



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.08.2001
COM(2001) 496 final

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 194/1999 imposing definitive anti-dumping duties on imports of hardboard originating in Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia and definitively collecting the provisional duties imposed

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. By Regulation (EC) No 194/1999 the Council imposed definitive anti-dumping duties on imports of hardboard originating, *inter alia*, in Latvia.
2. Exemptions to the duties were granted, however, when this product is produced and directly exported and invoiced to an importing company in the Community by the company AS 'Bolderāja' ("Bolderaja") from which the Commission accepted an individual price undertaking (Decision 1999/71/EC).
3. Bolderaja advised the Commission that due to changes in its trading activities it wished to withdraw its undertaking.
4. In view of this, it is necessary to amend Regulation (EC) No 194/1999 by removing the name of Bolderaja from the list of companies which benefit from an exemption to the anti-dumping duties.
5. In parallel, the Commission is amending Article 1 of Decision 1999/71/EC which lists the companies from which undertakings are accepted.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community¹, as last amended by Regulation (EC) No 2238/2000², and in particular Article 8 thereof,

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

Whereas:

A. PREVIOUS PROCEDURE

- (1) On 7 November 1997, by means of a notice published in the *Official Journal of the European Communities*, the Commission announced the initiation of an anti-dumping proceeding³ in respect of imports of hardboard originating, *inter alia*, in Latvia.
- (2) The proceeding resulted in anti-dumping duties being imposed by Council Regulation (EC) No 194/1999⁴ in January 1999 in order to eliminate the injurious effects of dumping.
- (3) In parallel, by Decision 1999/71/EC⁵, the Commission also accepted an undertaking from, *inter alia*, one Latvian company AS 'Bolderāja' (TARIC Additional Code 8499), and imports of hardboard originating in Latvia exported to the Community by this company were exempted from the anti-dumping duty by Article 2(1) and (3) of the above mentioned Regulation.

¹ OJ L 56, 6.3.1996, p. 1.

² OJ L 257, 11.10.2000, p. 2.

³ OJ C 336, 7.11.1997, p. 2.

⁴ OJ L 22, 29.1.1999, p. 16.

⁵ OJ L 22, 29.1.1999, p. 71.

B. VOLUNTARY WITHDRAWAL OF AN UNDERTAKING

- (4) Following changes in its trading activities, AS 'Bolderāja', advised the Commission that it wished to withdraw its undertaking. Accordingly, by Commission Decision 2001/ XXX/EC, the name of this company has been deleted from the list of companies from which undertakings are accepted in Article 1 (1) of Decision 1999/71/EC⁶.

C. AMENDMENT OF REGULATION (EC) NO 194/1999

- (5) In view of the above, Article 2 (3) of Regulation (EC) No 194/1999 which lists the companies exempted from the anti-dumping duties should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(3) of Regulation (EC) No 194/1999 is replaced by the following:

"Article 2

3. Imports accompanied by an undertaking invoice shall be declared under the following TARIC additional codes:

Country	Company	TARIC Additional Code
Bulgaria	Fazerles AD	8496
Bulgaria	Lessoplast AD	8497
Estonia	AS Repo Vabrikud	8498
Lithuania	JSC Grigiskės	8510
Poland	Alpex-Karlino SA	8511
Poland	Czarna Woda Zakłady Płyt Pilśniowych	8600
Poland	Ekopłyta SA	8513
Poland	Zakłady Płyt Pilśniowych SA, Przemysł	8545
Poland	Konieczpolskie Zakłady Płyt Pilśniowych SA	8546
Poland	Zakłady Płyt Pilśniowych SA w Krosnie Odrzańskim	8547

"

⁶ OJ L22, 29.1.1999, p 72.

Article 2

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

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

Done at Brussels,

For the Council
The President