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31st Annual Report from the Commission to the European Parliament on the EU's Anti-Dumping, Anti-Subsidy and Safeguard activities (2012)

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EXECUTIVE SUMMARY

This report is submitted to the European Parliament following its resolution of 16 December 1981 on the EU's anti-dumping activities¹, and the report of the European Parliament's Committee on industry, external trade, research and energy².

The report, as in previous years, gives an overview of the EU legislation in force with regard to the trade defence instruments, including safeguards.

The report also summarises the developments in general policy. As in previous years, the report no longer contains a commentary on each individual case. It gives an overview of all investigations together with the most essential information such as, for instance, the rate of individual duties imposed. In turn, cases which merit some special attention are treated in more detail. Consequently, the report is more factual and condensed and covers the essential facts of the year.

The detailed annexes which cover all cases ensure that the factual content of the report remains meaningful and sufficient to provide a full overview of the activity in 2012.

2012 saw a slight decrease in the number of new cases initiated when compared to the previous year, 19 as compared to 21 in 2011. Regarding other activities, 2012 saw a decrease in the number of provisional measures imposed, 9 compared to 10 the previous year while the number of investigations terminated without measures also dropped slightly from 11 in 2011 to 9 in 2012. There was significant decrease in the number of definitive measures imposed, down from 13 in 2011 to 3 in 2012.

As regards review investigations initiated, there was an increase from 24 in 2011 to 37 in 2012. These included 14 expiry reviews, 5 interim reviews, 1 new exporter review, 13 anti-circumvention investigations as well as 4 other reviews. In the period, 9 expiry reviews were concluded with confirmation of the measures and 6 interim reviews were concluded with the measures being confirmed or amended.

There was no new safeguard investigation opened nor safeguard measures imposed during 2012.

In 2012, with the aim of improving the efficiency and effectiveness of the EU's trade defence instruments, DG Trade continued work on the initiative concerning the Modernisation of the trade defence instruments which had been launched in October 2011.

As in previous years, this report provides an overview of the Court cases relating to the trade policy instruments. In 2012, the Court of Justice (COJ) and the General Court (GC) rendered 21 judgments in total relating to the areas of anti-dumping or anti-subsidy.

2012 was the fifth full year of activity for the Hearing Officer in DG Trade, who became operational in April 2007. The main task of the Hearing Officer is to guarantee the rights of defence in trade proceedings before the European Commission. In doing so the Hearing Officer also contributed to improved transparency in TDI activities.

The European Parliament's INTA Committee continued to be informed about developments in the EU's trade defence activities.

The relevant activities in the framework of the World Trade Organisation (WTO) are also reported including dispute settlement procedures initiated against the EU.

¹ OJ C 11, 18.1.1982, p. 37.

² PE 141.178/fin of 30.11.1990, reporter Mr Gijs DE VRIES.

The annexes to this report provide easy access to the activities in table form.

This report is also available to the general public with the following link.

Internet Website : <http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence/anti-dumping/>

1. OVERVIEW OF THE LEGISLATION

1.1. Anti-dumping and anti-subsidy

1.1.1. The international framework

On an international level, unfair trading practices such as dumping and the granting of subsidies were identified as a threat to open markets as early as 1947, when the first GATT agreement was signed. The agreement contained specific provisions allowing GATT members to take action against these practices if they caused material injury to the domestic industry of a GATT member. Even though, the beginning of the disciplines dates back quite some time, world trade is currently still distorted by unfair practices, making the instruments still relevant.

Since the beginning, considerable efforts have been made to harmonise the rules relating to trade instruments. During the last GATT round (the « Uruguay Round ») which led to the creation of the WTO and the detailed Anti-Dumping and Anti-Subsidy Agreements, much of the attention was focused on the procedural and material conditions to be fulfilled before measures can be adopted. The EU played an active role in the negotiation of these relevant criteria which are reflected in its own legislation. The EU's role is the more so important today as a number of new users take action without the necessary rigor and restraint, affecting negatively also EU operators. The role the EU plays as a prudent user has therefore also an exemplary function at WTO level.

1.1.2. The EU legislation

The EU's anti-dumping and anti-subsidy legislation was first enacted in 1968 and has since been modified several times. The current basic texts, which form the legal basis of anti-dumping and anti-subsidy investigations in the EU, entered into force in March 1996 and October 1997 respectively. These are in line with the Anti-Dumping and Anti-Subsidy Agreements adopted during the GATT/WTO negotiations. The basic texts are:

- Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Union – Codified Version³
- Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidized imports from countries not members of the European Union – Codified Version⁴.

These regulations will overall be referred to as the "basic Regulation(s)".

The Basic AD Regulation was amended in September 2012⁵ and December 2012⁶ to reflect rulings by the WTO Dispute Settlement Board and the Court of Justice respectively. In light of the Court of Justice Ruling in the Brosmann footwear case⁷, it was considered appropriate to codify the practice of restricting the examination of MET claims to companies that were sampled. It was also necessary to modify the legal conditions under which exporting producers in non-market economy countries obtain an individual dumping margin to comply

³ OJ L 343, 22.12.2009, p.51 Codified version

⁴ OJ L 188, 18.07.2009, p. 93 Codified Version

⁵ OJ L 237, 03.09.2012

⁶ OJ L 344, 14.12.2012

⁷ Case C-249/10 P *Brosmann Footwear (HK) and others v Council*, judgment of 2 February 2012.

with the WTO ruling in the Dispute Settlement⁸ case concerning fasteners from the People's Republic of China.

The EU legislation contains a number of provisions aimed at ensuring a balanced application of the EU's Anti-Dumping and Anti-Subsidy rules on all interested parties. These provisions include the "EU interest test" and the "lesser duty rule", which go beyond the WTO obligations.

The EU interest test is a public interest clause and provides that measures can only be taken if they are not contrary to the overall interest of the EU. This requires an analysis of all the economic interests involved, including those of the EU industry, users, consumers and traders of the product concerned. The EU interest test does not involve wider aspects such as foreign or development policy considerations.

The lesser duty rule requires the measures imposed by the EU to be lower than the dumping or subsidy margin, if such lower duty rate is sufficient to remove the injury suffered by the EU industry. Such a "no-injury" rate is determined by using the cost of production of the EU industry and a reasonable profit margin; it reduces the anti-dumping measures for individual exporting companies in almost half of the cases and is applied, on a world-wide level, only by the EU on a regular basis.

1.2. Safeguards

1.2.1. The international framework

The principle of liberalisation of imports was set under the GATT 1947 and strengthened under the 1994 WTO Agreements. As safeguard measures consist of the unilateral withdrawal or suspension of a tariff concession or of other trade liberalisation obligations formerly agreed, they have to be considered as an exception to this principle. Article XIX GATT 1994 and the WTO Agreement on Safeguards do not only impose strict conditions for the application of this "escape clause", but also put in place a multilateral control mechanism under the WTO Committee on Safeguards.

Under WTO rules, safeguard action has to be viewed as a temporary defence measure that applies to all imports of the product covered by a measure, irrespective of origin. As regards non-WTO members, safeguard measures may be selective and apply to products originating in a specific country. WTO Accession Protocols may also provide for such selective safeguard mechanisms as is the case in the People's Republic of China's Protocol of Accession.

WTO safeguards should only be adopted after a comprehensive investigation which provides evidence of the existence of a) unforeseen developments leading to b) increased imports, c) the existence of a serious injury for EU producers and d) a causal link between the imports and the injury.

1.2.2. The EU legislation

The above-mentioned principles are all reflected in the relevant EU regulations, except for the "unforeseen development requirement" (which is not in the EU law but has been confirmed as a self-standing condition by WTO jurisprudence). Additionally, the adoption of measures in the EU requires an analysis of all interests concerned, i.e. the impact of the measures on producers, users and consumers. In other words, safeguard action can only be taken when it is

⁸ (2) WTO, Report of the Appellate Body, AB-2011-2, WT/DS397/AB/R, 15 July 2011. WTO, Report of the Panel, WT/DS397/R, 3 December 2010.

in the EU's interest to do so. The current EU safeguard instruments are covered by the following regulations:

- Council Regulation (EC) No 260/2009⁹ on the common rules of imports – Codified Version
- Council Regulation (EC) No 519/94¹⁰ on common rules for imports from certain third countries and repealing Regulations (EEC) Nos 1765/82, 1766/82 and 3420/83. This Regulation was amended in 2003 when a Transitional Product-Specific Safeguard Mechanism for imports originating in the People's Republic of China was adopted¹¹. This Regulation ensures that Council Regulation (EC) No 519/94 is no longer applicable to the People's Republic of China;
- Council Regulation (EC) No 517/94¹² on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific EU import rules.

These regulations will overall be referred to as the "basic safeguard Regulation(s)".

1.3. Anti-subsidy and unfair pricing instrument for airline services

Regulation No 868/2004¹³ dealing with the effect of subsidisation and unfair pricing for air services from third countries which was adopted by the EP and the Council in 2004 requested the Commission to prepare a methodology to assess unfair pricing practices. This complex work, involving different services of the Commission as well as external experts, is on-going. The resulting methodology should be both derived from the significant EU experience in trade in goods and adapted to the highly specific sector of the air-services.

2. BASIC CONCEPTS

2.1. Anti-dumping and anti-subsidy

2.1.1. What is dumping and what are countervailable subsidies - the material conditions for the imposition of duties?

2.1.1.1. Dumping and subsidies

Dumping is traditionally defined as price discrimination between national markets, or as selling below cost of production, plus profit. The EU's anti-dumping legislation defines anti-dumping as selling a product in the EU at a price below its "normal value". This "normal value" is usually the actual sales price on the domestic market of the exporting country. Therefore, a country is selling at dumped prices if the prices in its home market are higher than its export prices (i.e. price discrimination).

Where sales in the domestic market are not representative, for instance because they have only been made in small quantities, the normal value may then be established on another basis, such as the sales prices of other producers on the domestic market or the cost of

⁹ OJ L 349, 31.12.94, p. 53, as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).

¹⁰ OJ L 67, 10.3.94, p. 89, as last amended by Regulation (EC) No 427/2003 (OJ L 65, 8.3.2003, p. 1)

¹¹ Council Regulation (EC) No 427/2003 (OJ L 65, 8.3.2003, p. 1), as last amended by Regulation (EC) No 1985/2003 (OJ L 295, 13.11.2003, p. 43)

¹² OJ L 67, 10.3.94, p. 1, as last amended by Regulation (EC) No 1786/2006 (OJ L 337, 5.12.2006, p. 12).

¹³ OJ L 162, 30.4.2004, p. 1

production, plus profit. In the latter case, a company is selling at dumped prices if its export prices are below the cost of production, plus profit.

A certain segregation of the market, triggered by a variety of distortions, exists in the majority of the cases where dumping occurs on a more than incidental basis. That segregation may be caused, amongst other reasons, by government intervention. As a result, exporters are shielded, at least to a certain degree, from international competition on their domestic market.

Subsidies can have similar effects to sales at dumped prices in that they allow exporters to operate from a distorted home base. Subsidies involve a direct support from a government or a government-directed private body which has the effect of conferring a benefit to producers or exporters (e.g. grants, tax and duty exemptions, preferential loans at below commercial rates, export promotion schemes, etc.), all aimed at allowing the exporters to sell at low prices in the EU. Only subsidies which are “specific”, i.e. targeted at individual companies or certain sectors of the economy, can be subject to trade defence measures.

Both anti-dumping and anti-subsidy measures are thus only second-best solutions in the absence of internationally agreed and enforced competition rules.

2.1.1.2. Material injury and causation

For measures to be taken against these unfair trading practices, it is not sufficient that companies are exporting their products to the EU at dumped or subsidised prices. Measures can only be taken if these exports cause material injury to EU producers.

Typical indicators of injury are that the dumped and/or subsidised import volumes increase over a certain period and import prices undercut the sales prices of the EU industry. As a consequence, the latter is forced to decrease production volumes and sales prices thus losing market shares, making losses or having to make employees redundant. In extreme cases, exporters may try to eliminate viable EU producers by using a predatory, below cost, pricing strategy. In any event, the injury analysis requires that all relevant factors be taken into account before deciding whether the EU industry is in fact suffering “material injury”.

A further condition for the imposition of measures is the need for “a causal link”: the injury must be *caused* by the dumping or the subsidy. This condition is often fulfilled when the injury to the EU industry coincides with the increase in dumped and subsidised imports. It is important to note that the dumped or subsidised imports do not have to be the only cause of the injury.

2.1.1.3. EU interest

Finally, it has to be established whether there are compelling reasons according to which measures would be contrary to the overall interest of the EU. In this respect, the interests of all relevant economic operators which might be affected by the outcome of the investigation must be taken into account. These interests typically include those of the EU industry, users, consumers and traders of the product concerned and the analysis assesses the positive impact measures will have on some operators as opposed to the negative impact on others. Measures should not be imposed only if it can be clearly concluded that their negative impact would be disproportionate.

2.1.2. Procedure

Investigations are carried out in accordance with the procedural rules laid down in the basic Regulations. These rules guarantee a transparent, fair and objective proceeding by granting significant procedural rights to interested parties. In addition, the results of an investigation are published in the Official Journal, and the EU is obliged to justify its decisions in this

publication. Finally, it is ensured that each case is decided on its merits and the Commission does not hesitate to terminate a case if the conditions to impose measures are not met.

Whereas each investigation is different depending on the products and countries involved, all cases follow the same procedural rules. However, certain preferential rules apply to any candidate countries. The rules relating to a new case are summarised below.

Initiation

A case normally starts with a sufficiently substantiated complaint from the EU industry manufacturing the same or a similar product to the one referred to in the complaint. Then, the Commission assesses whether the complaint contains sufficient evidence to allow for the initiation of the case. A case is opened by a notice of initiation published in the Official Journal. In this notice, all interested parties, including users, exporting country authorities in anti-subsidy investigations in particular and, where appropriate, consumer organisations are invited to participate and co-operate in the proceedings. Detailed questionnaires are sent to producers in the exporting countries, in anti-subsidy investigations also to the exporting country authorities, and in the EU to the producers, traders (in particular importers) and other interested parties, such as users. These questionnaires cover all different conditions to be fulfilled, i.e. dumping/subsidy, injury, causation and EU interest. The parties are also informed that they can request a hearing and ask for access to the non-confidential files which will help them defend their case.

The investigation up to the provisional measures

Following receipt of the replies to the questionnaire, investigations are carried out by Commission officials at the premises of the co-operating parties.

The main purpose of these visits is to verify whether the information given in the questionnaires is reliable. The verified information is subsequently used to calculate or determine the dumping margin and the injury factors, in particular the price undercutting margin and injury elimination level, as well as for the EU interest analysis. The respective calculations and analysis often involve the processing of thousands of transactions, the complex examination of production costs and the assessment of the economic situation of numerous economic operators.

The results of the calculations and other findings are summarised in a working document, on the basis of which it is decided - after consultation of the Member States in the Advisory Committee - whether to impose provisional measures, whether to continue the investigation without proposing duties or whether to terminate the proceedings. In either eventuality, at this stage the decision is the Commission's responsibility.

The investigation up to the definitive stage

Following the publication in the Official Journal of a Commission regulation imposing provisional duties, interested parties which so request receive a full disclosure which allows them to verify the Commission's findings and to submit comments. Comments can also be made at a hearing. These provisional submissions and comments are taken into account when a second, definitive, working document is prepared by the Commission.

After final disclosure, assessment of comments of interested parties and consultation of the Member States on the basis of the second working document, the Commission makes a proposal to the Council whether or not to impose definitive measures. Another possibility is that the Commission accepts undertakings offered by exporters, which undertake to respect minimum prices. In the latter case, no duties are generally imposed on the companies from which undertakings are accepted.

As set out above, throughout the process and at various specific steps, the procedure - consisting e.g. of requests for information, hearings, access to the file and disclosure – ensures that the rights of defence of interested parties are fully respected in this quasi-judicial process.

Unless the Council decides by a simple majority not to adopt the Commission proposal for definitive measures, such measures are imposed. The regulation imposing definitive duties, and deciding on the collection of the provisional duties, is published in the Official Journal.

In view of the findings made, it may also be decided to terminate a case without the imposition of measures. The same procedure (disclosure, comments, hearing, working document) as described above applies. The termination of the case would generally be made by a Commission Decision after consultation of the Member States.

Timing

The procedure described above is subject to strict statutory time limits. A decision to impose provisional duties must be taken within nine months of the initiation and the total duration of an investigation is limited to fifteen months in anti-dumping cases and to thirteen months in anti-subsidy cases. This leads to significant time constraints, taking into account, *inter alia*, internal consultations and the necessity to publish regulations and decisions in all EU languages at the same time.

Anti-dumping or countervailing measures will normally remain in force for five years, and may consist of duties or undertakings concluded with exporters. Measures are taken on a countrywide basis, but individual treatment, i.e. the application of a company-specific duty, can be granted to exporters which have co-operated throughout the investigation. During the five-year period, interested parties may, under certain conditions, request a review of measures or the refund of anti-dumping duties paid. Measures may also be suspended for a certain period, subject to given criteria.

2.1.3. Review of measures

The basic Regulations provide for administrative reviews and distinguish between interim reviews, newcomer reviews and expiry reviews.

The *expiry review* is initiated at the end of the five year life-time of the measures. Initiation of such a review requires a request by the EU industry evidencing that the expiry of the measures would lead to continuation or recurrence of dumping and injury. Since the amendment to the basic Regulations, expiry reviews initiated after 20 March 2004 are subject to strict deadlines, i.e. they shall normally be concluded within 12 months of the date of initiation of the review, but in all cases be concluded within 15 months.

During the five year life-time of measures, the Commission may perform an *interim review*. Under the latter procedure, the Commission will consider whether the circumstances with regard to subsidy/dumping and injury have changed significantly or whether existing measures are achieving the intended results in removing the injury. Since 20 March 2006, the deadline for concluding an interim review is set at 12 months, but no later than 15 months.

Finally, the basic Regulations provide that a review shall be carried out to determine individual margins for new exporters in the exporting country concerned. Since 20 March 2006, the deadline for conclusion of *newcomer reviews* is nine months.

During these reviews, the main procedural rules outlined in chapter 2.1.2 are also applicable.

2.1.4. Judicial reviews

The procedural rights of the parties, including hearings and access to non-confidential files, are respected in the course of the proceeding, and a system of judicial review is in place to

ensure their correct implementation. The competence to review anti-dumping and anti-subsidy cases lies with the General Court and the Court of Justice in Luxembourg. Furthermore, WTO members may recourse to the WTO dispute settlement mechanism.

2.2. Safeguards

2.2.1. What are safeguard measures?

Safeguard measures allow temporary protection against the adverse effects of import surges. Under the EU legislation¹⁴ implementing the WTO Safeguards Agreement, they can be applied under the following conditions: safeguard measures may be imposed if, as a result of unforeseen developments, a product is being imported into the EU in such increased quantities and/or on such terms and conditions as to cause, or threaten to cause, serious injury to EU producers of like or directly competitive products. Safeguard measures may only be imposed to the extent and for such time as may be necessary to prevent or remedy the injury.

2.2.2. Procedure

Investigations are carried out in accordance with the procedural rules laid down in the basic safeguard Regulations. These rules guarantee a transparent, fair and objective proceeding. In addition, the results of safeguard investigations are published in the Official Journal, and the EU is obliged to justify its decisions in this publication.

Initiation

The Commission is informed by one or more Member States should trends in imports of a certain product appear to call for safeguard measures. This information must contain evidence available, of the following criteria: a) the volume of imports, b) the price of imports, c) trends in certain economic factors such as production, capacity utilisation, stocks, sales, market share, prices, profits, employment, etc.. Where there is a threat of serious injury, the Commission must also examine whether it is clearly foreseeable that a particular situation is likely to develop into actual injury.

This information is immediately passed on by the Commission to all other Member States, at which stage consultations are held within the Advisory Safeguard Committee. If there is sufficient evidence to justify an investigation, the Commission publishes a notice of initiation in the Official Journal within one month of receipt of the information and commences the investigation, acting in co-operation with the Member States.

Provisional measures

Provisional measures may be imposed at any stage of the investigation. They shall be applied in critical circumstances where delay would cause damage which would be difficult to repair, making immediate action necessary, and where a preliminary determination provides clear evidence that increased imports have caused, or are threatening to cause, serious injury.

The duration of the provisional measures can, however, not exceed 200 days (i.e. six months).

Definitive measures

If, at the end of the investigation, the Commission considers that definitive safeguard measures are necessary, it will take the necessary decisions no later than nine months from the initiation of the investigation, at which stage the results of the investigation are being published in the Official Journal. In exceptional circumstances, this time limit may be extended by a further maximum period of two months, provided a notice is published in the Official Journal specifying the duration of the extension and a summary of its reasons.

¹⁴ Council Regulation (EC) No 260/2009 on common rules for imports (Codified version).

Safeguard measures shall be applied only to the extent to prevent or remedy serious injury, thereby maintaining as far as possible traditional trade flows. As to the form of the measures, the EU will choose the measures most suitable in order to achieve these objectives. These measures could consist of quantitative quotas, tariff quotas, duties, etc.

Duration and review of the measures

The duration of safeguard measures must be limited to the period of time necessary to prevent or remedy serious injury and to facilitate adjustments on the part of the EU producers, but should not exceed four years, including the duration of the provisional measures, if any. Under certain circumstances, extensions may be necessary but the total period of application of safeguard measures should not exceed eight years.

If the duration of the measures exceeds one year, the measures must be progressively liberalised at regular intervals during the period of application. If the duration exceeds three years, the Commission should seek consultations with the Advisory Safeguard Committee in order to examine the effects of the measures, to determine the appropriateness of further liberalisation and to ascertain that the application of the measures is still necessary. Depending on the consultations, the measures may be revoked or amended.

3. TDI MODERNISATION

The TDI modernisation exercise was launched in October 2011 and significant progress in order to move the project forward was made throughout the year 2012. In particular, a public consultation was carried out from April to July 2012.

Drawing from the over 300 replies to the public consultation, the initiative was overall rather positively received by stakeholders: e.g. any improvements regarding further increasing transparency, or effectiveness and enforcement were welcomed by a majority of stakeholders. Other ideas put forward, such as a three-weeks shipping clause or reimbursing the duties collected during an expiry review investigation, in cases where the duties are not prolonged, were more critically received, with certain groups of stakeholders expressing their opposition. Other issues that seemed problematic for certain groups of stakeholders are ex-officio initiations in cases of retaliation, or the non-application of the lesser duty rule in cases of circumvention, fraud and subsidisation.

The detailed analysis of the replies received, carried out by the Commission services in 2012, provided important input for the Commission proposal on modernisation which was adopted in April 2013.

The work in 2012 on modernisation also drew on the TDI evaluation study published in March 2012, feedback received during the high level conference held in May 2012, and not least the Commission services' extensive practice in the application of the instruments. On this basis an impact assessment was carried out and presented to the impact assessment board in December 2012. Following the green light from the board, the Commission was able to proceed with the elaboration of the legislative proposal, the communication and the guidelines. The main areas covered by the initiative are transparency and predictability, fight against retaliation, effectiveness and enforcement, facilitating cooperation, optimising review practice and codification.

In order to address certain concerns of stakeholders, it was decided to slightly change the timetable, as compared to what was indicated in last year's report (originally the legislative proposal and communication was scheduled for end of 2012/beginning 2013 and the guidelines by summer 2013.) All three elements of the modernisation initiative (Commission communication, the legislative proposal and the draft guidelines) were released at the same

time, as a package, in spring 2013. It was considered that having all the information on the proposed legislative changes, changes in practice and the content of guidelines at their disposal, would make it easier for stakeholders to form an opinion.

In addition it was felt that, taken as a package, the overall aim of the modernisation exercise would also be more clearly apparent. In addition to improving the effectiveness and efficiency of the instruments and any trade defence measures imposed, for the benefit of all stakeholders concerned, the Commission also wants to send a signal to our trading partners i.e. the EU will adapt when it is faced with new challenges and the EU remains fully committed to free trade, provided it takes place under fair conditions.

After adoption of the package in spring 2013, the legislative proposal is following the ordinary legislative procedure in the Council and Parliament expected to continue throughout 2013/14. The draft guidelines, also released in spring 2013, were subject to a public consultation in 2013. The Commission aims at concluding the modernisation exercise during the current legislature, i.e. in spring 2014 and works constructively with the other institutions in order to achieve this goal.

4. COUNTRY-WIDE MARKET ECONOMY STATUS (MES)

A normal anti-dumping investigation can only be conducted if costs and prices are reliable and the result of market forces. There are five criteria to determine whether a country can be considered a full market economy for the purpose of anti-dumping investigations (according to Article 2 (7) of the basis antidumping Regulation). These criteria are:

- i. a low degree of government influence over the allocation of resources and decisions of enterprises, whether directly or indirectly (e.g. public bodies), for example through the use of state-fixed prices, or discrimination in the tax, trade or currency regimes;
- ii. an absence of state-induced distortions in the operation of enterprises linked to privatisation and the use of non-market trading or compensation system;
- iii. the existence and implementation of a transparent and non-discriminatory company law which ensures adequate corporate governance (application of international accounting standards, protection of shareholders, public availability of accurate company information);
- iv. the existence and implementation of a coherent, effective and transparent set of laws which ensure the respect of property rights and the operation of a functioning bankruptcy regime;
- v. the existence of a genuine financial sector which operates independently from the state and which in law and practice is subject to sufficient guarantee provisions and adequate supervision.

To obtain Market Economy Status for trade defence investigations, all five criteria need to be fulfilled. 2012 saw the continued evaluation of two of the six requests for country-wide MES from China, Vietnam, Armenia, Kazakhstan, Mongolia and Belarus. Only Mongolia and Vietnam provided further information in support of their claims throughout the year and their requests are at various stages of progress. The remaining other four countries, China, Armenia, Kazakhstan and Belarus did not submit any relevant information that allowed further analysis of their progress. Already in 2010 the consultations with the authorities of the Republic of Belarus were put on hold due to the political situation in the country. In June 2010 additional questions on further developments in their progress towards MES were sent to Armenia. However, by the end of 2012 still no new information had been sent to the Commission by Armenia. The other four applicant countries pursued their MES

applications and are at different stages of progress in terms of meeting the five criteria for MES.

Companies from these applicant countries have the possibility to request market economy treatment on an individual basis in the context of anti-dumping investigations.

4.1. China

China is undoubtedly the most important MES applicant country and the first of the six countries to have requested the status.

The first preliminary assessment was prepared in 2004 which concluded at that time that China fulfilled only one of the five MES criteria i.e. the second criteria outlined above.

At several working group meetings since then both parties discussed China's progress on the outstanding criteria. The last MES report was shared with the Chinese authorities in 2008. Although at several occasions the Chinese authorities agreed to have another working group meeting on MES in 2012, they always cancelled the meeting. The Commission remains willing to discuss further progress made by China towards MES, but it is essential that the Chinese authorities engage in the exercise and deliver the necessary data for the MES analysis by the Commission.

4.2. Vietnam

The EU-Vietnam MES working group meeting took place in Vietnam in November 2012 at which a draft MES report was discussed and the Vietnamese authorities replied to a long list of questions from the Commission on outstanding issues related to the four criteria that still need to be fulfilled. It was agreed that Vietnam would send the replies to additional questions raised during this meeting. The final MES report is expected to be shared with the Vietnamese authorities in 2013.

4.3. Armenia

After the results of the first assessment report on Armenia's MES was shared with the Armenian authorities early 2010. The Commission services followed this with a series of questions to the Armenian authorities in June 2010 in order to have information on further developments in their progress towards becoming a fully fledged market economy. By the end of 2012 still no new information had been sent to the Commission from Armenia.

4.4. Kazakhstan

As a follow-up of DG Trade's assesment of Kazakhstan's progress towards fulfilling the market economy status criteria in 2010, a Note Verbale was sent to the Kazakhstan authorities setting out the main problems regarding the 5 MES criteria. Since then no reaction was received from the Kazakhi authorities. While it was agreed already in 2010 to develop a road map setting out the next steps to be taken on MES, no progress won such a map was made in 2012. The Commission remains convinced that the next step should be to jointly develop a roadmap setting out the actions to be taken in order to achieve progress on this matter.

4.5. Mongolia

A working group meeting took place in Ulan-Bator in September 2011 to verify the information received and ask additional questions to clarify outstaniding issues. The information collected during the working group meeting and the additional information received in December 2012 is being analysed and an MES report will be ready in 2013.

4.6. Belarus

In 2012 no progress was made on the MES file. The Commission had decided already in 2010 to put the consultations with the authorities of the Republic of Belarus on hold due to the political situation in the country. As soon as the situation in Belarus changes the Commission is ready to continue the MES analysis.

5. INFORMATION AND COMMUNICATION ACTIVITIES / BILATERAL CONTACTS

5.1. Small and medium sized enterprises (SMEs)

The Trade Defence Helpdesk for SMEs was set up in December 2004 in view of the complexity of TDI proceedings, especially for SME's, because of their small size and their fragmentation. Its role is to address specific SME questions and problems regarding TDIs, both of a general nature or case-specific. A part of the TDI website is dedicated to SMEs, and refers to the Trade Defence Helpdesk contact points.

In 2012 these contact points received many requests for information, from importers, exporters and potential complainants/applicants. The number of queries remained overall stable in comparison to the previous year. These requests, which were dealt with promptly, concerned both the procedures and substance of TDI proceedings.

5.2. Bilateral contacts/information activities – industry and third countries

Explaining the legislation and practice of the EU's trade defence activity is an important part of the work of the TDI services.

