



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25.04.2000
COM(2000) 235 final

Proposal for a

COUNCIL REGULATION

amending Council Regulation (EC) No 603/1999 imposing a definitive anti-dumping duty on imports of polypropylene binder or baler twine originating in Poland, the Czech Republic and Hungary, and collecting definitively the provisional duty imposed

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. By Regulation (EC) No 603/1999, the Council imposed definitive anti-dumping duties on imports of polypropylene binder or baler twine originating, *inter alia*, in Poland, except where this product is produced and directly exported and invoiced to an importing company in the Community by WKI Isoliertechnik Spolka z.o.o, from which the Commission, by Decision 1999/215/EC, accepted an individual price undertaking.
2. The company has, however, now withdrawn its undertaking following difficulties in observing certain conditions laid down therein.
3. Accordingly, the attached Regulation contains a proposal to remove the exemption from the anti-dumping duties granted to this company.
4. In parallel to this Regulation, a proposal is being submitted for a Decision amending the list of parties from which undertakings are accepted in the above mentioned proceeding.

Proposal for a

COUNCIL REGULATION

amending Council Regulation (EC) No 603/1999 imposing a definitive anti-dumping duty on imports of polypropylene binder or baler twine originating in Poland, the Czech Republic and Hungary, and collecting definitively the provisional duty imposed

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community¹, as last amended by Regulation (EC) No 905/98² of 27 April 1998, and in particular Articles 8(9) and 9 thereof,

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

Whereas:

A. PREVIOUS PROCEDURE

- (1) Following an investigation initiated by means of a notice published in the *Official Journal of the European Communities*³, the Council, by Regulation (EC) No 603/1999⁴, imposed definitive anti-dumping duties on imports of polypropylene binder or baler twine originating in Poland, the Czech Republic and Hungary.
- (2) Also within the framework of this investigation, the Commission, by Decision 1999/215/EC of 16 March 1999⁵, accepted a price undertaking offered by, *inter alia*, the Polish company WKI Isoliertechnik Spolka z.o.o (heinafter "the company").

B. WITHDRAWAL OF UNDERTAKING

- (3) The company has, however, now withdrawn its undertaking following difficulties in observing certain conditions laid down therein.

¹ OJ L 56, 6.3.1996, p. 1.

² OJ L 128, 30.4.1998, p. 18.

³ OJ C 1, 3.1.1998, p. 10.

⁴ OJ L 75, 20.3.1999, p. 1

⁵ OJ L 75, 20.3.1999, p. 34

- (4) Accordingly, in view of this withdrawal, the exemption from the anti-dumping duties granted to this company should be removed and definitive duties be imposed pursuant to Articles 8 (9) and 9 of Regulation (EC) No 384/96.

C. DEFINITIVE DUTIES

- (5) The investigation which led to the undertaking offered by the company was concluded by a final determination as to dumping and injury by Regulation (EC) No 603/1999.
- (6) In accordance with Article 8 (9) of Regulation (EC) No 384/96, the rate of the anti-dumping duty now to be imposed on the company must, therefore, be based on the facts established within the context of the investigation which led to the undertaking. In this regard, in view of recitals (15), (71) and (75) of Regulation (EC) No 603/1999, it is considered appropriate that the definitive anti-dumping duty rate be set at a level of 15.7% *ad valorem*.

D. AMENDMENT OF REGULATION (EC) NO 603/1999

- (7) In view of the above, Regulation (EC) No 603/1999 should be amended so as to remove the company from the list of companies benefiting from an exemption to the anti-dumping duties on polypropylene binder or baler twine originating, *inter alia*, in Poland, and a definitive anti-dumping duty of 15.7% be imposed on it.
- (8) In parallel to this Regulation, the Commission, by Decision 2000/■■■/EC⁶ has modified Decision 1999/215/EC and removed the company from the list of parties from which undertakings have been accepted.

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(2) of Regulation (EC) No 603/1999 is hereby replaced by the following:

2. The rate of the definitive anti-dumping duty applicable to the net free-at-Community-frontier prices before duty of the products manufactured by the companies listed below shall be as follows:

Country	Company	Rate of duty (%)	TARIC additional code
Poland	BZLP Beزالin	17.2	8450
	PAT Defalin s.a.	16.3	8569
	Industrial Chemistry Research Institute	12.8	8578

⁶ OJ L, [number], [date], p. [page]

	Terplast sp z.o.o.	6.1	8579
	WKI Isoliertechnik Spolka z.o.o.	15.7	A091
	All other companies	20.3	8900
Czech Republic	All companies	24.8	8900
Hungary	All companies	32.9	8900

Article 2

Article 2(2) of Regulation (EC) No 603/1999 is hereby replaced by the following:

2. Imports made within the context of the undertakings offered and accepted shall be declared under the following TARIC additional codes:

Country	Company	TARIC additional code
Czech Republic	Juta a.s.	8596
	Lanex a.s.	8580
Hungary	Partium '70 Rt	8581
	Tiszai Vegyi Kombinat Rt	8582
	Elsó Magyar Kenderfono Rt	8583

Article 3

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*. This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council
The President*