153 million units to 293 million units over the same period. The complainant also alleged significant price undercutting by exporters in the three countries concerned, leading to price depression and a lack of profitability or substantial losses for the Community industry.

4. PROVISIONAL AND DEFINITIVE MEASURES

4.1. PROVISIONAL MEASURES - OVERVIEW

Provisional measures may be taken where the preliminary examination shows that dumping or a subsidy exists, that there is sufficient evidence of injury caused thereby, and that the interests of the Community call for intervention. Provisional duties have a normal period of validity of four months, which may, under certain circumstances, be extended for a further period of two months.

Table 1 shows that 25 provisional duties were imposed in 1994, compared to 16 in 1993 and 18 in 1992. These provisional measures cover a wide range of product types and origins.

Details of the provisional duties imposed in 1994 are given in Annex B, whilst this section of the report gives a summary of each case where provisional duties were imposed in that year.

4.2. DEFINITIVE MEASURES - OVERVIEW

Definitive measures may be taken where the facts as finally established during the investigation show that there is dumping or subsidization, that injury is caused thereby, and that the interests of the Community call for intervention. Definitive anti-dumping or countervailing duties are imposed by the Council, acting on a proposal submitted by the Commission after consultation of the Member States, by qualified majority before 10 March 1994 and simple majority subsequent to that date⁶.

As shown in Table 1, definitive duties were imposed during 1994 in 19 cases. This is much in line with the number of definitive duties imposed in previous years. A wide diversity of product sectors and origins are covered, details of which can be found in Annex C. The following section of this report gives a summary of each case where definitive duties were imposed during 1994.

⁶ Council Reg. (EC) No. 522/94, OJ No. L 66, 10.03.94, p. 10

4.3. CASES

4.3.1. Hematite pig iron from Brazil, Poland, Russia and the Ukraine (Provisional and definitive measures)

Provisional anti-dumping duties were imposed on imports of hematite pig-iron originating in Brazil, Poland, Russia and Ukraine on 15 January 1994. The original investigation had been initiated in September 1991 in respect of imports from the former Soviet Union and was extended to include imports originating in Brazil and Poland in December 1992. The complaint had been lodged by EUROFONTES on behalf of the Community producers of the product concerned.

Brazil

A weighted average dumping margin of 51,3% was established for the Brazilian companies. Twenty one Brazilian companies responded to the questionnaire sent by the Commission, of which seventeen showed exports to the Community during the investigation period. These 17 companies accounted for 76% of the relevant exports on the basis of Eurostat statistics. In order to facilitate the investigation the companies concerned agreed to a procedure, by which the existence of dumping would be established on the basis of the data supplied by six representative companies.

Normal value was constructed value on the basis of the actual manufacturing costs in Brazil plus an amount for selling, general and administrative costs and a reasonable margin of profit.

The export prices established were those actually paid or payable for the product sold for export to the Community, net of all taxes, discounts and rebates actually granted and directly related to the sales under consideration.

The comparison of the normal value with the export prices on a transaction by transaction basis was made at an ex-factory level at the same level of trade. Adjustments to the export prices were made to take account of the costs incurred from ex-factory to FOB.

Poland

Dumping margins of 31,53%, 34,65% and 50,2% respectively were established for the three Polish companies.

Normal value was constructed on the basis of the actual manufacturing costs in Poland, determined by adding the cost of production, and an amount for selling, general and administrative costs and a reasonable margin of profit.

The export prices established were those actually paid or payable for the product sold for export to the Community, net of all taxes, discounts and rebates actually granted and directly related to the sales under consideration.

The comparison of the export prices with the normal value was made on a transaction by transaction basis at an ex-factory level and at the same level of trade. Adjustments to the export prices were made to take account of the costs incurred from ex-factory level to the Polish frontier.

Russia and Ukraine

The weighted average dumping margin established for both Russia and Ukraine was 104.51%.

The Commission established that the imports of the product concerned from the former Soviet Union effectively came from Russia and Ukraine and, with the agreement of the complainants, limited the investigation to these two states. Russia and Ukraine being non-market economy countries, normal value was determined on the basis of sales or cost of production of like product in a market economy third country.

In view of the comparability of Brazil to both Russia and Ukraine, with regard to access to and the availability of the major inputs for the production of pig-iron, i.e. iron ore and energy, the Commission considered it appropriate and not unreasonable to take Brazil as the market economy third country for the determination of the normal value of hematite pig-iron originating in Russia and Ukraine.

Normal value of Russian and Ukrainian hematite pig-iron was therefore calculated as the weighted average of the Brazilian companies investigated during the proceeding.

The export prices were established on the basis of Eurostat statistics. The statistical prices were lowered by the estimated costs for sea freight. The comparison of the export prices with the normal value was made on a transaction by transaction basis at the same level of trade.

Injury

With regard to injury, the Commission was of the opinion that for the determination of the impact on the Community industry, the cumulative impact of all the imports had to be taken into consideration.

The market share of the dumped imports increased from 30% in 1987 to 50,5% during the period of investigation despite the fact that consumption decreased. The imports of the product concerned from Brazil, Poland, Russia and Ukraine increased from 242.436 tonnes in 1987 to 414.041 tonnes during the investigation period, an increase of 70%. Sales by the Community industry decreased from 506.707 tonnes in 1987 to 385.827 tonnes during the investigation period. The CIF Community frontier prices of the imports under consideration declined on a weighted average basis from 156.8 ECU/tonne in 1987 to 126.15 ECU/tonne during the investigation period. A comparison of the prices of the dumped imports with those of the Community producers revealed price undercutting during the investigation period of 18.82 ECU/tonne or 12.9%. Losses by the Community industry improved from -10.98% in 1987 to -4.77% in 1989 and thereafter declined sharply to a level of -24.98% during the investigation period. The examination of injury revealed that the Community industry had suffered a significant loss of market share, the suppression of price increases to offset the rise in the cost of production, the deterioration of financial results and the closure of production facilities. Under these circumstances the Commission concluded that the Community industry had suffered material injury caused by the dumped imports from Brazil, Poland, Russia and Ukraine.

The Commission examined whether the injury suffered by the Community industry could have been caused by factors other than the dumped imports. The investigation revealed that imports from other third countries had had some effect on the situation of the Community industry during 1989 and 1990, but did not have any significant effect after that.

Community Interest

With regard to Community interest, it was considered that the imposition of duties would have a minimal effect on the prices to end users of the product concerned, but that the absence of measures would lead to further erosion of Community production capacity, which would undoubtedly lead to higher costs for these end users. It was therefore considered in the Community interest to restore fair competition to the Community market and maintain a viable Community foundry industry.

Measures

The Commission considered that, in addition to restoring fair competition on the hematite pig-iron market, the measures should at the same time enable the exporting countries to secure a better return on their exports. It was considered that the introduction of a minimum price would be more appropriate to achieve these aims, and as the injury level established was lower than the dumping margins in all cases, it was considered that a minimum price of 149 ECU/tonne (CIF duty unpaid) would remove the injurious effects of dumping suffered by the Community industry.

At the definitive stage of the proceeding, the Committee of the European Foundry Associations together with the German and British Foundry associations, argued that the introduction of the provisional anti-dumping measures had increased the price of hematite pig-iron to such a level that the Community foundries would lose their competitive edge on the world market. An examination of the facts revealed that the relatively high level of prices on the Community market was due to factors other than the measures provisionally imposed, such as the increasing scarcity of scrap which is used in combination with, and partially as a substitute for, hematite pig iron.

The provisional findings were thus confirmed at the definitive stage.

4.3.2 Large aluminium electrolytic capacitors from S. Korea and Taiwan (Provisional and definitive measures)

On 17 February 1994, a provisional anti-dumping duty was imposed on imports of LAEC's from S. Korea and Taiwan, following the imposition of a definitive anti-dumping duty on imports of LAECs from Japan.

Dumping

As far as S. Korea was concerned, due to the lack of cooperation and in view of the complete absence of information from any Korean producers on prices and costs on the domestic market, normal value was established on the basis of the best information available, in accordance with Article 7(7)(b) of the basic regulation, i.e. the complaint. With regard to Taiwan, normal value was established, for the sole company who cooperated, either on the basis of the price actually paid in the ordinary course of trade, or on the constructed value, for the models which were exported but not sold on the domestic market or sold at a loss.

Export prices for S. Korea were also based on the best facts available (the complaint) in the complete absence of information from the producer/exporters in that country. For Taiwan, export prices were based on actual prices to independent importers in the Community.

In order to make a fair comparison between the normal value and export prices, allowance was made for all factors affecting price comparability, such as transport, insurance, credit terms and indirect taxes. On this basis, dumping margins of 70.6% and 75.8% were established for S. Korea and Taiwan respectively, with one exception for the Taiwanese cooperating company, for which the margin was 10.7%.

Injury

With regard to injury, it was found that the volume of the cumulated imports into the Community had increased by 91% between 1989 and 1992, whilst the market shares held by the two countries increased over the same period from 11.3% to 16.3%. During that period, quantities sold by the Community industry dropped by 21% and its market share fell from 29.4% to 17.6%.

Import prices were found to have undercut prices charged by the Community producers by up to 54.2%, preventing the Community producers from increasing their prices, which in turn led to financial losses.

As far as causation was concerned, it was established that the injury suffered by the Community industry coincided with the rapid increase of the dumped imports. With regard to other factors, it was concluded that the low-priced dumped imports from S. Korea and Taiwan, taken in isolation, had, through their increased market penetration and price undercutting, caused injury which had to be regarded as material.

Community interest

With regard to Community interest, it was considered that the adoption of measures aimed at re-establishing fair competitive conditions in the Community market and at eliminating the injurious effects of the dumped imports from S. Korea and Taiwan was in the interest of the Community. In addition, it was felt that not to take action against the Korean and Taiwanese imports of LAECs would discriminate against imports from Japan, weaken the effect of measures against Japanese imports and distort competition on the Community market.

Measures

Since the level of injury found exceeded the dumping margin, the provisional duty was imposed at the level of the latter. For S. Korea, a provisional duty of 70.6% was imposed, whilst for Taiwan, the provisional duty was 75.8%, with one exception where the duty was 10.7%.

This preliminary determination was confirmed at the definitive stage, and definitive duties at the rates given above were imposed on 13 June 1994.

4.3.3 Microdisks from Hong Kong and S. Korea (Provisional and definitive measures)

On 12 March 1994, provisional anti-dumping duties were imposed on imports into the Community of 3.5" microdisks originating in Hong Kong and the Republic of Korea. The proceeding had been initiated on 18 September 1992, following a complaint lodged by the Committee of European Diskette Manufacturers (DISKMA). This was the second complaint involving 3.5" microdisks lodged by this complainant. The first, concerning imports from Japan, Taiwan and the People's Republic of China, had been initiated in July 1991, with the imposition of provisional duties in April 1993 and definitive duties in October 1993.

Dumping

Dumping margins ranged from 6.7% to 22.2% for cooperating producers in Hong Kong, while the corresponding margin for the sole cooperating producer in Korea was 8.2%. Consequently, the highest dumping margin alleged by the complainant, 35.7%, was considered appropriate for provisional determination for non-cooperating producers in Hong Kong. For non-cooperators in Korea, the dumping margin established for the sole cooperator, 8.2%, was considered appropriate.

Normal values for Hong Kong producers were constructed on the basis of the verified costs of manufacture of the cooperating producers plus a reasonable amount for selling, general and administrative expenses and profit, as none of the companies concerned had sufficient sales on the Hong Kong market to permit proper comparisons. For the sole cooperating Korean producer, normal value was established on the basis of the price actually paid in the ordinary course of trade for domestic sales of 3.5" microdisks.

Export prices for both countries, with the exception of one producer in Hong Kong, were, in general, established on the basis of the prices actually paid or payable for the products sold for export to unrelated parties in the Community. Where there were sales to related parties in the Community, as was the case with the cooperating Korean producer, export prices were constructed in accordance with Article 2(8)(b) of Regulation (EEC) No 2423/88 on the basis of the prices at which the imported microdisks were first resold to independent buyers in the Community.

Injury

After examination of all the elements affecting the Community industry, the Commission concluded that the latter was suffering material injury. Although certain quantitative indicators, such as production, sales and capacity utilisation, had shown positive development, due in large measure to the expansion of the market,

they remained below the levels necessary for the generation of profits adequate to finance the investments needed to allow the Community industry to keep pace with developments in a swiftly developing sector. Despite expanding consumption, for example, the Community industry's prices fell by around 30% between 1989 and mid-1992.

Community interest

After weighing the various interests involved, it was concluded that the adoption of measures would re-establish fair competition by eliminating the injury caused by dumping, and allow the Community industry an opportunity to maintain and develop its presence in a rapidly changing sector of technological importance. In addition, the component supply industry would derive a degree of security from the continued viability of the Community industry.

Measures

The Commission imposed provisional duties at the level of the lower of the price undercutting margins or the dumping margins. For Hong Kong, provisional duties ranged from 6.7% to 25.7%; for the Republic of Korea the duty rate was 8.2%. At the definitive stage, these duties were adjusted only very slightly. For Hong Kong, duties ranged from 6.7% to 27.4%; for the Republic of Korea the duty rate was 8.1%. The publication of definitive measures took place on 11 September 1994.

4.3.4 Calcium metal from the P.R. China and Russia (Provisional and definitive measures)

On 19 October 1994, the Council imposed definitive anti-dumping duties on imports of calcium metal originating in the People's Republic of China and Russia.

The investigation had originally been initiated in January 1988 and led to the imposition of definitive duties in September 1989. These measures were subsequently declared void by the Court of Justice on the grounds that the institutions had failed to sufficiently examine the question of injury. The Commission resumed the investigation in November 1992, and provisional duties were imposed on 23 April 1994.

Dumping

The definitive dumping margins established for China and Russia were ECU 2202 per tonne and ECU 2502 per tonne respectively.

The normal value was established on the basis of domestic prices in the United States of America as this was considered to be an appropriate analogue country. Export prices were based on the actual prices charged to an independent importer in the Community.

In order to ensure a fair comparison between the normal value and the export prices, due allowance was made for factors affecting price comparability.