The Commission organized a training seminar on trade defence for officials from third countries in 2012. In addition, there were a number of bilateral contacts dedicated to discussing various trade defence related topics with a number of third countries including China, Korea, Morocco and Malaysia held in 2012.

There were also several meetings with key stakeholder associations and companies in 2012, including Business Europe and Eurocommerce. These included a full one day seminar for Business Europe in November 2012.

6. THE HEARING OFFICER

The primary role of the hearing officer is to guarantee the rights of defence of interested parties and thereby contribute to ensure that the rules are implemented in an objective and transparent manner in trade proceedings. The latter refer to a number of trade investigations conducted by the Commission, including all trade defence proceedings.

The rights of defence comprises a set of rights described in the EU Charter of Fundamental Rights as follows: the right of every person (i) "to be heard, before any individual measure which would affect him or her adversely is taken", (ii) "to have his or her affairs handled impartially, fairly and within a reasonable time" and (iii) "to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy".

In 2012, the role and the powers of the Hearing Officer for DG Trade, who became operational in 2007, has been set out in a formal mandate by a Decision of the President of the European Commission of 29 February 2012 on the function and terms of reference of the hearing officer in certain trade proceedings (OJ L 107/5, 19 April 2012), underpinning the Commission's commitment to guaranteeing due process in trade proceedings and to improve the impartiality of the function. Since 2012, the Hearing Officer is attached, for administrative

purposes, to the Commissioner responsible for trade policy, thus reinforcing the position's independence.

The terms of reference also lay out detailed rules on hearings conducted by the hearing officer on all aspects of a trade proceeding, from initiation to disclosure of final findings and conclusion. Furthermore, the mandate grants the hearing officer decision making powers in case of dispute on access to file, confidentiality of information in the possession of the Commission and the granting of extensions of deadlines. The Hearing Officer is empowered to raise with the Commissioner responsible for trade policy and the Director General for Trade any concerns about the conduct or content trade investigations.

The ever expanding trend of the intervention requests since the creation of the function of the Hearing Officer in 2007 made another step in 2012 and increased sharply by more than 50% compared to 2011. In the reporting period, the Hearing Officer had 132 intervention requests (81 in 2011), out of which 128 related to TDI and concerned 41 TDI proceedings. The number of hearings also increased significantly by 50% compared to 2011: 39 hearings were held (26 in 2011), out of which 12 were multiparty hearings where altogether 43 interested parties with similar interests allied in common hearings.

The interventions were requested by exporting producers in third countries, by the Union industry, by users and importers as well as by Governments of third countries. The Hearing Officer intervened on issues covering all stages of the investigation and made a number of recommendations to the Commission services with an aim to strengthen the exercise of rights of defence.

The main issues that the Hearing Officer faced in 2012 can be grouped in three categories (i) content and quality of disclosure (ii) access to files and quality of non-confidential files and (iii) disagreement with determinations, findings and conclusions.

Content and quality of disclosures

The content and quality of disclosure is one of the major subjects of intervention requests. The Hearing Officer organised hearings and continued to recommend that the Services provide, as detailed and as early as possible, disclosure documents in order to enable the parties to exercise effectively their rights of defence. Where parties complained about insufficient analysis of arguments and submissions, the Hearing Officer ensured that the matter was clarified and adequately disclosed in a detailed form or addressed in the relevant Regulation. As in the previous years, requests for interventions relating to additional disclosure of specific data and figures were made in a number of cases. Such interventions are usually complex since an adequate balance between the obligation of the Commission not to divulge business secrets and the right to information of interested parties has to be found. In cases where the risk of breaching confidentiality rules by disclosing more was considered too high, the Hearing Officer ensured that the methodology used to arrive at the findings was explained in full detail. In some cases the Hearing Office examined, in accordance with the terms of reference, confidential information and informed the requesting interested parties whether the information withheld from the party was relevant for its rights of defence and, if so, whether the information was correctly reflected in the findings and conclusions.

Access to files – Quality of non-confidential files

In principle, all interested parties involved in an investigation are allowed access to the non-confidential file. In some cases, parties questioned the meaningfulness and completeness of the non-confidential file and requested the Hearing Officer's intervention. The requests mainly related to the quality of non-confidential summaries of complaints or questionnaire replies and to the need to apply consistent rules to all parties. The Hearing Officer observed

improvements in the overall quality of the files after his interventions. In several cases, the Hearing Officer was requested to examine claims of companies which did not register in time as interested parties. Almost all of these parties were allowed to register as interested parties and to exert the procedural rights that were still available in view of the late registration.

Disagreement with determinations, findings and conclusions

Main subjects of intervention requests were objections to determinations, findings and conclusions. In the majority of these cases parties disputed certain determinations and decisions, e.g. initiation of a case or objected the Commission's findings or conclusions on certain aspects such as definition of the Union industry, selection of a sample, MET decisions or conclusions with regard to Union interest.. The Hearing Officer organised hearings, ensured that parties were fully informed about procedural rules and that comments and arguments of the parties were heard and replied to in the disclosure document and the Regulation. Some cases were terminated or findings were modified as a result of the arguments put forward. It is now consistent practice that in the cases where the Commission informs a party of its intention to declare that party as non-cooperating, the Hearing Officer chairs a hearing if requested. Twelve hearings were organised following such requests.

In one case, an SME which had applied to be sampled but was not selected asked the Hearing Officer for advice concerning its rights.

7. GENERAL OVERVIEW OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS AND MEASURES

The number of new investigations initiated in 2012 decreased in comparison to the previous year, 19 compared to 21. The number of definitive measures imposed decreased very significantly by comparison to 2012 (3 as compared to 13) while the number of provisional measures imposed in 2012 decreased by 1 in 2012 down from 10 in 2011. Below are details on new investigations and review investigations.

7.1. New investigations

At the end of 2012, the EU had 102 anti-dumping measures and 10 countervailing measures in force¹⁵. The anti-dumping measures covered 60 products and 24 countries (see Annex O); the countervailing measures covered 6 products and 7 countries (see Annex P). Of the measures, the large majority was in the form of duties; however, in a number of cases, undertakings were accepted.

Of the 102 anti-dumping measures in force at the end of 2012 the main countries affected were China (47), India (7), Malaysia and Thailand (6 each), Russia (5), Ukraine (4) Taiwan (3), Indonesia (4) Korea (3) and USA (2). Of the 10 anti-subsidy measures in place the majority concern imports from India – 4 in total, with imports from Canada, China, Iran, Pakistan, United Arab Emirates and USA all subject to 1 measure each.

Regarding the anti-dumping measures one has to look at the trade volume of the products concerned, which varies considerably depending on the sector concerned. The largest trade volumes are often generated by high technology, such as electronics, which are high-value products. It should be noted that in 2012, only 0.17%¹⁶ of total imports into the EU was affected by anti-dumping or anti-subsidy measures. Table 1 below provides statistical information on the new investigations for the years 2008 – 2012.

¹⁵ The measures are counted per product and country concerned.

¹⁶ Source Comext.

TABLE 1
Anti-dumping and anti-subsidy new investigations
during the period 1 January 2008 - 31 December 2012¹⁷

	2008	2009	2010	2011	2012
Investigations in progress at the beginning of the period	20	26	25	24	21
Investigations initiated during the period	20	21	18	21	19
Investigations in progress during the period	42	47	43	45	40
Investigations concluded :					
- imposition of definitive duty or acceptance of undertakings	16	11	9	13	3
- terminations ¹⁸	3	11	10	11	9
Total investigations concluded during the period	19	22	19	24	12
Investigations in progress at the end of period	26	25	24	21	28
Provisional measures imposed during the period	5	10	13	10	9

7.2. Review investigations

Anti-dumping measures, including price undertakings, may be subject, under the basic Regulation, to five different types of reviews: expiry reviews (Article 11(2)), interim reviews (Article 11(3)), newcomer investigations (Article 11(4)), absorption investigations (Article 12) and circumvention investigations (Article 13).

Also anti-subsidy measures may be subject, under the basic Regulation, to five different types of reviews: expiry reviews (Article 18), interim reviews (Article 19), absorption investigations (Article 19(3)), accelerated reviews (Article 20) and circumvention investigations (Article 23).

These reviews continue to represent a major part of the work of the Commission's TDI services. In the period from 2008 to 2012, a total of 149 review investigations were initiated. These review investigations represented 60% of all investigations initiated in that period.

¹⁷ The initiation of a case concerning several countries is accounted as separate investigations/proceedings per country involved.

¹⁸ Investigations might be terminated for reasons such as the withdrawal of the complaint, *de minimis* dumping or injury, etc.

In 2012, 37 reviews were initiated. Of these, 14 were expiry reviews, 5 interim reviews, 1 newcomer reviews, 4 other reviews and 13 circumvention investigations.

An overview of the review investigations in 2012 can be found in Annexes F to K. Table 2 provides statistical information for the years 2008 – 2012.

TABLE 2
Reviews of anti-dumping and anti-subsidy investigations
during the period 1 January 2008 - 31 December 2012¹⁹

	2008	2009	2010	2011	2012
Reviews in progress at the beginning of the period	46	32	33	34	21
Reviews initiated during the period	23	34	31	24	37
Reviews in progress during the period	69	66	64	58	58
Total reviews concluded during the period ²⁰	37	33	30	37	32
Reviews in progress at the end of the period	32	33	34	21	26

8. OVERVIEW OF ACTIVITIES IN 2012

8.1. New investigations

8.1.1. Initiations

In 2012, 13 new anti-dumping investigations, 6 new anti-subsidy investigations and no safeguard investigations were initiated. The anti-dumping investigations involved 7 different products from 9 different countries. The anti-subsidy investigations involve 5 products from 4 different countries. Details of these investigations are given in Annex A. The country most affected by the anti-dumping investigations is China with 4 investigations, Indonesia 2 investigations and 1 investigation each opened concerning Argentina, Thailand, Turkey, Taiwan, F.Y.R.O.M., Ukraine, India. The main sector concerned by these new cases is iron and steel.

In the five-year period from 2008 to 2012, 99 investigations were initiated on imports from 24 countries. The main sectors concerned by the investigations included iron and steel – 35 investigations, chemical and allied – 27 investigations, other metals – 7 investigations and electronics – 5 investigations, wood and paper – 2 investigations, other mechanical engineering – 5 investigations. A breakdown of the product sectors is given in Annex B(A).

The main countries concerned during the period from 2008 to 2012 include the People's Republic of China with 38 investigations, India 10, USA 7, Thailand 5, Indonesia and Turkey 4 each, Malaysia and Taiwan 3 each, Argentina, Belarus, Iran, Korea, Oman, Pakistan, Saudi Arabia, Ukraine and U.A.E. with 2 each and Armenia, Bosnia-Herzegovina, Brazil, Kazakhstan, F.Y.R.O.M., Moldova and Russia with 1 each. A table showing all the

¹⁹ The initiation of a case concerning several countries is accounted as separate investigations/proceedings per country involved.

²⁰ Investigations which were conducted and concluded under the specific provisions of the Regulation imposing the original measures are not counted as there was no publication of the initiation.

investigations initiated over the last five years broken down by country of export is at Annex B(B).

The list of cases initiated in 2012 can be found below, together with the names of the complainants. More information can be obtained from the Official Journal to which reference is given in Annex A.

Product – Type of investigation	Country of origin	Complainant
Ceramic tableware - AD	P.R. China	Cerami Unie
Threaded tube or pipe cast fittings, of malleable cast iron - AD	P.R. China Thailand Indonesia	Defence Committee of the Tube or Pipe Cast Fittings, of Malleable cast Iron
Welded tubes, pipes and hollow profiles of square or rectangular cross-section, of iron other than cast iron or steel other than stainless - AD	F.Y.R.O.M. Turkey Ukraine	Defence Committee of the welded steel tubes industry of the EU
Stainless steel wires -AD	India	Eurofer
Biodiesel - AD	Argentina Indonesia	European Biodiesel Board
Solar panels (crystalline silicon photovoltaic modules and key components) - AD	P.R. China	EU Prosun
Stainless steel tube and pipe butt-welding fittings - AD	P.R. China Taiwan	Defence Committee of the Stainless Steel Butt-welding Fittings industry
Organic coated steel - AS	P.R. China	Eurofer
Bicycles - AS	P.R. China	European Bicycle Manufacturers Association
Stainless steel wires - AS	India	Eurofer
Solar panels (crystalline silicon photovoltaic modules and key components) - AS	P.R. China	EU Prosun
Biodiesel - AS	Argentina Indonesia	European Biodiesel Board

8.1.2. *Provisional measures*

In 2012, provisional duties were imposed in 8 anti-dumping proceedings and in 1 anti-subsidy measures proceeding. The AD measures involved imports of 6 products and covering 4

countries, the anti-subsidy concerning 1 country. As shown in Table 1 (see point 7.1), this figure compares to 10 provisional measures imposed in 2011 and 13 in 2010.

The list of cases where provisional measures were imposed during 2012 can be found below, together with the measure(s) imposed. More information can be obtained from the Official Journal to which reference is given in Annex C.

Product	Originating from	Type²¹ and level of measure
Aluminium radiators	P.R. China	AD Duty of 61.4%
Tube and pipe fitting, of iron or steel	Russia Turkey	AD Duty of 23.8% AD Duties ranging 2.9% - 12.1%; All others 16.7%
Aluminium Foil in small rolls	P.R. China	AD Duties ranging from 13% - 16.3% All others rate 35.4%
Organic coated steel products	P.R. China	AD Duties ranging from 13.2% - 55.3%; All others rate 57.8%
Threaded tube or pipe cast fittings, of malleable cast iron	P.R. China Thailand	AD Duties ranging 32.1% - 67.8% All others 67.8%
Ceramic tableware and kitchenware	P.R. China	AD Duties ranging from 23% - 31.2%; All others rate 58.8%
Stainless steel fasteners and parts thereof	India	AS Duties ranging from 3.2% - 13.6%; All others rate 16.5%

8.1.3. Details on individual cases

Organic Coated Steel Products originating in People's Republic of China

In December 2011, the Commission initiated an anti-dumping proceeding on imports of certain organic coated steel products originating in the People's Republic of China on the basis of a complaint lodged by Eurofer representing a major proportion Union industry.

The product concerned is certain organic coated steel products ('OCS'), i.e. flat rolled products of non-alloy and alloy steel consisting of two outer metal sheets with a stabilising core of insulation material sandwiched between them, and excluding those products with a final coating of zinc-dust and are covered under CN codes ex 7210 70 80, ex 7212 40 80, ex 7225 99 00, ex 7226 99 70. The main application of the OCS is in the construction industry, also for further processing in various products used in construction (like sandwich panels, roofing, cladding, etc.) as well as home appliance production (white and brown goods) or equipment for construction (doors, radiators, lights, etc.).

The investigation of dumping and injury covered the period from 1 October 2010 to 30 September 2011 and the examination of the trends relevant for the assessment of injury covered the period from 1 January 2008 to the end of September 2011.

²¹ AD = anti-dumping duty, CVD = countervailing duty, UT = undertaking.

Owing to the large number of Union producers and also exporting producers, sampling was used in the investigation. As regards the Union producers, the Commission selected a sample consisting of six Union producers which accounted for 46 % of the Union production and 38 % of the Union sales. As regards the exporting producers, the Commission, after receiving inaccurate data from one producer and two others withdrawing their co-operation the Commission finally decided to limit the sample to the two exporting producers originally selected to form part of the sample and that had the highest export volume to the Union. Their export volume accounted for more than 30 % of total exports of the product to the EU in the investigation period (IP). In view of the limited number of cooperating importers, sampling was not used for this category.

Dumping

Three Chinese exporting producers, including one that was included in the sample, requested market economy treatment (MET) pursuant to Article 2(7) of the basic Regulation, or individual treatment (IT) should the investigation establish that they did not meet the conditions for MET. The other exporting producer in the sample requested IT only. One exporting producer subsequently withdrew its request.

As regards the remaining two cooperating exporting producers in the PRC having requested MET, following a judgment by the Court of Justice of February 2012 in the Brossman footwear case it was decided to examine the claims of both the exporting producer which was included in the sample (Zhangjiagang Panhua Steel Strip Co. Ltd and its related companies) and the exporting producer which was not included in the sample (Union Steel China and its related company). Neither of the two were found to meet the criteria to be granted MET, because the cost of the major raw material, hot-rolled steel coils, is significantly distorted due to State interference in the steel market in the PRC and did not substantially reflect market values, as required by the first criteria for MET.

As a result of none of the Chinese companies being granted MET the normal value for all Chinese exporting producers was established on the basis of information received from the producer in the analogue country, which was Canada. The export prices were based on the prices actually paid or payable for the product concerned, in accordance with Article 2(8) of the basic Regulation.

The normal value and export prices were compared on an ex-works basis. In order to ensure a fair comparison allowance in the form of adjustments were made for differences where appropriate, in respect of transport, insurance, handling and ancillary costs, packing, credit, bank charges and commissions in all cases where justified.

A weighted average of the sampled exporting producers' dumping margins was calculated for the cooperating exporting producers not selected in the sample. On this basis the provisional dumping margin for the non-sampled exporting producers, expressed as a percentage of the CIF Union frontier price, duty unpaid was 61,1 %. Given that cooperation from the PRC was approximately 70 %, the country-wide dumping margin applicable to all other exporters was established by using the highest dumping margin established for representative product types of exporting producers, which was provisionally established at 77,9 % of the CIF Union frontier price, duty unpaid.

Injury and causation

The investigation showed that all injury indicators relating to the economic situation of the Union industry deteriorated or did not develop in line with consumption during the I.P. During the period, in the context of decreasing consumption, the volume of imports from the PRC increased steadily and significantly. At the same time, the Union industry sales volume

decreased overall by 13 % and its market share dropped from 59 % in 2008 to 56,7 % in the IP. Although consumption recovered by 20 %, from 2009 to the IP, after the year of economic crisis affecting demand, the Union industry market share was decreasing. The Union industry was unable to regain the lost market due to the growth of the dumped imports from the PRC in the EU market, which were constantly undercutting the prices of the Union industry. In addition, the injury indicators related to the financial performance of the Union industry, such as cash flow and profitability were seriously affected meaning that the Union industry's ability to raise capital and invest was undermined. As a result it was concluded that the Union industry suffered material injury.

In calculating the injury margins it was considered that a profit margin of 6,7 % of turnover could be regarded as an appropriate minimum which the Union industry could have expected to obtain in the absence of injurious dumping. On that basis, a non-injurious price was calculated for the Union industry for the like product. The non-injurious price was obtained by adding the above-mentioned profit margin of 6,7 % to the cost of production. The injury margins found were all lower than the dumping margins established.

There was a substantial increase in the volume and market share of the dumped imports originating in the PRC in the period considered, especially from 2009 to the IP and these imports were constantly undercutting the prices charged by the Union industry in the EU and during the IP. This increase coincided with the negative development in the economic situation of the Union industry which worsened in the IP. Other known factors which could have caused injury to the Union industry were also examined in order to determine if the dumped imports were a cause of injury. The other factors examined included imports from other sources, the export performance of the EU industry, EU industry importing from the PRC itself, captive use and captive sales at lower prices to related companies, the economic crisis and structural overcapacity. This examination revealed that these factors were not such as to break the causal link established between the dumped imports from the PRC and the injury suffered by the Union industry.

Union interest

In the context of the Union interest test, the most active users and importers made joint written submissions and several hearings were held in the course of the investigation. Their main arguments regarding the imposition of measures related to the Competition situation on the EU market, and fears regarding Shortage of supply. However based on the information available concerning the Union interest, there were no compelling reasons against the imposition of provisional measures.

As a result, provisional anti-dumping duties ranging between 13.2% and 57.8% were imposed on organic coated steel originating in the People's Republic of China in September 2012.

An anti-subsidy investigation was also initiated on the same product originating in China in February 2012. These were the first simultaneous anti-dumping and anti-subsidy investigations initiated on a product originating in the People's Republic of China. There were no provisional anti-subsidy measures imposed in the case. Both definitive anti-dumping and anti-subsidy measures were subsequently imposed on the product originating in China in March 2013.

Ceramic tableware and kitchenware

In February 2012, the European Commission initiated an anti-dumping proceeding on imports into the EU of ceramic tableware and kitchenware originating in the People's Republic of China, on the basis of a complaint lodged on behalf of EU representing more than 30 % of the total Union production of ceramic tableware and kitchenware.

The product concerned was ceramic tableware and kitchenware falling within CN codes 6911 10 00, ex 6912 00 10, ex 6912 00 30, ex 6912 00 50 and ex 6912 00 90. A number of requests for exclusions of certain types of products were made. At provisional stage, all such claims were rejected except the request to exclude ceramic knives from the product scope which was accepted.

The investigation of dumping and injury covered the period from 1 January 2011 to 31 December 2011 and the examination of the trends relevant for the assessment of injury covered the period from 1 January 2008 to the end of December 2011.

Owing to the large number of Union producers and also exporting producers, sampling was used in the investigation. As regards the Union producers the Commission selected a sample which included seven Union producers covering all major product types and located in six Member States, out of which two were SMEs, representing over 20 % of the estimated total Union production. As regards exporting producers in the PRC the final sample selected included the five largest companies in terms of export volume accounting for almost 20 % of the exports to the Union.

Dumping

Ten exporting producers or groups (comprised of sixteen legal entities) of exporting producers from the PRC requested market economy treatment (MET). However, none of the companies was found to meet the criteria to be granted MET. In particular, none of the exporting producers had a clear set of basic accounting records or demonstrated that there were no significant distortions carried over from the former non-market economy system. Some failed to show that business decisions were made in response to market signals without State interference. In view of the fact that all requests for MET were denied, normal value for all Chinese exporting producers was based on information received from a producer in the analogue country, Brazil.

As all cooperating exporting producers made export sales to the Union directly to independent customers, the export prices were based on the prices actually paid or payable for the product concerned. The comparison of normal value and export prices on an ex-works basis was made with adjustments in respect of level of trade, differences in physical characteristics and for other factors affecting price comparability, including 'branding'. The dumping levels established ranged from 17.6% to 58.8% at country wide level.

Injury/Causation

The investigation showed that the injury indicators such as production volume, capacity, sales to unrelated customers and employment deteriorated during the period considered. In addition, the injury indicators relating to the financial performance of the Union producers, such as profitability, investments and return on investments also developed negatively during the period. Productivity of the Union industry increased over the period considered. However, this was mainly due to significant efforts to compete against the highly present dumped Chinese imports. It was provisionally concluded that the Union industry suffered material injury within the meaning basic Regulation.

In calculating injury margins a profit margin of 6 % of turnover was regarded as appropriate and which the Union industry could have expected to obtain in the absence of injurious dumping. On this basis, a non-injurious price was calculated for the Union industry for the like product. The injury margins found were all higher than the dumping margins found.

The investigation showed that the Union consumption decreased by 12 % over the period considered. At the same time while the volume of dumped imports from China decreased by about 9 %, their market share increased. Moreover, sales volume of the Union industry

decreased by 20% and market share dropped from 23% in 2008 to 20,9 % in the IP. It was concluded that the increase of the market share of dumped imports from China at prices constantly undercutting those of the Union industry had a determining role in the material injury suffered by the Union industry. Other factors which were examined in the context of the causality examination: the development of demand on the Union market and its segmentation, the export performance of the Union industry, imports from other countries of the product under investigation, the elimination of the import quotas, anti-competitive practices on the Union market, differences in production methods and the second-hand market. However the impact of none of these factors was such as to have broken the causal link between the Chinese imports and their impact on the EU industry.

An examination of all the various interests involved, including those of the Union industry, importers and users of the product concerned, concluded that the imposition of provisional anti-dumping measures on imports of ceramic tableware and kitchenware originating in China would be in the interest of the Union industry.

As a result provisional dumping duties were imposed in November 2012 at the level of the dumping margins found. The investigation continued and definitive measures were imposed in May 2013.

8.1.4. *Definitive measures*

During 2012, definitive duties were imposed in 3 anti-dumping investigations and in no anti-subsidy cases. They involved imports from the People's Republic of China with 2 measures and India with 1.

The list of cases where definitive measures were imposed during 2012 can be found below, together with the measure(s) imposed. More information can be obtained from the Official Journal to which reference is given in Annex D.

Product	Originating from	Type²² and level of measure
Oxalic Acid	P.R. China India	China: AD Duties ranging from 14.6% to 37.7%: All others rate 52.2% India: AD Duties ranging from 22.8% to 31.5%: All others rate 43.6%
Aluminium Radiators	P.R. China	AD Duties ranging from 12.6% to 56.2%: All others rate 61.4%

8.1.5. *Details on individual cases*

Aluminium Radiators originating in People's Republic of China

The investigation was initiated in August 2011, following a complaint lodged by the International Association of Aluminium Radiator Manufacturers Limited Liability Consortium representing more than 25 % of total Union production of aluminium radiators. The investigation period (IP) ran from 1 July 2010 to 30 June 2011 and injury was considered over the period 1 January 2008 to the end of the IP. The product concerned was aluminium

²² AD = anti-dumping duty, CVD = countervailing duty, UT = undertaking.

radiators falling within CN codes, ex 7615 10 10, ex 7615 10 90, ex 7616 99 10 and ex 7616 99 90. Provisional anti-dumping duties were imposed in May 2012.

Dumping: Prior to the imposition of provisional measures two Chinese exporting producers were selected in the sample, accounting for 62% of export sales volume to the EU. Neither had claimed market economy treatment in the investigation. Both claimed, and were granted, individual treatment. Following the imposition of provisional measures one additional Chinese exporter who had claimed individual examination applied for MET and IT. However, the company, Sira failed to meet the MET criteria but did meet the criteria for IT. In cases involving non-market economy countries, for those companies who have not been granted MET, normal value is generally determined on the basis of data from an analogue country. However, in this proceeding no appropriate analogue country could be found and normal value was therefore based on the prices paid or payable in the EU market. Given the size and level of competition in the EU market, including also from imports, this was considered an appropriate approach. The normal value of each product type was based on the actual sales price (ex-works) for profitable sales and on a constructed normal value for non profitable sales.

As the sampled exporting producers made export sales to the Union directly to independent customers in the Union, the export prices were based on the prices actually paid or payable for the product concerned. The comparison between normal value and export prices was made on an ex-works level with allowances being made for certain costs including indirect taxes, freight, insurance, packing, handling and credit costs. This resulted in a dumping margins ranging between 23% and 70.8% for the cooperating companies and 76.6% for all others.

Injury: Sampling was applied to the EU producers with four companies out of the eight Union producers that were known to produce the like product, selected on the basis of their sales volume, their size and geographic location in the Union. They represented 66 % of the total estimated Union production during the IP.

Imports of aluminium radiators from China increased by 77 % over the period considered. The increase was continuous and was sharpest between 2010 and the IP (+ 33%). Similarly, the market share held by Chinese exporting producers also showed a steady increasing trend over the period considered, passing from 13% in 2008 to 24% during the IP. The prices of the dumped imports were found to undercut the European producers by on average 6.1%.

The investigation showed that most of the injury indicators regarding the economic situation of the Union industry deteriorated or did not develop in line with consumption during the period considered, in particular in the period from 2009 up to the end of the IP. The Union industry sales volume decreased overall by 16% and its market share dropped from 87% in 2008 to 76% in the IP. Even when consumption recovered by 9% from 2009 to the IP, the Union industry market share continued to decrease further. The Union industry was unable to regain the market share previously held, due to the significant expansion of the dumped imports from the PRC in the market.

Causation: The coincidence in time between the surge of dumped imports and the deterioration in the situation of the EU industry was found to be a clear indication that the injury was caused by dumped imports. The impact of a number of factors other than the dumped imports were examined, including the effect of imports from third countries, the economic crisis, the export performance of the sampled EU companies and an increase in raw material prices. However, none of these could explain the losses in market share, production and sales volume which occurred in 2009 to the end of the investigation period.

Union interest: There was no cooperation from users in this investigation and despite the efforts of the Commission after publication of provisional findings no users came forward. The Commission examined the possible impact of measures on the main purchasers of aluminium radiators which are large building companies, distributors and wholesalers, which resale them to specialised chains or retailer shops for sales to smaller construction companies or end users. Since the product concerned is usually part of large projects, where its price is only a small portion of the total business costs, it was considered that any resulting price increase as a result of measures could be easily absorbed in the chain of downstream sales. It was therefore concluded that the imposition of anti-dumping duties would be in the interest of the Union industry. Definitive measures were therefore imposed in November 2012, based on the level of the injury margins found.

8.1.6. Investigations terminated without measures

In accordance with the provisions of the respective basic Regulations, investigations may be terminated without the imposition of measures if a complaint is withdrawn or if measures are unnecessary (i.e. no dumping/no subsidies, no injury resulting there from, measures not in the interest of the EU). In 2012, 9 new proceedings (7 anti-dumping and 2 anti-subsidy) were terminated without measures, compared to 11 in 2011 and 10 in 2010.

The list of cases which were terminated without the imposition of measures during 2012 can be found in the following table. More information can be obtained from the Official Journal to which reference is given in Annex E.

Product (type of investigation²³)	Originating from	Main reason for termination
Vinyl acetate - AD	U.S.A.	Complaint withdrawn
Stainless steel fasteners and parts thereof - AD	India	No causal link between dumped imports and injury to EU industry.
Sodium cyclamate - AD	P.R. China	Complaint withdrawn
Seamless pipes and tubes, of iron or steel - AD	Belarus	Complaint withdrawn
Certain woven and/or stitched glass fibre fabrics - AD	P.R. China	Complaint withdrawn
Tartaric acid- AD	P.R. China	Complaint withdrawn
Soy protein - AD	P.R. China	Lack of material injury and causal link.
Certain stainless steel fasteners and parts thereof - AS	India	No causal link between subsidised imports and injury to EU industry.

