

Proposal for a Council Regulation amending Regulation (EC) No 348/2000 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Croatia and Ukraine

(2002/C 331 E/27)

COM(2002) 452 final

(Submitted by the Commission on 5 August 2002)

EXPLANATORY MEMORANDUM

On 19 November 1998, an anti-dumping proceeding was initiated by the Commission and led to the imposition of a definitive anti-dumping duty on certain seamless pipes and tubes of iron or non-alloy steel originating, *inter alia*, in Ukraine by Council Regulation (EC) No 348/2000 ⁽¹⁾.

Exemptions to the duties were granted, however, *inter alia* for imports produced and sold for export to the Community by three Ukrainian exporters from which the Commission accepted a joint undertaking (cf Commission Decision 2000/137/EC ⁽²⁾). These companies are listed in the aforementioned Regulation and Decision.

The three Ukrainian companies advised the Commission that they wished to withdraw the joint undertaking.

In view of the above, it is necessary by means of the attached Regulation, to propose to the Council that the companies benefiting from an exemption to the anti-dumping duty from the Ukraine listed in Article 2(4) of Regulation (EC) No 348/2000 be amended.

In parallel to the attached Regulation, the Commission is amending Article 1 of Commission Decision 2000/137/EC.

⁽¹⁾ OJ L 45, 17.2.2000, p. 1.

⁽²⁾ OJ L 46, 18.2.2000, p. 34.

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 Community ⁽¹⁾, and in particular Article 8 thereof,

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

Whereas:

A. PREVIOUS PROCEDURE

(1) On 19 November 1998, an anti-dumping proceeding was initiated by the Commission ⁽²⁾ on imports of certain

seamless pipes and tubes of iron or non-alloy steel ('the product concerned') originating, *inter alia*, in Ukraine.

(2) This proceeding resulted in an anti-dumping duty being imposed by Council Regulation (EC) No 348/2000 ⁽³⁾ in February 2000 in order to eliminate the injurious effects of dumping.

(3) In parallel, by Decision 2000/137/EC ⁽⁴⁾, the Commission accepted a joint price undertaking up to a certain volume threshold incorporating measures aimed at monitoring the undertaking from three Ukrainian exporting producers, Dnepropetrovsk Tube Works ('DTW'), Nikopol Pivdennotrubny Works (transferred later to Nikopolsky Seamless Tube Plant, 'Niko Tube' ⁽⁵⁾) and Nizhnedneprovsky Tube Rolling Plant ('NTRP'). Accordingly, imports of the product concerned from these exporting producers were exempted from the said anti-dumping duty.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1, Regulation as last amended by Regulation (EC) No 2238/2000 (OJ L 257, 11.10.2000, p. 2).

⁽²⁾ OJ C 353, 19.11.1998, p. 13.

⁽³⁾ OJ L 45, 17.2.2000, p. 1.

⁽⁴⁾ OJ L 46, 18.2.2000, p. 34.

⁽⁵⁾ OJ C 198, 13.7.2001, p. 2.

B. VOLUNTARY WITHDRAWAL OF THE JOINT UNDERTAKING

- (4) DTW, Niko Tube and NTRP advised the Commission that they wished to withdraw this joint undertaking. Accordingly, by Commission Decision 2002/.../EC, the names of these companies have been deleted from the list of companies from which undertakings are accepted in Article 1 of Decision 2000/137/EC.

C. AMENDMENT OF REGULATION (EC) No 348/2000

- (5) In view of the above and pursuant to Article 8(9) of Council Regulation (EC) No 384/96, Article 2(4) of Regulation (EC) No 348/2000 should be amended accordingly, and the exporting producers should be subject to the appropriate rate of anti-dumping duty for the Ukraine as set in Article 1(2) of Regulation (EC) No 348/2000 (38,5 %),

HAS ADOPTED THIS REGULATION:

Article 1

The table in Article 2(4) of Council Regulation (EC) No 348/2000 is replaced by the following table.

Country	Manufacturer	Taric additional code
Croatia	Zeljezara Sisak d.d., Sisak	A064

Article 2

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

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