Injury

With regard to injury, the combined market share of imports from these two countries were found to have increased from 35.3% in 1989 to 52.8% in 1992, whilst the share of the Community producer fell from 50.2% in 1989 to 31.7% in 1992. Moreover, the prices of these imports undercut the already depressed prices of the Community producer by up to 23.9%. The Community producer was forced to sell its product at prices which did not cover its production costs, incurring substantial financial losses.

Community interest

The investigation concluded that it was in the Community interest to restore fair competition on the Community market and to ensure that the Community producer of calcium metal could continue to operate. Moreover, despite the existence of only one producer of calcium metal in the Community, it was considered that competition would not be jeopardized given that other sources of supply would remain available, including imports from Russia and China at non-dumped prices.

Measures

For both countries, the level of injury was less than the dumping found and, therefore, measures were calculated at the level of the former. Duties were imposed in the form of specific amounts. These duties were ECU 2074 per tonne for the Chinese imports and ECU 2120 per tonne for the Russian imports.

4.3.5 Watch movements from Malaysia and Thailand (Provisional measures)

On 12 May 1994, provisional anti-dumping duties were imposed on imports into the Community of certain watch movements originating in Malaysia and Thailand. The investigation had been initiated on 6 July 1993 following a complaint lodged by France Ebauches SA, the sole Community producer of the products.

Dumping

A dumping margin of 10.6% was established for the Thai exporter which cooperated in the investigation. For non-cooperating exporters, the margin was established on the basis of available evidence at a rate of 36.2%. The normal values were established on the basis of material and manufacturing costs for the products plus an amount for selling, general and administrative expenses and a reasonable profit.

Export prices were established on the basis of prices to independent importers in the Community.

In order to ensure a fair comparison between normal value and export prices, allowance was made for factors affecting price comparability, including differences in physical characteristics and in selling expenses for which satisfactory evidence was submitted.

Injury

With regard to injury, it was found that imports from the countries concerned had increased their share of the Community market from 1.2% in 1990 to 11.8% during the period of investigation, while the prices of the imports had undercut those of the Community industry by up to 36.9%. The Community industry suffered price depression and loss of sales and market share which led to financial losses.

Community interest

With regard to Community interest, it was considered that it was clearly in the interest of the Community to remove the injury to the Community industry and to restore fair competition by the imposition of provisional anti-dumping measures. In this regard, it was noted that, given the large availability of this product from various sources, no adverse consequences on the competitive situation on the Community market was to be expected from the imposition of anti-dumping measures.

Measures

Since the margins of dumping found were below the corresponding increases in export prices necessary to remove the injury, provisional duties should, therefore, correspond to the dumping margins established, i.e. 10.6% for the cooperating Thai exporter and 36.2% for other Thai exporters and all Malaysian exporters. In the absence of definitive measures, the provisional duties subsequently lapsed.

4.3.6 Urea ammonium nitrate (U.A.N.) from Bulgaria and Poland (Provisional and definitive measures)

On 30 June 1994, provisional anti-dumping duties were imposed on imports of urea ammonium nitrate solution (UAN) originating in Bulgaria and Poland. The investigation had been initiated in May 1993 following a complaint by the European Fertilizer Manufacturers' Association.

Dumping

With regard to the determination of dumping and following the Commission's consistent practice, Poland was considered as a market economy country in the framework of this anti-dumping proceeding, whereas Bulgaria was considered as a non-market economy country. For Bulgaria, the Czech and Slovak Republics were selected as analogue countries.

Normal value for Poland was determined on the Polish producers' cost of manufacturing, plus an amount for selling, general and administrative costs and for profit, as the Polish producers had no domestic sales of UAN. Normal value for Bulgaria was determined on Czech and Slovak domestic sales prices for the product concerned.

Export prices for both countries were based on actual prices to independent importers in the Community.

On the basis of this approach, substantial dumping margins were determined for both exporting countries at the provisional stage, i.e. 33.3% for Bulgaria and between 33.8% and 40% for the two Polish producers.

Injury

With regard to injury, the investigation determined that the imports concerned had substantially increased, reaching a market share of 27% in 1992/1993, up from 16% in 1991. These imports were made at prices undercutting those of the Community industry by up to 10%. As a result, the financial situation of the Community industry, which followed the prices of the imports concerned in order to maintain its market position, deteriorated, leading to substantial financial losses in 1992/1993.

Community interest

As far as Community interest was concerned, the Community's commitment to continuing to establish closer political and economic ties with the countries concerned had been stressed. At the same time, however, it was underlined that the behaviour of the economic operators in these countries should be in line with international agreements. As far as the situation on the Community market was concerned, it was considered to be in the interest of the Community to reestablish fair market conditions by means of the imposition of anti-dumping measures. That conclusion was reached, given the form of the measures.

Provisional measures

The measures took the form of a variable duty ensuring a reasonable return to the exporting countries concerned and a consolidation of the Community market, without unduly increasing the purchase price of the UAN-users in the Community.

Definitive measures

At the definitive stage, and on the basis of additional information submitted, the dumping margin of one Polish producer was found to be lower than that determined at the provisional stage. As a result the dumping margins were confirmed at 33.3% for Bulgaria and determined at between 27% and 40% for Poland.

After the imposition of provisional measures, the Bulgarian exporter and producer offered a joint undertaking which the Commission considered to be acceptable as it ensured the removal of injury.

With regard to Poland, no such undertakings were offered, and a definitive variable anti-dumping duty at the level of 89 ECU/tonne was imposed.

4.3.7 Furazolidone from the P.R. China (Provisional and definitive measures)

On 9 July 1994, provisional anti-dumping duties were imposed on imports into the Community of furazolidone originating in the People's Republic of China. The investigation had been initiated on 9 November 1993 following a complaint lodged by Orphahell BV, the sole Community producer of the product.

Dumping

The dumping margin established for these imports from China was 93%. The normal value was established on the basis of constructed value in India, which was considered an appropriate analogue country. The constructed value was based on material and manufacturing costs for the product plus a reasonable amount for selling, general and administrative expenses and profit.

Export prices were established on the basis of prices to independent importers in the Community.

In order to ensure a fair comparison between normal value and export prices, allowance was made for factors affecting price comparability, including differences in transport costs, insurance, payment terms and commission.

Injury

With regard to injury, it was found that Chinese imports had increased their market share of the Community market from 29.6% in 1990 to 63.6% during the period of investigation, while the prices of the imports had undercut those of the Community industry by 19%.

The Community industry suffered price depression, loss of sales and market share, with resulting financial losses.

Community interest

In considering the question of Community interest, it was considered that the short-term price advantages gained from the dumped prices had to be seen against the background of the longer term effects of not restoring fair competition. Furthermore, it was clear that unless measures were taken, the viability of the Community industry would be seriously threatened. It was concluded that it was in the interest of the Community to remove the injury suffered by the Community industry and to restore fair competition by the imposition of provisional anti-dumping measures.

Measures

As the dumping margin found was greater than the level of injury caused by dumping, the provisional duty was set at the level of the injury margin, i.e. 70.6%. No new elements having come to light after the imposition of provisional measures, these were confirmed without modification by definitive duties, which were published on 5 November 1994.

4.3.8. Furfuraldehyde from the P.R. China (Provisional measures)

Provisional anti-dumping duties were imposed on 21 July 1994 on imports into the Community of furfuraldehyde originating in the People's Republic of China. The investigation had been initiated on 31 July 1993, following a complaint lodged by Furfural Español S.A., the only producer of furfuraldehyde in the Community.

Dumping

The dumping margin calculated for these imports was 62.6%. The normal value was established on the basis of domestic sales prices in Argentina, which was considered to be an appropriate analogue country.

Export prices were determined on the basis of actual prices to independent importers in the Community. In order to allow a fair comparison between normal value and export prices, allowances were made for all factors affecting price comparability, including indirect taxes, transport, insurance, credit costs, etc.

Injury

With regard to injury, it was found that imports from the P.R. China increased their market share from 44% in 1988 to 46% during the investigation period, in a market which shrank by 37%. At the same time, the prices of these imports undercut those of the Community producer by 24%.

The Community producer managed to maintain its market share of 18% by dropping its sales prices by 36% between 1991 and the investigation period. Consequently, as the market shrank, the complaint suffered a considerable decline in sales and production which, added to the price depression, resulted in considerable financial losses.

Community interest

The Council considered that it would not be in the Community interest to risk the disappearance of the sole remaining producer left in the Community of a product which has a strategic importance in the oil refining sector. The Council also found that the impact of an increase in price of furfuraldehyde on the price of the end product would be negligible.

Measures

Since the dumping margin found exceeded the level of injury, the anti-dumping duty was based on the latter. A provisional anti-dumping duty of 352 ECU/tonne was therefore imposed on imports of furfuraldehyde from the People's Republic of China.

4.3.9 Colour television receivers from Malaysia, the P.R. China, S. Korea, Singapore Thailand and Turkey (Provisional measures)

On 1st October 1994, provisional duties were imposed on imports into the EU from the above-mentioned countries with the exception of Turkey. The proceeding had been initiated on 25 November 1992 after receipt of a complaint from SCAN, representing several large Community producers.

The investigation was complicated by the large number of cooperating parties in the EC and in the exporting countries, which involved 75 separate verification visits in 6 Member States and 7 countries outside the EC. Additionally, the origin of the exported sets was specifically addressed in this proceeding, as the original complaint contained some evidence that sets originating in Japan and Hong Kong were also being dumped and causing injury. Furthermore, the investigation was also complicated by the fact that anti-dumping measures were already in place for small-screen CTVs originating in S. Korea and the P.R. China.

Origin

There were several cases where the origin of the CTVs was found to be different from that as declared to the Customs authorities on importation into the EC. This was especially true of Turkish exports, which were found to be mainly of either Korean or EC origin. Incorrect origin declarations were also found for a small proportion of some producers' sets in Malaysia, Singapore and Thailand, which were found to be of Korean, Japanese, Taiwanese or Malaysian origin. There were no sets found which originated in Hong Kong and only a very small number originating in Japan or Taiwan. As a result of the origin findings in Turkey, it was decided, provisionally, that anti-dumping measures were not appropriate in respect of that country.

Dumping

The dumping margins ranged from 12.4% to 33.5% for Malaysia, 14.7% to 33.6% for Thailand, 12.2% to 24.6% for Singapore, 16.8% to 18.8% for Korea and 28.8% for the P.R. China.

Because of the differing broadcasting and reception systems found not only amongst the exporting countries but also within the EC, as well as the very wide variety of differences and combination of features, the establishment of normal values was based on constructed values. This was because the prices charged on the domestic markets of each particular exporting country would have required numerous adjustments to be made to take account of all differences between the domestic and exported models. The method used to construct normal values was applied by taking the reported costs of manufacture of each particular model exported to the EC and adding the weighted average SG&A incurred on the domestic market and an amount for profit which corresponded to the average profit earned on sales of CTVs on the domestic market.

Export prices were constructed for some exports from Korea, Singapore and Thailand on the basis of the price at which they were first sold to an independent customer in the EC, as these exports had been imported by a related party and the CIF price invoiced was therefore deemed to be a transfer price.

In order to achieve a fairly established basis for comparison between domestic and export prices, allowances were made, as appropriate, for all factors affecting price comparability, such as differences in conditions of sale (e.g. differing terms of credit, duty drawback claims on exported models, transport costs and other direct selling costs.)

Injury

Between 1989 and the end of the investigation period, imports from the countries concerned increased by almost 135%, from 2.04 million units in 1989 to approximately 4.8 million units. This surge in imports was reflected by a parallel increase in their market share, which increased from 9.9% in 1989 to 19.6%. Over the same period, sales by the Community industry fell by 6% in volume terms and their corresponding market share declined from 36% to 28%.

Injury calculations were based on the weighted average margin of price undercutting found in six Member States, namely France, Germany, Greece, Italy, Spain and the U.K.

The margins of price undercutting determined were between 7.5% and 23.4% for Malaysia, 3.2% and 29.9% for Thailand, 0% and 23.7% for Singapore, 38.6% and 54% for S. Korea, and 62% for the P.R. China.

It was found that the Community industry had suffered material injury with declines in production (down 10%), capacity utilization (down 12%), sales (down 9%), market share (down 16%), prices (down 3%), employment (down 26%) and profits (losses amounting to 5%). The Commission found that, notwithstanding the fact

that other elements may have had a negative impact on the Community industry, dumped imports from the countries concerned (not including Turkey) had caused material injury to the Community industry.

Community interest

The Commission considered that the elimination of unfair trading practices, which is fundamentally in the general Community interest, would neither prevent producers in third countries or other established producers in the Community competing in the Community market nor, consequently, reduce diversity of supply. The anticipated remedial effects of the measures are expected to occur in terms of a change in the market shares held by the competing elements on the Community market. Any increase in prices should be limited, given the nature of the measures imposed and the numerous competitors in the Community market.

Measures

The Commission imposed duties at the lower of the price undercutting margins or the dumping margins. The provisional duties ranged from 0% to 18.8% for South Korea, 7.5% to 23.4% for Malaysia, 0% to 23.6% for Singapore, 3.1% to 29.8% for Thailand, and 28.8% for the P.R. China.

4.3.10 Ferro-silico-manganese from Russia, the Ukraine, Brazil and S. Africa (Provisional measures)

On 21 December 1994, provisional anti-dumping duties were imposed on imports of ferro-silico-manganese originating in Russia, Ukraine, Brazil and South Africa. Although Georgia was included in the investigation, no dumping calculation was made with regard to imports from this country given the conclusion that these imports were negligible.

The normal value for Russia and the Ukraine was based on that calculated for Brazil, which was considered to be an appropriate analogue market. The normal value for the Brazilian producers was determined on a monthly basis in order to neutralize the effect of inflation. Recourse was had to domestic sales or to a constructed value when prices did not permit recovery of all costs in the ordinary course of trade. For the South African producers, normal value was based on domestic sales in the ordinary course of trade.

Export prices were those charged to independent importers or constructed where sales were made to related importers in the Community.

In order to ensure a fair comparison, due adjustments were made with regard to differences in physical characteristics and selling expenses.