²³ AD = anti-dumping investigation; AS = anti-subsidy investigation, AD + AS = parallel anti-dumping and anti-subsidy investigation.

Bioethanol - AS	USA	Withdrawal of main scheme established in IP; De minimis subsidisation for remaining schemes
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8.1.7. *Details on some individual cases*

Sodium Cyclamate originating in the People's Republic of China

In February 2011 the Commission initiated an anti-dumping proceeding concerning imports of sodium cyclamate originating in the People's Republic of China following a complaint lodged by Productos Aditivos SA the sole producer in the Union of sodium cyclamate, representing 100 % of the Union production of the product.

By a letter of 17 January 2012, the complainant formally withdrew its complaint. Since the Commission did not identify any reason to indicate that termination would not be in the Union interest, it was decided to terminate the proceeding. The investigation was terminated without imposition of measures in April 2012.

Certain stainless steel fasteners and parts thereof originating in India

The anti-subsidy investigation on imports of stainless steel fasteners originating in India was initiated in May 2011 on the basis of a complaint lodged by the European Industrial Fasteners Institute (EIFI) on behalf of producers representing more than 25 % of total Union production of the product.

The investigation of subsidy and injury covered the period from 1 April 2010 to 31 March 2011 while the examination of trends relevant for the assessment of injury covered the period from 1 January 2008 to the end of March 2011.

Provisional countervailing measures were imposed in February 2012.

Following the imposition of provisional countervailing duties, one of the co-operating Indian exporters, Viraj Profiles Limited submitted detailed comments regarding the calculation of the Export oriented units scheme (EOU) subsidy rate established which accounted for 2,73% out of a total subsidy rate of 3,2 % for the company. The calculation of the subsidy amount was reexamined and resulted in Viraj's total subsidy rate being definitively established at 0,7%, i.e. below the de minimis threshold.

Viraj represented, in volume, 87% of Indian exports to the Union. As a result only 13% of the Indian exports of the product concerned to the Union during the IP were subsidised. These subsidised imports had a market share of 2% in the IP.

While the investigation had established that injury existed, the revised findings indicated that the limited import volume of the subsidised imports from India, which had higher prices than the non-subsidised imports, may have played only a very limited role, if any, in the deterioration of the injurious situation of the Union industry. As a result, it was considered that a causal link between the subsidised imports (which accounted for a mere 13% of total imports a very limited market share (2%) and with prices on average 12% higher than those of the non-subsidised imports) and the injury suffered by the Union industry could not be sufficiently established. As a result the anti-subsidy investigation was terminated in May 2012 without the imposition of definitive measures and the amounts secured under the provisional regulation were released.

Bioethanol originating in USA

In November 2011, the European Commission initiated an anti-subsidy investigation on imports into the Union of bioethanol originating in the United States of America (USA). On the same day an anti-dumping proceeding was also initiated on the same product from the USA.

The AS proceeding was initiated following a complaint lodged by the European Producers Union of Renewable Ethanol Association (ePURE) representing more than 25% of the total Union production of bioethanol. Prior to the initiation of the AS investigation consultations were held between the EU and the US in November 2011. However no mutually agreed solution was found.

The investigation of subsidisation and injury covered the period from 1 October 2010 to 30 September 2011. The examination of trends relevant for the assessment of injury covered the period from January 2008 to the end of the IP.

There were a number of Federal and State schemes investigated; Fuel mixture tax credits - Excise Tax/Income Tax credits; Small producer income tax credit; Income tax credit for producers of cellulosic bioethanol; The US Department of Agriculture Bioenergy Program; USDA Bioenergy Program for Advanced Biofuels; USDA Biorefinery Assistance Program; USDA Biomass Crop Assistance Program; USDA Rural Energy for America Program; Department of Energy Biorefinery Project Grants; Illinois State Bioethanol Incentives ; Illinois Biofuels Production Facility Grants; E85 Infrastructure Grants; Iowa Alternate Energy Revolving Loan Program;) Biofuels Infrastructure Grants; Minnesota State Bioethanol Incentives; Minnesota Cellulosic Ethanol Investment Tax Credit; E85 Fueling Infrastructure Grants; Nebraska Ethanol Production Tax Credit; South Dakota Ethanol Production Incentive.

The investigation showed that all investigated schemes except the Fuel mixture tax credits - Excise Tax/Income Tax credits were negligible and not countervailable during the IP. In relation to the main subsidy scheme identified as countervailable in the IP, the investigation showed that that scheme had expired in the end of 2011 and had not been reintroduced. Given that the basic Regulation provides that no measures shall be imposed if the subsidy or subsidies are withdrawn or when the subsidies no longer confer any benefit on the exporters concerned, it was considered that the imposition of definitive countervailing measures would not be warranted. As a result the investigation was terminated in December 2012. Definitive anti-dumping measures on the product were imposed in February 2013.

8.2. Review investigations

8.2.1. Expiry reviews

Article 11(2) and Article 18 of the basic Regulations provide for the expiry of measures after five years, unless an expiry review demonstrates that they should be maintained in their original form.

In 2012, 13 anti-dumping measures and no anti-subsidy measure expired automatically. The references for these measures are set out in Annex N.

Since the expiry provision of the basic Regulations came into force in 1985, a total of 486 measures have expired automatically.

8.2.1.1. Initiations

The list of the expiry reviews initiated can be found in the following table, together with the name of the complainant. It should be noted that some expiry reviews may be carried out in parallel with interim reviews, which allow the amendment of the duty rates. In such case, these reviews are marked with an asterisk. More information can be obtained from the Official Journal to which reference is given in Annex F.

Product (type of investigation AD or AS)	Originating from	Complainant
Ethanolamines – AD*	U.S.A.	BASF SE/AG, INEOS Oxide Ltd, Sasol Germany GmbH
Polyethylene terephthalate (PET) - AD	India Indonesia Malaysia Taiwan Thailand	Polyethylene terephthalate committee of plastics Europe
Polyethylene terephthalate (PET) - AS	India	Polyethylene terephthalate committee of plastics Europe
Tungsten electrodes - AD	P.R. China	Eurometaux
Ironing boards – AD*	P.R. China Ukraine	Colombo New Scal S.p.A., Vale Mill (Rochdale) Ltd., Roerets
Sweet corn - AD	Thailand	Association Europeenne des Transformers de Mais Doux (AETMD)
Peroxisulphates (Persulphates) - AD	P.R. China	RheinPerChemie GmbH & Co. KG, United Initiators GmbH & Co. KG
Iron or steel ropes and cables - AD	Russia	The Liasion Committee of EU Wire Rope Industries (EWRIS)
Dicyandiamide (DCD) - AD	P.R. China	AlzChem AG

8.2.1.2. Expiry reviews concluded with confirmation of duties

During 2012, 9 expiry reviews were concluded with confirmation of the duties for a further five years.

The list of the cases which were concluded with confirmation of duty during 2012, together with the result of the investigation, can be found below. More information can be obtained from the Official Journal to which reference is given in Annex F.

Product	Originating from	Result of the investigation/ Type²⁴ and level of measure
Stainless steel fasteners and parts thereof	P.R. China Taiwan	Confirmation of duty AD duty of 11.4% to 12.2% All other companies 27.4%
Steel ropes and cables	P.R. China Ukraine Morocco (ext.) Moldova (ext.) Korea (Rep. of) (ext.)	Confirmation of duty P.R. China: AD duty of 64.3% Ukraine: AD duty of 51.8%
Tartaric acid	P.R. China	Confirmation of duty AD duty of 4.7% to 10.1% All other companies 34.9%
Seamless pipes and tubes, of iron or steel	Russia Ukraine	Confirmation of duty Russia: AD duty of 24.1%-27.2%; All other companies 35.8% Ukraine: AD duty of 12.3%-25.7%; All other companies 25.7%
Lever arch mechanisms	P.R. China	Confirmation of duty AD duty of 27.1%; All others 47.4%
Chamois leather	P.R. China	Confirmation of duty AD duty of 58.9%

8.2.1.3. Details on some individual cases concluded by confirmation of duty

Stainless steel fasteners and parts originating in P.R. China and Taiwan

In November 2005, definitive anti-dumping duty duties were imposed on imports of certain stainless steel fasteners and parts thereof ('SSF') originating in the People's Republic of China, Indonesia, Taiwan, Thailand and Vietnam. In August 2010 a request for the initiation of an expiry review (limited to the PRC and Taiwan) was lodged by the European Industrial Fasteners Institute ('EIFI') representing a major proportion, in this case more than 25 %, of the total Union production of SSF. The request was based on the grounds that the expiry of the measures imposed on imports of SSF originating in the countries concerned would be likely to result in a continuation or recurrence of dumping and injury to the Union industry. The expiry review was initiated in November 2010.

²⁴ AD = anti-dumping duty, CVD = countervailing duty, UT = undertaking.

The investigation period was from 1 October 2009 to 30 September 2010 ('the review investigation period' or 'RIP') and the examination of the trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2007 to the end of the review investigation period.

Sampling was used in respect of the Taiwanese exporters and EU producers. No Chinese companies co-operated.

Recurrence of dumping

China: Owing to the lack of co-operation by Chinese exporters, the findings on the likelihood of continuation or recurrence of dumping had to be based on best facts available, in particular the Eurostat data and the information submitted by the Union industry in the review request. Official PRC exports statistics could not be used in this case as the product concerned represents only a small fraction of the quantities reported in the relevant Harmonised System Tariff positions.

Since there was no indication that export prices from the PRC to the Union were different than in the request, it was considered likely that dumping from the PRC had continued. As regards the likelihood of the recurrence of dumping taking into account the existing spare capacity in the PRC and the fact that imports of the product concerned into the Union increased during the period considered despite the existence of anti-dumping measures, there appeared to be an incentive for PRC exporting producers to further increase their exports to the Union market at dumped prices if the measures were allowed to lapse.

Taiwan: Despite initial indications of co-operation from Taiwanese exporters it finally transpired that data from only one exporter could be used. As a result most of the findings concerning the likelihood of continuation or recurrence of dumping had to be based on facts available, in particular the data provided by the sole cooperating Taiwanese exporting producer, one cooperating importer, Eurostat data and the information submitted by the applicant in the review request.

It was found that the cooperating exporter continued to engage in dumping practices during the RIP with dumping amounting to 22 %. As regards the remaining exporters, according to the review request exports from Taiwan were allegedly dumped with margins ranging from 14 % to 50 %. Given there was no available information which would allow a different conclusion the existence of dumping at the countrywide level was confirmed.

As regards the likelihood of the recurrence of dumping, the spare capacity in Taiwan and the attractiveness of the Union market, there appeared to be an incentive for Taiwanese exporting producers to increase their exports to the Union market at dumped prices if the measures were allowed to lapse.

Injury and likelihood of continuation of injury

The investigation found despite the existence of anti-dumping measures, the situation of the Union industry remained vulnerable continuing to make losses. Almost all injury indicators for the Union producers – such as profitability, production and sales volumes decreased, capacity and capacity utilisation dropped and were followed by a decrease in employment and productivity levels deteriorated during the period considered. Consequently, it could not be concluded that the situation of the Union industry was secure. On this basis, it was concluded that the Union industry, as a whole, remained in a vulnerable economic situation and continued to suffer material injury.

At the end of the RIP the efforts of the Union industry to maintain sales volumes and a sufficient level of prices were hampered by the increased presence of the dumped imports

from the countries concerned as well as low priced imports from other third countries. It was therefore concluded that if the Union industry were to be exposed to increased volumes of imports from the countries concerned at dumped prices, this would be likely to result in a further deterioration of its situation.

Union interest

As regards the Union industry it was considered that maintaining the measures would allow it to grow and improve its situation. There was co-operation only from one importer who showed a healthy profit in the period considered and no users came forward. In any event given the marginal impact of SSF on the costs of downstream products, it was concluded that the measures would not adversely impact the users industry. As a result there were no compelling reasons not to impose anti-dumping duties against imports of stainless steel fasteners originating in the PRC and Taiwan the anti-dumping measures were maintained in January 2012.

Steel ropes and cables originating in P.R. China, Ukraine and South Africa

In August 1999, definitive anti-dumping duty duties were imposed on imports of steel ropes and cables originating in the People's Republic of China, Ukraine and South Africa, which were further continued after an expiry review in 2005. In 2004, following an anti-circumvention investigation the measures applicable to Ukraine had been extended to imports of the product from Moldova while the measures applicable to China were extended following similar investigations to Morocco and Korea in 2004 and 2010 respectively. In November 2010, the Commission initiated an expiry review of the measures in place on the basis of a request received from the Liaison Committee of European Union Wire Rope Industries (EWRIS) on behalf of Union producers representing more than 60 %, of the total Union production of SWR.

The investigation period was from 1 October 2009 to 30 September 2010 ('review investigation period' or 'RIP'). and the examination of the trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2007 to the end of the review investigation period.

Neither the Chinese nor the Ukrainian exporters were deemed to have co-operated as they did not complete questionnaire replies in a satisfactory manner. One exporter in South Africa, representing total exports of the product to the EU from that country completed a questionnaire.

Dumping and likely recurrence of dumping

China: As was the case in the original investigation, Turkey was used as the analogue country for the purpose of establishing normal value. As a result, the weighted average domestic sales price to unrelated customers by the cooperating producer in Turkey were used for normal value. In the absence of co-operation from the Chinese exporters, the export price was based on Eurostat data. Comparison was made with due allowance for those factors deemed to affect price comparability which resulted in a finding of significant dumping of 38%.

Ukraine: Given the lack of co-operation from Ukraine, normal value was established on the basis of the information found in the review request, which corresponded to prices paid or payable on the domestic market of Ukraine by unrelated customers. This was compared to publicly available information regarding the export price with due allowance for ocean freight and insurance in line with the review request. As a result, a dumping margin of more than 80 % was established for the RIP.

South Africa: Normal value was established on the basis of the prices paid on the domestic market of South Africa by unrelated customers as these were made in the ordinary course of trade and representative. This normal value was compared to the actual prices of export sales paid, which showed the existence of dumping amounting to 17%, which was lower than the dumping margin of 38,6 % found in the original investigation.

Regarding the likelihood of continuation of dumping should the anti-dumping measures be repealed, spare capacities and unused stocks as well as pricing and export strategies in different markets were analysed. It was found that for both China and Ukraine dumping would likely continue but, in the case of South Africa, the continuation of dumped imports in significant quantities would not be likely.

Injury and likelihood of continuation of injury

In order to examine the situation of the EU industry sampling was applied owing to the large number of EU producers which cooperated in the investigation. The 3 sampled Union producers accounted for 40 % of the total Union production during the RIP.

As regards the economic situation of the EU industry although consumption decreased by 21 %, the industry managed to maintain its market share, prices increased by 11 %, and stocks remained at a reasonable level while production volume decreased less than consumption. The industry was profitable throughout the period considered. As a result it was concluded that the Union industry did not suffer material injury over the period considered.

However, as regards the likelihood of recurrence of injury, the price undercutting of the Ukrainian and Chinese exporters along with their ability to increase significantly the quantities exported to the Union market, would in all likelihood have a downward effect on prices in the EU with a consequent negative impact on the economic situation of the Union industry. This would, in turn, result in a deterioration of EU industry financial situation. As a result, it was concluded that the repeal of the measures against imports originating in the PRC and Ukraine would in all likelihood result in the recurrence of injury to the EU industry. However as regards South Africa, their limited spare capacity along with the absence of price undercutting led to the conclusion that the repeal of the measures on those imports would in all likelihood not result in the recurrence of injury.

As regards Union interest there were no compelling reasons against the maintenance of the anti-dumping measures.

As a result, In February 2012, the anti-dumping measures applicable to imports of Steel ropes and cables originating in the PRC and Ukraine were maintained, while those measures relating to imports of the product from South Africa were repealed.

Tartaric Acid originating in P.R. China

In January 2006, the Council imposed definitive anti-dumping duties, ranging between 4,7 % and 34,9 %, on imports of tartaric acid (TA) originating China. On the basis of a request for an expiry review from a number of EU producers representing more than 50 % of the total Union production of TA, an expiry review was initiated in January 2011.

The investigation period for dumping was from the 1 January 2010 to 31 December 2010 while the examination of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2007 to 31 December 2010. The product concerned is tartaric acid currently falling within CN code ex 2918 12 00 (TARIC code 2918 12 00 90).

Dumping and likely recurrence of dumping

For the two Chinese companies granted MET in the original investigation, normal value was established on their respective data. For one of the companies, normal value was based on prices paid on its domestic market while, for the second, normal value had to be constructed since the domestic sales were not sufficient to be considered representative. For the remaining Chinese companies normal value was based on information from the analogue country, in this case, Argentina which had been used in the original investigation. For the two cooperating exporting producers, export prices were based on prices actually paid by independent customers while, for all other producers export price information was taken from imports statistics available in the Article 14(6) database. The comparison of normal values and export prices showed dumping margins at a slightly lower level than in the original investigation for the two cooperating companies while the residual duty calculated showed a significant level of dumping which was higher than in the original investigation.

As regards the likelihood of continuation of dumping in the absence of measures, it was concluded that, in view of the continued dumping along with potential spare capacity in and the fact that the Union market is the biggest market in the world with attractive level of prices, the Chinese exporters would be likely to further increase their exports to the Union at dumped prices.

Injury and likelihood of continuation of injury

While the analysis of injury factors showed that the Union industry increased its production and sales during the period considered the increase was against a background of increased demand between 2007 and the RIP, which in effect resulted in the Union producers' market share dropping by 7,3 percentage points to 68,8%. The analysis also showed an improvement regarding the economic situation of the Union industry with the profitability, returns on investment and cash flows remaining positive. As a result it was found that the Union industry had not suffered material injury. However, the overall absence of material injury during the RIP was considered in the light of other important injury indicators, which developed negatively during the period considered, in particular sales prices, loss of market share and employment. Therefore, the situation of the Union industry was considered to be still vulnerable and in some aspects, far from the levels that could be expected had it recovered fully from the injury found in the original investigation.

As regards likelihood of recurrence of injury it was concluded that the spare capacities for TA in China, combined with the attractiveness of the Union market would in all likelihood lead increased volumes of dumped imports from China which would exercise an even stronger price pressure on the Union industry and cause material injury, in the absence of measures.

Union interest

As regards the Union interest it was considered that maintaining the measures would allow the Union industry to benefit and improve its vulnerable situation. There was no co-operation from importers and users in the current investigation. As a result there were no compelling reasons found not to impose anti-dumping duties against imports of Tartaric Acid originating in the PRC and therefore the anti-dumping measures were maintained in April 2012.

8.2.1.4. Reviews concluded by termination

During 2012, 4 expiry reviews were concluded by termination.

Product	Originating from	Reason for termination
Steel ropes and cables	South Africa	No likelihood of recurrence of injury.
Seamless pipes and tubes, of iron or steel	Croatia	No likelihood of recurrence of injury.
Plastic sacks and bags	P.R. China Thailand	Lack of conclusive evidence on injury.

Details of some individual cases

Regarding the investigation, Steel ropes and cables originating in South Africa - details of the case are set out above under para 8.2.1.3.

8.2.2. Interim reviews

Article 11(3) and Article 19 of the basic Regulations provide for the review of measures during their period of validity on the initiative of the Commission, at the request of a Member State or, provided that at least one year has elapsed since the imposition of the definitive measure, following a request containing sufficient evidence by an exporter, an importer or by the EU producers. In carrying out the investigations, it is being considered, *inter alia*, whether the circumstances with regard to dumping/subsidization and injury have changed significantly. Reviews can be limited to dumping/subsidization or injury aspects.

During 2012, a total of 5 interim reviews were initiated (4 anti-dumping and 1 anti-subsidy). 6 interim reviews were concluded with amendment of duty or product scope, 4 were concluded without amending the duties and 5 were concluded by terminating the measures. The list of cases which were concluded during 2012 by amending the duties, together with the result of the investigation, can be found below. It should be noted that some interim reviews may be carried out in parallel with expiry reviews. In such case, these reviews are marked with an asterisk. More information can be obtained from the Official Journal to which reference is given in Annex G.

Product	Originating from	Result of the investigation/ Type ²⁵
Polyethylene terephthalate (PET) film*	India	Amendment of the duty for Ester Industries Ltd. from 29.3% to 8.3% - AD
Sodium cyclamate	P.R. China	Amendment of anti-dumping duty for GT Enterprise from 0,11 Eur/kg to 0,23 EUR/kg
Tartaric acid	P.R. China	Amendment of anti-dumping duties applicable for two exporting producers.
Seamless pipes and tubes, of iron or steel	Ukraine	Amendment of anti-dumping duty for Interpipe from 17.7% to 13.8%.
PSC wires and strands	P.R. China	Clarification of the product definition.
Seamless steel pipes, of iron or steel	Russia	Amendment of anti-dumping duty for OAO companies from 27.2% to 28.7%.

8.2.2.1. Details on individual cases

Polyethylene terephthalate (PET) film originating in India

In August 2001 the Council imposed definitive anti-dumping duties on imports of polyethylene terephthalate (PET) film originating, inter alia, in India ranging between 0 % and 62,6 % on imports from individually named exporting producers, with a residual duty rate of 53,3 %. The duties were extended for a further period of five years following an expiry review in November 2007. Over the years a number of amendments to the level of the duties have taken place with the most recent prior to the review happening in May 2011. At the time the rate was adjusted to take account of the expiry of the countervailing duty on the same product which had been imposed in 2006. As regards the applicant in the interim review described here, Ester Industries Limited, the applicable duty rate was 29,3%.

In October 2010 a partial interim review was initiated, limited in scope to the examination of dumping in respect of the applicant, Ester Industries Limited. The company had claimed that the continued imposition of the measure at the level applicable at the time was no longer necessary to offset injurious dumping as the circumstances on the basis of which measures were imposed had changed and these changes were of a lasting nature.

²⁵ AD = anti-dumping, AS = anti-subsidy, UT = undertaking.

The review investigation period was from 1 October 2009 to 30 September 2010. The product concerned by the review was polyethylene terephthalate (PET) film falling within CN codes ex 3920 62 19 and ex 3920 62 90.

Normal value was based on the domestic sales prices of those particular product types which were made in sufficient quantities and in the ordinary course of trade. For the remaining product types where domestic sales were not representative or not sold in the ordinary course of trade, normal value was constructed. Export prices were based on prices actually paid or payable for the product concerned as these sales were found to have been made directly to independent customers in the EU. The comparison of normal value and export price revealed a dumping margin of 8.3%.

As regards the lasting nature of the changes the investigation showed that Ester had taken a number of measures for cost reduction and efficiency improvements, including modernisation and building a new production line resulting in a substantial drop in the overhead costs. The company also managed to considerably reduce freight costs due to changes in its sourcing of raw materials. These cost reductions were considered to be of a lasting nature. As far as the export price was concerned, the investigation showed a certain stability in Ester's pricing policies over a long period, between 2006 and 2010. Given the lasting nature of the changes circumstances it was considered that the newly calculated dumping margin was likely to be of a lasting nature.

The dumping duty applicable to Ester Industries Limited was duly revised downwards in January 2012.

Sodium cyclamate originating in P.R. China

In March 2004, the Council imposed definitive anti-dumping duties on imports of sodium cyclamate originating in the People's Republic of China and Indonesia. These duties were extended for a further period of five years following an expiry review in June 2010.

In 17 February 2011 a partial interim review, limited to the examination of dumping for Golden Time Enterprise Co., Ltd (GT Enterprise), member of the Rainbow Rich group, was initiated. The review was based on a request lodged by Productos Aditivos S.A., the sole Union producer of sodium cyclamate and the complainant in the original investigation, alleging that the measures were no longer sufficient to counteract the dumping which is causing injury.

Dumping

The product under review is sodium cyclamate, originating in the People's Republic of China, currently falling within CN code ex 2929 90 00. The investigation of dumping covered the period from 1 January 2010 to 31 December 2010. As the Rainbow group consisted of two production companies (one being GT Enterprise), one raw material supplier, one company previously involved with the product concerned, but now dormant, and a trader in Hong Kong, the review encompassed the activities of the full group.

The applicant requested market economy treatment (MET). However it was found that GT Enterprise no longer met all MET criteria. Furthermore, compared to the original investigation the Rainbow group had been enlarged and restructured. The other companies within the group that submitted claim forms could not demonstrate either that they met all MET criteria. Where one related company associated with the production and sale of the product concerned does not qualify for MET, MET cannot be granted to the group of related companies. However, the group of companies did qualify for individual treatment.

In the absence of MET, normal value was based on data from the analogue country, in this case, Indonesia. Normal value was based on the prices paid or payable in the analogue market for the product which was found to be made in the ordinary course of trade. This normal value was compared to the export prices of the product when sold by a related trading company to an independent buyer in the EU. A comparison of normal value with the export price after necessary adjustments were made in respect of differences in transport, insurance, handling, loading and ancillary costs and credit cost, revealed a dumping margin of 14,2%.

Lasting nature of changes.

As regards whether the changes were of a lasting nature as alleged in the review request, the investigation found that the group was recently enlarged and reorganised with considerable investments and there was no indication that this situation would change in the foreseeable future. As regards GT Enterprise, it was found that the company's practice of not keeping a clear set of accounting records audited in line with international accounting standards was an established practice and there was nothing to indicate that this would change in the future. In addition, the company's Articles of Association allowing for State influence had been in force for a long period and there were no indications of their being amended in the future. As a result it was considered that the non-MET status of the group was going to continue for the foreseeable future.

As regards export price, the investigation showed the pricing policies of the group over a long period to be relatively stable with the price of the product concerned charged to the EU and to other third countries not differing significantly and following the same trend between 2007 and the RIP. As a result it was considered that the newly calculated dumping margin would be likely to continue. It was therefore concluded that the application of the measure at its then existing level was no longer sufficient to offset dumping.

Given that the interim review was limited to an examination of dumping by GT Enterprise and its related companies, no individual injury margin could be established in the review. Therefore, the dumping margin established in the review was compared to the injury margin established in the original investigation. Since the latter was higher than the dumping margin found in the review, the revised anti-dumping duty could only be imposed for the group of companies concerned at the level of the dumping margin found in the current review.

The duties were amended and imposed in the same form as the duties imposed by the original Implementing Regulation, in the form of a specific amount per kilo. This resulted in an increased dumping margin for the group of companies concerned, to a specific amount of EUR 0,23 per kilo, up from EUR 0,11 per kilo, being imposed in May 2012.

Tartaric Acid originating in P.R. China

In January 2006, the Council imposed definitive anti-dumping duties, ranging between 4,7% and 34,9%, on imports of tartaric acid (TA) originating China. An interim review of the measures was initiated in July 2011 limited in scope to the examination of dumping as far as two PRC exporting producers were concerned, namely Changmao Biochemical Engineering Co. Ltd, Changzhou, and Ninghai Organic Chemical Factory, Ninghai. The request for the review was made by a number of EU producers alleging that the level of dumping duties in place was no longer sufficient to counteract dumping, given that both companies should be denied market economy treatment (MET), and that the changes were of a lasting nature.

The investigation concerning dumping covered the period from 1 July 2010 to 30 June 2011. The product concerned is tartaric acid currently falling within CN code ex 2918 12 00 (TARIC code 2918 12 00 90).

Both companies named in the review request claimed market economy treatment. However, for both companies MET was denied under Criterion 1 of Article 2(7)(c) on the basis that the price of the basic raw material, benzene, was distorted. In addition distortions were also found in the price of the intermediate raw material, maleic anhydride. These low prices could not be explained by the companies. MET was also denied to one of the two companies under Criteria 2 and 3 due to evidence of depressed land use right prices and also overvaluation of the company's assets for the purpose of guaranteeing a loan from a State-owned bank.

Both companies did however meet the requirements to be granted individual treatment entitling them individual anti-dumping duties using their own export prices.

In the absence of MET, normal value for tartaric acid was based on information from an analogue country, in this case Argentina. Given that different production processes were used in the analogue country and China the normal value was constructed from the cost of production in Argentina taking into account the differences in production methods. This normal value was then compared to the export prices which were based on the actual prices paid or payable by the first independent customer in the Union for both PRC exporting producers. The dumping margins found were for Changmao Biochemical Engineering Co. Ltd, Changzhou 13,1% and Ninghai Organic Chemical Factory, Ninghai 8,3%.

It was considered that, given the reasons for the denial of MET in the review investigation, the findings of the review were of a lasting nature. Evidence showed that the distortion in the price of benzene in the PRC was in existence prior to the RIP and there was no evidence to show that the PRC government would remove these distortions.

One exporting producer in the PRC offered a price undertaking. However, the product concerned was not suitable for a fixed price undertaking due to the volatility of the export price. The price undertaking was therefore refused.

The anti-dumping duties in force concerning imports of tartaric acid from the two exporters in question were duly amended to reflect the finding of the review investigation in July 2012.

Ferro-silicon originating in Russia

In February 2008, the Council imposed definitive anti-dumping measures on imports of ferro-silicon originating in Russia ranging between 17.8% and 22.7%. In October 2010 a partial interim review was initiated following a request from a Russian exporting producer, Joint Stock Company (JSC) Chelyabinsk Electrometallurgical Integrated Plant and its related company Joint Stock Company (JSC) Kuznetsk Ferroalloy Works, alleging that the dumping was lower than the current level of the measure and that the changes were of a lasting nature.