Injury

With regard to injury, the investigation established that the market shares of the countries concerned (excluding Georgia) increased from 15.4% in 1989 to 29.7% in 1993, whereas that of the Community producers dropped from 24.1% to 22.9% over the same period of time and in the context of increasing consumption. Price undercutting was found to be widespread, forcing the Community producers to reduce their prices by more than 40%. As a result, the Community industry suffered a commensurate loss in profitability, the financial results of all producers swinging from a reasonable profit in 1989 to heavy losses in the investigation period.

Community interest

The need to preserve the viability of the Community ferro-silico-manganese industry, the existence of which was jeopardized by the increasing penetration of the dumped imports, was considered to outweigh the reduced impact that the imposition of measures might have on the consumer industry, i.e. the steel producers.

Measures

Provisional duties were imposed at the levels of the dumping margins, except for one South African producer whose injury threshold was lower than the dumping margin determined. The duties were 57.4% for Russia, 52.8% for the Ukraine, 40.6% for Brazil and 45.3% - 55.8% for South Africa. No provisional duty was imposed on imports from Georgia.

4.3.11 Ethanolamines from the U.S.A. (Definitive measures)

On 21 January 1994, a definitive anti-dumping duty was imposed on imports into the Community of ethanolamines originating in the U.S.A. The investigation had been initiated on 8 August 1992 subsequent to a complaint lodged by the European Council of Chemical Industries (CEFIC), and provisional measures were imposed on 4 August 1993.

Ethanolamines are chemical products derived from a reaction of ethylene oxide and aqueous ammonia, where the basic feed stock is crude oil. The main end uses are in the fields of surfactants (in detergents, personal care products, all purpose cleaners and wax formulations), gas purification, metals and textiles.

Dumping

During the investigation, the Commission services met with the full cooperation of the 3 exporters in the United States and their related importers in the Community. The preliminary findings of dumping margins of between 62% and 91% were not contested.

Normal value was established on the basis of domestic prices in the U.S., excluding loss-making sales and sales not made at arm's length.

As all the export sales were made to importers related to the U.S. exporters, the export price was constructed on the basis of the price paid by the first independent buyer in the Community, adjusted by deducting the costs of the importer and an amount for profit, as well as costs normally incurred by importers which, in this case, were borne by companies outside the Community related to the exporter.

Allowance was made for factors affecting comparability between normal value and export price, i.e. expenses regarding transport, handling, insurance, selling, etc.

Injury

The injury factors established by the Commission at the provisional stage were confirmed. The injury suffered by the Community industry was found to be due to persistent price undercutting by the exporters, whose prices decreased by 41% during the investigation period, leading to a decrease in the market share held by the Community industry of 8%, in spite of an increase in consumption of 4% on the Community market. During the same period, the market share of the imports was found to have increased by 18%.

Community interest

Taking account of the reactions received from industry and consumers, the conclusions reached at the provisional stage were confirmed. Giving the Community industry an opportunity to be profitable again, and reestablishing a healthy competitive balance should, in the long run, ensure fair prices on the Community market place.

Measures

The definitive measures taken by the Council were a confirmation of the measures at the provisional stage. A definitive measure in the form of a minimum import price of between 584 ECU/tonne and 652 ECU/tonne, depending on the type of ethanolamine, was imposed on imports of ethanolamine originating in the U.S.A.

4.3.12 Fluorspar from the P.R. China (Definitive measures)

On 3 March 1994, the Council imposed a definitive anti-dumping duty on imports of fluorspar (presented in filter cake or in powder form), originating in the People's Republic of China. The duty is equal to the difference between a minimum price of ECU 113,50/tonne and the net, free at Community frontier price, before customs clearance.

The imposition of the above measures was the result of an investigation carried out by the Commission which showed that:

Dumping

The dumping margin expressed as a percentage of the CIF value was equal to 37.8%. In view of the fact that the People's Republic of China is not considered to be a market economy country, normal value was established on the basis of data supplied by a company located in a reference country, South Africa, in accordance with Article 2(5) of Council Regulation (EEC) No.2423/88.

In view of the insufficient cooperation on the part of the Chinese exporters, the export prices had to be determined on the basis of the facts available, which in this case were the export prices given by EUROSTAT.

Injury

It was found that the Community industry had suffered material injury within the meaning of Article 4(1) of the Basic Regulation. Indeed, the investigation showed that the Chinese market share had risen substantially, from 3% in 1988 to almost 50% in 1991. The average export price of the dumped Chinese imports had, during the investigation period, undercut the weighted average sales price of the Community producers by up to 41%.

During the same period, the sales of the Community industry decreased by about half, accompanied by a parallel decrease in market share from 73% in 1988 to 45% in 1991. In addition, the Community industry was found to have suffered considerable financial losses during the investigation period. No other factors were identified by the Commission as contributing to the material injury suffered by the Community industry.

Community interest

Upon weighing up the various arguments, it was decided that the Community interest lay more in sustaining, in the long term, a viable fluorspar industry in order to avoid a situation where the end users in the Community would be completely dependent on imported supplies.

4.3.13 Ferro-silicon from the P.R. China and S. Africa (Definitive measures)

On 19 March 1994, definitive anti-dumping duties were imposed on imports into the Community of ferro-silicon originating in South Africa and the People's Republic of China. The investigation had been opened on 9 July 1992, subsequent to a complaint lodged by the Liaison Committee of Ferro-Alloys (CLIFA). Provisional duties had been imposed on 22 September 1993.

Dumping

For the purpose of definitive findings, calculations were made on the basis of the same methods used to establish the provisional findings. No new requests for adjustments were presented by the interested parties.

For South Africa, the dumping margins ranged from 34.7% to 47.4%, whilst that established for China was 49.7%.

Normal value for the South African companies was calculated on the basis of domestic prices, whilst that for China was established on the basis of constructed value in Norway, which was considered to be an appropriate analogue country. As far as export prices in respect of South Africa were concerned, these were based on the actual prices charged to independent importers in the Community. Where exports were made to related importers, export prices were constructed on the basis of adjusted resale prices to the first independent purchaser. With regard to China, which did not cooperate in the investigation, export prices were based upon the most reasonable information available, i.e. that contained in EUROSTAT. In order to ensure a fair comparison between normal value and export prices, allowances were made for factors affecting price comparability.

Injury

The provisional conclusions concerning injury were confirmed. The situation of the Community industry, which was found to have suffered falling sales, loss of market share and financial losses, meant that protection was required against dumped imports from the countries under investigation. The effects of these imports had to

be examined cumulatively, as the ferro-silicon exported from each of the countries concerned was alike in all respects to the product produced and sold on the Community market. When assessing the injurious effects of these imports, account had also to be taken of the imports from other countries which were subject to a parallel review proceeding.

It was confirmed that dumped imports from South Africa and China, taken in isolation, had to be considered as having had a substantial influence on the injurious situation of the Community industry.

Community interest

The Community industry had been affected by imports from other third countries, namely Norway, Sweden, Iceland, Kazakhstan, Russia, Brazil, Venezuela, Poland and Egypt which are subject to anti-dumping measures (suspended in the case of Norway and Sweden). All these countries would have been treated in a discriminatory manner and the effectiveness of the measures in force undermined had no measures been taken in respect of South Africa and China.

As to the interests of the end users of ferro-silicon, their short-term price advantages had to be viewed against the background of the longer term effect of not restoring fair competition to the detriment of the consumers.

Measures

For both countries, the level of injury established was higher than the dumping margins found. The definitive duties were therefore based on the latter, i.e. 49.7% for the People's Republic of China and 47.4% for South Africa.

4.3.14 Isobutanol from Russia (Definitive measures)

On 31 March 1994, the Council imposed a definitive anti-dumping duty on imports into the Community of isobutanol originating in Russia. The investigation had been initiated in September 1992, and a provisional anti-dumping duty imposed on 2 October 1993.

A dumping margin of 46.1% was established for the Russian exporters. Normal value was based on domestic prices in the U.S.A., which was considered to be an appropriate analogue country.

In view of the lack of cooperation by the Russian exporters, the export price was based on the information provided by two importers who did cooperate in the

investigation, and whose imports accounted for 26% of Russian exports to the Community. As one of the importers was related to an exporter, its CIF import price was reconstructed by deducting from the resale price to the first independent buyer, all its costs and an appropriate amount for profit.

In order to make a fair comparison between normal value and export price, allowances were made for the difference in physical characteristics and for the selling expenses affecting price comparability.

Injury

With regard to injury, it was found that the Russian imports had increased their market share from 13% in 1988 to 29% during the investigation period, in a market which shrank by 27%. Even though the Community industry reduced its sales prices by 31% between 1990 and the investigation period, it was found that the imports from Russia still continued to undercut the price of the Community product by 12% during the investigation period. The Community industry experienced a considerable drop in sales and production and incurred heavy financial losses. It was found that these increasing losses coincided with the rise in the level of cheap imports of isobutanol from Russia.

Community interest

With regard to Community interest, it was considered that measures were necessary in order to preserve a Community presence in this sector, where considerable investments had recently been made with a view to rationalizing production. Furthermore, it was estimated that the effect on the prices of the end products as a consequence of an anti-dumping duty would be extremely moderate.

Measures

As the level of injury found exceeded the dumping margin, the duty was therefore based on the latter. The definitive duty took the form of a fixed amount of 102 ECT/tonne.

4.3.15 Television camera systems from Japan (Definitive measures)

On 29 April 1994, definitive anti-dumping duties were imposed on imports into the Community of television camera systems originating in Japan. The investigation had been initiated on 10 March 1993, following a complaint lodged by the Committee acting on behalf of all EC producers of television cameras. Provisional duties were imposed on 29 October 1993.

Dumping

The normal value was based on Japanese domestic prices. Export prices had to be constructed on the basis of the price paid by the first independent buyer, since the products were sold into the Community through related importers. Adjustments were therefore made for all costs incurred between importation and resale, and for a profit margin of 5%.

The dumping margins, as finally established, ranged from 52.7% to 82.9%. A dumping margin of 96.8% was calculated for all non-cooperating exporters.

Injury

Even against the background of a shrinking market, the Japanese exporters were able to increase their market share from 52% in 1989 to 70% during the investigation period, which correlated exactly to the market share lost by the Community producers. The undercutting margins, as finally established, varied between 21% and 60%, depending on the exporter concerned. Community production and sales, as well as capacity utilization, were found to be continuously decreasing, whilst stocks, on the other hand, were increasing. As all relevant economic indicators were negative, it could clearly be deducted that the Community industry was suffering material injury because of the dumped Japanese imports.

Community interest

In determining whether it was in the interest of the Community that measures be taken, the Council took account of the interests of the Community producers of television camera systems as well as of the interests of the users in the Community. The Council concluded that commercial defence measures were required which would safeguard a variety of sources of supply in the Community, and should have positive long-term effects with regard to the number of competitors and consequently on consumer prices.

Measures

As it was established that the injury level exceeded the dumping margins, the definitive duties were based on the latter, the rate being 96.8% of the net, free-at-Community-frontier price, except for the companies Ikegami (82.9%), Sony (62.6%) and Hitachi (52.7%).

5. ACCEPTANCE OF UNDERTAKINGS

5.1 OVERVIEW

Where it appears warranted, for example in regional investigations covering only part of the Community, and where it is felt that such a measure can be effectively monitored, an investigation may be concluded by the acceptance of undertakings. In 1994, two investigations were concluded solely by the acceptance of undertakings, without a residual duty being imposed. References are given in Annex D, whilst a summary is given below.

5.1.1. Ammonium nitrate fertilizer from Russia and Lithuania

This proceeding, which concerned only the U.K. market, was initiated in November 1992, following a complaint from the Fertilizer Manufacturers' Association of the U.K. The investigation was initially opened in respect of imports not only from Russia and Lithuania, but also from Belarus, Georgia, Turkmenistan, the Ukraine and Uzbekistan. However, the proceedings concerning the latter five countries were terminated once it was established that they had not exported ammonium nitrate fertilizer to the U.K.

Dumping

Russia and Lithuania being state-trading countries, normal value was based on a reference country, which in this case was Hungary. Dumping margins of 40.6% and 34.4% were established for Russia and Lithuania respectively. The export price with regard to these two countries was based on the price paid to the exporters for the product sold for export to the U.K.

Injury

As regards injury, it was established that the dumped imports had increased their market share from 0.1% to 16.5% between 1989 and the investigation period, whilst the share of the U.K. producers fell from 76% to 60%. The dumped imports were also found to have undercut the price of the U.K. product by between 13.4% and 18.1%. The U.K. producers' financial situation slumped from a healthy profit to a loss of 1.7% on turnover during the investigation period. It was concluded that the dumped imports had caused material injury to the U.K. industry.

Measures

Since this was a regional case, the Commission was obliged to give the exporters the opportunity to offer undertakings. The Lithuanian exporter (Jonava Azotas, now Achema), and the Russian Ministry of Foreign Economic Relations each offered to limit their exports to the U.K. to 100.000 tonnes per year. The combined figure of 200.000 tonnes represented a reduction of 40% over the 1992 export figure, and the undertakings were thus considered as being sufficient to remove injury. The Commission Decision accepting undertakings was published on 21 May 1994.

6. TERMINATIONS WITHOUT MEASURES

6.1. OVERVIEW

Investigations are concluded without measures when no dumping or injury is found or for other reasons, such as the withdrawal of the complaint. In 1994, 8 investigations were concluded without measures, 5 of which due to findings of no dumping, one due to a finding of no injury, one due to lack of cooperation from the Community industry and another where it was considered that the imposition of measures would not be in the Community interest. The number of closures in relation to the number of investigations concluded has remained relatively steady over the last five years, at the level of about one-third. The references for the investigations terminated without measures are given in Annexes E, F and G, whilst a concise commentary on these cases is given below.

6.2. CASES

6.2.1. Ammonium nitrate fertilizer from Belarus, Georgia, Turkmenistan, Ukraine and Uzbekistan

On 21 May 1994, the Commission terminated the regional anti-dumping proceedings with regard to imports into the U.K. of ammonium nitrate fertilizer from the five countries mentioned above. The dumping investigation had, indeed, shown that no imports of the product concerned were found to originate in any of these five countries during the investigation period. No dumping calculation could therefore be made.