The investigation period was from 1 October 2009 to 30 September 2010. The product concerned by the investigation was ferro-silicon falling under the CN codes 72022100, 72022910 and 72022990.

The investigation examined whether or not the applicant had practiced dumping during the review investigation period. Normal value was based on the domestic sales prices of the product types which were made in sufficient quantities and in the ordinary course of trade and where this was not the case normal value was constructed. Export prices were based on prices actually paid or payable for the product concerned to the first independent customer in the EU with relevant adjustments as these sales were found to have been made directly to independent customers in the EU. The comparison of normal value and export price with necessary adjustments revealed a dumping margin of 8.3%.

As regards the claims that the changes were of a lasting nature, the applicant cited changes to the export sales structure of the group including exploration of new markets such as India,

Asia and the US as an indication of an expected drop in their level of exports to the EU. In addition, they claimed that expected growth in the Russian market with its increasing steel production along with higher prices to be obtained in other export markets meant that even in the absence of AD measures they would have no major incentive to export to the EU market. However, the applicant was unable to provide sufficient proof of their claims and no conclusive independent data regarding the expected developments in the Russian market was provided. In addition the investigation had showed that while the dumping level had dropped, the export prices to the EU in the investigation period were very volatile and following trends in world prices. Consequently, the claims that the changes were of a lasting nature were rejected. As a result the review was terminated in January 2012 without any amendment to the existing measures.

8.2.3. *“Other” reviews*

4 other reviews, not falling under Article 11(3) or Article 19 of the basic Regulations were initiated during 2012. In addition, 3 such reviews were concluded in the period.

A list of the cases concerned is given in Annex H which shows, in footnotes, the main issues concerned. More information can be obtained from the Official Journal to which reference is given in the Annex.

8.2.4. *New exporter reviews*

As far as anti-dumping measures are concerned, Article 11(4) of the basic Regulation allows for a review ("newcomer" review) to be carried out in order to determine individual margins of dumping for new exporters located in the exporting country in question which did not export the product during the investigation period.

Such parties have to show that they are genuine new exporters, i.e. that they are not related to any of the exporters or producers in the exporting country, which are subject to the anti-dumping measures, and that they have actually started to export to the EU following the investigation period, or that they have entered into an irrevocable contractual obligation to export a significant quantity to the EU.

When a review for a new exporter is initiated, the duties are repealed with regard to that exporter, though its imports are made subject to registration under Article 14(5) of the basic Regulation in order to ensure that, should the review result in a determination of dumping in respect of such an exporter, anti-dumping duties may be levied retroactively to the date of the initiation of the review.

As far as anti-subsidy measures are concerned, Article 20 of the basic Regulation allows for a review ("accelerated" review) to be carried out in order to establish promptly an individual countervailing duty. Any exporter whose exports are subject to a definitive countervailing duty but who was not individually investigated during the original investigation for reasons other than a refusal to co-operate with the Commission can request such review.

In 2012, 1 new exporter review was initiated. Since the Commission carried out the first reviews of this type in 1990, a total of 66 such investigations have been initiated. 2 new exporter review were concluded during 2012 with an amendment/imposition of the duty.

More information can be obtained from the Official Journal to which reference is given in Annex I.

8.2.5. *Absorption investigations*

Where there is sufficient information showing that, after the original investigation period and prior to or following the imposition of measures, export prices have decreased or that there

has been no or insufficient movement in the resale prices or subsequent selling prices of the imported product in the EU, an "absorption" review may be opened to examine whether the measure has had effects on the above-mentioned prices. Dumping margins may as such be recalculated and the duty increased to take account of such lower export prices. The possibility of "absorption" reviews is included in Articles 12 and 19(3) of basic Regulations.

In 2012, there were no anti-absorption investigations initiated or concluded. – Annex J.

8.2.6. Circumvention investigations

The possibility of investigations being re-opened in circumstances where evidence is brought to show that measures are being circumvented was introduced by Article 13 and Article 23 of the basic Regulations.

Circumvention is defined as a change in the pattern of trade between third countries and the EU which stems from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty. The duties may be extended to imports from third countries of like products, or parts thereof, if circumvention is taking place.

In 2012, 13 anti-circumvention investigations were initiated. 2 such investigations were concluded with an extension of the duty and 1 was terminated without extending the duty. More information can be obtained from the Official Journal to which reference is given in Annex K.

Open mesh fabrics of glass fibres originating in P.R. China

In August 2011 the Council imposed a definitive anti-dumping duty of 62,9% on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China. In November 2011 the Commission initiated an anti-circumvention investigation following a request by four Union producers of certain open mesh fabrics of glass fibres. The request alleged that following the imposition of the measures in force, a significant change in the pattern of trade involving exports from the PRC and Malaysia to the Union occurred, for which there was insufficient due cause or economic justification other than the imposition of the measures in force. This change in the pattern of trade stemmed allegedly from the transshipment of certain open mesh fabrics of glass fibres originating in the PRC via Malaysia. The request also claimed that the remedial effects of the measures were being undermined both in terms of quantity and price and that the increased imports from Malaysia were at prices below the non-injurious price established in the original investigation and that some were dumped.

The investigation period was from 1 January 2008 to 30 September 2011. More detailed data were collected for the period 1 October 2010 to 30 September 2011 to examine the alleged undermining of the remedial effects of the measures in force and existence of dumping. The product concerned was open mesh fabrics of glass fibres falling within CN codes ex 7019 51 00, and ex 7019 59 00.

There was no cooperation from the exporting producers in China. While three Malaysian exporters initially indicated they would co-operate, one withdrew its co-operation and during their verification visits the other two were found to have provided inaccurate and misleading information. As a result the Commission had to resort to best information available in line with Article 18 of the Basic Regulation. Comext data was used to determine overall import volumes from the PRC to the EU. PRC and Malaysian national statistics were used for the determination of the overall exports from PRC to Malaysia. Data were also cross-checked with detailed import and export data that were provided by the customs authorities of Malaysia.

Circumvention

The investigation found that imports of the product concerned from the PRC to the EU dropped dramatically subsequent to the imposition of the provisional measures in February 2011 and the definitive measures imposed in August 2011. On the other hand, total exports of the product under investigation from Malaysia to the Union increased significantly in 2011. Based on Comext, exports from Malaysia to the Union increased sharply in the last year whereas they were at insignificant levels in previous years. This trend was confirmed by the corresponding Malaysian statistics with regard to exports of open mesh fabrics of glass fibres to the Union from Malaysia. It was clear that in 2011, following the imposition of the measures, the imports surged suddenly and to some extent replaced the exports from the PRC on the Union market in terms of volume, which had decreased by 26%. A dramatic increase of exports of open mesh fabrics of glass fibres from the PRC to Malaysia within the same period was also identified. Some of these exports were also found to have been misdeclared at the time of importation to Malaysia under different codes than the ones covered by the investigation.

As regards the production volumes in Malaysia the investigation found that the three Malaysian companies which cooperated initially had been established between November 2010 and March 2011 and had only started production and exports to the Union after the imposition of the provisional measures in February 2011. Prior to then, there was no production of open mesh fabrics of glass fibres in Malaysia.

The investigation did not bring to light any cause or economic justification for these developments other than the avoidance of the anti-dumping measures in force in the EU.

As regards the undermining of the remedial effect of the anti-dumping duty a comparison of the injury elimination level established in the original investigation and the weighted average export prices of the exports from Malaysia showed significant underselling. As a result it was concluded that the remedial effects of the measures were undermined in terms of both quantities and prices by the imports from that country.

As regards dumping by the Malaysian exporters, the export prices from Malaysia (as reported in Comext) were compared to the normal value established in the original investigation. This normal value had been based data from an analogue country, Canada. After necessary adjustments including for differences in transport, insurance, ancillary expenses, packing costs and bank charges dumping was found.

The anti-circumvention investigation therefore concluded that the definitive anti-dumping duty imposed on imports of certain open mesh fabrics of glass fibres originating in the PRC were being circumvented by transshipment from Malaysia.

Extension of the measures

The three Malaysian companies that had initially indicated they would co-operate in the investigation, requested that they be exempt from any duties that would be extended to cover imports into the EU from Malaysia. However, in view of the findings with regard to the changes in the pattern of trade and transshipment practices as well as the misleading information they provided, the exemptions as requested by the three companies were not granted.

The duty applicable to imports of the product concerned from China was extended to imports of the product from Malaysia whether declared as originating in Malaysia or not in July 2012. In the regulation extending the measures, other producers in Malaysia, who did not come forward in the proceeding and who did not export the product under investigation to the

Union in the investigation period, were given information on how to apply for an exemption from the newly extended measures.

8.3. Safeguard investigations

Safeguard measures have always been and remain an instrument which the Commission would only apply in truly exceptional circumstances. Indeed, they are only used where it is clear that, applying the highest standards, such measures are necessary and justified because, due to unforeseen circumstances, there has been a surge in imports and this has caused or threatens to cause serious damage to the EU industry.

The Commission expects the EU's commercial partners to follow a similarly strict approach. However, more and more countries are adopting safeguard measures, often in circumstances which do not appear to be entirely in line with Article XIX of the GATT 1994, the WTO Agreement on Safeguards and other WTO rules. Consequently, the activities of the Commission in relation to safeguards is more and more driven towards the defence of the export interests of EU producers, if necessary at WTO level.

As regards conventional trade regimes, the Commission has agreed within the various bilateral agreements to which it is a party (Europe Agreements, Agreements with Mediterranean countries, Free Trade Agreements with Korea, South Africa, Mexico, Chili, etc.) to introduce special safeguard clauses, which apply to cases, which arise between the partners. These clauses normally entail rights and obligations additional to those arising under WTO safeguard rules (in particular special notification and consultation procedures). In this regard, the Commission carefully monitors any cases, which are initiated by partners with which it has a preferential trade agreement.

In this context, on 4th August 2012 the Commission received a request from the French authorities to introduce prior surveillance concerning imports of cars from Korea, based on Article 6(2) of the EU-Korea FTA implementing Regulation. According to the second paragraph of Article 6, prior surveillance measures may be introduced "in the event that there is a surge of imports of products falling into sensitive sectors (including cars) concentrated in one or several Member States".

The request was carefully examined and it was concluded that no measure should be introduced because the legal requirements were not met. Indeed, even if there was a certain increase of imports, there was no indication that such increase was concentrated in one or several Member States.

The Commission remains vigilant and continues its monitoring of Korean imports in the sensitive sectors as required by the regulation mentioned above.

There was no safeguard activity by the EU in 2012 and no measures were in place – Annex L.

9. ENFORCEMENT OF ANTI-DUMPING/COUNTERVAILING MEASURES

Globalisation of trade led to greater possibilities for circumventing or otherwise reducing the effectiveness of anti-dumping and countervailing measures. To address this problem, throughout 2011 the TDI services continued their follow-up activities aimed at ensuring that measures were effectively enforced. In the framework of an integrated approach measures were considered in all their forms - duties and undertakings – and synergy was sought between the TDI services and enforcement-oriented services (OLAF, DG Taxud and customs authorities in Member States).

9.1. Follow-up of measures

The follow-up activities concerning measures in force are centred on four main areas: (1) to pre-empt fraud, by defining risk-related areas, alerting customs authorities and assessing the feedback from customs and economic operators; (2) to monitor trade flows and market developments; (3) to improve the effectiveness with the appropriate instruments (new investigation, interim review, newcomer review, contact with national administrations) and (4) to react to irregular practices by enhancing the co-operation with enforcement-related services (OLAF and national customs) and by initiating anti-absorption or anti-circumvention investigations.

9.2. Monitoring of undertakings

Monitoring of undertakings forms part of the enforcement activities, given that undertakings are a form of AD or CVD measures. They are accepted by the Commission if it is satisfied that they can effectively eliminate the injurious effects of dumping or subsidisation.

At the beginning of 2012, there were 18 undertakings in force. During 2012, the following changes to the portfolio of undertakings took place: undertaking of one company came to an end due to the expiry/repeal of measures. Undertakings of two companies were withdrawn as their monitoring would become unworkable and unpracticable. This brings the total number of undertakings in force at the end of 2012 to 15.

10. REFUNDS

Articles 11(8) and 21(1) of the basic Regulations allow importers to request the reimbursement of the relevant collected duties where it is shown that the dumping/subsidy margin, on the basis of which duties were paid, has been eliminated or reduced to a level below that of the duty in force.

During 2012, 26 new refund requests were submitted. At the end of 2012, 10 investigations were on-going, covering 35 requests. In 2012, 26 Commission Decisions were adopted: 12 granting partial refund and 14 rejecting the refund requests. 8 requests were withdrawn.

11. JUDICIAL REVIEW: DECISIONS GIVEN BY THE COURT OF JUSTICE / COURT OF FIRST INSTANCE

11.1. Overview of the judicial reviews in 2012.

In 2012, the General Court and the Court of Justice rendered 22 judgments in total relating to the areas of anti-dumping or anti-subsidy. 6 of the judgements of the Court of Justice concerned appeals against the General Court.

11.2. Cases pending

A list of the anti-dumping/anti-subsidy cases before the General Court and the Court of Justice still pending at the end of 2012 is given in Annex S (41 before the General Court and 8 before the Court of Justice).

11.3. New cases

23 new cases were lodged in 2012 (compared to 16 in 2011, 13 in 2010, 17 in 2009 and 16 in 2008). 17 of these were lodged before the General Court and 6 before the Court of Justice.

11.4. Judgments rendered by the General Court

In 2012, the General Court rendered 13 judgments relating to the areas of anti-dumping or anti-subsidy. Details of some of the cases are set out below.

11.4.1. Iron or steel fasteners originating in China – T-150/09 Ningbo Yonghong Fasteners Co. Ltd v. Council of the European Union – Judgment of 10 October 2012 (OJ C 366, 24.11.2012, p. 29)

The applicant, a Chinese company which produces and exports iron and steel fasteners to the European Union, sought an annulment of Regulation (EC) No 91/2009 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China ('contested regulation').

In support of its action, the applicant raised three pleas in law concerning different aspects of Market Economy Treatment (MET) assessment under Article 2(7)(b) and (c) of the basic regulation.

First, the applicant alleged infringement of the second subparagraph of Article 2(7)(c) of the basic regulation which provides that a determination whether a producer is operating under market economy conditions shall be made within three months of the initiation of the investigation. It is undisputed that in the present case, the three-month time limit was exceeded. In this regard the Court first established that non-compliance with the three-month time limit does not automatically entail the annulment of the contested regulation and that the three month period is intended, in particular, to ensure that the question whether the producer meets the criteria for MET is not decided on the basis of its effect on the calculation of the dumping margin. It further established that, in the particular circumstances of the present case, characterised by domestic prices of the major input being significantly below prices on other international markets, the failure to comply with the three-month time limit did not enable the Commission to decide whether the applicant should receive MET depending on its effect on the calculation of the dumping margin. Consequently, the first plea was rejected.

In its second plea, the applicant claimed that by concluding that the cost of the major input did not substantially reflect market values within the meaning of Article 2(7)(c) of the basic regulation, the Council made a manifest error of assessment. The Court rejected this plea and confirmed that the institutions did not make any manifest error of assessment in concluding that the prices paid by the applicant for the major input, steel wire rod, did not substantially reflect market values.

The applicant's third plea, alleging a misinterpretation of Article 2(7)(b) and (c) of the basic regulation, can be divided into three parts: the first alleging a breach of the obligation to assess a MET claim at an individual company-specific level, the second alleging infringement of the principle that an unreasonable burden of proof should not be imposed and the third asserting the relevance of adjustments under Article 2(5) of the basic regulation. Under the first part of this plea the applicant in particular argued that country-wide or industry-wide arguments cannot be used for determining the possible grant of MET. Thus, the conclusion that prices of raw materials are distorted because of country-wide government policies affecting the upstream market cannot be used against the applicant. The Court rejected the argument confirming that the institutions can take into account macro-economic considerations in the MET assessment and verify the manner in which the prices of major inputs are determined on the domestic market. The Court further explained that refusal to grant MET cannot be based purely on macro-economic considerations, but must be based on the finding, as in the present case, that the costs of the major inputs of the company in question do not reflect market values. Finally, the Court also rejected the applicant's assertion that the Council's conclusion that the prices paid by the applicant for the major input did not

substantially reflect market values is incompatible with the Commission's finding, in the MET decision, that 'no State interference was found in the company's setting of sales prices or quantities' and that 'there is no direct State interference at the level of [the applicant]'. The Court clarified that those are two separate conditions for obtaining MET and must be examined separately.

Under the second part of the third plea the Court rejected the applicant's allegation that the burden of proof was unreasonable. The Court elaborated that it was for the applicant to adduce evidence demonstrating that the costs of its major input materials reflected market values and, if need be, following the MET decision, that the differences found by the Commission between the prices of raw materials were due to reasons other than State interference. In that context, it was not necessary for the applicant to show that there was no State interference in the upstream industry, but simply that the low purchase prices for raw materials were justified. The Court also rejected the third part of this plea and confirmed that it does not follow from the case law that a company claiming MET should obtain MET if adjusting the costs of production pursuant to Article 2(5) of the basic regulation would make it possible to use company specific data to determine the normal value.

In the light of the above findings the Court dismissed the action. The judgment is currently under appeal.

11.4.2. Iron or steel fasteners originating in China – T-162/09 Adolf Würth GmbH & Co KG (Künzelsau, Germany) and Arnold Fasteners (Shenyang) Co Ltd (Shenyang, China) v. Council of the European Union – Judgment of 19 April 2012 (OJ C 165, 9.6.2012, p. 17–17)

The applicants, a German company Adolf Würth GmbH & Co KG whose main business is international trade of fasteners and assembly material and its subsidiary Arnold Fasteners (Shenyang), exporting producer of fasteners, claimed to be affected by the anti-dumping duties imposed by the Regulation (EC) No 91/2009 on imports of certain iron or steel fasteners originating in the People's Republic of China ('contested regulation') and requested its annulment.

The Court dismissed the action as inadmissible for the reason that none of the applicants is individually and directly concerned by the contested regulation.

The Court considered that according to consistent jurisprudence, Adolf Würth GmbH & Co KG ('Würth') as an independent importer is not individually concerned by a regulation imposing definitive measures. In particular, the Court considered that the facts that Würth cooperated in the investigation and is mentioned in one of the recitals are not sufficient to create right for it to request the annulment of the regulation. The Court considered that Würth's situation (i.e. Würth claimed that it suffered very high costs because a significant part of its imports were concerned by the contested regulation) is not sufficiently different from those of any other importer of the product concerned in the Union.

As for the second applicant, who claimed to be a new exporter, the Court first noted that it did not request to be recognised as such in accordance with Article 11(4) of the basic regulation and that it consequently cannot be considered as such for the purpose of the Court proceeding. The Court also noted that it did not cooperate in the initial investigation because it did not come forward within the set deadlines. Furthermore, if it was not producing the product concerned during the investigation period, its data were not taken into account and it was not

mentioned in the contested regulation. Finally, the applicants never presented evidence that Arnold Fasteners' production which allegedly started after the conclusion of the investigation indeed comprises the product concerned.

Therefore, the Court concluded that Arnold Fasteners is also not individually concerned by the contested regulation. The judgment has not been appealed.

11.4.3. Iron or steel fasteners originating in China – T-170/09 Shanghai Biaowu High-Tensile Fasteners Co. Ltd and Shanghai Prime Machinery Co. Ltd v. Council of the European Union – Judgment of 10 October 2012 (OJ C 366, 24.11.2012, p. 30)

The applicants, Shanghai Prime Machinery Co. Ltd and its subsidiary Shanghai Biaowu High-Tensile Fasteners Co. Ltd ('the applicants'), produce and export fasteners to the European Union. They sought an annulment of Regulation (EC) No 91/2009 which imposed a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China ('the contested regulation'). In support of their action they put forward eight pleas in law, six of which concern the Market Economy Treatment (MET) rejection. Since some of these pleas are very similar to the pleas raised in case T-150/09 summarised above, only the pleas which are different are presented below.

The applicants criticised the institutions' interpretation of the first indent of Article 2(7)(c) of the basic regulation arguing that the requirement that 'costs of major inputs substantially reflect market values' means that account must be taken of the values of the market where the company buys its inputs, that is, in the present case, the price of steel wire rod on the Chinese market. The Court confirmed the Council's interpretation that the expression 'market values' appearing in the first indent of the first subparagraph of Article 2(7)(c) of the basic regulation can only be understood as referring to a market in which the determination of prices is not distorted by State interference.

The applicants further complained that the institutions have misinterpreted Article 2(7)(b) and (c) of the basic regulation by denying MET to the Chinese companies on the ground that their raw material suppliers do not operate under market economy conditions. The Court also held that the institutions in the present case did not err in law in any way in taking into account the fact that the price of the major input, steel wire rod, did not reflect market values. According to the Court, the criterion 'costs of major inputs substantially reflect market values' is completely unambiguous and can only be understood to refer to the market of inputs and not to the market of the product concerned.

The Court also rejected the applicants' argument that in similar circumstances, the MET may only be refused after having initiated an anti-subsidy procedure and that therefore the institutions have infringed the provisions of Regulation No 2026/97. According to the Court such interpretation would render the criterion set in the first indent of the first subparagraph of Article 2(7)(c) of the basic regulation ineffective and must be rejected.

The applicants argued that the institutions should have made due adjustment of the difference of input prices in China and India (the analogue country for this investigation). The Court rejected the claim and observed that the price differences must be established in the context of a single domestic market and not with reference to other markets, such as the Chinese market. The Court further observed that the adjustment may not be used to render Article 2(7)(a) of the basic regulation ineffective.

Finally, the Court rejected the Applicants' pleas alleging violation of statement of reasons and of their rights of defence as unfounded.

In the light of above, the Court dismissed the action. The judgment has not been appealed.

11.4.4. Iron or steel fasteners originating in China – T-172/09 Gem-Year Industrial Co. Ltd and Jinn-Well Auto-Parts v. Council of the European Union – Judgment of 10 October 2012 (OJ C 366, 24.11.2012, p. 30)

The applicants, Gem-Year Industrial Co. Ltd and its subsidiary Jinn-Well Auto-Parts (Zhejiang) Co. Ltd ('the applicants') are Chinese companies which produce and export fasteners to the European Union. They sought an annulment of Regulation (EC) No 91/2009 which imposed a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China ('the contested regulation'). In support of their action they put forward seven pleas in law.

In their first plea the applicants contest the standing, claiming that the complaint was supported by less than 25% of the total Union production of the like product because the Union production was based on the Prodcom data from Eurostat covering only 90% of Union production without taking into account a 10% margin of error. The Court rejected the plea stating explicitly that the institutions were entitled to rely on the statistical data, since it was not possible for them to determine the exact volume of Union production for the like product. Moreover, the Court stated that even taking into account the assessment favoured by the applicants with a 10% margin of error, the fact remains that the representativeness of the complainant is approximately equal to the 25% threshold referred to in Article 5(4) of the basic regulation.

Secondly, the applicants contested the product definition, challenging the very principle of determining a single category made up of 'fasteners' and claiming that the quality differences between the products within that category (in particular between special and standard fasteners) prohibit them being included in the same category. The Court concluded the institutions legitimately included special fasteners in the definition of 'the product concerned', since they took into account the intrinsic cost differences between standard and special fasteners in the dumping calculation. This conclusion was not undermined by the applicants' argument that those products are not interchangeable.

In their third plea, the applicants challenged the injury findings. First, the applicants claimed that the institutions relied solely on a single factor based on the reduction of the Union industry's market share to conclude that a significant injury had been suffered by that industry. The Court concluded that, contrary to what the applicants claim, the institutions did not rely solely on the reduction of the Union industry's market share. Accordingly, and without there being any need to ascertain whether the institutions might have been entitled to establish the occurrence of injury to the Union industry on the basis of a single factor, this part of the plea was rejected as having no factual basis. Second, the Court concluded that there is no contradiction in the grounds of the contested regulation and that the institutions did not make any manifest error of assessment in inferring from the difference in profitability levels between the actual and expected profit margin that significant injury had been suffered by the Union industry.

The fourth and fifth pleas in law concern the interpretation of Article 2(7)(c) of the basic regulation and are similar to the pleas described in cases T-150/09 and T-170/09 above. The

Court rejected both pleas and stated that Article 2(7)(c) of the basic regulation requiring that the ‘costs of major inputs substantially reflect market values’ is completely unambiguous and that therefore it is not possible to interpret it in light of Paragraph 15 of the Protocol on the Accession of the China as requested by the applicants.

The applicants’ sixth plea was rejected because according to the Court the applicants cannot legitimately invoke a breach by the institutions of their duty to examine carefully all relevant aspects of the case if they do not refer in their argument to precise evidence which had been disclosed to the institutions.

Finally, the seventh plea, alleging infringement of Regulation No 2026/97, which is identical to the plea raised in case T-170/09 above, was also rejected.

In the light of the above findings the Court dismissed the action. The judgment is currently under appeal.

11.4.5. Ironing boards originating in the People’s Republic of China produced by Since Hardware (Guangzhou) Co., Ltd - T-156/11 - Since Hardware (Guangzhou) Co., Ltd v Council of the European Union – Judgment of 18 September 2012

The applicant, Since Hardware (Guangzhou) Co., Ltd, sought the annulment of Council Implementing Regulation (EU) No 1243/2010 of 20 December 2010 imposing a definitive anti-dumping duty on imports of ironing boards originating in the People’s Republic of China produced by Since Hardware (Guangzhou) Co., Ltd. following a new investigation limited to one company who was found not to be dumping in the original investigation. The applicant was subject to a duty rate of 35. 8%. The applicant put forward three pleas in law in support of its application.

First the applicant claimed that Articles 5(9), 9(3), 9(6) and 17 of the basic regulation have been breached since a new investigation cannot be opened against a single company but should be opened against one or more countries and all producers therein.

The Court held that the wording of the basic regulation does not prevent the initiation of company-specific investigations especially in circumstances such as the ones of the present case where it was alleged that a producer who was not dumping in the original investigation has started dumping which was causing injury to the Union industry. The Court also confirmed that the Council was allowed to impose anti-dumping duties on the specific company for a period shorter than 5 years so that they can expire at the same time as the original measures. This was deemed permissible in order to avoid any possible discrimination and to allow for a simultaneous review of both the original and the company-specific measures.

Secondly the applicant claimed that Article 3, paragraphs (2), (3) and (5) of the basic regulation have been breached because anti-dumping measures were imposed without having established that the Union industry suffered injury during the investigation period.

The Court upheld the Council's claim that when the EU industry is already protected by anti-dumping measures on imports from the other exporters from the same country, it was reasonable to focus the injury analysis on the relevant injury indicators, as opposed to examining all injury indicators as would be done in a country-wide new investigation.

Finally, the applicant contested the MET findings and claimed breaches of Article 2(7)(c) of the basic regulation and of principles relating to the burden of proof and general principles of law. In particular, the applicant claimed that the decision was taken in accordance with the

effect it might have on the dumping margin in breach of Article 2(7)(c) of the basic regulation given that the Commission had all the information necessary to find out what effect the rejection of MET would have on the dumping margin. In the same context, the applicant claimed that the burden imposed on the applicant to prove that it functions in a market economy was excessive and in breach of general principles of law.

The Court held, in line with its constant jurisprudence, that not all breaches of the deadline in Article 2(7)(c) automatically led to the annulment of the contested regulation. For the contested regulation to be annulled, the applicant must show that had the deadline not been breached, the Council could have adopted a different regulation more favourable to the applicant. The Court also held that it could not be excluded that in certain cases even when the deadline in Article 2(7)(c) was not breached, the Commission still had sufficient information to know what the impact of the MET determination would have been on the dumping margin of a company. In this case the Commission was able to know the effect of the MET determination on the dumping margin before the expiry of the deadline since it had all the necessary data in its possession. Finally, the Court rejected the applicant's claim that the burden imposed on the applicant to prove that it functions in a market economy was excessive because the applicant could not prove that the steel market in China was not subject to significant state interference. It reaffirmed that the burden of proof lies with the company claiming MET.

In the light of the above findings, the Court dismissed the action. The judgment has not been appealed.

11.4.6. Certain polyethylene terephthalate originating in Iran, Pakistan and the United Arab Emirates – T-555/10 – JBF RAK LLC v Council of the European Union – Judgment of 24 May 2012

The applicant, JBF RAK LLC, sought the annulment of Council Implementing Regulation (EU) No 857/2010 of 27 September 2010 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain polyethylene terephthalate originating in Iran, Pakistan and the United Arab Emirates, applying to the applicant a duty of EUR 42.34 per tonne of polyethylene terephthalate. The applicant relied on four pleas in support of its action.

In its first plea, the applicant alleged that the Council violated Article 15(1) of the basic anti-subsidy regulation insofar as it disregarded the fact that imports of raw materials consigned from the Kingdom of Saudi Arabia were not subject to import duties and, thus, erred in calculating the subsidy margin. In particular the applicant claimed that the Council did not take into consideration the existence of a customs union between the Gulf Cooperation Council (GCC) members and the impact of such customs union on the amount of countervailable subsidies. In its second plea, the applicant alleged that the Council violated Article 30(5) of the basic anti-subsidy regulation insofar as it refused to take into account certain representations made by the applicant. In its third plea, the applicant alleged that the Council violated Article 11(8) of the basic anti-subsidy regulation insofar as it failed to examine the accuracy of the information presented. In its last plea the applicant alleged that the Council violated the principle of sound administration insofar as it adopted the contested regulation without taking into consideration all the information available to it.

The Court dismissed the first two pleas since the documentation submitted by the applicant to demonstrate that the transactions from the Saudi Arabian supplier were of Saudi Arabian origin did not contain the original documents, some were not submitted even in copy, contained contradictions and were submitted at a very late stage of the administrative procedure. The Court considered that the Commission and the Council were entitled to

conclude, without making an error of assessment, that the evidence did not show that the raw material purchased had been imported duty free and therefore the applicant did not show that there were errors in the Council's calculation of the amount of countervailable subsidy.

As regards the third plea, the Court held that Article 11(8) did not prevent the Commission from verifying the information in the way it deems most appropriate and not solely by means of a verification visit. It further held that, contrary to what the applicant claimed, it was not apparent from the contested regulation that the information and evidence were rejected on the mere ground that they had been submitted after the verification visit. Since the verification visit had already taken place when those comments were submitted to the Commission, the Commission examined whether they were borne out by the documents which it already had at its disposal and by the new evidence annexed to those new comments. On this basis it concluded that the evidence was insufficient, incomplete and contradictory. Therefore, the Commission and the Council fulfilled the obligation under Article 11(8) of the basic anti-subsidy regulation. On the basis of the arguments relating to the first three pleas, the Court rejected the last plea.

In the light of the above findings, the Court dismissed the action. The judgment has not been appealed.

11.4.7. Certain polyethylene terephthalate originating in Iran, Pakistan and the United Arab Emirates – T-556/10 – Novatex Ltd v Council of the European Union – Judgment of 11 October 2012

The applicant, Novatex Ltd, sought the annulment of Council Implementing Regulation (EU) No 857/2010 of 27 September 2010 imposing a definitive countervailing duty and collecting definitely the provisional duty imposed on imports of certain polyethylene terephthalate originating in Iran, Pakistan and the United Arab Emirates, applying to the applicant a duty of EUR 42.02 per tonne of polyethylene terephthalate. The applicant relied on two pleas in support of its action.

In its first plea the applicant alleged that the Council violated Article 3 of the basic anti-subsidy regulation, interpreted in accordance with the relevant provision of the WTO Agreement on Subsidies and Countervailing Measures, by erroneously concluding that the Final Tax Regime (FTR) which applied to revenue arising from the sale of exported products was a scheme which foregone government revenue and, consequently, constituted a financial contribution and that the FTR invariably conferred benefit to the applicant. In particular, it maintained that the Council failed to take into account the assessment order issued by the Deputy Commissioner of income tax concerning the revision of its tax declaration for 2008. That revision involved a modification of the amount shown in line 74 of its income tax declaration of the amount of the net export profit and led to the conclusion that it would not have paid tax if the said net export profits had been subject to the NTR.

The Court held that Article 3(1) of the basic anti-subsidy regulation must be interpreted as meaning that the FTR must be assessed by reference to a relevant normative benchmark. In this case, the Court concluded that the relevant normative benchmark in order to assess whether the FTR constituted a financial contribution was the Normal Tax Regime (NTR) which was applicable to revenue arising from the sale of products on the national market. In reaching this conclusion, the Court relied on the WTO Appellate Body's view that it was necessary to compare what was legitimately comparable. The Court found that the tax regime on revenue from domestic sales of a product and that from export sales of the same product appear to be legitimately comparable. The fact that the method of levying the tax (retrospectively in the case of the NTR, at source in the case of the FTR) and the basis of the assessment (35% of the profit on domestic sales in the case of the NTR, 1% of export sales

turnover in the case of the FTR) were different did not mean that the two taxation regimes could not be compared. What sufficed was that the comparison was legitimate. Possible differences between the tax regimes on the basis of those two factors did not however in themselves suffice to render any comparison between those regimes illegitimate. Otherwise, the provisions of the basic anti-subsidy regulation and the Agreement on Subsidies and Countervailing Measures might be easily circumvented by creating different systems of taxation on those bases alone. Moreover, the possibility that the FTR could have given rise to a higher tax than that which the undertaking would have paid under the NTR in the case where the undertaking suffered losses on its export sales but had a very high turnover but a reduced profit margin was irrelevant. Article 3(1) of the basic anti-subsidy regulation did not have to be interpreted as requiring the institutions to envisage all hypotheses of application of the measure in question and that they could not conclude that a subsidy exists where, on one of the hypotheses, the measure concerning export sales did not give rise to a tax lower than that levied under the regime for domestic sales. What mattered was that the measure in question actually established a countervailing subsidy during the investigation period. However, the Court considered that the Commission and the Council should have taken into account the fact that line 74 of the 2008 tax return had been revised following the assessment of the Deputy Commissioner of income tax and the confirmatory decision of the Commissioner of income tax.

In its second plea the applicant alleged that the Council violated Articles 3(2) and 6(b) of the basic anti-subsidy regulation, interpreted in accordance with the relevant provision of the WTO Agreement on Subsidies and Countervailing Measures, by using the applicable commercial rate prevailing during the investigation period, as found on the State Bank of Pakistan website, rather than the commercial rate prevailing at the time the loan was contracted by the applicant.

The Court held that it could not be inferred either from Article 6(4) of the basic anti-subsidy regulation or from Article 14 of the Agreement on Subsidies and Countervailing Measures or from the decision-making practice of the WTO that the appropriate interest rate should have been the rate available on the market at the time when the loans were contracted. The Court further held that in the circumstances of a loan granted by the public authorities in the form of a system of flexible financing (characterised by the possibility for the recipient of the loan to borrow the whole or part of the sum placed at its disposal when it wished and in accordance with its needs) which applied in particular during the investigation period, it was in conformity with Article 6(b) of the basic anti-subsidy regulation to consider that the commercial interest rate which must have been taken into account was that in force during the investigation period rather than the rate in force at the time when the system of flexible financing was contracted. It thus dismissed the second plea.

The Court annulled Article 1 of the contested regulation in so far as it concerned the applicant and in so far as the definitive countervailing duty for imports of certain types of polyethylene terephthalate into the European Union exceeded that applicable in the absence of the error concerning the amount indicated in line 74 of the 2008 tax return.

The judgment has not been appealed.

11.5. Judgments rendered by the Court of Justice

In 2012, the Court of Justice rendered 9 judgments relating to the area of anti-dumping. 6 of those judgments concerned appeals against the judgments of the General Court. In addition the Court of Justice rendered 3 judgments in reply to requests for a preliminary ruling. Details of some of the cases are set out below.

11.5.1. Certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China – C-338/10 GLS Grünwald Logistik Service GmbH– Judgment of 22 March 2012 (OJ C 133, 5.5.2012, p. 5)

Grünwald Logistik Service GmbH, an importer of preserved mandarins from China into the European Union, brought an action before the national court in Germany ('Finance Court, Hamburg'), contesting the validity of Council Regulation (EC) No 1355/2008 of 18 December 2008 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain prepared or preserved citrus fruits (namely mandarins, etc. 'product concerned') originating in the People's Republic of China ('definitive regulation'). The national court stayed the proceedings and referred the question about the validity of the definitive regulation to the Court of Justice for a preliminary ruling.

The Finance Court, Hamburg asked, in essence, whether the definitive regulation is invalid inasmuch as the Commission determined the normal value of the product concerned on the basis of the prices actually paid or payable for a like product in the European Union, without taking all the requisite care to determine that value on the basis of the prices paid for that same product in a market economy third country, contrary to Article 2(7)(a) of the basic regulation.

The Court held that Eurostat statistics available at the time of the investigation suggest that products similar to the product concerned are produced in market economy third countries in quantities which are not insignificant. Therefore, it was the duty of the Commission to examine on its own initiative whether one of those countries could constitute an analogue country for the purposes of Article 2(7)(a) of the basic regulation.

The Court clarified that the Commission was not entitled to confine itself to sending a single questionnaire to two Thai companies and conclude, because they did not reply, that it was impossible to determine the normal value on the basis of prices charged in a market economy third country. The Thai companies' refusal to cooperate therefore in no way relieved the Commission of the task of examining the relevant data relating to other market economy third countries.

The objective of Article 2(7)(a) of the basic regulation of seeking to find an analogue country where the price for a like product is formed in circumstances which are as similar as possible to those in the country of export would be jeopardised if the concept of 'reliable information made available', within the meaning of Article 2(7)(a) of the basic regulation, were restricted to information provided by the complainant in its complaint or to the information supplied subsequently by the parties concerned in the context of the investigation. The Commission has an obligation to consider on its own initiative all the information available.

The Court also noted that the definitive regulation simply states that calculating the normal value on the basis of prices in the Union was the only reasonable basis, and fails to set out the grounds on which none of the market economy third countries, other than Thailand, could be selected as an analogue country, from which it is apparent that the Union institutions failed to examine with due care the information to be obtained from the data of the Eurostat statistics.

On those grounds the Court ruled that the definitive regulation is invalid.

11.5.1. Steel wire ropes and cables originating in India – C-552/10 P Usha Martin Ltd– Judgment of 22 November 2012 (OJ C 26, 26.1.2013, p. 2)

The appellant, Usha Martin Ltd, a company governed by Indian law which manufactures steel wire ropes and exports them, inter alia, to the European Union, asked the Court of Justice to set aside the judgment of the General Court of the European Union in Case T-119/06 Usha Martin v. Council and Commission ('the judgment under appeal'), by which the General Court dismissed the action for annulment of Commission Decision 2006/38/EC of 22 December 2005 amending Decision 1999/572/EC accepting undertakings offered in connection with the anti-dumping proceedings concerning imports of steel wire ropes and cables originating, inter alia, in India, and Council Regulation (EC) No 121/2006 of 23 January 2006 amending Regulation (EC) No 1858/2005 imposing a definitive anti-dumping duty on imports of steel ropes and cables originating, inter alia, in India (OJ 2006 L 22, p. 1). By its single ground of appeal, the appellant submitted that the General Court was wrong to hold that breach of an undertaking is in itself sufficient to trigger its withdrawal and that, since such withdrawal was equivalent to the imposition per se of anti-dumping duties, to which the principle of proportionality does not apply, it follows that the lawfulness of the withdrawal of acceptance of an undertaking cannot, as such, be called into question by reference to that principle.

The Court held that it is apparent from the judgment under appeal that the appellant never contested the Commission's finding that it had (i) failed to report to the Commission the sales of the product concerned that were not covered by the undertaking and (ii) included in Undertaking Invoices sales of the product concerned not covered by the undertaking. The General Court was therefore entitled to find that the appellant had failed to comply with the terms of the undertaking. The Court ruled that given that it is common ground between the parties that the appellant failed to comply with its undertaking as regards both its obligation to submit quarterly reports on sales of the product concerned not covered by the undertaking and its obligation not to issue Undertaking Invoices for products not covered by the undertaking and, as a consequence, the assessment as to whether there had been a breach of a primary obligation attaching to the undertaking cannot be regarded as incorrect, the Commission was entitled to withdraw acceptance of the undertaking and did not, in so doing, infringe the principle of proportionality. That being so, the Commission was also required, under Article 8(9) of the basic regulation, to impose a definitive anti-dumping duty on the appellant.

Consequently, the Court dismissed the appeal.

11.5.2. Glyphosate originating in the People's Republic of China – C-337/09 P Council v. Zhejiang Xinan – Judgment of 19 July 2012 (OJ C 295, 29.9.2012, p. 2)

The Council sought to set aside the judgment of 17 June 2009 in Case T-498/04 Zhejiang Xinan Chemical Industrial Group v. Council, ('the judgment under appeal') by which the General Court had annulled the Council Regulation (EC) No 1683/2004 of 24 September 2004 imposing a definitive anti-dumping duty on imports of glyphosate originating in the People's Republic of China ('the contested regulation'), in so far as it concerns Zhejiang Xinan Chemical Industrial Group Co. Ltd ('Xinanchem').

The Court of Justice confirmed the ruling of the General Court. It considered that the mere fact that the State held the biggest block of shares in the company and the State shareholder appointed the Board of Directors, most of whom were State or State-linked officials by itself

cannot be equated to 'significant State interference' required under the first Market Economy Treatment (MET) criterion as laid down in Article 2(7)(c) first indent of the basic regulation. The Court of Justice also confirmed that the Commission and the Council are entitled to take account of the fact that Xinanchem is State-controlled in terms of company law in their assessment. Furthermore, according to the Court, in the context of a non-market economy country, the fact that a company established in that country is de facto controlled by State shareholders raises serious doubts as to whether the company's management is sufficiently independent of the State to be able to take decisions regarding prices, costs and inputs autonomously and in response to market signals. Moreover, the Court stated that even if a company has taken decisions in response only to market signals, if the State had interfered with the operation of market forces, e.g. if it interfered directly with the price of raw materials or labour, this would preclude the granting of MET to the company in question.

However, although the burden of proof that it operates under market economy conditions falls on the producer, the Council and the Commission are required to examine evidence submitted by the producer in order to determine whether that evidence is sufficient to show that the producer satisfies conditions set in Article 2(7)(c) of the basic regulation.

Finally, the Court of Justice also upheld the General Court's finding that there was no evidence that the export price stamping mechanism by the China Chamber of Commerce Metals, Minerals & Chemicals Importers and Exporters (CCCIMC) (a prerequisite of exporting) had been imposed by the State, but rather that the price was set by glyphosate producers who were members of the CCCIMC and that it had not entailed any actual restriction on Xinanchem's exports. It could thus not amount to significant State interference.

In the light of the above, the Court of Justice dismissed the appeal.

12. ACTIVITIES IN THE FRAMEWORK OF THE WORLD TRADE ORGANIZATION (WTO)

12.1. Dispute settlement in the field of anti-dumping, anti-subsidy and safeguards

12.1.1. Overview of the WTO dispute settlement procedure

The WTO provides for a rigorous procedure for the settlement of disputes between WTO Members concerning the application of the WTO agreements. The procedure is divided into two main stages. The first stage, at the level of the WTO Members concerned, consists of a bilateral consultation. Upon failure of the consultation, the second stage can be opened by requesting the WTO Dispute Settlement Body to establish a panel. WTO Members, other than the complaining and defending party, with an interest in a given case, can intervene as "third parties" before the panel. The panel issues a report, which can be appealed before the Appellate Body (AB) (each appeal being heard by three members of a permanent seven-member body set up by the Dispute Settlement Understanding). Both the panel report and the report by the Appellate Body are adopted by the Dispute Settlement Body (DSB) unless the latter rejects the report by unanimity.

The findings of a panel or Appellate Body report have to be implemented by the WTO Member whose measures have been found to be inconsistent with the relevant WTO Agreements. If the complaining WTO Member is not satisfied with the way the reports are implemented, it can ask for the establishment of a so-called "implementation panel". Here too, appeal against the findings of the panel is possible.

It should be noted that the anti-dumping, anti-subsidy and safeguards measures are among the most popular subject matters in WTO dispute settlement.

12.1.2. Dispute settlement procedures against the Union

European Union — Anti-Dumping Measures on Imports of Certain Fatty Alcohols from Indonesia (DS442)

On 27 July 2012, Indonesia requested consultations with the European Union with respect to the imposition of definitive and provisional anti-dumping measures by the European Union on the importation of fatty alcohols and with respect to certain aspects of the investigation underlying these measures.

In May 2013, Indonesia requested the establishment of a panel. At its meeting on 24 May 2013, the DSB deferred the establishment of a panel.

At its meeting on 25 June 2013, the DSB established a panel. India, Korea and the United States reserved their third party rights. Subsequently, Malaysia, Thailand and Turkey reserved their third party rights.

12.2. Other WTO activities

The Negotiating Group on Rules held a formal meeting on 29 February 2012. The sole purpose of the meeting was to confirm the appointment of H.E. Mr. Wayne McCook (Jamaica) the Chairperson-Designate by the Group.

Subsequently, the Technical Group, a subgroup of the negotiating group, was convened twice (in February and April 2012).

In parallel to these activities, participation by the Commission services in the regular work of the Anti-dumping, Subsidies and Countervailing and Safeguards Committees continued. The Committees met twice in regular sessions to review notifications and raise issues of special interest. In the Subsidies and Countervailing Committee meetings the EU's New and full subsidy notification which had been made in 2011 continued to be reviewed. This involved addressing many questions raised by other WTO members on the substance of the notification, which covered all subsidies granted at EU level as well as by the EU's Member States. The informal technical group on Anti-dumping met a number of times during 2012.

13. CONCLUSION

Overall the level of activity in 2012 over 2011 decreased when based on the initiation of new cases – 19 as compared to 21. While there was a drop in the number of anti-dumping cases initiated over the previous year of almost a quarter, the number of anti-subsidy cases increased by a half from 4 to 6. There was also a slight decrease in the number of cases terminated without the imposition of measures down 2 to 9 in 2011. 2012 saw the number of reviews initiated increase significantly from 24 in 2011 to 37 in 2012. 2012 saw a large increase also in the number of anti-circumvention cases initiated from 3 the previous year to 13 in 2012. As with the previous year's reporting there was no safeguard activity in the EU.

The Modernisation of the Trade Defence instruments exercise, which had been launched in the autumn of 2011 continued during 2012. The work focussed on developing the Commission's proposal by drawing on the results of a public consultation as well as an evaluation study on the EU's trade defence as well as the Commission's own experience in administering the instruments.

The TDI services also continued their information role through organising seminars aimed at third country officials and held a number of bilateral contacts with industry.

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ANNEX A

New investigations initiated during the period 1 January – 31 December 2012

A. Anti-dumping investigations (chronological by date of publication)

Product	Country of origin	OJ Reference
Ceramic tableware	P.R. China	C 44 16.02.2012 p. 22
Threaded tube or pipe cast fittings, of malleable cast iron	P.R. China Thailand Indonesia	C 44 16.02.2012 p. 33
Welded tubes, pipes and hollow profiles of square or rectangular cross-section, of iron other than cast iron or steel other than stainless	F.Y.R.O.M. Turkey Ukraine	C 96 31.03.2012 p. 13
Stainless steel wires	India	C 240 10.08.2012 p. 6
Biodiesel	Argentina Indonesia	C 260 29.08.2012 p. 8
Solar panels (crystalline silicon photovoltaic modules and key components)	P.R. China	L 269 06.09.2012 p. 5
Stainless steel tube and pipe butt-welding fittings	P.R. China Taiwan	C 342 10.11.2012 p. 2

B. Anti-subsidy investigations (chronological by date of publication)

Product	Country of origin	OJ Reference
Organic coated steel	P.R. China	C 52 22.02.2012 p. 4
Bicycles	P.R. China	C 122 27.04.2012 p. 9
Stainless steel wires	India	C 240 10.08.2012 p. 15
Solar panels (crystalline silicon photovoltaic modules and key components)	P.R. China	C 340 08.11.2012 p. 13
Biodiesel	Argentina Indonesia	C 342 10.11.2012 p. 12

ANNEX B**A. New investigations initiated by product sector during the period
2008 – 2012**

Product sector		2008	2009	2010	2011	2012
Chemical and allied		0	9	7	11	-
Textiles and allied		-	3	-	-	-
Wood and paper		-	-	2	-	-
Electronics		-	1	2	-	2
Other mechanical engineering		1	1	1	1	1
Iron and Steel		11	4	3	6	11
Other metals		5	1	-	1	-
Other		3	2	3	2	5
		20	21	18	21	19
Of which	anti-dumping	18	15	15	17	13
	anti-subsidy	2	6	3	4	6

**B. New investigations initiated by country of export during the period
2008 – 2012**

Country of origin	2008	2009	2010	2011	2012
Argentina	0	0	0	0	2
Armenia	1	-	-	-	-
Australia	-	-	-	-	-
Belarus	1	-	-	1	-
Bosnia & Herzegovina	-	-	1	-	-
Brazil	1	-	-	-	-
China (People's Republic of)	6	7	10	8	7
Croatia	-	-	-	-	-
Egypt	-	-	-	-	-
Guatemala	-	-	-	-	-
Hong Kong	-	-	-	-	-
India	-	2	3	3	2
Indonesia	-	-	1	-	3
Iran	-	2	-	-	-
Japan	-	-	-	-	-
Kazakhstan	-	-	-	1	-
Korea (Rep. of)	1	1	-	-	-
F.Y.R.O.M.	-	-	-	-	1
Malaysia	-	2	1	-	-
Moldova (Rep. of)	1	-	-	-	-
Norway	-	-	-	-	-
Oman	-	-	-	2	-
Pakistan	-	2	-	-	-
Philippines	-	-	-	-	-
Russia	-	-	-	1	-
Saudi Arabia	-	-	-	2	-

Country of origin	2008	2009	2010	2011	2012
South Africa	-	-	-	-	-
Taiwan	1	1	-	-	1
Thailand	1	2	1	-	1
Turkey	2	-	-	1	1
Ukraine	1	-	-	-	1
U.A.E.	-	2	-	-	-
U.S.A.	4	-	1	2	-
Vietnam	-	-	-	-	-
	20	21	18	21	19

ANNEX C

New investigations concluded by the imposition of provisional duties during the period 1 January - 31 December 2012

A. Anti-dumping investigations (chronological by date of publication)

Product	Country of origin	Regulation N°	OJ Reference
Aluminium radiators	P.R. China	Commission Regulation (EU) No 402/2012 10.05.2012	L 124 11.05.2012 p. 17
Tube and pipe fitting, of iron or steel	Russia Turkey	Commission Regulation (EU) No 699/2012 30.07.2012 corrected by L 250, 15.09.2012, p. 20	L 203 31.07.2012 p. 37
Aluminium Foil in small rolls	P.R. China	Commission Regulation (EU) No 833/2012 17.07.2012	L 251 18.09.2012 p. 29
Organic coated steel products	P.R. China	Commission Regulation (EU) No 845/2012 18.07.2012	L 252 19.09.2012 p. 33
Threaded tube or pipe cast fittings, of malleable cast iron	P.R. China Thailand	Commission Regulation (EU) No 1071/2012 14.11.2012	L 318 15.11.2012 p. 10
Ceramic tableware and kitchenware	P.R. China	Commission Regulation (EU) No 1072/2012 14.11.2012	L 318 15.11.2012 p. 28

B. Anti-subsidy investigations (chronological by date of publication)

Product	Country of origin	Regulation N°	OJ Reference
Stainless steel fasteners and parts thereof	India	Commission Regulation (EU) No 115/2012 09.02.2012	L 38 11.02.2012 p. 6

ANNEX D

New investigations concluded by the imposition of definitive duties during the period 1 January – 31 December 2012

A. Anti-dumping investigations (chronological by date of publication)

Product	Country of origin	Regulation N°	OJ Reference
Oxalic acid	P.R. China India	Council Impl. Reg. (EU) No 325/2012 12.04.2012	L 106 18.04.2012 p. 1
Aluminium radiators	P.R. China	Council Impl. Reg. (EU) No 1039/2012 29.10.2012	L 310 09.11.2012 p. 1

B. Anti-subsidy investigations (chronological by date of publication)

Product	Country of origin	Regulation N°	OJ Reference
None			

ANNEX E**New investigations terminated without the imposition of measures
during the period 1 January - 31 December 2012****A. Anti-dumping investigations (chronological by date of publication)**

Product	Country of origin	Decision N°	OJ Reference
Vinyl acetate	U.S.A.	Commission Dec. No 2012/24/EU 11.01.2012	L 8 12.01.2012 p. 36
Stainless steel fasteners and parts thereof	India	Commission Dec. No 2012/163/EU 22.03.2012	L84 23.03.2012 p. 36
Sodium cyclamate	P.R. China	Commission Dec. No 2012/185/EU 04.04.2012	L 99 05.04.2012 p.33
Seamless pipes and tubes, of iron or steel	Belarus	Commission Dec. No 2012/247/EU 08.05.2012	L 121 08.05.2012 p. 36
Certain woven and/or stitched glass fibre fabrics	P.R. China	Commission Dec. No 2012/265/EU 22.05.2012	L 131 22.05.2012 p. 7
Tartaric acid	P.R. China	Commission Dec. No 2012/289/EU 04.06.2012	L 144 05.06.2012 p. 43
Soy protein	P.R. China	Commission Dec. No 2012/343/EU 27.06.2012	L 168 28.06.2012 p. 38

B. Anti-subsidy investigations (chronological by date of publication)

Product	Country of origin	Decision N°	OJ Reference
Certain stainless steel fasteners and parts thereof	India	Commission Dec. No 2012/278/EU 24.05.2012	L 134 24.05.2012 p. 31
Bioethanol	USA	Commission Dec. No 2012/825/EU 20.12.2012	L 352 21.12.2012 p. 70

ANNEX F**Expiry reviews initiated or concluded
during the period 1 January - 31 December 2012
(chronological by date of publication)**

Initiated		
Product	Country of origin	OJ Reference
Ethanolamines	U.S.A.	C 18 21.01.2012 p. 16
Polyethylene terephthalate (PET)	India Indonesia Malaysia Taiwan Thailand	C 55 24.02.2012 p. 4
Polyethylene terephthalate (PET)	India	C 55 24.02.2012 p. 14
Tungsten electrodes	P.R. China	C 71 09.03.2012 p. 23
Ironing boards	P.R. China Ukraine	C 120 25.04.2012 p. 9
Sweet corn	Thailand	C 175 19.06.2012 p.22
Peroxosulphates (Persulphates)	P.R. China	C 305 10.10.2012 p. 15
Iron or steel ropes and cables	Russia	C 330 27.10.2012 p. 5
Dicyandiamide (DCD)	P.R. China	C 349 15.11.2012 p. 10

Concluded: confirmation of duty			
Product	Country of origin	Regulation/Decision N°	OJ Reference
Stainless steel fasteners and parts thereof	P.R. China Taiwan	Council Impl. Reg. (EU) No 2/2012 04.01.2012	L 5 07.01.2012 p. 1
Steel ropes and cables	P.R. China Ukraine Morocco (ext.) Moldova (ext.) Korea (Rep. of) (ext.)	Council Impl. Reg. (EU) No 102/2012 27.01.2012	L 36 09.02.2012 p. 1
Tartaric acid	P.R. China	Council Impl. Reg. (EU) No 349/2012 24.04.2012	L 110 24.04.2012 p. 3
Seamless pipes and tubes, of iron or steel	Russia Ukraine	Council Impl. Reg. (EU) No 585/2012 26.06.2012	L 174 04.07.2012 p. 5
Lever arch mechanisms	P.R. China	Council Impl. Reg. (EU) No 796/2012 30.08.2012	L 238 04.09.2012 p. 5
Chamois leather	P.R. China	Council Impl. Reg. (EU) No 1153/2012 03.12.2012	L 334 06.12.2012 p. 31

Concluded: termination and repeal of the measures			
Product	Country of origin	Regulation/Decision N°	OJ Reference
Steel ropes and cables	South Africa	Council Impl. Reg. (EU) No 102/2012 27.01.2012	L 36 09.02.2012 p. 1
(Tartaric acid ²⁶)	P.R. China	Council Impl. Reg. (EU) No 332/2012 13.04.2012	L 108 20.04.2012 p. 1)
Seamless pipes and tubes, of iron or steel	Croatia	Council Impl. Reg. (EU) No 585/2012 26.06.2012	L 174 04.07.2012 p. 5
Plastic sacks and bags	P.R. China	Council Impl. Reg. (EU) No 627/2012	L 182 13.07.2012

²⁶ Exclusion from the definitive anti-dumping measures, limited to Hangzhou Bioking Biochemical Engineering Co., Ltd.,) thus also from the scope of an on-going expiry review of those measures. No conclusion of the expiry review.