6.2.2. Antimony trioxide from the P.R. China

On 9 July 1994, the Commission terminated the anti-dumping proceeding with regard to imports into the Community of antimony trioxide originating in the P.R. China. The proceeding had been initiated in March 1992 following a complaint by the Council of European Chemical Industries (CEFIC), on behalf of all Community producers of antimony trioxide.

Dumping

As the P.R. China is a non-market economy country, normal value had to be calculated in an analogue country. In view of the absence of cooperation of producers in S. Korea, Thailand, Bolivia and Brazil, the U.S.A. was selected as the country of reference. This choice was considered suitable in view of the healthy competitive atmosphere prevailing on the U.S. market. Normal value was based on the weighted average ex-works price of the cooperating producer's domestic sales to independent customers during the investigation period. As there was also an absence of cooperation in this area, the export price had to be based on the facts available, in this case data provided by EUROSTAT. A dumping margin of 43.2% was established.

Injury

It was found that the volume and market share had increased, and that the prices of Chinese antimony trioxide had declined considerably, undercutting those of the Community producers by 32.5% during the investigation period. However, though the Community producers experienced slight declines in production, capacity utilization, sales and market share, it was found that they had achieved relatively high profits up to and including the investigation period, despite the presence of dumped Chinese imports. This led the Commission to conclude that the Community industry had not suffered material injury within the meaning of Article 4(1) of the basic regulation.

The Commission thereupon examined whether there was a threat of material injury to the Community industry. It was found that there was no substantive evidence to suggest that a significant increase in Chinese antimony trioxide intended for export was likely in the near future. Furthermore, given the level of profit during the investigation period, and taking into consideration the various indicators of the Community industry's performance, the Commission considered it unlikely that the situation would develop into imminent material injury. In consequence, the adoption of anti-dumping measures was deemed not to be justified.

6.2.3. Gum rosin from the P.R. China

On 10 January 1995 the Commission terminated the anti-dumping proceeding on imports of gum rosin originating in China, which was initiated on 1 August 1992, as it was found that protective measures were not appropriate.

Dumping

Since the People's Republic of China is a non-market economy country, normal value had to be determined on the basis of information obtained in a market economy third country. After examination of a suggestion made by the complainant, the Commission concluded that Brazil was an appropriate and reasonable choice.

Normal value was established on the basis of the weighted average net selling price for the like product sold by a representative Brazilian producer for consumption in Brazil. Export prices were calculated on the basis of the actual price paid or payable by independent importers for the product sold for export to the Community.

Normal value was compared with the export prices on a transaction by transaction basis at the same level of trade. This comparison showed a dumping margin of 17.4%.

Injury

Although the Community market had expanded by 24% over the last four years, which should have allowed the Community industry to benefit from increased sales, leading to reduced costs and increased profits, its situation, on the contrary, deteriorated. Production and sales fell, capacity utilization declined, and market share was lost to the Chinese exporters, all of which resulted in financial losses.

The Commission found that the fall in market share and sales volume by the Community industry and the deterioration of its financial results leading to losses, coincided with the significant increase in the volume of imports of Chinese gum rosin and the low price of these imports.

Community interest

When carrying out the consultations provided for under Article 6 of Regulation (EEC) No 2423/88, the Commission received representations from a large majority of Member States claiming that it was not in the interests of the Community to impose anti-dumping measures in the present case.

These representations pointed out, in particular, that the negative effects of anti-dumping measures on the users of gum rosin would be overwhelmingly disproportionate to the benefits arising from anti-dumping measures in favour of the Community industry.

In addition, it was argued that the imposition of anti-dumping measures would not be adequate to remove the injury, since it would provoke a significant increase in the price of gum rosin and result in a quick penetration of the Community market by substitute products.

In the light of the above, the Commission concluded that protective measures would not be appropriate and that it would not be in the Community interest to continue the proceeding.

6.2.4 Hand-knitting yarn from Turkey

On 24 February 1994, the Commission terminated the anti-dumping proceeding in respect of imports into the Community of synthetic fibre hand-knitting yarn originating in Turkey.

The proceeding had been initiated in August 1993 following a complaint lodged by the Committee of the Wool Textile Industry in the EC, allegedly representing a major proportion of the Community production of the product concerned. The complaint contained evidence of dumping and injury sufficient to justify the initiation of a proceeding.

Several Community producers and exporters in Turkey requested and were granted an extension of the time limit for replies to the Commission's questionnaires. However, the majority of the producers did not reply to the questionnaire or supply the information requested by the Commission within the extended time limits. The Commission therefore considered that the Community producers who had submitted information to the Commission did not constitute a major proportion of the total Community production of the product concerned.

The Committee of the Wool and Textile Industry of the EC was informed of the Commission's reasons for terminating the proceeding, and did not comment.

7. ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS - REVIEWS

7.1. OVERVIEW

Anti-dumping or countervailing duties measures including price undertakings may be subject, under the basic legislation, to 4 types of review during their lifetime :

- Article 15 provides for the expiry of anti-dumping measures after 5 years unless a "sunset" review demonstrates that they should remain in force ;
- Article 14 provides for the review of measures during their validity period on the initiative of the Commission, at the request of a Member State or, once they have been in force for 12 months, following a request from an interested party;
- A specific type of review carried out under Article 14 is a "newcomer" review. Such reviews may be requested by exporters who become subject to measures but who did not export during the original investigation, and who have subsequently commenced exporting or have the firm intention of doing so. These reviews are carried out without any time restrictions;
- Article 13.11 also provides for the review of anti-dumping duties where evidence is presented that the duty is being absorbed by the exporter, thus effectively reducing the export price and increasing the dumping margin.

The above-mentioned reviews are now a major part of the work of the Commission's Anti-Dumping Unit. In the period from 1990 - 1994, as well as in the single year 1994, review investigations represented just under 40% of all investigations opened.

Between 1990 and 1994, a total of 108 review investigations were initiated, 34 of which were under article 15, 69 under article 14, of which 14 were "newcomer" reviews, and 4 were under article 13.11. In approximately half of the cases initiated under article 15, the measures were allowed to expire following the review, whilst for the other half, measures were continued, mainly in amended form.

In 1994, a total of 17 reviews were initiated, 4 of which were under article 15, 11 under article 14 (including one "newcomer" review), and 2 under article 13.11. Details of the review investigations opened and of the results of review investigations concluded in 1994 can be found in Annexes J - N.

In addition, Table 4 provides statistical information for the period 1990 to 1994.

TABLE 4

Reviews of Anti-dumping and anti-subsidy investigations
during the period 1 January 1990 - 31 December 1994

	1990	1991	1992	1993	1994
Reviews in progress at the beginning of the period	15	21	21	30	20
Reviews opened during the period	26	16	27	22	17
Reviews in progress during the period	41	37	48	52	37
Investigations concluded by :					
- imposition of definitive duty in lieu of price undertaking	6	1	1	1	1
- amendment of definitive duty	2	3	11	17	10
- suspension of definitive duty	—	—	—	—	—
- acceptance of price undertaking in lieu of definitive duty	1	—	—	1	—
- amendment of price undertaking	—	5	1	1	—
- repeal or expiry of definitive duty	6	4	5	7	2
- repeal or expiry of price undertaking	5	2	—	1	—
- no change of the measures in force	—	—	—	2	—
Total reviews terminated during the period	20	15	18	30	13
Reviews in progress at the end of the period	21	22	30	22	24
Provisional duties imposed during the reviews	1	—	—	2	2

7.1.1. ARTICLE 15 REVIEWS

Since article 15 of the basic legislation came into force in 1985, a total of 240 measures have been allowed to expire automatically.

In 1994, 18 measures were allowed to expire automatically under Article 15, though no reviews carried out under Article 15 led to the measures being allowed to expire. In five cases, measures were continued in an amended form. The references for these measures are set out in Annexes J, K and O.

7.1.2. ARTICLE 14 REVIEWS

Since 1990, a total of 69 reviews have been initiated under Article 14. Following review, 26 measures were repealed and 42 measures were allowed to continue, mainly in amended form.

In 1994, 11 reviews were initiated under Article 14. During 1994, and following reviews, 2 measures were allowed to expire and 6 were allowed to continue in amended form.

7.1.3 "NEWCOMER" REVIEWS

Newcomer reviews are a relatively common feature in the administration of the anti-dumping instrument. Such reviews are carried out for the benefit of new exporters which are subject to residual duties but which were not investigated in the original investigation because they had not yet exported to the Community.

Since the Commission carried out the first review of this type in 1990, 14 investigations have been initiated, one of which was in 1994. Also in 1994, one measure was amended as a result of a "newcomer" review.

7.1.4. ARTICLE 13(11) REVIEWS

The possibility for these article 13(11) reviews, which deal with situations where the exporters directly or indirectly bear the cost of the duty and thereby increase the dumping margin, was incorporated into the basic legislation in 1988.

Since then, four such reviews were initiated in 1991, though two of these were subsequently extended to full reviews under article 14, and two further article 13(11) reviews were initiated in 1994. These concerned electronic weighing scales from Japan and Singapore respectively, and the references can be found in Annex J.

8. MONITORING OF UNDERTAKINGS

Most undertakings take the form of price undertakings, but some quantitative undertakings are also in force.

The monitoring of undertakings starts with the reports submitted by the companies concerned to the Commission's services. The frequency of these reports varies between one and four per year depending on the terms of the undertaking. These reports are then checked against the undertaking itself and against the import statistics published by EUROSTAT. Further information may be requested if necessary.

Regular inspections are made at the premises of the companies concerned to ensure compliance with the terms of the undertakings. During these visits, the Commission's services have wide powers to inspect the company's accounts, invoices and any other relevant information.

If the reports fail to be submitted on time, if the terms of the undertaking are violated or if the company withdraws its undertaking, the Commission may, in accordance with Article 10(6) of the basic regulation, impose duties on the product after having given interested parties an opportunity to comment.

Two provisional duties were thus imposed during 1994 in accordance with article 10(6). In one of these two cases, the provisional duty was confirmed by the imposition of a definitive measure. References may be found in Annexes L and M.

9. REFUNDS

A refund of anti-dumping duties paid is granted in individual cases where the importer brings evidence to the effect that those duties were, in fact, higher than the dumping margin on the goods concerned.

In 1994, four decisions were rendered with regard to requests for refund. In one case concerning the import of polyester yarns originating in Indonesia⁷, a full refund of anti-dumping duties paid was granted, whilst in the other cases concerning the import of 3.5" microdisks from the P.R. China⁸ and the import of compact disc players from Japan⁹, partial refunds were granted to the tune of 27% and 16% respectively of the value used by the relevant authorities for calculating the amounts of anti-dumping duties. In the remaining case, concerning certain ball bearings from Thailand¹⁰, the refund requests lodged by four importers were rejected.

⁷ OJ No. L 59, 03.03.94, p. 19

⁸ OJ No. L 304, 29.11.94, p. 38

⁹ OJ No. L 378, 31.12.94, p. 74

¹⁰ OJ L 371, 31.12.94, p. 10

10. COURT OF JUSTICE/COURT OF FIRST INSTANCE

10.1. OVERVIEW

A list of the anti-dumping and anti-subsidy cases before the Court of Justice and the Court of First Instance, is given in Annex P. It gives the cases which were still pending at the beginning of 1994, in addition to the three new cases brought during the year. A judgement was rendered in only one case, a summary of which is given below.

10.2. COURT OF FIRST INSTANCE

As reported in the 12th Annual Report, the Council, by decision 93/350/ECSC;EEC;EURATOM of 8 June 1993, enlarged the jurisdiction of the Court of First Instance by giving it jurisdiction to hear and determine at first instance all actions brought by legal and natural persons. The entry into force of that decision in respect of anti-dumping cases was deferred.

By a subsequent decision 94/149/ECSC;EC of 8 March 1994, the Council fixed the entry into force of the above-mentioned decision with regard to antidumping cases at 15 March 1994, specifying that all actions brought by any natural or legal person in anti-dumping cases after that date had to be lodged before the Court of First Instance. Furthermore, cases already pending at the Court of Justice for which a preparatory report had not yet been drawn up were transferred to the Court of First Instance on 15 March 1994.

10.3. NEW CASES

The three new cases brought during the year concerned: the reconstruction of export prices to the first independent buyer¹¹, inclusion in a review investigation of an exporter found not to be dumping during the original reference period¹², and the failure to grant individual treatment¹³.

10.4. JUDGEMENTS RENDERED

The Court of Justice delivered a judgement in 1994 in the following case:

¹¹ Case 6/94 (T-171/94), OJ No. C 43, 12.02.94, p. 9

¹² Case 88/94 (T-172/94), OJ No. C 120, 30.04.94, p. 14

¹³ Case T-155/94, OJ No. C 161, 11.06.94, p. 12

10.4.1. Disposable lighters : judgement of 7 July 1994¹⁴

- Case 75/92, Gao Yao (Hong Kong) Hua Fa Industrial Co. Ltd. v. Council

The application was lodged by the sales office in Hong Kong of a Chinese company, Gao Yao Hua Fa Industrial of Guandong, a producer of non-refillable disposable gas lighters subject, by Regulation (EC)No. 3433/91¹⁵, to an anti-dumping duty of 16.9%.

The applicant had argued before the imposition of duties that, as Gao Yao China could not be regarded as an exporter because all the lighters manufactured in China and sold by Gao Yao Hong Kong were exported from Hong Kong, a country with a market economy. The normal value should therefore have been calculated on the basis of the comparable price actually paid for a like product on the domestic market of the country of export, namely Hong Kong.

The Council, and the Commission and the European Federation of Lighter Manufacturers, as interveners, challenged the admissibility of the application.

The Court dismissed the application as inadmissible. It held that the applicant was not concerned by the preliminary measures, it being a company established in Hong Kong on which anti-dumping duties were not imposed by the Community and which was not the target of the investigation.

Moreover, the Court noted that, according to its own statements, the applicant had intervened merely as a conduit in Hong Kong set up to facilitate correspondence between the Commission and Gao Yao China, and had replied to the Commission's questionnaire as a representative thereof. This had not meant that Gao Yao Hong Kong, as an office for transmitting documents, was accepted by the Commission as an interlocutor in respect of the subject-matter of the investigation.

The applicant was ordered to pay the costs, including those of the interveners.

10.5. CASES PENDING

At the end of 1994, thirteen cases were still pending on the register of the Court of First Instance. These cases can be identified in Annex P.

Thus, twelve cases which had been brought before the Court of Justice in anti-dumping matters were transferred to the Court of First Instance. These cases can also be identified in Annex P.

¹⁴ Case 75/92, OJ No. C 233, 20.08.94, p. 5

¹⁵ OJ L 326, 28.11.91, p. 1

11. GATT ISSUES

11.1 IMPLEMENTATION OF 1994 ANTI-DUMPING AGREEMENT

The Agreement contains new and detailed rules on almost every aspect of anti-dumping. The transposition of these rules into Community law was done by Council Regulation (EC)No. 3283/94 on 22 December 1994¹⁶. Whilst most of this new basic anti-dumping regulation corresponds to the WTO Anti-Dumping Agreement, additional provisions have been introduced in particular as regards retroactivity (article 10), absorption (article 12), circumvention (article 13) and Community interest (article 21), on which the Agreement is silent or imprecise.

In conformity with the 1994 Agreement, the new basic Regulation sets tougher standards for the imposition of anti-dumping measures with its new and detailed rules on the calculation of dumping, its increased procedural requirements for initiation and subsequent investigation, and its restrictions on the imposition of provisional duties.

The new rules on **retroactivity**, **absorption** and **circumvention** are to ensure a more effective enforcement of anti-dumping measures. This is a desirable and legitimate objective recognized, as regards anti-circumvention measures, in a Ministerial Declaration on the occasion of the formal adoption of the WTO agreements (Marrakech, 15.4.1994).

- The provisions on **retroactivity** should, for the first time, permit effective action against a surge in imports just prior to the imposition of provisional measures which has the effect of postponing the remedial effects of any measure.
- The new **anti-absorption** rules should provide for a swift (within 6 months) action against exporters who absorb the cost of the duty (i.e. pay the duty for the importer), and thus nullify its effect.
- The new rules destined to combat **circumvention** cover all types of activity, the objective of which is to circumvent anti-dumping measures, whether carried out within the Community or in a third country. This includes practices such as simple assembly (when more than 60% of parts originate in exporting country), sudden switches in origin, or slight alterations of the products imported. The new provisions direct the Community institutions to act quickly (within a maximum of 9 months) and allow, through a system of registrations of imports, for retroactive action. On the other hand, imports are exempted from registration or anti-circumvention measures where it is certified that they do not constitute circumvention.

¹⁶ OJ L 349, 31.12.1994, p. 1

- The new provisions on **Community interest** give clearer parameters and provide for a much more structured framework for the assessment of this important point by the Community institutions. The position of parties to an anti-dumping procedure has been strengthened in this respect, and users and consumers of the product under investigation have been given procedural rights equivalent to those of domestic producers.

11.2. IMPLEMENTATION OF THE 1994 ANTI-SUBSIDIES AGREEMENT

For the first time, the Community's countervailing duty legislation is laid down in a regulation which is separate from anti-dumping legislation. This new regulation¹⁷ faithfully reflects the provisions of the WTO Subsidies Agreement, and combines them with the Community's improved procedural rules governing such things as time limits and decision making, most of which are common to both countervailing duty and anti-dumping legislation.

The main features of the countervailing duty regulation may be summarized thus:

- (a) Subsidies - definition, status and calculation (Articles 2 to 4)
 - The regulation reproduces the Subsidies Agreement **definition of a subsidy** i.e. a financial contribution by public authorities and benefit to enterprises which is derived from such a contribution.
 - Having established this, the regulation lays down that all subsidies, as so defined, are **countervailable**, unless they are non-specific or covered by the "green list" in Article 8 of the Subsidies Agreement (i.e. research and development, regional and environmental aid within strict limits). This approach ensures that any subsidy with significant trade effects can be subject to countervailing measures.
 - The provision on calculation of the amount of a countervailable subsidy espouses the principle of "**benefit to the recipient**", which is more in line with the methodology employed in state aid cases in the Community, and is permitted by Article 14 of the Subsidies Agreements.
- (b) Initiation of proceedings and investigation process (Articles 7-8)
 - Article 7 lays out in some detail the information to be provided by the Community industry in a complaint and defines the representativity of the complaining industry. In effect, the complainant must account for at least 25% of Community production of the like product and a majority of the production by those producers expressing either support or opposition to the complaint.
 - Article 8 sets out clear rules of procedure for investigations. It should be noted that the Government of the exporting country has full participatory rights in a countervailing duty investigation, must be offered consultations prior to initiation and afforded an opportunity to continue them during the investigation.

¹⁷ Council Reg. (EC)No. 3284/94, OJ No. L 349, 31.12.94, p. 22

- (c) Retroactivity, circumvention, Community interest
- With regard to these areas, the changes are the same as those which have been made in the anti-dumping regulation.
- (d) Termination - de minimis thresholds (Article 11)
- With regard to cases involving developing countries **only**, imports are defined as negligible if they represent less than 4% of total imports into the Community unless the cumulative volume from a number of countries amounts to more than 9%. Similarly, developing countries benefit from more generous de-minimis subsidy thresholds of 2 or 3% ad-valorem.
- (e) Relationship between countervailing duty measures and multilateral remedies (Article 23)
- A provision has been inserted to permit withdrawal of countervailing duties in cases in which a multilateral subsidy action has been carried out (Panel) and measures other than countervailing duties have been taken as a consequence of such action (since countervailing duty investigations and GATT Panels can be carried out in parallel, but only one type of remedy is allowed under the Subsidies Agreement).

11.3. IMPLEMENTATION BY THIRD COUNTRIES

11.3.1 U.S.A.

The bill implementing the new Anti-Dumping Code reflects the changes which are necessary because of new rules in the Code. It is the assessment of the Commission that the U.S. have not made an attempt to change the results of the negotiations in this area through the implementing legislation.

During the discussions of the draft Bill, which took place in Congress before its formal introduction, a number of issues were raised by interested groups, which in the Commission's view, would have led to a more protectionist U.S. anti-dumping law. The Commission closely monitored the subsequent discussions and, where necessary, explained its position and concerns at different levels, including to the Commissioner to the U.S. administration and Congress. It would appear that the final Bill largely took account of these comments. Some issues, for example those of duty as a cost and compensation for petitioners, have more or less disappeared; for others, such as captive production, sunset reviews and fair comparison, GATT-compatible solutions have been found. Although the detailed technical provisions may not be identical with those of the Community, the draft Bill did not, in our view, violate obligations under the new Anti-Dumping Code.

This being said, it should be borne in mind with regard to procedural aspects that, although all changes in the new Code concerning rules of procedure have been incorporated into the implementing Bill, much will depend on how the new law is applied in practice. This is particularly true with regard to the questions of the amount of information requested from exporters, and the readiness of the Administration to use "best information available".

Finally, the U.S. law will remain less liberal than that of the Community, because it does not contain two elements which are optional under the Code, i.e. the lesser duty rule, which allows a duty to be imposed which is lower than the dumping margin found in cases where this is sufficient to remove the injury caused, and the public interest test, which enables the authority to abstain from taking measures where this is not in the overall interest of the importing country. The U.S., throughout the Uruguay Round negotiations, refused to adopt these two rules, and it therefore comes as no surprise that they are not part of the implementing legislation.

11.4 ANTI-SUBSIDY INVESTIGATIONS OF THIRD COUNTRIES CONCERNING IMPORTS FROM E.U. MEMBER STATES

11.4.1 Australia

(i) Canned tomatoes

In October 1994, Australia imposed anti-dumping and countervailing duties on imports of canned tomatoes from Italy. It decided to levy a countervailing duty on top of the anti-dumping duty in order to offset Community's export refunds. The Commission argued that this approach constitutes double-counting and that, in the circumstances of the case, only one duty could be imposed. Bilateral consultations with Australia on this matter will be held under the GATT Subsidies Code in February 1995¹⁸.

(ii) Brandy

In January 1995, Australia decided to maintain countervailing duty measures on **bulk brandy** from France.

11.4.2 Brazil

(i) Wheat

In May 1994, Brazil notified the Commission of an impending anti-subsidy case concerning **wheat from Germany**. Brazil offered the Commission consultations prior to the opening, under Article 3.1 of the 1979 GATT Subsidies Code, and these took place in Brasilia on 22 July 1994, since when no investigation has been opened.

¹⁸ This case does not yet fall within the scope of application of the WTO Subsidies Agreement.

(ii) Milk powder

In January 1994, a GATT panel established under the 1979 Subsidies Code decided that Brazil's imposition of provisional and definitive countervailing duties on imports of milk powder from the EC was not in conformity with the provisions of the Code. The panel report was adopted in April 1994, and in August 1994 Brazil revoked the countervailing duties.

11.4.3 Argentina

(i) Canned peaches

The countervailing duties imposed by Argentina on canned peaches from Greece expired in November 1994. A new investigation concerning canned peaches in syrup from the EC was opened in January 1995.

(ii) Olive oil

In December 1993, Argentina received a CVD complaint from its domestic industry concerning imports of **olive oil** from the EC. Consultations were held in January 1994. The Commission expressed concern about the apparent lack of evidence of injury in the complaint.

In September 1994, Argentina opened an investigation. The Commission sent a reply to Argentina's questionnaire, emphasising in particular the 35% fall in the level of export refunds between 1990 and 1993. The investigation continues.

11.4.4 Mexico

(i) Beef

In June 1994, Mexico imposed a countervailing duty of 45.74% on imports of frozen **beef** from the EC. Mexico's decision appeared weak as regards injury, and contained very little evidence on causality. Consultations under the EC-Mexico Agreement were held in September 1994.

The Commission was not satisfied with Mexico's explanations during these consultations, and will take up matter once more in a further round of consultations in January 1995.

(ii) Pork

In November 1994, Mexico opened an anti-subsidy investigation concerning imports of **certain pork products** from Denmark. The Commission reacted immediately to this case, which was based on an alleged threat of injury, because the initiation of the proceeding did not seem to be justified.

In these circumstances, the Commission replied to Mexico's questionnaire, and requested consultations under the EC-Mexico Agreement. These will be held in Mexico City on 12 January 1995.

11.4.5 Venezuela

In May 1994, Venezuela imposed definitive countervailing duties on blue, semi-hard and hard cheese imported from the Community.

11.4.6 Peru

In April 1994, Peru terminated, without the imposition of measures, an anti-subsidy investigation concerning imports of **milk powder** and **certain milk fat** from the EC, USA, Canada and New Zealand.

11.4.7 Jamaica

In June 1994, Jamaica opened an anti-subsidy investigation concerning imports of **skimmed milk powder** from the Netherlands, Belgium, the UK, Ireland and France, as well as Switzerland, Austria and USA. The Commission made a submission to Jamaica, pointing out that EC exports to Jamaica had fallen by 81% between 1991-1993, and that this factor, combined with the steady decline in export refund levels, would seem to preclude any injury being caused to Jamaican industry. The matter is still under investigation.

11.4.8 Canada

In October 1994, Canada opened a "sunset" review of countervailing duties on imports of **canned ham** from Denmark and the Netherlands and **canned pork-based luncheon meat** from the EU.

In November 1994, the Commission sent a submission to the Canadian International Trade Tribunal, putting the accent on a 50% reduction in export refunds in the last two years. This case is still being considered.

11.4.9 Bolivia

In November 1994, Bolivia opened an anti-subsidy investigation concerning imports of **wheat** from Germany and Denmark. In reply, the Commission provided some general information and statistics, but pointed out that the complaint appeared to contain no evidence of injury, and therefore requested consultations to clarify the matter.

11.4.10 United States

Steel

- (i) On 6 July 1994, the US Department of Commerce (DOC) initiated an administrative review investigation of the countervailing duty order on certain hot rolled **lead and bismuth carbon steel** products from the United Kingdom. Community assistance programs were also investigated and the Commission reply was verified.
- (ii) On 20 July 1994, the US DOC initiated a countervailing duty investigation in respect of certain **oil country tubular goods** from Italy. Some Community programmes were also investigated. On 23 November 1994, the DOC imposed provisional duties of 1.42%.
- (iii) On 20 July 1994, the US DOC initiated also a countervailing duty investigation into **seamless pipes** from Italy. Some Community programmes were again investigated. On 18 November 1994, the DOC imposed provisional duties of 1.42%.

11.5. DISPUTE SETTLEMENT PROCEEDINGS

11.5.1 Panel proceedings in which the Community is involved

- "Lead and bismuth steel bars" panel

In October 1994 this panel produced its long-expected report, which dealt in great detail with the claims made by the Community in respect of the US countervailing duties imposed on these products

The panel agreed with the Community that the US, in many of its findings, had acted in violation of its obligations under the 1979 GATT Subsidies Code. It also considered that a number of the US determinations were not adequately motivated.

This panel report will be discussed in a future meeting of the GATT Subsidies Committee.

- "Flat-rolled steel products" - panel

The Community had asked for a second steel panel in respect of the US countervailing duties imposed on flat-rolled steel products. The proceedings of the Panel were suspended in December 1994.

- Audio-cassettes panel

Japan had requested the constitution of a panel in respect of anti-dumping duties imposed by the Community on imports of audio cassettes from Japan. Most issues before the panel are related to the injury and causality findings.

The report by the panel is expected in 1995.

- Cotton yarn - panel

Brazil had requested the constitution of a panel in respect of anti-dumping duties imposed by the Community on cotton yarn imports from Brazil. Brazil contested the Community's findings as to the calculation of the dumping margin in situations of hyper-inflation in the exporting country, as well as with regard to injury to the domestic industry.

The panel's work is in process and a report is not expected before mid 1995.