Concluded: termination and repeal of the measures			
Product	Country of origin	Regulation/Decision N°	OJ Reference
	Thailand	10.07.2012	p. 6

ANNEX G

**Interim reviews initiated or concluded
during the period 1 January - 31 December 2012
(chronological by date of publication)**

Initiated		
Product	Country of origin	OJ Reference
Hand pallet trucks and their essential parts	P.R. China	C 41 14.02.2012 p. 14
Bicycles	P.R. China	C 71 09.03.2012 p. 10
Ethanolamines	U.S.A.	C 103 11.04.2012 p.8
Ironing boards	Ukraine	C 166 12.06.2012 p. 3
Stainless steel bars and rods (AS)	India	C 239 09.08.2012 p. 2

Concluded: amendment of duty			
Product	Country of origin	Regulation/Decision N°	OJ Reference
Polyethylene terephthalate (PET) film	India	Council Impl. Reg. (EU) No 13/2012 06.01.2012	L 8 12.01.2012 p. 17
Sodium cyclamate	P.R. China	Council Impl. Reg. (EU) No 398/2012 07.05.2012	L 124 11.05.2012 p. 1
Tartaric acid	P.R. China	Council Impl. Reg. (EU) No 626/2012 26.06.2012	L 182 13.07.2012 p. 1
Seamless pipes and tubes, of iron or steel	Ukraine	Council Impl. Reg. (EU) No 795/2012 28.08.2012	L 238 04.09.2012 p. 1
PSC wires and strands	P.R. China	Council Impl. Reg. (EU) No 986/2012 22.10.2012	L 297 26.10.2012 p.1
Seamless steel pipes, of iron or steel	Russia	Council Impl. Reg. (EU) No 1269/2012 21.12.2012	L 357 28.12.2012 p. 1

Concluded: termination without amendment of duty			
Product	Country of origin	Regulation/Decision N°	OJ Reference
Ferro-silicon	Russia	Council Impl. Reg. (EU) No 60/2012 16.01.2012	L 22 25.01.2012 p. 1
Polyethylene terephthalate (PET)	India	Council Impl. Reg. (EU) No 559/2012 26.06.2012	L 168 28.6.2012 p. 6
Polyethylene terephthalate (PET)	India	Council Impl. Reg. (EU) No 560/2012 26.06.2012	L 168 28.06.2012 p. 14
Plastic sacks and bags	P.R. China	Council Impl. Reg. (EU) No 627/2012 10.07.2012	L 182 13.07.2012 p. 6

Concluded: termination and repeal of measures			
Product	Country of origin	Regulation/Decision N°	OJ Reference
Furfuraldehyde	P.R. China	Council Impl. Reg. (EU) No 541/2012 21.06.2012	L 165 26.06.2012 p. 4

ANNEX H

Other reviews initiated or concluded during the period 1 January - 31 December 2012 (chronological by date of publication)

Initiated		
Product	Country of origin	OJ Reference
Ironing boards ²⁷	P.R. China	C 63 02.03.2012 p. 10
Iron or steel fasteners ²⁸	P.R. China	C 160 06.06.2012 p. 19
Citrus fruits ²⁹	P.R. China	C 175 19.06.2012 p. 19
Ethanolamines ³⁰	USA	C 314 18.10.12 p. 12

Concluded: confirmation/amendment of duty			
Product	Country of origin	Regulation/Decision N°	OJ Reference
Ceramic tiles ³¹	P.R. China	Council Impl. Reg. (EU) No 567/2012 26.06.2012	L 169 29.06.2012 p. 11
Iron or steel fasteners ²	P.R. China	Council Impl. Reg. (EU) No 924/2012 04.10.2012	L 275 10.10.2012 p. 1
Ironing boards ⁵	P.R. China	Council Impl. Reg. (EU) No 987/2012 22.10.2012	L 297 26.10.2012 p. 5

ANNEX I

New exporter reviews initiated or concluded during the period 1 January - 31 December 2012 (chronological by date of publication)

A. Anti-dumping investigations

²⁷ partial reopening (Case T-274/07, judgment of the General Court of the European Union of 8 November 2011)

²⁸ review based on the WTO enabling Regulation (following the recommendations and rulings adopted by the Dispute Settlement Body of the World Trade Organisation on 28 July 2011 in the EC - Fasteners dispute (DS397))

²⁹ partial reopening (Case C-338/10, judgment of the European Court of Justice of 8 November 2011)

³⁰ partial reopening (Case T-188/10, judgment of the General Court of the European Union of 8 May 2012)

³¹ New Exporting Producer Treatment

Initiated			
Product	Country of origin (consigned from)	Regulation/Decision N°	OJ Reference
Polyethylene terephthalate (PET)	Taiwan	Council Reg. (EU) No 653/2012 17.07.2012	L 188 18.07.2012 p. 8

Concluded: imposition/amendment of duty			
Product	Country of origin (consigned from)	Regulation/Decision N°	OJ Reference
Steel ropes and cables	P.R. China (Korea (Rep. of))	Council Impl. Reg. (EU) No 558/2012 26.06.2012	L 168 28.06.2012 p. 3
Iron or steel fasteners	P.R. China (Malaysia)	Council Impl. Reg. (EU) No 693/2012 25.07.2012	L 203 31.07.2012 p. 23

Concluded: termination			
Product	Country of origin (consigned from)	Regulation/Decision N°	OJ Reference
None			

B. Anti-subsidy investigations ("accelerated" investigations)

Initiated			
Product	Country of origin (consigned from)	Regulation/Decision N°	OJ Reference
None			

Concluded: imposition/amendment of duty			
Product	Country of origin (consigned from)	Regulation/Decision N°	OJ Reference
None			

Concluded: termination			
Product	Country of origin (consigned from)	Regulation/Decision N°	OJ Reference
None			

ANNEX J**Anti-absorption investigations initiated or concluded
during the period 1 January - 31 December 2012
(chronological by date of publication)**

Initiated			
Product	Country of origin	OJ Reference	
None			

Concluded with increase of duty			
Product	Country of origin	Regulation/Decision N°	OJ Reference
None			

Concluded without increase of duty / termination			
Product	Country of origin	Regulation/Decision N°	OJ Reference
None			

ANNEX K**Anti-circumvention investigations initiated or concluded
during the period 1 January - 31 December 2012
(chronological by date of publication)**

Initiated			
Product	Country of origin (consigned from)	Regulation/Decision N°	OJ Reference
Open mesh fabrics of glass fibres	P. R. China (Thailand Taiwan)	Commission Reg. (EU) No 437/2012 23.05.012	L 134 24.05.2012 p. 12
Stainless steel fasteners and parts thereof	P. R. China (Thailand, Malaysia, Philippines)	Commission Reg. (EU) No 502/2012 13.06.2012	L 153 14.06.2012 p. 8
Lighters	P. R. China (Vietnam)	Commission Reg. (EU) No 548/2012 25.06. 2012	L 165 26.06.2012 p. 37
Silicon metal (silicon)	P. R. China (Taiwan)	Commission Reg. (EU) No 596/2012 05.07. 2012	L 176 06.07.2012 p. 50
Bicycles	P. R. China (Indonesia, Malaysia, Sri Lanka, Tunisia)	Commission Reg. (EU) No 875/2012 25.09. 2012	L 258 26.09.2012 p. 21
Aluminium foil in big rolls	P. R. China	Commission Reg. (EU) No 973/2012 22.10. 2012	L 293 23.10.12 p. 28
Molybdenum wires	P. R. China	Commission Reg. (EU) 1236/2012 19.12. 2012	L 350 20.12.2012 p. 51

Concluded with extension of duty			
Product	Country of origin (consigned from)	Regulation/Decision N°	OJ Reference
Molybdenum wires	P. R. China (Malaysia)	Council Impl. Reg. (EU) No 14/2012 09.01.2012	L 8 12.01.2012 p. 22
Open mesh fabrics of glass fibres	P. R. China (Malaysia)	Council Impl. Reg. (EU) No 672/2012 16.07.2012	L 196 24.07.2012 p. 1

Concluded without extension of duty / termination			
Product	Country of origin (consigned from)	Regulation/Decision N°	OJ Reference
Molybdenum wires	P. R. China (Switzerland)	Council Impl. Reg. (EU) No 14/2012 09.01.2012	L 8 12.01.2012 p. 22

Exemptions granted and/or rejected			
Product	Country of origin (consigned from)	Regulation/Decision N°	OJ Reference
None			

ANNEX L

Safeguard investigations initiated and concluded during the period 1 January - 31 December 2012 (chronological by date of publication)

New investigations initiated			
Product	Country of origin	OJ Reference	
None			

New investigations terminated without imposition of measures			
Product	Country of origin	Regulation/ Decision N°	OJ Reference
None			

Issue of licences			
Product	Country of origin	Regulation/ Decision N°	OJ Reference
None			

New investigations initiated			
Product	Country of origin	Date of expiry	
None			

ANNEX M**Undertakings accepted or repealed
during the period 1 January - 31 December 2012
(chronological by date of publication)**

Undertakings accepted			
Product	Country of origin	Regulation N°	OJ Reference
None			

Undertakings withdrawn or repealed			
Product	Country of origin	Regulation N°	OJ Reference
Citric Acid	P.R. China	Commission Dec. No. 2012/501/EU 7 September 2012	L 244, 8.9.2012, p. 27
Ammonium nitrate	Russia	Commisison Dec. No. 2012/629/EU 10 October 2012	L 277, 11.10.2012, p. 8

Undertakings which expired/lapsed			
Product	Country of origin	Original measure (s) & OJ Reference	OJ Reference
Ammonium nitrate	Ukraine	Council Impl. Reg. (EU) No 512/2010 (L 150 16.6.2010, p. 24) L 150, 16.06.2010	C 171 16.06.2012

ANNEX N**Measures which expired / lapsed
during the period 1 January - 31 December 2012
(chronological by date of publication)****A. Anti-dumping investigations (chronological by date of publication)**

Product	Country of origin	Original measure & OJ Reference	OJ Reference
Polyethylene terephthalate (PET)	Korea (Rep. of)	Council Reg. (EC) No 192/2007 (L 59, 27.2.2007, p. 1) corrected by L 215, 18.8.2007, p. 27	C 57, 25.02.2012, p. 10
Frozen strawberries	P.R. China	Council Reg. (EC) No 407/2007 (L 100, 17.4.2007, p. 1)	C 110 17.04.2012 p. 7
Ammonium nitrate	Ukraine	Council Impl. Reg. (EU) No 512/2010 (L 150, 16.6.2010, p. 24)	C 171 16.06.2012 p. 25
Saddles	P.R. China	Council Reg. (EC) No 691/2007 (L 160, 21.6.2007, p. 1)	C 180 21.06.2012 p. 14
Peroxosulphates (Persulphates)	Taiwan USA	Council Reg. (EC) No 1184/2007 (L 265, 11.10.2007, p. 1)	C 307 11.10.2012 p. 26
Polyethylene terephthalate film (PET film)	India Brazil Israel	Council Regulation (EC) No 1292/2007 (L 288, 06.11.2007, p. 1)	C 336 06.11.2012 p. 19
Silico-manganese (including ferro- silico-manganese)	P.R. China Kazakhstan	Council Regulation (EC) No 1420/2007 (L 317, 5.12.2007, p. 5)	C 375 05.12.2012 p. 17
Gas-fuelled, non-refillable pocket flint lighters and certain refillable pocket flint lighters	P.R. China Taiwan	Council Regulation (EC) No 1458/2007 (L 326, 12.12.2007, p. 1)	NoE C 382 12.10.2012 p. 12

B. Anti-subsidy investigations (chronological by date of publication)

Product	Country of origin	Original measure & OJ Reference	OJ Reference
None			

ANNEX O**Definitive anti-dumping measures in force on 31 December 2012****A. Ranked by product (alphabetical)**

Product	Origin	Measure	Regulation N°	OJ Reference
Aluminium foil	Armenia Brazil P.R. China	Duties	Council Reg. (EC) No 925/2009 24.09.2009	L 262 06.10.2009 p. 1
	Brazil	Undertakings	Commission Dec. No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50
Aluminium radiators	P.R. China	Duties	Council Impl. Reg. (EU) No 1039/2012 29.10.2012	L 310 09.11.2012 p. 1
Aluminium road wheels	P.R. China	Duties	Council Impl. Reg. (EU) No 964/2010 25.10.2010	L 282 28.10.2010 p. 1
Ammonium nitrate	Russia	Duties	Council Reg. (EC) No 658/2002 15.04.2002 as last amended by Council Reg. (EC) No 945/2005 21.06.2005 and maintained by Council Reg. (EC) No 661/2008 08.07.2008 corrected by L 339, 22.12.2009, p. 59 as last amended by Council Reg. (EC) No 662/2008 08.07.2008 as last amended by Council Reg. (EC) No 989/2009 19.10.2009	L 102 18.04.2002 p. 1 L 160 23.06.2005 p. 1 L 185 12.07.2008 p. 1
		Undertakings	Commission Dec. No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59	L 185 12.07.2008 p. 35 L 278 23.10.2009 p. 1 L 185 12.07.2008 p. 43

Product	Origin	Measure	Regulation N°	OJ Reference
Barium carbonate	P.R. China	Duties	Council Reg. (EC) No 1175/2005 18.07.2005 corrected by L 181, 04.07.2006, p. 111 as maintained by Council Impl. Reg. (EU) No 831/2011 16.08.2011	L 189 21.07.2005 p. 15 L 214, 19.08.2011 p. 1
Bicycles	P.R. China	Duties	Council Reg. (EC) No 1524/2000 10.07.2000 and extended to bicycle parts by Council Reg. (EC) No 71/97 10.01.97 as last amended by Council Reg. (EC) No 1095/2005 12.07.2005 and maintained by Council Reg. (EC) No 171/2008 25.02.2008 and maintained by Council Impl. Reg. (EC) No 990/2011 03.10.2011	L 175 14.07.2000 p. 39 L 16 18.01.97 p. 1 L 183 14.07.2005 p. 1 L 55 28.02.2008 p. 1 L 261 06.10.2011 p.2
Bicycle parts (extension to bicycles)	P.R. China	Duties	Council Reg. (EC) No 71/97 10.01.97 as last amended by Council Reg. (EC) No 1095/2005 12.07.2005 and maintained by Council Reg. (EC) No 171/2008 25.02.2008	L 16 18.01.97 p. 1 L 183 14.07.05 p. 1 L 55 28.02.08 p. 1
Biodiesel	U.S.A. Canada (ext.)	Duties	Council Reg. (EC) No 599/2009 07.07.2009 and extended to imports consigned from Canada by Council Impl. Reg. (EU) No 444/2011 05.05.2011	L 179 10.07.2009 p. 26 L 122 11.05.2011 p. 12
Candles, tapers and the like	P.R. China	Duties	Council Reg. (EC) No 393/2009	L 119 14.05.2009

Product	Origin	Measure	Regulation N°	OJ Reference
			11.05.2009	p. 1
Cargo scanning systems	P.R. China	Duties	Council Impl. Reg. (EU) No 510/2010 14.06.2010	L 150 16.06.2010 p. 1
Ceramic tiles	P.R. China	Duties	Council Impl. Reg. (EU) No 917/2011 12.09.2011 as last amended by Council Implementing Regulation (EU) No. 567/2012 26.06.2012	L 238 15.09.2011 p. 1 OJ L 169 29.06.2012 p. 11
Chamois leather	P.R. China	Duties	Council Reg. (EC) No 1338/2006 08.09.2006 and maintained by Council Impl. Reg. (EU) No 1153/2012 03.12.2012	L 251 14.09.2006 p. 1 L 334 06.12.2012 p. 31
Citric acid	P.R. China	Duties	Council Reg. (EC) No 1193/2008 01.12.2008	L 323 03.12.2008 p. 1
		Undertakings	Commission Dec. No 2008/899/EC 02.12.2008 corrected by C 346, 26.11.2011, p. 7 and 8, corrected by C 3, 06.01.2012, p. 10 and 11, corrected by C 64, 03.03.2012, p. 25, corrected by C 74, 13.03.2012, p. 16	L 323 03.12.2008 p. 62
Coated fine paper	P.R. China	Duties	Council Impl. Reg. (EU) No 451/2011 06.05.2011	L 128 14.05.2011 p. 1
Coke of coal in pieces with a diameter of more than 80 mm	P.R. China	Duties	Council Reg. (EC) No 239/2008 17.03.2008	L 75 18.03.2008 p. 22
Dicyandiamide	P.R. China	Duties	Council Reg. (EC) No 1331/2007 13.11.2007	L 296 15.11.2007 p. 1
Dihydromyrcenol	India	Duties	Council Reg. (EC) No 63/2008 21.01.2008	L 23 26.01.2008 p. 1
Ethanolamines	U.S.A.	Duties (2 years)	Council Reg. (EC) No 1583/2006 23.10.2006 as maintained by	L 294 25.10.2006 p.2

Product	Origin	Measure	Regulation N°	OJ Reference
			Council Impl. Reg. (EU) No 54/2010 19.01.2010	L 17 22.01.2010 p. 1
Fasteners (iron or steel)	P.R. China Malaysia (ext.)	Duties	Council Reg. (EC) No 91/2009 26.01.2009 and extended to such imports consigned from Malaysia by Council Impl. Reg. (EC) No 723/2011 18.07.2011 as last amended by Council Impl. Reg. (EU) No 693/2012 25.07.2012 as last amended by Council Impl. Reg. (EU) No 924/2012 04.10.2012	L 29 31.01.2009 p. 1 L 194 26.07.2011 p. 6 L 203 31.07.2012 P. 23 L 275 10.10.2012, p. 1
Fatty alcohols and their blends	India Indonesia Malaysia	Duties	Council Impl. Reg. (EU) No 1138/2011 08.11.2011 as last amended by Council Impl. Reg. (EU) No 1241/2012 11.12.2012	L 293 11.11.2011 p. 1 L 352 21.12.2012 p. 1
Ferro-silicon	P.R. China Egypt Kazakhstan Russia	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
Glass fibres (certain open mesh fabrics)	P.R. China Malaysia (ext)	Duties	Council Impl. Reg. (EU) No 791/2011 03.08.2011 and extended to such imports consigned from Malaysia by Council Reg. (EC) No 672/2012 16.07.2012	L 204 09.08.2011 p. 1 L 196 24.07.2012 p. 1
Glass fibre products (continuous filament)	P.R. China	Duties	Council Impl. Reg. (EU) No 248/2011 09.03.2011	L 67 15.03.2011 p. 1
Graphite electrode systems	India	Duties	Council Reg. (EC) No 1629/2004 13.09.2004 as last amended by Council Reg. (EC) No 1354/2008 18.12.2008 and maintained by Council Impl. Reg.	L 295 18.09.2004 p. 10 L 350 30.12.2008 p. 24

Product	Origin	Measure	Regulation N°	OJ Reference
			(EU) No 1186/2010 13.12.2010	L 332 16.12.2010 p. 17
Hand pallet trucks and their essential parts	P.R. China Thailand (ext)	Duties	Council Reg. (EC) No 1174/2005 18.07.2005 as last amended by Council Reg. (EC) No 684/2008 17.07.2008 and extended to such imports consigned from Thailand by Council Reg. (EC) No 499/2009 11.06.2009 and maintained by Council Impl. Reg. (EU) No 1008/2011 10.10.2011	L 189 21.07.2005 p. 1 L 192 19.07.2008 p. 1 L 151 16.06.2009 p. 1 L 268 13.10.2011 p.1
Ironing boards	P.R. China Ukraine	Duties	Council Reg. (EC) No 452/2007 23.04.2007, as last amended by Council Impl. Reg. (EU) No 77/2010 19.01.2010 and Council Impl. Reg. (EU) No 270/2010 29.03.2010 and Council Impl. Reg. (EU) No 580/2010 29.06.2010, and Council Impl. Reg. (EU) No 1241/2010 20.12.2010 and Council Impl. Reg. (EU) No 987/2012 22.10.2012	L 109 26.04.2007 p. 12 L 24 28.01.2010 p. 1 L 84 31.03.2010 p. 13 L 168 02.07.2010 p. 12 L 338 22.12.2010 p. 8 L 297 26.10.2012 p. 5
	P.R. China (Since Hardware)	Duties	Council Impl. Reg. (EU) No 1243/2010 20.12.2010	L 338 22.12.2010 p. 22
Lever arch mechanisms	P.R. China	Duties	Council Reg. (EC) No 1136/2006 24.07.2006 and maintained by Council Impl. Reg. (EU) No 796/2012 30.08.2012	L 205 27.07.2006 p. 1 L 238 04.09.2012 p. 5

Product	Origin	Measure	Regulation N°	OJ Reference
Lighters (non-refillable and refillable)	P.R. China Taiwan	Duties	Council Reg. (EC) No 1458/2007 12.12.2007	L 326 12.12.2007 p. 1
Manganese dioxides	South Africa	Duties	Council Reg. (EC) No 221/2008 10.03.2008	L 69 13.03.2008 p. 1
Melamine	P.R. China	Duties	Council Impl. Reg. (EU) No 457/2011 10.05.2011	L 124 13.05.2011 p. 2
Molybdenum wires	P.R. China Malaysia (ext.)	Duties	Council Impl. Reg. (EU) No 511/2010 14.06.2010 and extended by Council Impl. Reg. (EU) No 14/2012 12.01.2012	L 150 16.06.2010 p. 17 L 8 12.01.2012 p. 22
Monosodium glutamate	P.R. China	Duties	Council Reg. (EC) No 1187/2008 27.11.2008	L 322 02.12.2008 p. 1
Okoumé plywood	P.R. China	Duties	Council Reg. (EC) No 1942/2004 02.11.2004 and maintained by Council Impl. Reg. (EU) No 82/2011 31.01.2011	L 336 12.11.2004 p. 4 L 28 02.02.2011 p. 1
Oxalic acid	P.R. China India	Duties	Council Impl. Reg. (EU) No 325/2012 12 April 2012	L 106 18.04.2012 p. 1
Peroxosulphates	P.R. China	Duties	Council Reg. (EC) No 1184/2007 09.10.2007	L 265 11.10.2007 p. 1
Polyester yarn (high tenacity)	P.R. China	Duties	Council Impl. Reg. (EU) No 1105/2010 29.11.2010	L 315 01.12.2010 p. 1
Polyethylene terephthalate (PET)	India Indonesia Malaysia Taiwan Thailand	Duties	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27 and amended by Council Impl. Reg. (EU) No 906/2011 02.09.2011	L 59 27.02.2007 p. 1 L 232 09.09.2011 p. 19
	India Indonesia	Undertakings	Commission Dec. (EC) No 745/2000 29.11.2000	L 301 30.11.2000 p. 88
	P.R. China	Duties	Council Reg.	L 271

Product	Origin	Measure	Regulation N°	OJ Reference
			(EC) No 1467/2004 13.08.2004 as last amended by Council Reg. (EC) No 2167/2005 20.12.2005 and maintained by Council Impl. Reg. (EU) No 1030/2010 17.11.2010	19.08.2004 p. 1 L 345 28.12.2005 p. 11 L 300 17.11.2010 p. 1
Powdered activated carbon (PAC)	P.R. China	Duties	Council Reg. (EC) No 1011/2002 10.06.2002 as last amended by Council Reg. (EC) No 931/2003 26.05.2003 and maintained by Council Reg. (EC) No 649/2008 08.07.2008	L 155 14.06.2002 p. 1 L 133 29.05.2003 p. 36 L 181 10.07.2008 p. 1
PSC wires and strands	P.R. China	Duties	Council Reg. (EC) No 383/2009 05.05.2009 as last amended by Council Impl. Reg. (EU) No 986/2011 22.10.2012	L 118 13.05.2009 p. 1 L 297 26.10.2012 p.1
Ring binder mechanisms	Thailand	Duties	Council Impl. Reg. (EU) No 792/2011 05.08.2011	L 204 09.08.2011 p.11
	P.R. China Vietnam (ext.) Laos (ext.)	Duties	Council Reg. (EC) No 2074/2004 29.11.2004 extended to imports from Vietnam by Council Reg. (EC) No 1208/2004 28.06.2004 and extended to imports from Laos by Council Reg. (EC) No 33/2006 09.01.2006 as last amended by Council Reg. (EC) No 818/2008 13.08.2008 and maintained by Council Impl. Reg. (EU) No 157/2010 22.02.2010	L 359 04.12.2004 p. 11 L 232 01.07.2004 p. 1 L 7 12.01.2006 p. 1 L 221 19.08.2008 p. 1 L 49 26.02.2010 p. 1
Seamless pipes and tubes, of iron or steel	Russia Ukraine	Duties	Council Reg. (EC) No 954/2006 27.06.2006 as last amended by Council Reg.	L 175 29.06.2006 p. 4 L 220

Product	Origin	Measure	Regulation N°	OJ Reference
			(EC) No 812/2008 11.08.2008 and Council Impl. Reg. (EC) No 540/2012 21.06.2012 and Council Impl. Reg. (EU) No 795/2012 28.08.2012 and Council Impl. Reg. (EU) No L 317, 5.12.2007, p. 5 21.12.2012 and maintained by Council Impl. Reg. (EU) No 585/2012 26.06.2012	15.08.2008 p. 1 L 165 26.06.2012 p. 1 L 238 04.09.2012 p. 1 L 357, 28.12.2012 p. 1 L 174 04.07.2012 p. 5
Seamless pipes and tubes, of iron or steel	P.R. China	Duties	Council Reg. (EC) No 926/2009 24.09.2009	L 262 06.10.2009 p. 19
Seamless pipes and tubes, of stainless steel	P.R. China	Duties	Council Impl. Reg. (EU) No 1331/2011 14.12.2011	L 336 20.12.2011 p. 6
Silicon metal	P.R. China Korea (Rep. of) (ext.)	Duties	Council Reg. (EC) No 398/2004 02.03.2004 extended to imports of silicon consigned from Korea (Rep. of) by Council Reg. (EC) No 42/2007 15.01.2007 and maintained by Council Impl. Reg. (EU) No 467/2010 25.05.2010	L 66 04.03.2004 p. 15 L 13 19.01.2007 p. 1 L 131 29.05.2010 p. 1
Sodium cyclamate	P.R. China Indonesia	Duties	Council Reg. (EC) No 435/2004 08.03.2004 and maintained by Council Impl. Reg. (EU) No 492/2010 03.06.2010 and amended by Council Impl. Reg. (EU) No 398/2012 07.05.2012	L 72 11.03.2004 p. 1 L 140 08.06.2010 p. 2 L 124 11.05.2012 p. 1
Sodium gluconate	P.R. China	Duties	Council Impl. Reg. (EU) No 965/2010 25.10.2010	L 282 28.10.2010 p. 24
Stainless steel fasteners and parts thereof	P.R. China Taiwan	Duties	Council Reg. (EC) No 1890/2005 14.11.2005 corrected by L 256,	L 302 19.11.2005 p. 1

Product	Origin	Measure	Regulation N°	OJ Reference
			02.10.2007, p. 31 and maintained by Council Impl. Reg. (EU) No 2/2012 04.01.2012	L 5 07.01.2012 p. 1
Steel ropes and cables	P.R. China Ukraine Korea (Rep. of) (ext.) Moldova (Rep. of) (ext.) Morocco (ext.)	Duties	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004 and extended as concerns China to such imports consigned from Korea (Rep. of) by Council Impl. Reg. (EU) No 400/2010 26.04.2010 corrected by L 332, 15.12.2011 and corrected by L 140, 30.05.2012, p. 74 and maintained by Council Impl. Reg. (EC) No 102/2012 27.02.2012 as last amended by Council Impl. Reg. (EU) No 558/2012 26.06.2012	L 299 16.11.2005 p. 1 L 326 12.12.2007 p. 18 L 120 24.04.2004 p. 1 L 328 30.10.2004 p. 1 L 117 11.05.2010 p. 1 L 36 09.02.2012 p. 1 L 168 28.06.2012 p. 3
	Russia	Duties	Council Reg. (EC) No 1279/2007 30.10.2007 corrected by L 96, 15.04.2009, p. 39	L 285 31.10.2007 p. 1
Sulphanilic acid	P.R. China India	Duties	Council Reg. (EC) No 1339/2002 22.07.2002 as last amended by	L 196 25.07.2002 p. 11

Product	Origin	Measure	Regulation N°	OJ Reference
	India	Undertakings	Council Reg. (EC) No 123/2006 23.01.2006 and maintained by Council Reg. (EC) No 1000/2008 13.10.2008 Commission Dec. No 2006/37/EC 05.12.2005	L 22 26.01.2006 p. 5 L 275 16.10.2008 p. 1 L 22 26.01.2006 p. 52
Sweet corn (prepared or preserved, in kernels)	Thailand	Duties	Council Reg. (EC) No 682/3007 18.06.2007 corrected by L 252 of 27.09.2007, p. 7 as last amended by Council Reg. (EC) No 954/2008 25.09.2008 and by Council Reg. (EC) No 847/2009 15.09.2009	L 159 20.06.2007 p. 14 L 260 30.09.2008 p. 1 L 246 18.09.2009 p. 1
Synthetic fibre ropes	India	Duties (3 years)	Council Reg. (EC) No 1736/2004 08.10.2004 and maintained by Council Impl. Reg. (EU) No 1242/2010 20.12.2010	L 311 08.10.2004 p. 1 L 338 22.12.2010 p. 10
Tartaric acid	P.R. China	Duties	Council Reg. (EC) No 130/2006 23.01.2006 as last amended by Council Reg. (EC) No 150/2008 18.02.2008 and by Council Impl. Reg. (EC) No 332/2012 13.04.2012 and maintained by Council Impl. Reg. (EC) No 349/2012 16.04.2012 as last amended by Council Impl. Reg. (EC) No 626/2012 26.06.2012	L 23 27.01.2006 p. 1 L 48 22.02.2008 p. 1 L 108 20.04.2012 p. 1 L 110 24.04.2012 p. 3 L 182 13.07.2012 p. 1

Product	Origin	Measure	Regulation N°	OJ Reference
Trichloroisocyanuric acid (TCCA)	P.R. China	Duties	Council Reg. (EC) No 1631/2005 03.10.2005 amended by Council Impl. Reg. (EU) No 855/2010 27.09.2010 and maintained by Council Impl. Reg. (EU) No 1389/2011	L 261 07.10.2005 p. 1 L 254 29.09.2010 p.1 L 346 30.12.2011 p. 6
Tube and pipe fitting, of iron or steel	P.R. China Thailand Taiwan (ext.) Indonesia (ext.) Sri Lanka (ext.) Philippines (ext.)	Duties	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	L 139 06.06.2003 p. 1 L 275 25.08.2004 p. 1 L 355 01.12.2004 p. 4 L 355 01.12.2004 p. 9 L 116 29.04.2006 p. 1 L 233 04.09.2009 p. 1
	Korea (Rep. of) Malaysia	Duties	Council Reg. (EC) No 1514/2002 19.08.2002 as last amended by Council Reg. (EC) No 778/2003 06.05.2003 and maintained by Council Reg. (EC) No 1001/2008 13.10.2008 as last amended by Council Impl. Reg. (EU) No 363/2010 26.04.2010	L 228 24.08.2002 p. 1 L 114 08.05.2003 p. 1 L 275 16.10.2008 p. 18 L 107 29.04.2010