11.6 ANTI-SUBSIDY INVESTIGATIONS CARRIED OUT BY THE COMMISSION

11.6.1. Ball bearings from Thailand

In September 1994, a review of the countervailing measures concerning imports of ball bearings from Thailand was completed. The Thai exporters and the Royal Thai Government had alleged that the subsidies granted to them were no longer countervailable since they were contingent upon export performance. However, the Commission concluded that although a specific export requirement had been eliminated from the Certificates of Promotion on the basis of which the exporters obtained benefits, they were still bound by the general 80% export requirement contained in Thailand's investment promotion legislation. Therefore, the benefit of the subsidies was still contingent upon export performance. However, it was established that the value of the subsidy had fallen from 0.91 to 0.72 Thai baht per piece, and a modified undertaking from the Royal Thai Government, reducing its export tax on direct imports from 0.91 to 0.72 baht, was accepted by the Commission. The Council correspondingly reduced the countervailing duty on indirect imports from 6.7 to 5.3 %. References can be found in Annex K.

12. PERSONNEL AND ADMINISTRATION

The introduction of statutory time limits for anti-dumping and anti-subsidy investigations, provided for in Council Regulations (EC)No. 521/94¹⁹ and (EC)No. 522/94²⁰, requires a substantial increase in staff. This need was recognized by the Council in December 1993 when the principle of accelerating trade instrument procedures was agreed.

In 1994, ten new officials joined the anti-dumping/anti-subsidy services, bringing the total staff at the end of the year to 130, including external personnel.

In addition, and thanks to the support of the European Parliament, the Commission obtained in the 1995 budget the reinforcement of the anti-dumping/anti-subsidy services to the tune of 59 permanent posts, four of which would be allocated to the translation services. The recruitment of new officials will begin in 1995, and is expected to carry on throughout the year. This constitutes the first tranche of the total staff increase necessary to achieve the full effect of the accelerating of procedures, the second being envisaged in the framework of the Commission's 1996 budget.

This significant increase in the staff of the anti-dumping/anti-subsidy services will be accompanied by a restructuring of the services with a view to the entry into force (probably 1st September 1995) of the legal time limits. The only way to keep the deadlines will be to split the investigations, with dumping and injury investigations being carried out separately and in parallel. The future organisation of the anti-dumping/anti-subsidy activity has to be adapted accordingly.

¹⁹ OJ L 66, 10.03.94, p. 7

²⁰ OJ L 66, 10.03.94, p. 10

LIST OF ANNEXES

- A. Anti-dumping and anti-subsidy investigations initiated during the period 1 January to 31 December 1994
- B. Provisional duties imposed during anti-dumping and anti-subsidy investigations during the period 1 January to 31 December 1994
- C. Investigations concluded by the imposition of definitive duties during the period 1 January to 31 December 1994
- D. Investigations concluded by the acceptance of undertakings during the period 1 January to 31 December 1994
- E. Investigations concluded on a finding of no dumping during the period 1 January to 31 December 1994
- F. Investigations concluded on a finding of no injury during the period 1 January to 31 December 1994
- G. Investigations concluded for other reasons during the period 1 January 1990 to 31 December 1994
- H. Investigations initiated by country of export during the period 1 January 1990 to 31 December 1994
- I. Investigations initiated by product sector during the period 1 January 1990 to 31 December 1994
- J. Reviews of anti-dumping and anti-subsidy investigations opened during the period 1 January to 31 December 1994
- K. Reviews of anti-dumping and anti-subsidy measures concluded by the amendment of definitive duties during the period 1 January to 31 December 1994
- L. Reviews of anti-dumping and anti-subsidy measures concluded by the imposition of definitive duties in lieu of price undertakings during the period 1 January to 31 December 1994
- M. Provisional duties imposed during review investigations during the period 1 January to 31 December 1994
- N. Reviews of anti-dumping and anti-subsidy measures concluded by the repeal or expiry of definitive duties during the period 1 January to 31 December 1994
- O. Anti-dumping and anti-subsidy measures which expired during the period 1 January to 31 December 1994
- P. Anti-dumping and anti-subsidy cases before the European Court of Justice in 1994
- Q. Anti-dumping measures in force as at 31.12.94

ANNEX A

ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS INITIATED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Unwrought magnesium	Kazakhstan	C11, 15.01.94, p. 4
Unwrought magnesium	Russia	C11, 15.01.94, p. 4
Unwrought magnesium	Ukraine	C11, 15.01.94, p. 4
Cotton fabric	P.R. China	C 17, 20.01.94, p. 3
Cotton fabric	India	C 17, 20.01.94, p. 3
Cotton fabric	Indonesia	C 17, 20.01.94, p. 3
Cotton fabric	Pakistan	C 17, 20.01.94, p. 3
Cotton fabric	Turkey	C 17, 20.01.94, p. 3
Synthetic staple fibre fabric	India	C 17, 20.01.94, p. 4
Synthetic staple fibre fabric	Indonesia	C 17, 20.01.94, p. 4
Synthetic staple fibre fabric	Pakistan	C 17, 20.01.94, p. 4
Synthetic staple fibre fabric	Thailand	C 17, 20.01.94, p. 4
Bed linen	India	C 21, 25.01.94, p. 8
Bed linen	Pakistan	C 21, 25.01.94, p. 8
Bed linen	Thailand	C 21, 25.01.94, p. 8
Bed linen	Turkey	C 21, 25.01.94, p. 8
Bicycles	Indonesia	C 35, 03.02.94; p. 3
Bicycles	Malaysia	C 35, 03.02.94; p. 3
Bicycles	Thailand	C 35, 03.02.94; p. 3
Pipe or tube fittings	P.R. China	C 35, 03.02.94, p. 4
Pipe or tube fittings	Croatia	C 35, 03.02.94, p. 4
Pipe or tube fittings	Slovakia	C 35, 03.02.94, p. 4

ANNEX A (continued)

ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS INITIATED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Pipe or tube fittings	Taiwan.	C 35, 03.02.94, p. 4
Pipe or tube fittings	Thailand	C 35, 03.02.94, p. 4
Persulphates	P.R. China	C 64, 02.03.94, p. 4
Activated powdered carbons	P.R. China	C 64, 02.03.94, p. 5
Portland Cement ¹⁾	Poland	C117, 28.04.94, p. 3
Portland Cement ¹⁾	Czech Republic	C117, 28.04.94, p. 3
Portland Cement ¹⁾	Slovak Republic	C117, 28.04.94, p. 3
Grain-oriented electrical steel sheets	Russia	C138, 20.05.94, p. 8
Coumarin	P.R. China	C138, 20.05.94, p. 9
Pig-iron (haematite)	Czech Republic	C139, 21.05.94, p. 7
Ammonium nitrate fertilizer	Lithuania	C158, 09.06.94, p. 3
Ammonium nitrate fertilizer	Russia	C158, 09.06.94, p. 3
Tapered roller bearings	Japan	C181, 02.07.94, p. 7
Polyester yarn (PTY)	Indonesia	C209, 29.07.94, p. 2
Polyester yarn (PTY)	India	C209, 29.07.94, p. 2
Polyester yarn (PTY)	Thailand	C209, 29.07.94, p. 2
Polyester staple fibre	Belarus	C212, 03.08.94, p. 5
Advertising matches	Japan	C214, 04.08.94, p. 9
Microdisks (3.5")	Malaysia	C246, 02.09.94, p. 4
Microdisks (3.5")	Mexico	C246, 02.09.94, p. 4
Microdisks (3.5")	U.S.A	C246, 02.09.94, p. 4

¹ Regional investigation covering part of the German market

ANNEX B

PROVISIONAL DUTIES IMPOSED DURING ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Haematite pig iron	Brazil	Com.Dec. 67/94/ECSC 12.01.94	L12,115.01.94 p. 5
Haematite pig iron	Poland	Com.Dec. 67/94/ECSC 12.01.94	L12,115.01.94 p. 5
Haematite pig iron	Russia	Com.Dec. 67/94/ECSC 12.01.94	L12,115.01.94 p. 5
Haematite pig iron	Ukraine	Com.Dec. 67/94/ECSC 12.01.94	L12,115.01.94 p. 5
Electrolytic capacitors	S. Korea	Com.Reg. (EC) No. 371/94 17.02.94	L48,19.02.94 p. 10
Electrolytic capacitors	Taiwan	Com.Reg. (EC) No. 371/94 17.02.94	L48,19.02.94 p. 10
Microdisks	Hong Kong	Com.Reg. (EC) No. 534/94 09.03.94	L68, 11.03.94 p. 5
Microdisks	S. Korea	Com.Reg. (EC) No. 534/94 09.03.94	L68, 11.03.94 p. 5
Calcium Metal	P.R. China	Com.Reg. (EC) No. 892/94 21.04.94	L104, 23.04.94 p. 5
Calcium Metal	Russia	Com.Reg. (EC) No. 892/94 21.04.94	L104, 23.04.94 p. 5
Watch movements	Malaysia	Com.Reg. (EC) No. 1076/94 06.05.94	L120,06.05.94 p. 3
Watch movements	Thailand	Com.Reg. (EC) No. 1076/94 06.05.94	L120,06.05.94 p. 3
Urea ammonium nitrate (UAN)	Bulgaria	Com.Reg. (EC) No. 1506/94 27.06.94	L162, 30.06.94 p. 8

ANNEX B (continued)

PROVISIONAL DUTIES IMPOSED DURING ANTI-DUMPING AND
ANTI-SUBSIDY INVESTIGATIONS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Urea ammonium nitrate (UAN)	Poland	Com.Reg. (EC) No. 1506/94 27.06.94	L162, 30.06.94 p. 8
Furazolidone	P.R. China	Com.Reg. (EC) No. 1648/94 06.07.94	L174, 08.07.94 p. 4
Furfuraldehyde	P.R. China	Com.Reg. (EC) No. 1783/94 18.07.94	L186, 21.07.94 p. 11
Colour television receivers	Malaysia	Com.Reg. (EC) No. 2376/94 27.09.94	L255, 01.10.94 p. 50
Colour television receivers	P.R. China	Com.Reg. (EC) No. 2376/94 27.09.94	L255, 01.10.94 p. 50
Colour television receivers	S. Korea	Com.Reg. (EC) No. 2376/94 27.09.94	L255, 01.10.94 p. 50
Colour television receivers	Singapore	Com.Reg. (EC) No. 2376/94 27.09.94	L255, 01.10.94 p. 50
Colour television receivers	Thailand	Com.Reg. (EC) No. 2376/94 27.09.94	L255, 01.10.94 p. 50
Ferro-Silico-manganese	Russia	Com.Reg. (EC) No. 2376/94 19.12.94	L330, 21.12.94 p. 15
Ferro-Silico-manganese	Ukraine	Com.Reg. (EC) No. 2376/94 19.12.94	L330, 21.12.94 p. 15
Ferro-Silico-manganese	Brazil	Com.Reg. (EC) No. 2376/94 19.12.94	L330, 21.12.94 p. 15
Ferro-Silico-manganese	S. Africa	Com.Reg. (EC) No. 2376/94 19.12.94	L330, 21.12.94 p. 15

ANNEX C

INVESTIGATIONS CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Ethanolamines	U.S.A.	Council Reg. (EC)No. 229/94 01.02.94	OJ L 28, 02.02.94 p. 40
Flourspar	P.R. China	Council Reg. (EC) No. 486/94 04.03.94	OJ L 62, 05.03.94 p. 1
Ferro-silicon	S. Africa	Council Reg. (EC) No. 621/94 17.03.94	OJ L 77, 19.03.94 p. 48
Ferro-silicon	P.R. China	Council Reg. (EC) No. 621/94 17.03.94	OJ L 77, 19.03.94 p. 48
Isobutanol	Russia	Council Reg. (EC) No. 721/94 31.03.94	OJ L 87, 31.03.94 p. 3
Television camera systems	Japan	Council Reg. (EC) No.1015/94 29.04.94	OJ L 111, 30.04.94 p. 106
Electrolytic capacitors	S. Korea	Council Reg. (EC) No.1384/94 14.05.93	OJ L 152, 18.06.94 p. 1
Electrolytic capacitors	Taiwan	Council Reg. (EC) No.1384/94 14.05.93	OJ L 152, 18.06.94 p. 1
Pig-iron (haematite)	Brazil	Com.Dec. 1751/94/ECSC 15.07.94	OJ L 182, 16.07.94 p. 37
Pig-iron (haematite)	Poland	Com.Dec. 1751/94/ECSC 15.07.94	OJ L 182, 16.07.94 p. 37
Pig-iron (haematite)	Russia	Com.Dec. 1751/94/ECSC 15.07.94	OJ L 182, 16.07.94 p. 37
Pig-iron (haematite)	Ukraine	Com.Dec. 1751/94/ECSC 15.07.94	OJ L 182, 16.07.94 p. 37
Microdisks (3.5")	Hong Kong	Council Reg. (EC) No.2199/94 09.09.94	OJ L 236, 10.09.94 p. 2

ANNEX C (continued)

INVESTIGATIONS CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Microdisks (3.5")	S. Korea	Council Reg. (EC) No.2199/94 09.09.94	OJ L 236, 10.09.94 p. 2
Calcium metal	P.R. China	Council Reg. (EC)No.2557/94 19.10.94	OJ L 270, 21.10.94 p.27
Calcium metal	Russia	Council Reg. (EC)No.2557/94 19.10.94	OJ L 270, 21.10.94 p.27
Furazolidone	P.R. China	Council Reg. (EC) No.2674/94 31.10.94	OJ L 285, 04.11.94, p.1
Urea ammonium nitrate ²	Bulgaria	Council Reg. (EC) No.3319/94 22.12.94	OJ L 350, 31.12.94, p.20
Urea ammonium nitrate ²)	Poland	Council Reg. (EC) No.3319/94 22.12.94	OJ L 350, 31.12.94, p.20

² Includes acceptance of certain undertakings

ANNEX D

INVESTIGATIONS CONCLUDED BY THE ACCEPTANCE OF UNDERTAKINGS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Ammonium nitrate fertilizer ³	Russia	Com.Dec.94/293/EC 13.04.94	OJ L 129, 21.05.94, p.24
Ammonium nitrate fertilizer ³⁾	Lithuania	Com.Dec.94/293/EC 13.04.94	OJ L 129, 21.05.94, p.24

³ Regional measure covering the U.K. market

ANNEX E

INVESTIGATIONS CONCLUDED ON A FINDING OF NO DUMPING
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Ammonium nitrate fertilizer	Belarus	Com.Dec.94/293/EC 13.04.94	OJ L129, 21.05.94 p. 24
Ammonium nitrate fertilizer	Georgia	Com.Dec.94/293/EC 13.04.94	OJ L129, 21.05.94 p. 24
Ammonium nitrate fertilizer	Turkmenistan	Com.Dec.94/293/EC 13.04.94	OJ L129, 21.05.94 p. 24
Ammonium nitrate fertilizer	Ukraine	Com.Dec.94/293/EC 13.04.94	OJ L129, 21.05.94 p. 24
Ammonium nitrate fertilizer	Uzbekistan	Com.Dec.94/293/EC 13.04.94	OJ L129, 21.05.94 p. 24

ANNEX F

INVESTIGATIONS CONCLUDED ON A FINDING OF NO INJURY
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Antimony trioxide.	P.R. China	Com.Dec.94/389/EC 06.06.94	OJ L176, 09.07.94 p. 41

ANNEX G

INVESTIGATIONS CONCLUDED FOR OTHER REASONS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Gum rosin	P.R. China	Com.Dec.94/82/EC 10.01.94	OJ L 41, 12.02.94 p. 50
Hand-knitting yarn	Turkey	Com.Dec.94/120/EC 26.02.94	OJ L 55, 26.02.94 p. 58

ANNEX H

INVESTIGATIONS INITIATED BY COUNTRY OF EXPORT DURING THE PERIOD 1 JANUARY 1990 - 31 DECEMBER 1994

<u>Country of origin</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>
Albania	1	-	-	-	-
Argentina	1	-	-	-	-
Belarus	-	-	1	-	1
Brazil	4	-	1	1	-
Bulgaria	-	-	-	1	-
China P.R.	4	4	8	4	5
Croatia	-	-	-	-	1
Czech Republic	-	1	-	-	2
Egypt	2	1	-	-	-
Georgia	-	-	1	1	-
Hong Kong	-	-	1	-	-
Hungary	-	1	-	-	-
India	4	-	-	-	4
Indonesia	1	-	-	-	4
Japan	3	5	-	1	2
Kazakhstan	-	-	1	-	1
Korea S.	5	1	3	2	-
Lithuania	-	-	1	-	1
Malaysia	-	-	2	2	2
Mexico	-	-	-	-	1
Norway	1	-	-	-	-
Pakistan	-	-	-	-	3
Poland	-	2	1	1	1
Romania	-	-	1	-	-
Russia	-	-	3	1	3
Singapore	-	-	3	-	-
Slovakia	-	-	-	-	2
South Africa	-	-	2	1	-
Taiwan	1	2	1	1	1
Thailand	2	-	1	2	5
Trinidad & Tobago	1	-	-	-	-
Tunisia	-	-	1	-	-
Turkey	7	1	2	1	2
Turkmenistan	-	-	1	-	-
Ukraine	-	-	2	1	1
USA	1	-	1	1	1
USSR	2	1	-	-	-
Uzbekistan	-	-	1	-	-
Yugoslavia	3	1	-	-	-
	<u>43</u>	<u>20</u>	<u>39</u>	<u>21</u>	<u>43</u>
	=====	=====	=====	=====	=====

ANNEX I

INVESTIGATIONS INITIATED BY PRODUCT SECTOR
DURING THE PERIOD 1 JANUARY 1990 TO 31 DECEMBER 1994

<u>Product</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>
Chemical and allied	8	4	10	5	3
Textiles and allied	14	-	-	1	17
Wood and paper	-	1	-	-	-
Electronics	1	5	13	7	3
Other mechanical	6	4	-	2	4
engineering					
Iron and Steel	9	6	3	-	7
(EEC & ECSC)					
Other metals	3	-	5	5	3
Other	2	-	8	1	6
	43	20	39	21	43
	=====	=====	=====	=====	=====

ANNEX J

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS OPENED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>OJ reference</u>
Polyester yarn	Indonesia	OJ C 74, 12.03.94, p. 3
Electronic weighing scales	Japan	OJ C 74, 12.03.94, p. 4
Aspartame	U.S.A	OJ C 115, 26.04.94, p. 4
Electronic weighing scales	Singapore	OJ C 129, 11.05.94, p. 6
Polyester yarn (POY/PTY)	Taiwan	OJ C 164, 16.06.94, p. 4
Polyester yarn (POY/PTY)	Turkey	OJ C 164, 16.06.94, p. 4
Ferro-silicon	Brazil	OJ C 165, 17.06.94, p. 13
Monosodium glutamate	Indonesia	OJ C 187, 09.07.94, p. 13
Monosodium glutamate	S. Korea	OJ C 187, 09.07.94, p. 13
Monosodium glutamate	Taiwan	OJ C 187, 09.07.94, p. 13
Monosodium glutamate	Thailand	OJ C 187, 09.07.94, p. 13
Video tapes in cassettes	Hong Kong	OJ C 260, 17.09.94, p. 10
Video tapes in cassettes	S. Korea	OJ C 260, 17.09.94, p. 10
Outer rings of tapered roller bearings	Japan	OJ C 292, 20.10.94, p. 7
Ammonium nitrate fertilizer	Lithuania	OJ C 343, 06.12.94, p. 2
Ammonium nitrate fertilizer	Russia	OJ C 343, 06.12.94, p.2
Ball bearings (mini) ⁴	Thailand	OJ C 348, 09.12.94, p.2

⁴ Countervailing review investigation

ANNEX K

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES
CONCLUDED BY THE AMENDMENT OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Potassium chloride	Belarus	Council Reg. (EC) No. 643/94 12.04.94	OJ L 80, 24.03.94 p. 1
Potassium chloride	Russia	Council Reg. (EC) No. 643/94 12.04.94	OJ L 80, 24.03.94 p. 1
Potassium chloride	Ukraine	Council Reg. (EC) No. 643/94 12.04.94	OJ L 80, 24.03.94 p. 1
Silicon carbide ⁵	P.R. China	Council Reg. (EC) No. 821/94 12.04.94	OJ L 94, 13.04.94 p. 21
Silicon carbide ⁵⁾	Poland	Council Reg. (EC) No. 821/94 12.04.94	OJ L 94, 13.04.94 p. 21
Silicon carbide ⁵⁾	Russia	Council Reg. (EC) No. 821/94 12.04.94	OJ L 94, 13.04.94 p. 21
Silicon carbide ⁵⁾	Ukraine	Council Reg. (EC) No. 821/94 12.04.94	OJ L 94, 13.04.94 p. 21
Cotton yarn	Turkey	Council Reg. (EC) No. 1828/94 25.07.94	OJ L191, 27.07.94 p. 3
Ball bearings (mini) ⁶	Thailand	Council Reg. (EC) No. 2271/94 19.09.94	OJ L247, 22.09.94, p. 1
Potassium permanganate	P.R. China	Council Reg. (EC) No. 2819/94 17.11.94	OJ L298, 19.11.94, p. 32

⁵ Includes acceptance of certain undertakings

⁶ Definitive countervailing duty on indirect imports. Includes acceptance of undertakings on direct imports from Thailand. See 94/639/EC in L 247 of 22.09.94.

ANNEX L

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES
CONCLUDED BY THE IMPOSITION OF DEFINITIVE DUTIES
IN LIEU OF PRICE UNDERTAKINGS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Artificial corundum	P.R. China	Council Reg. (EC) No. 2556/94 19.10.94	OJ L 270, 21.10.94 p. 24

ANNEX M

PROVISIONAL DUTIES IMPOSED DURING REVIEW INVESTIGATIONS
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Artificial corundum ⁷	P.R. China	Com. Reg. (EC) No. 1418/94 20.06.94	L155, 22.06.94
Tungsten ores and ⁽⁷⁾ concentrates, tungstic oxide and acid, tungsten carbide and fused tungsten carbide	P.R. China	Com.Reg. (EC) No. 2286/94 21.09.94	L 248, 23.09.94

⁷ Provisional duty imposed as a result of withdrawal of undertaking

ANNEX N

REVIEWS OF ANTI-DUMPING AND ANTI-SUBSIDY MEASURES CONCLUDED BY
THE REPEAL OR EXPIRY OF DEFINITIVE DUTIES
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Acrylic fibres	Mexico	Council Reg. (EC) No. 1318/94 06.06.94	OJ L143, 09.06.94 p.1.
Polyester yarns	India	Council Reg. (EC) No. 3009/94 08.12.94	OJ L 320, 13.12.94 p.1.

ANNEX O

ANT-DUMPING AND ANTI-SUBSIDY MEASURES WHICH EXPIRED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u> ⁸
Copper Sulphate ⁹	Bulgaria	duty	L 23, 27.01.89
Copper Sulphate ⁹⁾	ex-USSR	duty	L 23, 27.01.89
Paracetamol ¹⁰	P.R. China	duty	L 348, 17.12.88
Video cassette ¹¹ recorders	Japan	duty	L 57, 28.02.89
Video cassette ¹¹⁾ recorders	Rep. of Korea	duty	L 57, 28.02.89
Urea ¹²	U.S.A.	duty	L 52, 24.02.89
Urea ¹²⁾	Austria	undertakings	L 52, 24.02.89
Urea ¹²⁾	Hungary	undertakings	L 52, 24.02.89
Urea ¹²⁾	Kuwait	undertakings	L 52, 24.02.89
Urea ¹²⁾	Malaysia	undertakings	L 52, 24.02.89
Light sodium ¹³ carbonate	Bulgaria	duty	L 131, 13.05.89
Light sodium ¹³⁾ carbonate	Poland	duty	L 131, 13.05.89
Light sodium ¹³⁾ carbonate	Romania	duty	L 131, 13.05.89
Polyester yarn ¹⁴	Rep. of Korea	duty	L 347, 16.12.88
Certain flat-rolled ¹⁵ products of iron and steel	ex-Yugoslavia	duty	L 193, 08.07.89

⁸ The OJ reference is to the imposition of the measure

⁹ Notice of expiry was published in OJ C 37, 05.02.94

¹⁰ Notice of expiry was published in OJ C 39, 09.02.94

¹¹ Notice of expiry was published in OJ C 48, 16.02.94

¹² Notice of expiry was published in OJ C 54, 22.02.94

¹³ Notice of expiry was published in OJ C 121, 03.05.94

¹⁴ Notice of expiry was published in OJ C 165, 17.06.94

¹⁵ Notice of expiry was published in OJ C 178, 30.06.94.

ANNEX O (continued)

ANT-DUMPING AND ANTI-SUBSIDY MEASURES WHICH EXPIRED
DURING THE PERIOD 1 JANUARY - 31 DECEMBER 1994

<u>Product</u>	<u>Country of origin</u>	<u>Document</u>	<u>OJ reference</u>
Urea ¹⁶	Romania	undertakings	L 52, 24.02.89
Urea ¹⁶⁾	ex-Yugoslavia	undertakings	L 52, 24.02.89
Dicumyl peroxide ¹⁷	Japan	undertakings	L 317, 31.10.89

¹⁶ Notice of expiry was published in OJ C 239, 27.08.94

¹⁷ Notice of expiry was published in OJ C 292, 20.10.94

ANNEX P

ANTI-DUMPING AND ANTI-SUBSIDY CASES BEFORE
THE EUROPEAN COURT OF JUSTICE IN 1994

Case 223/91	Ajinomoto Co. Inc. v. Council (T-159/94)
Case 224/91	The Nutrasweet Company v. Council (T-160/94)
Case 61/92	Sinochem Heilongjiang v. Council (T-161/94)
Case 75/92	Gao Yao (Hong Kong) Hua Fa Industrial Co. Ltd v. Council ¹⁸
Case 346/92	NMB France Sarl and others v. Commission (T-162/94)
Case 423/92	NTN Corporation v. Council (T-163/94)
Case 8/93	Ferchimex S.A. v. Council (T-164/94)
Case 10/93	Koyo Seiko v. Council (T-165/94)
Case 263/93	Koyo Seiko v. Council (T-166/94)
Case 326/93	Detlef Nölle v. Council and Commission (T-167/94)
Case C477/93	Shanghai Bicycle Corporation Group v. Council (T-170/94)
Case 6/94	Descom Scales Manufacturing v. Council (T-171/94)
Case C88/94	Rima v. Council (T-172/94)
Case T155/94	Climax Paper Converters Ltd v. Council

N.B. The references in brackets refer to the new Court of First Instance registration number.