Product	Origin	Measure	Regulation N°	OJ Reference
				p. 1
Tungsten carbide and fused tungsten carbide	P.R. China	Duties	Council Reg. (EC) No 2268/2004 22.12.2004 as last amended by Council Reg. (EC) No 1275/2005 25.07.2005 and maintained by Council Impl. Reg. (EC) No 287/2011 21.03.2011	L 395 31.12.2004 p. 56 L 202 03.08.2005 p. 1 L 78 24.03.2011 p. 1
Tungsten electrodes	P.R. China	Duties	Council Reg. (EC) No 260/2007 09.03.2007	L 72 13.03.2007 p. 1
Welded tubes and pipes, of iron or non-alloy steel	Thailand Ukraine	Duties	Council Reg. (EC) No 1697/2002 23.09.2002 and maintained by Council Reg. (EC) No 1256/2008 19.12.2008	L 259 27.09.2002 p. 8 L 343 19.12.2008 p. 1
Welded tubes and pipes, of iron or non-alloy steel	Belarus P.R. China Russia	Duties	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1
Wire rod	P.R. China	Duties	Council Reg. (EC) No 703/2009 27.07.2009	L 203 05.08.2009 p. 1
Zeolite A powder	Bosnia and Herzegovina	Duties	Council Impl. Reg. (EU) No 464/2011 11.05.2011	L 125 14.05.2011 p. 1
		Undertakings	Commission Dec. No 2011/279/EU 13.05.2011	L 125 14.05.2011 p. 26

B. Ranked by country (alphabetical)

Origin	Product	Measure	Regulation N°	OJ Reference
Armenia	Aluminium foil	Duties	Council Reg. (EC) No 925/2009 24.09.2009	L 262 06.10.2009 p. 1
Belarus	Welded tubes and pipes, of iron or non-alloy steel	Duties	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1
Bosnia and Herzegovina	Zeolite A powder	Duties	Council Impl. Reg.	L 125

Origin	Product	Measure	Regulation N°	OJ Reference
			(EU) No 464/2011 11.05.2011	14.05.2011 p. 1
		Undertakings	Commission Dec. No 2011/279/EU 13.05.2011	L 125 14.05.2011 p. 26
Brazil	Aluminium foil	Duties	Council Reg. (EC) No 925/2009 24.09.2009	L 262 06.10.2009 p. 1
		Undertakings	Commission Dec. No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50
Canada	Biodiesel (ext.)	Duties (ext.)	Council Reg. (EC) No 599/2009 07.07.2009 and extended to imports consigned from Canada by Council Impl. Reg. (EU) No 444/2011 05.05.2011	L 179 10.07.2009 p. 26 L 122 11.05.2011 p. 12
P.R. China	Aluminium foil	Duties	Council Reg. (EC) No 925/2009 24.09.2009	L 262 06.10.2009 p. 1
		Undertakings	Commission Dec. No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50
	Aluminium radiators	Duties	Council Impl. Reg. (EU) No 1039/2012 29.10.2012	L 310 09.11.2012 p. 1
	Aluminium road wheels	Duties	Council Impl. Reg. (EU) No 964/2010 25.10.2010	L 282 28.10.2010 p. 1
	Barium carbonate	Duties	Council Reg. (EC) No 1175/2005 18.07.2005 corrected by L 181, 04.07.2006, p. 111 as maintained by Council Impl. Reg. (EU) No 831/2011 16.08.2011	L 189 21.07.2005 p. 15 L 214, 19.08.2011 p. 1
	Bicycles	Duties	Council Reg. (EC) No 1524/2000 10.07.2000 and extended to bicycle parts by Council Reg.	L 175 14.07.2000 p. 39 L 16

Origin	Product	Measure	Regulation N°	OJ Reference
			(EC) No 71/97 10.01.97 as last amended by Council Reg. (EC) No 1095/2005 12.07.2005 and maintained by Council Reg. (EC) No 171/2008 25.02.2008 and maintained by Council Impl. Reg. (EC) No 990/2011 03.10.2011	18.01.97 p. 1 L 183 14.07.2005 p. 1 L 55 28.02.2008 p. 1 L 261 06.10.2011 p.2
	Bicycle parts	Duties	Council Reg. (EC) No 71/97 10.01.97 as last amended by Council Reg. (EC) No 1095/2005 12.07.2005 and maintained by Council Reg. (EC) No 171/2008 25.02.2008	L 16 18.01.97 p. 1
	Candles, tapers and the like	Duties	Council Reg. (EC) No 393/2009 11.05.2009	L 119 14.05.2009 p. 1
	Cargo scanning systems	Duties	Council Impl. Reg. (EU) No 510/2010 14.06.2010	L 150 16.06.2010 p. 1
	Ceramic tiles	Duties	Council Impl. Reg. (EU) No 917/2011 12.09.2011	L 238 15.09.2011 p. 1
	Chamois leather	Duties	Council Reg. (EC) No 1338/2006 08.09.2006 and maintained by Council Impl. Reg. (EU) No 1153/2012 03.12.2012	L 251 14.09.2006 p. 1 L 334 06.12.2012 p. 31
	Citric acid	Duties	Council Reg. (EC) No 1193/2008 01.12.2008	L 323 03.12.2008 p. 1
		Undertakings	Commission Dec. No 2008/899/EC 02.12.2008 corrected by C 346, 26.11.2011, p. 7 and 8, corrected by C 3,	L 323 03.12.2008 p. 62

Origin	Product	Measure	Regulation N°	OJ Reference
			06.01.2012, p. 10 and 11, corrected by C 64, 03.03.2012, p. 25, corrected by C 74, 13.03.2012, p. 16	
	Coated fine paper	Duties	Council Impl. Reg. (EU) No 451/2011 06.05.2011	L 128 14.05.2011 p. 1
	Coke of coal in pieces with a diameter of more than 80 mm	Duties	Council Reg. (EC) No 239/2008 17.03.2008	L 75 18.03.2008 p. 22
	Dicyandiamide	Duties	Council Reg. (EC) No 1331/2007 13.11.2007	L 296 15.11.2007 p. 1
	Fasteners (iron or steel)	Duties	Council Reg. (EC) No 91/2009 26.01.2009 and extended to such imports consigned from Malaysia by Council Impl. Reg. (EC) No 723/2011 18.07.2011 as last amended by Council Impl. Reg. (EU) No 693/2012 25.07.2012 as last amended by Council Impl. Reg. (EU) No 924/2012 04.10.2012	L 29 31.01.2009 p. 1 L 194 26.07.2011 p. 6 L 203 31.07.2012 P. 23 L 275 10.10.2012, p. 1
	Ferro-silicon	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
	Glass fibres (certain open mesh fabrics)	Duties	Council Impl. Reg. (EU) No 791/2011 03.08.2011 and extended to such imports consigned from Malaysia by Council Reg. (EC) No 672/2012 16.07.2012	L 204 09.08.2011 p. 1 L 196 24.07.2012 p. 1
	Glass fibre products (continuous filament)	Duties	Council Impl. Reg. (EU) No 248/2011 09.03.2011	L 67 15.03.2011 p. 1
	Hand pallet trucks and their essential	Duties	Council Reg. (EC) No 1174/2005	L 189 21.07.2005

Origin	Product	Measure	Regulation N°	OJ Reference
	parts		18.07.2005 as last amended by Council Reg. (EC) No 684/2008 17.07.2008 and maintained by Council Impl. Reg. (EU) No 1008/2011 10.10.2011	p. 1 L 192 19.07.2005 p. 1 L 268 13.10.2011 p.1
	Ironing boards	Duties	Council Reg. (EC) No 452/2007 23.04.2007, as last amended by Council Impl. Reg. (EU) No 77/2010 19.01.2010 and Council Impl. Reg. (EU) No 270/2010 29.03.2010 and Council Impl. Reg. (EU) No 580/2010 29.06.2010, and Council Impl. Reg. (EU) No 1241/2010 20.12.2010 and Council Impl. Reg. (EU) No 987/2012 22.10.2012	L 109 26.04.2007 p. 12 L 24 28.01.2010 p. 1 L 84 31.03.2010 p. 13 L 168 02.07.2010 p. 12 L 338 22.12.2010 p. 8 L 297 26.10.2012 p. 5
	Ironing boards (Since Hardware)	Duties	Council Impl. Reg. (EU) No 1243/2010 20.12.2010	L 338 22.12.2010 p. 22
	Lever arch mechanisms	Duties	Council Reg. (EC) No 1136/2006 24.07.2006 and maintained by Council Impl. Reg. (EU) No 796/2012 30.08.2012	L 205 27.07.2006 p. 1 L 238 04.09.2012 p. 5
	Melamine	Duties	Council Impl. Reg. (EU) No 457/2011 10.05.2011	L 124 13.05.2011 p. 2
	Molybdenum wires	Duties	Council Impl. Reg. (EU) No 511/2010 14.06.2010 and extended by Council Impl. Reg. (EU) No 14/2012 12.01.2012	L 150 16.06.2010 p. 17 L 8 12.01.2012 p. 22

Origin	Product	Measure	Regulation N°	OJ Reference
	Monosodium glutamate	Duties	Council Reg. (EC) No 1187/2008 27.11.2008	L 322 02.12.2008 p. 1
	Okoumé plywood	Duties	Council Reg. (EC) No 1942/2004 02.11.2004 and maintained by Council Impl. Reg. (EU) No 82/2011 31.01.2011	L 336 12.11.2004 p. 4 L 28 02.02.2011 p. 1
	Oxalic acid	Duties	Council Impl. Reg. (EU) No 325/2012 12 April 2012	L 106 18.04.2012 p. 1
	Peroxosulphates	Duties	Council Reg. (EC) No 1184/2007 09.10.2007	L 265 11.10.2007 p. 1
	Polyester yarn (high tenacity)	Duties	Council Impl. Reg. (EU) No 1105/2010 29.11.2010	L 315 01.12.2010 p. 1
	Polyethylene terephthalate (PET)	Duties	Council Reg. (EC) No 1467/2004 13.08.2004 as last amended by Council Reg. (EC) No 2167/2005 20.12.2005 and maintained by Council Impl. Reg. (EU) No 1030/2010 17.11.2010	L 271 19.08.2004 p. 1 L 345 28.12.2005 p. 11 L 300 17.11.2010 p. 1
	Powdered activated carbon (PAC)	Duties	Council Reg. (EC) No 1011/2002 10.06.2002 as last amended by Council Reg. (EC) No 931/2003 26.05.2003 and maintained by Council Reg. (EC) No 649/2008 08.07.2008	L 155 14.06.2002 p. 1 L 133 29.05.2003 p. 36 L 181 10.07.2008 p. 1
	PSC wires and strands	Duties	Council Reg. (EC) No 383/2009 05.05.2009 as last amended by Council Impl. Reg. (EU) No 986/2011 22.10.2012	L 118 13.05.2009 p. 1 L 297 26.10.2012 p.1
	Ring binder	Duties	Council Reg.	L 359

Origin	Product	Measure	Regulation N°	OJ Reference
	mechanisms		(EC) No 2074/2004 29.11.2004 extended to imports from Vietnam by Council Reg. (EC) No 1208/2004 28.06.2004 and extended to imports from Laos by Council Reg. (EC) No 33/2006 09.01.2006 as last amended by Council Reg. (EC) No 818/2008 13.08.2008 and maintained by Council Impl. Reg. (EU) No 157/2010 22.02.2010	04.12.2004 p. 11 L 232 01.07.2004 p. 1 L 7 12.01.2006 p. 1 L 221 19.08.2008 p. 1 L 49 26.02.2010 p. 1
	Seamless pipes and tubes of iron or steel	Duties	Council Reg. (EC) No 926/2009 24.09.2009	L 262 06.10.2009 p. 19
	Seamless pipes and tubes of stainless steel	Duties	Council Impl. Reg. (EU) No 1331/2011 14.12.2011	L 336 20.12.2011 p. 6
	Silicon metal	Duties	Council Reg. (EC) No 398/2004 02.03.2004 extended to imports of silicon consigned from Korea (Rep. of) by Council Reg. (EC) No 42/2007 15.01.2007 and maintained by Council Impl. Reg. (EU) No 467/2010 25.05.2010	L 66 04.03.2004 p. 15 L 13 19.01.2007 p. 1 L 131 29.05.2010 p. 1
	Sodium cyclamate	Duties	Council Reg. (EC) No 435/2004 08.03.2004 and maintained by Council Impl. Reg. (EU) No 492/2010 03.06.2010 and amended by Council Impl. Reg. (EU) No 398/2012 07.05.2012	L 72 11.03.2004 p. 1 L 140 08.06.2010 p. 2 L 124 11.05.2012 p. 1
	Sodium gluconate	Duties	Council Impl. Reg.	L 282

Origin	Product	Measure	Regulation N°	OJ Reference
			(EU) No 965/2010 25.10.2010	28.10.2010 p. 24
	Stainless steel fasteners and parts thereof	Duties	Council Reg. (EC) No 1890/2005 14.11.2005 corrected by L 256, 02.10.2007, p. 31 and maintained by Council Impl. Reg. (EU) No 2/2012 07.01.2012	L 302 19.11.2005 p. 1 L 5 07.01.2012 p. 1
	Steel ropes and cables	Duties	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004 and extended as concerns China to such imports consigned from Korea (Rep. of) by Council Impl. Reg. (EU) No 400/2010 26.04.2010 corrected by L 332, 15.12.2011 and corrected by L 140, 30.05.2012, p. 74 and maintained by Council Impl. Reg. (EC) No 102/2012 27.02.2012 as last amended by Council Impl. Reg. (EU) No 558/2012 26.06.2012	L 299 16.11.2005 p. 1 L 326 12.12.2007 p. 18 L 120 24.04.2004 p. 1 L 328 30.10.2004 p. 1 L 117 11.05.2010 p. 1 L 36 09.02.2012 p. 1 L 168 28.06.2012 p. 3
	Sulphanilic acid	Duties	Council Reg. (EC) No 1339/2002	L 196 25.07.2002

Origin	Product	Measure	Regulation N°	OJ Reference
			22.07.2002 as last amended by Council Reg. (EC) No 123/2006 23.01.2006 and maintained by Council Reg. (EC) No 1000/2008 13.10.2008	p. 11 L 22 26.01.2006 p. 5 L 275 16.10.2008 p. 1
	Tartaric acid	Duties	Council Reg. (EC) No 130/2006 23.01.2006 as last amended by Council Reg. (EC) No 150/2008 18.02.2008 and by Council Impl. Reg. (EC) No 332/2012 13.04.2012 and maintained by Council Impl. Reg. (EC) No 349/2012 16.04.2012 as last amended by Council Impl. Reg. (EC) No 626/2012 26.06.2012	L 23 27.01.2006 p. 1 L 48 22.02.2008 p. 1 L 108 20.04.2012 p. 1 L 110 24.04.2012 p. 3 L 182 13.07.2012 p. 1
	Trichloroisocyanuric acid	Duties	Council Reg. (EC) No 1631/2005 03.10.2005 and maintained by Council Impl. Reg. (EU) No 1389/2011	L 261 07.10.2005 p. 1 L 346 30.12.2011 p. 6
	Tube and pipe fitting, of iron or steel	Duties	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the	L 139 06.06.2003 p. 1 L 275 25.08.2004 p. 1 L 355 01.12.2004 p. 4 L 355 01.12.2004 p. 9

Origin	Product	Measure	Regulation N°	OJ Reference
			Philippines by Council Reg. (EC) No 655/2006 27.04.2006 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	L 116 29.04.2006 p. 1 L 233 04.09.2009 p. 1
	Tungsten carbide and fused tungsten carbide	Duties	Council Reg. (EC) No 2268/2004 22.12.2004 as last amended by Council Reg. (EC) No 1275/2005 25.07.2005 and maintained by Council Impl. Reg. (EC) No 287/2011 21.03.2011	L 395 31.12.2004 p. 56 L 202 03.08.2005 p. 1 L 78 24.03.2011 p. 1
	Tungsten electrodes	Duties	Council Reg. (EC) No 260/2007 09.03.2007	L 72 13.03.2007 p. 1
	Welded tubes and pipes, of iron or non-alloy steel	Duties	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1
	Wire rod	Duties	Council Reg. (EC) No 703/2009 27.07.2009	L 203 05.08.2009 p. 1
Egypt	Ferro-silicon	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
India	Dihydromyrcenol	Duties	Council Reg. (EC) No 63/2008 21.01.2008	L 23 26.01.2008 p. 1
	Fatty alcohols and their blends	Duties	Council Impl. Reg. (EU) No 1138/2011 08.11.2011 as last amended by Council Impl. Reg. (EU) No 1241/2012 11.12.2012	L 293 11.11.2011 p. 1 L 352 21.12.2012 p. 1
	Graphite electrode systems	Duties	Council Reg. (EC) No 1629/2004 13.09.2004 as last amended by Council Reg. (EC) No 1354/2008 18.12.2008 and maintained by Council Impl. Reg.	L 295 18.09.2004 p. 10 L 350 30.12.2008 p. 24

Origin	Product	Measure	Regulation N°	OJ Reference
			(EU) No 1186/2010 13.12.2010	L 332 16.12.2010 p. 17
	Oxalic acid	Duties	Council Impl. Reg. (EU) No 325/2012	
	Polyethylene terephthalate (PET)	Duties Undertakings	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	Sulphanilic acid	Duties Undertakings	Council Reg. (EC) No 1339/2002 22.07.2002 as last amended by Council Reg. (EC) No 123/2006 23.01.2006 and maintained by Council Reg. (EC) No 1000/2008 13.10.2008 Commission Dec. No 2006/37/EC 05.12.2005	L 196 25.07.2002 p. 11 L 22 26.01.2006 p. 5 L 275 16.10.2008 p. 1 L 22 26.01.2006 p. 52
	Synthetic fibre ropes	Duties (3 years)	Council Reg. (EC) No 1736/2004 08.10.2004 and maintained by Council Impl. Reg. (EU) No 1242/2010 20.12.2010	L 311 08.10.2004 p. 1 L 338 22.12.2010 p. 10
Indonesia	Fatty alcohols and their blends	Duties	Council Impl. Reg. (EU) No 1138/2011 08.11.2011 as last amended by Council Impl. Reg. (EU) No 1241/2012 11.12.2012	L 293 11.11.2011 p. 1 L 352 21.12.2012 p. 1
	Polyethylene terephthalate (PET)	Duties Undertakings	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	Sodium cyclamate	Duties	Council Reg. (EC) No 435/2004 08.03.2004 and maintained by Council Impl. Reg. (EU) No 492/2010 03.06.2010 and amended by	L 72 11.03.2004 p. 1 L 140 08.06.2010 p. 2

Origin	Product	Measure	Regulation N°	OJ Reference
			Council Impl. Reg. (EU) No 398/2012 07.05.2012	L 124 11.05.2012 p. 1
	Tube and pipe fitting, of iron or steel (ext.)	Duties (ext.)	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	L 139 06.06.2003 p. 1 L 275 25.08.2004 p. 1 L 355 01.12.2004 p. 4 L 355 01.12.2004 p. 9 L 116 29.04.2006 p. 1 L 233 04.09.2009 p. 1
Kazakhstan	Ferro-silicon	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
Korea (Rep. of)	Silicon metal (ext.)	Duties (ext.)	Council Reg. (EC) No 398/2004 02.03.2004 extended to imports of silicon consigned from Korea (Rep. of) by Council Reg. (EC) No 42/2007 15.01.2007	L 66 04.03.2004 p. 15 L 13 19.01.2007 p. 1
	Steel ropes and cables (ext.)	Duties (ext.)	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to	L 299 16.11.2005 p. 1 L 326 12.12.2007 p. 18

Origin	Product	Measure	Regulation N°	OJ Reference
			such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004 and extended as concerns China to such imports consigned from Korea (Rep. of) by Council Impl. Reg. (EU) No 400/2010 26.04.2010 corrected by L 332, 15.12.2011 and corrected by L 140, 30.05.2012, p. 74 and maintained by Council Impl. Reg. (EC) No 102/2012 27.02.2012 as last amended by Council Impl. Reg. (EU) No 558/2012 26.06.2012	L 120 24.04.2004 p. 1 L 328 30.10.2004 p. 1 L 117 11.05.2010 p. 1 L 36 09.02.2012 p. 1 L 168 28.06.2012 p. 3
	Tube and pipe fittings, of iron or steel	Duties	Council Reg. (EC) No 1514/2002 19.08.2002 as last amended by Council Reg. (EC) No 778/2003 06.05.2003 and maintained by Council Reg. (EC) No 1001/2008 13.10.2008	L 228 24.08.2002 p. 1 L 114 08.05.2003 p. 1 L 275 16.10.2008 p. 18
Laos	Ring binder mechanisms (ext.)	Duties (ext.)	Council Reg. (EC) No 2074/2004 29.11.2004 extended to imports from Vietnam by Council Reg. (EC) No 1208/2004 28.06.2004 and extended to imports from Laos by Council Reg. (EC) No 33/2006	L 359 04.12.2004 p. 11 L 232 01.07.2004 p. 1 L 7 12.01.2006

Origin	Product	Measure	Regulation N°	OJ Reference
			09.01.2006 and maintained by Council Impl.Reg. (EU) No 157/2010 22.02.2010	p. 1 L 49 26.02.2010 p. 1
Malaysia	Fasteners (iron or steel)	Duties (ext.)	Council Reg. (EC) No 91/2009 26.01.2009 and extended to such imports consigned from Malaysia by Council Impl. Reg. (EC) No 723/2011 18.07.2011 as last amended by Council Impl. Reg. (EU) No 693/2012 25.07.2012 as last amended by Council Impl. Reg. (EU) No 924/2012 04.10.2012	L 29 31.01.2009 p. 1 L 194 26.07.2011 p. 6 L 203 31.07.2012 P. 23 L 275 10.10.2012, p. 1
	Fatty alcohols and their blends	Duties	Council Impl. Reg. (EU) No 1138/2011 08.11.2011 as last amended by Council Impl. Reg. (EU) No 1241/2012 11.12.2012	L 293 11.11.2011 p. 1 L 352 21.12.2012 p. 1
	Glass fibres (certain open mesh fabrics)	Duties (ext.)	Council Impl. Reg. (EU) No 791/2011 03.08.2011 and extended to such imports consigned from Malaysia by Council Reg. (EC) No 672/2012 16.07.2012	L 204 09.08.2011 p. 1 L 196 24.07.2012 p. 1
	Molybdenum wires	Duties (ext.)	Council Impl. Reg. (EU) No 511/2010 14.06.2010 and extended by Council Impl. Reg. (EU) No 14/2012 12.01.2012	L 150 16.06.2010 p. 17 L 8 12.01.2012 p. 22
	Polyethylene terephthalate (PET)	Duties	Council Reg. (EC) No 192/2007 22.02.2007	L 59 27.02.2007 p. 1

Origin	Product	Measure	Regulation N°	OJ Reference
			corrected by L 215, 18.08.2007, p. 27	
	Tube and pipe fittings, of iron or steel	Duties	Council Reg. (EC) No 1514/2002 19.08.2002 as last amended by Council Reg. (EC) No 778/2003 06.05.2003 and maintained by Council Reg. (EC) No 1001/2008 13.10.2008 as last amended by Council Impl. Reg. (EU) No 363/2010 26.04.2010	L 228 24.08.2002 p. 1 L 114 08.05.2003 p. 1 L 275 16.10.2008 p. 18 L 107 29.04.2010 p. 1
Moldova (Rep. of)	Steel ropes and cables (ext.)	Duties (ext.)	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004 and extended as concerns China to such imports consigned from Korea (Rep. of) by Council Impl. Reg. (EU) No 400/2010 26.04.2010 corrected by L 332, 15.12.2011 and corrected by L 140, 30.05.2012, p. 74 and maintained by Council Impl. Reg. (EC) No 102/2012 27.02.2012	L 299 16.11.2005 p. 1 L 326 12.12.2007 p. 18 L 120 24.04.2004 p. 1 L 328 30.10.2004 p. 1 L 117 11.05.2010 p. 1 L 36 09.02.2012 p. 1

Origin	Product	Measure	Regulation N°	OJ Reference
			as last amended by Council Impl. Reg. (EU) No 558/2012 26.06.2012	L 168 28.06.2012 p. 3
Morocco	Steel ropes and cables (ext.)	Duties (ext.)	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004 and extended as concerns China to such imports consigned from Korea (Rep. of) by Council Impl. Reg. (EU) No 400/2010 26.04.2010 corrected by L 332, 15.12.2011 and corrected by L 140, 30.05.2012, p. 74 and maintained by Council Impl. Reg. (EC) No 102/2012 27.02.2012 as last amended by Council Impl. Reg. (EU) No 558/2012 26.06.2012	L 299 16.11.2005 p. 1 L 326 12.12.2007 p. 18 L 120 24.04.2004 p. 1 L 328 30.10.2004 p. 1 L 117 11.05.2010 p. 1 L 36 09.02.2012 p. 1 L 168 28.06.2012 p. 3
Philippines	Tube or pipe fittings, of iron or steel (ext.)	Duties (ext.)	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned	L 139 06.06.2003 p. 1 L 275 25.08.2004 p. 1

Origin	Product	Measure	Regulation N°	OJ Reference
			from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	L 355 01.12.2004 p. 4 L 355 01.12.2004 p. 9 L 116 29.04.2006 p. 1 L 233 04.09.2009 p. 1
Russia	Ammonium nitrate	Duties	Council Reg. (EC) No 658/2002 15.04.2002 as last amended by Council Reg. (EC) No 945/2005 21.06.2005 and maintained by Council Reg. (EC) No 661/2008 08.07.2008, corrected by L 339, 22.12.2009, p. 59, as last amended by Council Reg. (EC) No 989/2009 19.10.2009 Commission Dec. No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59	L 102 18.04.2002 p. 1 L 160 23.06.2005 p. 1 L 185 12.07.2008 p. 1 L 278 23.10.2009 p. 1 L 185 12.07.2007 p. 43
		Undertakings		
	Ferro-silicon	Duties	Council Reg. (EC) No 172/2008 25.02.2008 as last maintained by Council Impl. Reg. (EU) No 60/2012 16.01.2012	L 55 28.02.2008 p. 6 L 22 25.01.2012

Origin	Product	Measure	Regulation N°	OJ Reference
				p. 1
	Seamless pipes and tubes of iron or steel	Duties	Council Reg. (EC) No 954/2006 27.06.2006 as last amended by Council Reg. (EC) No 812/2008 11.08.2008 and Council Impl. Reg. (EC) No 540/2012 21.06.2012 and Council Impl. Reg. (EU) No 795/2012 28.08.2012 and Council Impl. Reg. (EU) No L 317, 5.12.2007, p. 5 21.12.2012 and maintained by Council Impl. Reg. (EU) No 585/2012 26.06.2012	L 175 29.06.2006 p. 4 L 220 15.08.2008 p. 1 L 165 26.06.2012 p. 1 L 238 04.09.2012 p. 1 L 357, 28.12.2012 p. 1 L 174 04.07.2012 p. 5
	Steel ropes and cables	Duties	Council Reg. (EC) No 1279/2007 30.10.2007 corrected by L 96, 15.04.2009, p. 39	L 285 31.10.2007 p. 1
	Welded tubes and pipes, of iron or non-alloy steel	Duties	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1
South Africa	Manganese dioxides	Duties	Council Reg. (EC) No 221/2008 10.03.2008	L 69 13.03.2008 p. 1
Sri Lanka	Tube and pipe fitting, of iron or steel (ext.)	Duties (ext.)	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned	L 139 06.06.2003 p. 1 L 275 25.08.2004 p. 1 L 355 01.12.2004 p. 4 L 355 01.12.2004 p. 9

Origin	Product	Measure	Regulation N°	OJ Reference
			from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	L 116 29.04.2006 p. 1 L 233 04.09.2009 p. 1
Taiwan	Polyethylene terephthalate (PET)	Duties	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	Stainless steel fasteners and parts thereof	Duties	Council Reg. (EC) No 1890/2005 14.11.2005 corrected by L 256, 02.10.2007, p. 31 and maintained by Council Impl. Reg. (EU) No 2/2012 07.01.2012	L 302 19.11.2005 p. 1 L 5 07.01.2012 p.1
	Tube and pipe fitting, of iron or steel (ext.)	Duties (ext.)	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	L 139 06.06.2003 p. 1 L 275 25.08.2004 p. 1 L 355 01.12.2004 p. 4 L 355 01.12.2004 p. 9 L 116 29.04.2006 p. 1 L 233 04.09.2009 p. 1
Thailand	Hand pallet trucks	Duties (ext.)	Council Reg.	L 189

Origin	Product	Measure	Regulation N°	OJ Reference
	and their essential parts (ext.)		(EC) No 1174/2005 18.07.2005 as last amended by Council Reg. (EC) No 684/2008 17.07.2008 extended to such imports consigned from Thailand by Council Reg. (EC) No 499/2009 11.06.2009 and maintained by Council Impl. Reg. (EU) No 1008/2011 10.10.2011	21.07.2005 p. 1 L 192 19.07.2008 p. 1 L 151 16.06.2009 p. 1 L 268 13.10.2011 p.1
	Polyethylene terephthalate (PET)	Duties	Council Reg. (EC) No 192/2007 22.02.2007, corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	Ring binder mechanisms	Duties	Council Impl. Reg. (EU) No 792/2011 05.08.2011	L 204 09.08.2011 p. 1
	Sweet corn (prepared or preserved, in kernels)	Duties	Council Reg. (EC) No 682/3007 18.06.2007 corrected by L 252 of 27.09.2007, p. 7, as last amended by Council Reg. (EC) No 954/2008 25.09.2008 and by Council Reg. (EC) No 847/2009 15.09.2009	L 159 20.06.2007 p. 14 L 260 30.09.2008 p. 1 L 246 18.09.2009 p. 1
	Tube and pipe fitting, of iron or steel	Duties	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004	L 139 06.06.2003 p. 1 L 275 25.08.2004 p. 1 L 355 01.12.2004