¹⁸ Judgment rendered on 07.07.94

ANNEX Q

ANTI-DUMPING MEASURES IN FORCE AS AT 31.12.94

<u>Product</u>	<u>Origin</u>	<u>Measure</u>	<u>Regulation/Dec.</u>	<u>Publication</u>
Ammonium nitrate fertilizer	Russia Lithuania	undertakings (UK reg.)	Com.Dec. 94/293/EC 13.04.94	OJ L 129 21.05.94,p.24
Artificial corundum	C.S.S.R. Hungary Poland Brazil Yugoslavia	undertakings	Com.Dec. 91/512/EEC 23.7.91	OJ L 275 02.10.91,p.27
	P.R. China Russia Ukraine	duties	Council Reg. (EEC)No.2552/93 13.09.93	OJ L 235 18.09.93,p. 1
Asbestos cement pipes	Turkey	undertakings	Com.Dec.91/392/EEC 21.06.91	OJ L 209 31.7.91,p.37
Aspartame	Japan U.S.A.	duties	Council Reg. (EEC)1391/91 27.5.91	OJ L 134 29.5.91,p. 1
Audio tapes in cassettes	Japan S. Korea	duties	Council Reg. (EEC)No.1251/91 13.5.91	OJ L 119 14.5.91,p.35
Ball bearings (miniature)	Japan	duties	Council Reg. (EEC)No.2685/90 17.9.90	OJ L 256 20.9.90,p.1
	Thailand	undertakings (countervailing) duties	Com.Dec.94/639/EC 03.08.94 Council Reg. (EC)No.2271/94 19.09.94	OJ L 247 22.09.94,p.29 OJ L 247 22.09.94,p.1
Ball bearings (>30mm)	Japan	duties	Council Reg. (EEC)No.2849/92 28.09.92	OJ L 286 01.10.92, p.2
Barium chloride	P.R. China	duties	Council Reg. (EEC)No.541/91 4.3.91	OJ L 60, 7.3.91,p.1
Bicycles	P.R. China	duties	Council Reg. (EEC)No.2474/93 08.09.93	OJ L 228, 09.09.93,p.1
Calcium metal	P.R. China Russia	duties	Council Reg. (EC)No.2557/94 19.10.94	OJ L 270, 21.10.94,p.27

Car radios	S. Korea	duties	Council Reg. (EEC)No.2306/92 04.08.92	OJ L 222 07.08.1992,p.8
Container corner fittings (suspended according to Council Regulation (EC)no. 5/94)	Austria	undertakings	Com.Dec.92/313/EEC 13.06.92	OJ L 165 19.6.92,p.37
Cotton yarn	Brazil Turkey	duties	Council Reg. (EEC)No.738/92 23.3.92	OJ L 82 27.3.92,p.1
		duties	Council Reg. (EC)No.3203/93 22.11.93	OJ L 289 24.11.93,p.1
	Turkey	duties	Council Reg. (EC)No.1828/94 25.07.94	OJ L 182 27.07.94,p.3
Diesel engines (suspended according to Council Regulation (EC)no. 5/94)	Finland Sweden	undertakings	Com.Dec.90/138/EEC 16.03.90	OJ L 76 22.3.90,p.28
Dihydrostrepto- mycin	P.R. China	duties	Council Reg. (EEC)No.3836/91 19.12.91	OJ L 362 31.12.91,p. 1
D R A M's	Japan	undertakings	Commission Reg. (EEC)No.165/90 23.1.90	OJ L 20 25.1.90,p.5
		undertaking	Commission Dec. 92/494/EEC 12.10.92	OJ L 299 15.10.92,p.43
		duties	Council Reg. (EEC)No.2112/90 23.7.90	OJ L 193 25.7.90,p.1
	S. Korea	duties	Council Reg. (EEC)No. 611/93 15.03.93	OJ L 66 18.03.93,p.1
		undertakings	Com.Dec.93/157/EEC 04.03.93	OJ L 66 18.03.93,p.37
Electrolyte capacitors	Japan	duty	Council Reg. (EEC)No.3482/92 30.11.92	OJ L 353 03.12.92,p.1
	S. Korea Taiwan	duty	Council Reg. (EC)No.1384/94 13.06.94	OJ L 152 18.06.94,p. 1

Electronic weighing scales	Japan	duty	Council Reg. (EEC)No.993/93 26.04.93	OJ L 104 29.4.93,p.4
	S. Korea Singapore	duty	Council Reg. (EEC)No.2887/93 20.10.93	OJ L 263 22.10.93,p.1
EPROM's	Japan	duties	Council Reg. (EEC)No.577/91 04.03.91	OJ L 65, 12.03.91, p.1
		undertakings	Com.Dec.91/131/EEC 11.03.91 Com.Dec.93/538/93 18.10.93	OJ L 65, 12.03.91 OJ L 262, 21.10.93,p.64
Espadrilles	P.R. China	duties	Council Reg. (EEC)No.1812/91 24.6.91	OJ L 166, 28.6.91, p. 1
Ethanolamines	U.S.A.	duties	Council Reg. (EC)No. 229/94 01.02.94	OJ L 28, 02.02.94,p.40
Ferroboron	Japan	duties	Council Reg. (EEC)No.2036/90 16.7.90	OJ L 187 19.7.90, p. 1
Ferrochrome (low-carbon)	Kazakhstan Russia Ukraine	duties	Council Reg. (EEC)No.2717/93 28.09.93	OJ L 246 02.10.93,p. 1
Ferrosilicon	Brazil Russia Kazakhstan Ukraine Iceland* Norway* Sweden* Venezuela	duty	Council Reg. (EC)No.3359/93 02.12.93	OJ L 302 09.12.93,p.1
	(*suspended according to Council Regulation (EC)no. 5/94)			
	Egypt	undertaking	Commission Reg. 92/331/EEC 30.06.92	OJ L 183 03.07.92,p.40
	Poland Egypt	duty	Council Reg. (EEC)No.3642/92 14.12.92	OJ L 369 18.12.92,p.1
	Poland	undertaking	Commission Dec. 92/572/EEC 14.12.92	OJ L 369 18.12.92,p.32
	S. Africa P.R China	duty	Council Reg. (EC)No. 621/94	OJ L 77 19.03.94,p.48

17.03.94

Fluorspar	P.R. China	duties	Council Reg. (EC)No. 486/94 04.03.94	OJ L 62 05.03.94, p. 1
Furazolidone	P.R. China	duties	Council Reg. (EC)No.2674/94	OJ L 285 04.11.94, p. 1
Glutamic acid (monosodium glutamate)	Indonesia Korea Taiwan Thailand	duties	Council Reg. (EEC)No.2455/93 2.9.93	OJ L 225 04.09.93, p. 1
		undertakings	Commission Dec. 93/497/EEC 30.07.93	OJ L 225 04.09.93,p.35
Isobutanol	Russia	duties	Council Reg. (EC)No. 721/94 29.03.94	OJ L 87 31.03.94,p. 3
Lighters (disposable)	Japan P.R. China S.Korea Thailand	duties	Council Reg. (EEC)No.3433/91 25.11.91	OJ L 326, 28.11.91,p.1
	Thailand	undertaking	Com.Dec.91/604/EEC 25.10.91	OJ L 326, 28.11.91,p.31
Linear tungsten halogen lamps	Japan	duty	Council Reg. (EEC)No. 117/91 16.01.91	OJ L 14, 19.01.91, p. 1
Magnesia (deadburned)	P.R. China	duty	Council Reg. (EC)No.3386/93 06.12.93	OJ L 306, 11.12.93,p.16
Magnesium oxide (caustic magnesite)	P.R. China	duty	Council Reg. (EEC)No.1473/93 14.06.93	OJ L 145, 17.06.93,p. 1
Methenamine (hexamethylene- tetramine)	Bulgaria C.S.S.R. Poland Romania	undertakings	Com.Dec.90/196/EEC 10.4.90	OJ L 104 24.4.90, p.14
Microdisks	Japan Taiwan P.R. China	duties	Council Reg. (EEC)No.2861/93 18.10.93	OJ L 262 21.10.93, p.4
	Hong Kong S.Korea	duties	Council Reg. (EC)No.2199/94 09.09.94	OJ L 236 10.09.94, p.2

Outer rings of TRBs (cups)	Japan	duties	Council Reg. (EEC)No. 55/93 08.01.93	OJ L 9 15.01.93,p.7
Oxalic acid	Brazil	undertakings	Com.Dec.90/378/EEC 13.7.90	OJ L 184 17.7.90,p.
	India	duties	Council Reg.	OJ L 326
	P.R. China		(EEC)No.3434/91 25.11.91	28.11.91,p.6
Photo albums	S. Korea	undertakings	Com.Dec.90/241/EEC 22.5.90	OJ L 138 31.5.90, p.48
	Hong Kong			
	P.R. China	duty	Council Reg. (EC)No.3664/93 22.12.93	OJ L 333 31.12.93,p.67
Pig iron (haematite)	Brazil	duties	Com. Dec. (EC) No.1751/94/ECSC	OJ L 182 16.07.94,p.37
	Poland			
	Russia Ukraine			
Plain paper photocopiers	Japan	duty	Council Reg. (EEC)No.535/87 23.2.87	OJ L 54 24.2.87,p.12
		undertakings	Com.Dec.87/135/EEC 23.2.87	OJ L 54 24.2.87,p.56
			Com.Dec.88/519/EEC 17.10.88	OJ L 284 19.10.88,p.60
			Com.Dec.88/638/EEC 16.11.88	OJ L 355 23.12.88,p.66
			Com.Dec.89/116/EEC 23.12.88	OJ L 43 15.2.89,p.54
			Com.Dec.89/309/EEC 28.4.89	OJ L 126 9.5.89,p.38
Polyester fibres and yarns	Turkey	undertaking (countervailing)	Com.Dec.91/511/91 23.09.91	OJ L 272, 28.9.91,p.92
Polyester fibres (synthetic)	Taiwan	duties	Council Reg.	OJ L 347
	Taiwan		(EEC)No.3905/88 12.12.88	16.12.88,p.10
	Turkey			
Polyester yarns	Taiwan	duties	Council Reg.	OJ L 88
	Indonesia		(EEC)no.830/92 30.03.92	03.04.92,p.1
	P.R. China			
	Turkey			
Polyolefin woven bags	P.R. China	duties	Council Reg. (EEC)No.3308/90 15.11.90	OJ L 318 17.11.90,p.2
		additional duties	Council Reg. (EEC)No.2346/93 23.08.93	OJ L 215 25.08.93,p.1

Potassium chloride	Belarus	duties	Council Reg.	OJ L 308
	Russia		(EEC)No.3068/92	24.10.92,p.41
	Ukraine	duties	23.10.92 Council Reg.	OJ L 80
			(EC)No. 643/94	24.03.94,p. 1
			21.03.94	
Potassium permanganate	P.R.China	duty	Council Reg.	OJ L 298
			(EC)No.2819/94	19.11.94, p.32
			17.11.94	
	C.S.S.R.	duty	Council Reg.	OJ L 42
			(EEC)No.385/90	16.2.90,p.1
			12.2.1990	
Seamless steel tubes	Hungary	duty	Council Reg.	OJ L 120
	Poland		(EEC)No.1189/93	15.05.93,p.34
	Croatia		14.05.93	
		undertakings	ComDec93/260/EEC	OJ L 120
			14.05.93	15.05.93,p.42
Semi-finished products of alloy steel	Brazil	duty	ComDec1775/92/ECSC	OJ L 182
	Turkey	undertaking	30.06.92	02.07.92,p.23
Sheets and plates of iron or steel	Slovenia	duty	Com.Dec.	OJ L 221
	Macedonia		2297/92/ECSC	06.08.92,p.36
	Montenegro		31.07.92	
	Serbia			
Silicon carbide	Russia	duties	Council Reg.	OJ L 94
	Poland		(EC)No.821/94	13.04.94,p.21
	P.R. China		12.04.94	
	Ukraine			
Silicon metal	P.R. China	duty	Council Reg.	OJ L 198
			(EEC)No.2200/90	28.7.90, p.57
			27.7.90	
		additional duty	Council Reg.	OJ L 170
			(EEC)No.1607/92	25.6.92, p. 1
			22.6.92	
	Brazil	duty	(EEC)No.2305/92	07.08.92, p.1
			04.08.92	
Sisal twine (binder and baler)	Brazil	undertakings	Com.Dec.93/521/EEC	OJ L 251
			03.09.93	08.10.93
Synthetic textile fibres of polyester	Romania	duties	Council Reg.	OJ L 306
	Taiwan		(EEC)No.3017/92	22.10.92,p. 1
	Turkey		19.10.92	
	Serbia			
	Montenegro			
	FYR Macedonia			
	India	duties	Council Reg.	OJ L 9,

	S. Korea		(EEC)No. 54/93 08.01.93	15.01.93,p. 2
Televisions (small-screen colour)	S. Korea	duties	Council Reg. (EEC)No.1048/90 25.04.90	OJ L 107 27.4.90,p.56
	P.R. China Hong-Kong	duties	Council Reg. (EEC)No.2093/91 15.07.91	OJ L 195 18.7.91,p.1
Television camera systems	Japan	duties	Council Reg. (EC)No.1015/94 29.04.94	OJ L 111 30.04.94,p106
Thermal paper	Japan	duties	Council Reg. (EEC)No. 729/92 16.03.92	OJ L 81 26.03.92,p.1
		undertakings	Com.Dec.92/177/EEC 16.03.92	OJ L 81 26.03.92,p.22
Tungsten carbide and fused tungsten carbide	P.R. China	duties	Council Reg. (EEC)No.2737/90 24.9.90	OJ L 264 27.9.90,p.7
		undertakings	Com.Dec.90/480/EEC 24.9.90	OJ L 264 27.9.90,p.59
Tungsten ores and concentrates	P.R. China	duties	Council Reg. (EEC)No.2735/90 24.9.90	OJ L 264 27.9.90,p.1
		undertakings	Com.Dec.90/478/EEC 24.9.90	OJ L 264 27.9.90,p.55
Tungstic oxide and acid	P.R. China	duties	Council Reg. (EEC)No.2736/90 24.9.90	OJ L 264 27.9.90,p.4
		undertakings	Com.Dec.90/479/EEC 24.9.90	OJ L 264 27.9.90,p.57
Typewriter ribbons	P.R. China	undertakings	Com.Regulation (EEC)No.1937/90	OJ L 174 4.7.90,p.27
		duties	Council Reg. (EEC)No.3200/90 5.11.90	OJ L 306 6.11.90,p.21

Urea	C.S.S.R	undertakings	Council Reg.	OJ L 317
	U.S.S.R		(EEC)No.3339/87 4.11.87	7.11.87,p. 1
	Venezuela	duties	Council Reg. (EEC)No.2835/91 23.9.91	OJ L 272 28.9.91,p.10
Urea ammonium nitrate	Bulgaria	duties	Council Reg.	OJ L 350
	Poland		(EC)No.3319/94 22.12.94	31.12.94,p.20
		undertakings	Com.Dec.94/825/EC 12.12.94	OJ L 350 31.12.94,p.115
Video cassette tapes	Hong Kong	duties	Council Reg.	OJ L 174
	South Korea		(EEC)No.1768/89 19.6.89	22.6.89,p.1
	Hong Kong	undertakings	Com.Dec.89/376/EEC 19.6.89	OJ L 174 22.6.89,p.30
	P.R. China	duties	Council Reg. (EEC)No.3091/91 21.10.91	OJ L 293 24.10.91,p.2
Welded tubes of iron or steel	Romania	duties	Council Reg.	OJ L 91,
	Yugoslavia		(EEC)No. 868/90 2.4.90	6.4.90, p.8
		undertakings	Com.Dec.90/166/EEC 2.4.90	OJ L 91 6.4.90, p.36
	Turkey	duties	Council Reg.	OJ L 91
	Venezuela		(EEC)No. 898/91 8.4.91	12.4.91, p.1
Welded wire mesh	Yugoslavia	undertakings	Com.Dec.91/256/EEC 14.5.91	OJ L 123 18.5.91,p.54

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