Origin	Product	Measure	Regulation N°	OJ Reference
			22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	p. 4 L 355 01.12.2004 p. 9 L 116 29.04.2006 p. 1 L 233 04.09.2009 p. 1
	Welded tubes and pipes, of iron or non-alloy steel	Duties	Council Reg. (EC) No 1697/2002 23.09.2002 and maintained by Council Reg. (EC) No 1256/2008 19.12.2008	L 259 27.09.2002 p. 8 L 343 19.12.2008 p. 1
Ukraine	Ironing boards	Duties	Council Reg. (EC) No 452/2007 23.04.2007, as last amended by Council Impl. Reg. (EU) No 77/2010 19.01.2010 and Council Impl. Reg. (EU) No 270/2010 29.03.2010 and Council Impl. Reg. (EU) No 580/2010 29.06.2010, and Council Impl. Reg. (EU) No 1241/2010 20.12.2010 and Council Impl. Reg. (EU) No 987/2012 22.10.2012	L 109 26.04.2007 p. 12 L 24 28.01.2010 p. 1 L 84 31.03.2010 p. 13 L 168 02.07.2010 p. 12 L 338 22.12.2010 p. 8 L 297 26.10.2012 p. 5
	Seamless pipes and tubes of iron or steel	Duties	Council Reg. (EC) No 954/2006 27.06.2006 as last amended by Council Reg. (EC) No 812/2008 11.08.2008 and Council Impl. Reg. (EC) No 540/2012	L 175 29.06.2006 p. 4 L 220 15.08.2008 p. 1 L 165 26.06.2012

Origin	Product	Measure	Regulation N°	OJ Reference
			21.06.2012 and Council Impl. Reg. (EU) No 795/2012 28.08.2012 and Council Impl. Reg. (EU) No L 317, 5.12.2007, p. 5 21.12.2012 and maintained by Council Impl. Reg. (EU) No 585/2012 26.06.2012	p. 1 L 238 04.09.2012 p. 1 L 357, 28.12.2012 p. 1 L 174 04.07.2012 p. 5
	Steel ropes and cables	Duties	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004 and extended as concerns China to such imports consigned from Korea (Rep. of) by Council Impl. Reg. (EU) No 400/2010 26.04.2010 corrected by L 332, 15.12.2011 and corrected by L 140, 30.05.2012, p. 74 and maintained by Council Impl. Reg. (EC) No 102/2012 27.02.2012 as last amended by Council Impl. Reg. (EU) No 558/2012 26.06.2012	L 299 16.11.2005 p. 1 L 326 12.12.2007 p. 18 L 120 24.04.2004 p. 1 L 328 30.10.2004 p. 1 L 117 11.05.2010 p. 1 L 36 09.02.2012 p. 1 L 168 28.06.2012 p. 3
	Welded tubes and pipes, of iron or	Duties	Council Reg. (EC) No 1697/2002	L 259 27.09.2002

Origin	Product	Measure	Regulation N°	OJ Reference
	non-alloy steel		23.09.2002 and maintained by Council Reg. (EC) No 1256/2008 16.12.2008	p. 8 L 343 19.12.2008 p. 1
U.S.A.	Biodiesel	Duties	Council Reg. (EC) No 599/2009 07.07.2009 and extended to imports consigned from Canada by Council Impl. Reg. (EU) No 444/2011 05.05.2011	L 179 10.07.2009 p. 26 L 122 11.05.2011 p. 12
	Ethanolamines	Duties (2 years)	Council Reg. (EC) No 1583/2006 23.10.2006 as maintained by Council Impl. Reg. (EU) No 54/2010 19.01.2010	L 294 25.10.2006 p.2 L 17 22.01.2010 p. 1
Vietnam	Ring binder mechanisms (ext.)	Duties (ext.)	Council Reg. (EC) No 2074/2004 29.11.2004 extended to imports from Vietnam by Council Reg. (EC) No 1208/2004 28.06.2004 and extended to imports from Laos by Council Reg. (EC) No 33/2006 09.01.2006 and maintained by Council Impl. Reg. (EU) No 157/2010 22.02.2010	L 359 04.12.2004 p. 11 L 232 01.07.2004 p. 1 L 7 12.01.2006 p. 1 L 49 26.02.2010 p. 1

ANNEX P**Definitive anti-subsidy measures in force on 31 December 2012****A. Ranked by product (alphabetical)**

Product	Origin	Measure	Regulation N°	OJ Reference
Biodiesel (AS)	U.S.A. Canada (ext.)	Duties	Council Reg. (EC) No 598/2009 07.07.2009	L 179 10.07.2009 p. 1
			and extended to imports consigned from Canada Council Impl. Reg. (EU) No 443/2011 05.05.2011	L 122 11.05.2011 p. 1
Coated fine paper (AS)	P.R. China	Duties	Council Impl. Reg. (EU) No 452/2011 06.05.2011	L 128 14.05.2011 p. 18
Graphite electrode systems (AS)	India	Duties	Council Reg. (EC) No 1628/2004 13.09.2004	L 295 18.09.2004 p. 4
			as last amended by Council Reg. (EC) No 1354/2008 18.12.2008	L 350 30.12.2008 p. 24
			and maintained by Council Impl. Reg. (EU) No 1185/2010 13.12.2010	L 332 16.12.2010 p. 1
Polyethylene terephthalate (PET) (AS)	India	Duties	Council Reg. (EC) No 193/2007 22.02.2007	L 59 27.02.2007 p. 34
			as last amended by Council Reg. (EC) No 1286/2008 16.12.2008	L 340 19.12.2008 p. 1
		Undertakings	Council Reg. (EC) No 193/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 34
	Iran Pakistan U.A.E.	Duties	Council Impl. Reg. (EU) No 857/2010 27.09.2010	L 254 29.09.2010 p. 10
Stainless steel bars and rods (AS)	India	Duties	Council Impl. Reg. (EU) No 405/2011 19.04.2011	L 108 28.04.2011 p. 3
Sulphanilic acid (AS)	India	Duties	Council Reg.	L 196

Product	Origin	Measure	Regulation N°	OJ Reference
			(EC) No 1338/2002 22.07.2002 as last amended by Council Reg. (EC) No 123/2006 23.01.2006 and maintained by Council Reg. (EC) No 1010/2008 13.10.2008 Commission Dec. No 2006/37/EC 05.12.2005	25.07.2002 p. 1 L 22 26.01.2006 p. 5 L 276 17.10.2008 p. 3 L 22 26.01.2006 p. 52
		Undertakings		

B. Ranked by country (alphabetical)

Origin	Product	Measure	Regulation N°	OJ Reference
Canada	Biodiesel (AS) (ext.)	Duties (ext.)	Council Reg. (EC) No 598/2009 07.07.2009 and extended to imports consigned from Canada Council Impl. Reg. (EU) No 443/2011 05.05.2011	L 179 10.07.2009 p. 1 L 122 11.05.2011 p. 1
P.R. China	Coated fine paper (AS)	Duties	Council Impl. Reg. (EU) No 452/2011 06.05.2011	L 128 14.05.2011 p. 18
India	Graphite electrode systems (AS)	Duties	Council Reg. (EC) No 1628/2004 13.09.2004 as last amended by Council Reg. (EC) No 1354/2008 18.12.2008 and maintained by Council Impl. Reg. (EU) No 1185/2010 13.12.2010	L 295 18.09.2004 p. 4 L 350 30.12.2008 p. 24 L 332 16.12.2010 p. 1
	Polyethylene terephthalate (PET) (AS)	Duties	Council Reg. (EC) No 193/2007 22.02.2007 as last amended by Council Reg. (EC) No 1286/2008 19.12.2008	L 59 27.02.2007 p. 34 L 340 19.12.2008 p. 1

Origin	Product	Measure	Regulation N°	OJ Reference
		Undertakings	Council Reg. (EC) No 193/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 34
	Stainless steel bars and rods (AS)	Duties	Council Impl. Reg. (EU) No 405/2011 19.04.2011	L 108 28.04.2011 p. 3
	Sulphanilic acid (AS)	Duties	Council Reg. (EC) No 1339/2002 22.07.2002 as last amended by Council Reg. (EC) No 123/2006 23.01.2006 and maintained by Council Reg. (EC) No 1010/2008 13.10.2008	L 196 25.07.2002 p. 11 L 22 26.01.2006 p. 5 L 276 17.10.2008 p. 3
		Undertakings	Commission Dec. No 2006/37/EC 05.12.2005	L 22 26.01.2006 p. 52
Iran	Polyethylene terephthalate (PET) (AS)	Duties	Council Reg. (EC) No 1289/2006 27.08.2006	L 254 29.09.2010 p. 10
Pakistan	Polyethylene terephthalate (PET) (AS)	Duties	Council Reg. (EC) No 1289/2006 27.08.2006	L 254 29.09.2010 p. 10
U.A.E.	Polyethylene terephthalate (PET) (AS)	Duties	Council Reg. (EC) No 1289/2006 27.08.2006	L 254 29.09.2010 p. 10
U.S.A.	Biodiesel (AS)	Duties	Council Reg. (EC) No 598/2009 07.07.2009 and extended to imports consigned from Canada Council Impl. Reg. (EU) No 443/2011 05.05.2011	L 179 10.07.2009 p. 1 L 122 11.05.2011 p. 1

ANNEX Q**Undertakings in force on 31 December 2012****A. Ranked by product (alphabetical)**

Product	Origin	Measure	Regulation N°	OJ Reference
Aluminium foil	Brazil	Undertakings	Commission Dec. No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50
Ammonium nitrate	Russia	Undertakings	Commission Dec. No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59 and amended by L 277, 11.10.2012, p. 8	L 185 12.07.2008 p. 43
Citric acid	P.R. China	Undertakings	Commission Dec. No 2008/899/EC 02.12.2008 corrected by C 346, 26.11.2011, p. 8 and by C 3, 06.01.2012, p. 11, corrected by C 64, 03.03.2012, p. 25, corrected by C 74, 13.03.2012, p. 16 amended by L 244, 08.09.2012, p. 27	L 323 03.12.2008 p. 62
Polyethylene terephthalate (PET)	India Indonesia	Undertakings	Council Reg. (EC) No 192/2007 22.02.2007	L 59 27.02.2007 p. 1
Polyethylene terephthalate (PET) (AS)	India	Undertakings	Council Reg. (EC) No 193/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 34
Sulphanilic acid (AD + AS)	India	Undertakings	Commission Dec. No 2006/37/EC 05.12.2006	L 22 26.01.2006 p. 52
Zeolite A powder	Bosnia and Herzegovina	Undertakings	Commission Dec. No 2011/279/EU 13.05.2011	L 125 14.05.2011 p. 26

B. Ranked by country (alphabetical)

Origin	Product	Measure	Regulation N°	Publication
Bosnia and Herzegovina	Zeolite A powder	Undertakings	Commission Dec. No 2011/279/EU 13.05.2011	L 125 14.05.2011 p. 26
Brazil	Aluminium foil	Undertakings	Commission Dec. No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50
P.R. China	Citric acid	Undertakings	Commission Dec. No 2008/899/EC 02.12.2008 corrected by C 346, 26.11.2011, p. 8 and by C 3, 06.01.2012, p. 11, corrected by C 64, 03.03.2012, p. 25, corrected by C 74, 13.03.2012, p. 16	L 323 03.12.2008 p. 62
India	Polyethylene terephthalate (PET)	Undertakings	Council Reg. (EC) No 192/2007 22.02.2007	L 59 27.02.2007 p. 1
	Polyethylene terephthalate (PET) (AS)	Undertakings	Council Reg. (EC) No 193/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 34
	Sulphanilic acid (AD + AS)	Undertakings	Commission Dec. No 2006/37/EC 05.12.2006	L 22 26.01.2006 p. 52
Indonesia	Polyethylene terephthalate (PET)	Undertakings	Council Reg. (EC) No 192/2007 22.02.2007	L 59 27.02.2007 p. 1
Russia	Ammonium nitrate	Undertakings	Commission Dec. No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59	L 185 12.07.2008 p. 43

ANNEX R

Anti-dumping & anti-subsidy investigations pending on 31 December 2012

A. New investigations (ranked by product - in alphabetical order)

Product	AD/AS	Origin	Type	OJ Reference
Aluminium foil	AD.582	P.R. China	Initiation	C 371 20.12.2011, p. 4
			Prov. duties	L 251 18.09.2012 p. 29
Bicycles	AS.589	P.R. China	Initiation	C 122 27.04.2012, p. 9
Biodiesel	AD.593	Argentina Indonesia	Initiation	C 260 29.08.2012 p. 8
Biodiesel (AS)	AS.595	Argentina Indonesia	Initiation	C 342 10.11.2012 p. 12
Bioethanol	AD.580	U.S.A.	Initiation	C 345 25.11.2011, p. 7
Ceramic tableware	AD.586	P.R. China	Initiation	C44 16.02.2012, p. 22
			Prov. duties	L 318 15.11.2012 p. 28
Organic coated steel products	AD.584	P.R. China	Initiation	C 373 21.12.2011, p. 16
			Prov. duties	L 252 19.09.2012 p. 33
Organic coated steel products (AS)	AS.587	P.R. China	Initiation	C52 22.02.2012, p. 4
Solar panels (crystalline silicon photovoltaic modules and key components)	AD.590	P.R. China	Initiation	L 269 06.09.2012, p. 5
Solar panels (crystalline silicon photovoltaic modules and key components) (AS)	AS.594	P.R. China	Initiation	C 340 08.11.2012 p. 13
Stainless steel tube and pipe butt-welding fittings	AD.596	P.R. China Taiwan	Initiation	C 342 10.11.2012 p. 2
Stainless steel wires	AD.591	India	Initiation	C 240 10.08.2012 p. 15
Stainless steel wires (AS)	AS.592	India	Initiation	C 240 10.08.2012 p. 6

Product	AD/AS	Origin	Type	OJ Reference
Threaded tube or pipe cast fittings, of malleable cast iron	AD.585	P.R. China Thailand Indonesia	Initiation Prov. duties (P.R. China, Thailand)	C 44 16.02.2012, p. 33 L 318 15.11.2012 p. 10
Tube and pipe fittings of iron or steel	AD.579	Russia Turkey	Initiation Prov. duties	C 320 01.11.2011, p. 4 L 203 31.07.2012 p. 37
Welded tubes, pipes and hollow profiles of square or rectangular cross-section, of iron other than cast iron or steel other than stainless	AD.588	F.Y.R.O.M. Turkey Ukraine	Initiation	C 96 31.03.2012 p. 13
White phosphorous	AD.583	Kazakhstan	Initiation	C 369 17.12.2011 p. 19

B. Review investigations (ranked by product - in alphabetical order)

Product	R. No	Origin	Type of review	OJ Reference
Aluminium foil in big rolls	R.565	P.R. China	Anti-circumvention investigation	L 293 23.10.12 p. 28
Bicycles	R.546	P.R. China	Full interim review	C 71 09.03.2012, p. 10
Bicycles	R.563	P.R. China (Indonesia, Malaysia, Sri Lanka, Tunisia)	Anti-circumvention investigation	L 258 26.09.2012 p. 21
Citrus fruits	AD.524a	P.R. China	Reopening	C 353 03.12.2011, p. 15
Citrus fruits	AD.524b	P.R. China	Reopening Registr. of imports	C 175 19.06.2012, p. 19 L 169 29.06.2012 p. 50
Dicyandiamide (DCD)	R.564	P.R. China	Expiry review	C 349 15.11.2012 p. 10
Ethanolamines	R.541	U.S.A.	Expiry review	C 18 21.01.2012, p. 16
Ethanolamines	R.544	U.S.A.	Partial interim	C 103

Product	R. No	Origin	Type of review	OJ Reference
			review	11.04.2012 p.8
Ethanolamines	R460a	U.S.A.	Reopening	C 314 18.10.12 p. 12
Hand pallet trucks and their essential parts	R.545	P.R. China	Partial interim review	C 41 14.02.2012, p. 14
Iron or steel ropes and cables	R.559	Russia	Expiry review	C 330 27.10.2012 p. 5
Ironing boards	R.549	P.R. China Ukraine	Expiry review	C 120 25.04.2012 p. 9
Ironing boards	R.553	Ukraine	Partial interim review	C 166, 12.06.2012, p. 3
Lighters	R.555	P. R. China (Vietnam)	Anti-circumvention investigation	L 165 26.06.2012, p. 37
Molybdenum wires	R.560	P. R. China	Anti-circumvention investigation	L 350 20.12.2012 p. 51
Open mesh fabrics of glass fibres	R.554	P.R. China (Taiwan Thailand)	Anti-circumvention investigation	L 134 24.05.2012, p. 12
Peroxosulphates (Persulphates)	R.566	P.R. China	Expiry review	C 305 10.10.2012 p. 15
Polyethylene terephthalate (PET)	R.542	India Thailand Taiwan Indonesia Malaysia	Expiry review	C55 24.02.2012, p. 4
Polyethylene terephthalate (PET) (AS)	R.550	India	Expiry review	C55 24.02.2012, p. 14
Polyethylene terephthalate (PET)	R.557	Taiwan	New exporter review	L 188, 18.07.2012, p. 8
Silicon metal (silicon)	R.556	P.R. China (Taiwan)	Anti-circumvention investigation	L 176, 06.07.2012, p. 50
Stainless steel bars and rods (AS)	R.558	India	Partial interim review	C 239, 09.08.2012, p. 2
Stainless steel fasteners and parts thereof	R.535	P. R. China (Thailand, Malaysia, Philippines)	Anti-circumvention investigation	L 153, 14.06.2012, p. 8

Product	R. No	Origin	Type of review	OJ Reference
Sweet corn	R.552	Thailand	Expiry review	C 175 19.06.2012 p.22
Tungsten electrodes	R.547	P.R. China	Expiry review	C 71 09.03.2012, p. 23

C. Ranked by country (new and review investigations) (alphabetical)

Origin	Product R. No	Type	OJ Reference
Argentina	Biodiesel	New investigation	C 260 29.08.2012 p. 8
	Biodiesel	New investigation	C 342 10.11.2012 p. 12
P.R. China	Aluminium foil	New investigation	C 371 20.12.2011, p. 4
	Aluminium foil in big rolls	Anti-circumvention investigation	L 293 23.10.12 p. 28
	Bicycles	New investigation	C 122 27.04.2012, p. 9
	Bicycles	Full interim review	C 71 09.03.2012, p. 10
	Ceramic tableware	New investigation Prov. duties	C44 16.02.2012, p. 22 L 318 15.11.2012 p. 28
	Citrus fruits	New investigation	C 353 03.12.2011, p. 15
	Citrus fruits	Reopening	C 175 19.06.2012, p. 19
	Dicyandiamide (DCD)	Expiry review	C 349 15.11.2012 p. 10
	Hand pallet trucks and their essential parts	Partial interim review	C 41 14.02.2012, p. 14
	Ironing boards	Expiry review	C 120 25.04.2012, p. 9

Origin	Product R. No	Type	OJ Reference
	Molybdenum wires	Anti-circumvention investigation	L 350 20.12.2012 p. 51
	Organic coated steel products	New investigation	C 373 21.12.2011, p. 16
	Organic coated steel products (AS)	New investigation	C52 22.02.2012, p. 4
	Peroxosulphates (Persulphates)	Expiry review	C 305 10.10.2012 p. 15
	Solar panels (crystalline silicon photovoltaic modules and key components)	New investigation	L 269 06.09.2012, p. 5
	Solar panels (crystalline silicon photovoltaic modules and key components)	New investigation	C 340 08.11.2012 p. 13
	Stainless steel tube and pipe butt-welding fittings	New investigation	C 342 10.11.2012 p. 2
	Threaded tube or pipe cast fittings, of malleable cast iron	New investigation Prov. duties	C 44 16.02.2012, p. 33 L 318 15.11.2012 p. 10
	Tungsten electrodes	Expiry review	C 71 09.03.2012, p. 23
F.Y.R.O.M.	Welded tubes, pipes and hollow profiles of square or rectangular cross-section, of iron other than cast iron or steel other than stainless	New investigation	C 96 31.03.2012 p. 13
India	Polyethylene terephthalate (PET)	Expiry review	C55 24.02.2012, p. 4
	Polyethylene terephthalate (PET) (AS)	Expiry review	C55 24.02.2012, p. 14
	Stainless steel bars and rods (AS)	Partial interim review	C 239, 09.08.2012, p. 2
	Stainless steel wires	New investigation	C 240 10.08.2012 p. 15
	Stainless steel wires (AS)	New investigation	C 240 10.08.2012 p. 6
Indonesia	Bicycles	Anti-circumvention	L 258 26.09.2012

Origin	Product R. No	Type	OJ Reference
		investigation	p. 21
	Biodiesel	New investigation	C 260 29.08.2012 p. 8
	Biodiesel	New investigation	C 342 10.11.2012 p. 12
	Polyethylene terephthalate (PET)	Expiry review	C55 24.02.2012, p. 4
	Threaded tube or pipe cast fittings, of malleable cast iron	New investigation	C 44 16.02.2012, p. 33
Kazakhstan	White phosphorous	New investigation	C 369 17.12.2011, p. 19
Malaysia	Bicycles	Anti-circumvention investigation	L 258 26.09.2012 p. 21
	Polyethylene terephthalate (PET)	Expiry review	C55 24.02.2012, p. 4
	Stainless steel fasteners and parts thereof	Anti-circumvention investigation	L 153 14.06.2012, p. 8
Philippines	Stainless steel fasteners and parts thereof	Anti-circumvention investigation	L 153 14.06.2012, p. 8
Russia	Iron or steel ropes and cables	Expiry review	C 330 27.10.2012 p. 5
	Tube and pipe fittings of iron or steel	Initiation Prov. duties	C 320 01.11.2011, p. 4 L 203 31.07.2012, p. 37
Sri Lanka	Bicycles	Anti-circumvention investigation	L 258 26.09.2012 p. 21
Taiwan	Open mesh fabrics of glass fibres	Anti-circumvention investigation	L 134 24.05.2012, p. 12
	Polyethylene terephthalate (PET)	Expiry review	C55 24.02.2012, p. 4
	Polyethylene terephthalate (PET)	New exporter review	L 188, 18.07.2012, p. 8
	Silicon metal (silicon)	Anti-	L 176,

Origin	Product R. No	Type	OJ Reference
		circumvention investigation	06.07.2012, p. 50
Thailand	Open mesh fabrics of glass fibres	Anti-circumvention investigation	L 134 24.05.2012, p. 12
	Polyethylene terephthalate (PET)	Expiry review	C55 24.02.2012, p. 4
	Stainless steel fasteners and parts thereof	Anti-circumvention investigation	L 153 14.06.2012, p. 8
	Sweet corn	Expiry review	C 175 19.06.2012 p.22
	Threaded tube or pipe cast fittings, of malleable cast iron	New investigation Prov. duties	C 44 16.02.2012, p. 33 L 318 15.11.2012 p. 10
Tunisia	Bicycles	Anti-circumvention investigation	L 258 26.09.2012 p. 21
Turkey	Tube and pipe fittings of iron or steel	Initiation Prov. duties	C 320 01.11.2011, p. 4 L 203 31.07.2012, p. 37
	Welded tubes, pipes and hollow profiles of square or rectangular cross-section, of iron other than cast iron or steel other than stainless	New investigation	C 96 31.03.2012, p. 13
Ukraine	Ironing boards	Expiry review	C 120 25.04.2012 p. 9
	Ironing boards	Partial interim review	C 166, 12.06.2012, p. 3
	Welded tubes, pipes and hollow profiles of square or rectangular cross-section, of iron other than cast iron or steel other than stainless	New investigation	C 96 31.03.2012, p. 13
U.S.A.	Bioethanol	New investigation	C 345 25.11.2011, p. 7
	Ethanolamines	Expiry review	C 18 21.01.2012, p. 16
	Ethanolamines	Partial interim review	C 103 11.04.2012, p.8

Origin	Product R. No	Type	OJ Reference
	Ethanolamines	Reopening	C 314 18.10.12 p. 12
Vietnam	Lighters	Anti-circumvention investigation	L 165 26.06.2012, p. 37

ANNEX S

Court cases

A. Court cases pending before the Court of Justice of the European Union and the General Court on 31 December 2012

Court of Justice	
C-195/11 P	Commission v Zhejiang Xinshiji Foods and Hubei Xinshiji Foods (appeal against judgment in T-122/09)
C-638/11 P	Council v Gul Ahmed Textile Mills (appeal against judgment in T-199/04)
C-595/11	Steinel Vertrieb GmbH (preliminary ruling)
C-10/12 P	ENRC Marketing AG and JSC TNC Kazchrome v Council (appeal against judgment in T-192/08)
C-13/12 P	Chelyabinskij electrometalurgicheskij kombinat and Kuznetskie Ferrosplavy v Council (appeal against judgment in T-190/08)
C-15/12 P	Dashiqiao Sanqiang Refractory Materials v Council and Commission (appeal against judgment in T-423/09)
C-667/11	Paltrade v Pristanishte Varna (preliminary ruling)
C-374/12	Valimar v Nachalnik na Mitnitsa Varna (preliminary ruling)

General Court	
T-84/07	Eurochem v Council
T-469/07	Philips Lighting Poland SA and Philips Lighting BV v Council
T-459/07	Hangzhou Duralamp Electronics Co,. Ltd v Council
T-234/08	EuroChem Mineral and Chemical Company OAO (EuroChem MCC) v Council
T-235/08	Acron OAO and Dorogobuzh OAO v Council
T-459/08	EuroChem Mineral and Chemical Company OAO (EuroChem MCC) v Council
T-536/08	Huvis v Council
T-537/08	Cixi Jiangnan Chemical Fiber and others v Council
T-512/09	Rusal Armenal v Council
T-528/09	Hubei Xinyegang v Council
T-118/10	Acron OAO v Council
T-134/10	FESI v Council
T-153/10	Schneider Espana de Informatica SA v Commission
T-191/10	Greenwood Houseware (Zhuhai) Ltd and Others v Council
T-582/10	Acron OAO and Dorogobuzh v Council
T-304/11	Alumina d.o.o. v Council
T-385/11	BP Products North America v Council
T-407/11	SRF Ltd. v Council

General Court	
T-443/11	Gold East Paper (Jiangsu) and Gold Huasheng Paper (Suzhou Industrial Park) v Council
T-444/11	Gold East Paper (Jiangsu) and Gold Huasheng Paper (Suzhou Industrial Park) v Council
T-445/11	Charron Inox and Almet v Commission
T-551/11	BSI v Council
T-557/11	Elsid and others v Commission
T-596/11	Bricmate AB v. Council
T-633/11	Guangdong Kito Ceramics and others v Council
T-643/11	Crown Equipment (Suzhou) and Crown Gabelstapler v Council
T-6/12	Godrej Industries Ltd and V V F Ltd v Council
T-26/12	PT Musim Mas v Council
T-28/12	PT Ecogreen Oleochemicals and others v Council
T-73/12	Einhell v Commission
T-74/12	Mecafer v Commission
T-75/12	NuAir Polska v Commission
T-76/12	NuAir Compressors and Tools v Commission
T-81/12	BECO v Commission
T-88/12	Charron Inox and Almet v Council
T-169/12	CHEMK and KF v Council
T-310/12	Yuanping Changyuan Chemicals v Council
T-431/12	Distillerie Bonollo SpA v Council
T-432/12	VTZ and others v Council
T-442/12	Changmao Biochemical Engineering v Council
T-466/12	RFA International v Commission

B. Judgments, orders or other decisions rendered in 2012

Court of Justice	
C-249/10 P	Brosman Footwear (HK) and others v Council (appeal against judgment in T-401/06)
C-191/09 P	Council v Interpipe Niko. Tube & Interpipe NTRP (appeal against judgment in T-249/06)
C-200/09 P	Commission v Interpipe Niko. Tube & Interpipe NTRP (appeal against judgment in T-249/06)
C-338/10	GLS Grünwald Logistik Service GmbH (preliminary ruling)
C-348/11	Thomson Sales Europe SA v Administration des douanes (preliminary ruling)
C-533/10	CIVAD S.A. (preliminary ruling)
C-337/09 P	Council v Zhejiang Chemical (appeal against judgment in T-498/04)
C-247/10 P	Zhejiang Aokang Shoes Ltd. v Council (appeal against judgment in T-

	407/06)
C-552/10 P	Usha Martin Ltd. v Council and Commission (appeal against judgment in T-119/06)

General Court	
T-113/06	Fjord Seafood Norway AS et al v Council
T-115/06	Fiskeri og Havbruksnaeringens et al v Council
T-162/09	Würth and Fasteners (Shenyang) v Council
T-158/10	The Dow Chemical Company v Council
T-555/10	JBF RAK v Council
T-156/11	Since Hardware (Guangzhou) CO., LTD v Council
T-269/10	LIS GmbH Licht Impex Service GmbH v Commission
T-150/09	Ningbo Yonghong Fasteners v Council
T-170/09	Shanghai Biaowu High-Tensile Fastener and Shanghai Prime Machinery v Council
T-172/09	Gem-Year and Jinn-Well Auto-Parts (Zhejiang) v Council
T-556/10	Novatex Ltd. Karachi v Council

ANNEX T

Safeguard and surveillance measures in force on 31 December 2012

A. Safeguard measures

List of safeguard measures in force			
Product	Country of origin	Regulation/Decision N°	OJ Reference
None			

B. Surveillance measures

List of surveillance measures in force			
Product	Country of origin	Regulation/Decision N°	OJ Reference
Steel products (surveillance)	Erga omnes	Commission Reg. (EC) No 76/2002 17.01.2002 as last amended by Commission Reg. (EU) No 1241/2009 16.12.2009	L 16 18.01.2002 p. 3 L 332 17.12.2009 p. 54