

Proposal for a Council Regulation laying down transitional provisions concerning anti-dumping and anti-subsidy measures adopted pursuant to Commission Decisions No 2277/96/ECSC and No 1889/98/ECSC as well as pending anti-dumping and anti-subsidy investigations, complaints and applications pursuant to those Decisions

(2002/C 203 E/13)

COM(2002) 194 final

(Submitted by the Commission on 16 April 2002)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Treaty establishing the European Coal and Steel Community ('ECSC Treaty') will expire on 23 July 2002.

(2) Products which are currently covered by the ECSC Treaty will be subject to the Treaty establishing the European Community as of 24 July 2002.

(3) The Commission has adopted a number of anti-dumping measures pursuant to Commission Decision No 2277/96/ECSC on protection against dumped imports from countries not members of the European Coal and Steel Community ('Basic Anti-Dumping Decision')⁽¹⁾. Measures are normally imposed for a 5-year-period in accordance with Article 11(2) of the Basic Anti-Dumping Decision. However, some of these measures will not, at the date of the expiry of the ECSC Treaty, have reached the end of that 5-year-period ('ECSC anti-dumping measures'). Some investigations, initiated pursuant to the Basic Anti-Dumping Decision, may also be pending at the date of the expiry of the ECSC Treaty ('pending anti-dumping investigations'). Similarly, complaints or other applications for the initiation of an investigation filed pursuant to the provisions of the Basic Anti-Dumping Decision may be pending at the date of the expiry of the ECSC Treaty ('pending anti-dumping applications').

(4) It is therefore appropriate to provide for the continued application of ECSC anti-dumping measures under Council Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community ('Basic Anti-Dumping Regulation')⁽²⁾ after the date of the expiry of the ECSC Treaty and to apply from then onwards the provisions of the Basic Anti-Dumping Regulation to such measures. Any pending anti-dumping investigation should after the date of the expiry of the ECSC Treaty be continued and concluded pursuant to the provisions of the Basic Anti-Dumping Regulation and any anti-dumping measures resulting from such an investigation should be subject to the provisions of the Basic Anti-Dumping Regulation. Similarly, after the date of the expiry of the ECSC Treaty pending anti-dumping applications should be dealt with pursuant to the provisions of the Basic Anti-Dumping Regulation.

(5) In this context, it should be noted that the provisions of the Basic Anti-Dumping Decision are, with the exception of those on the Community's decision-making procedure, practically identical to those of the Basic Anti-Dumping Regulation.

(6) The Commission has also adopted a number of countervailing measures pursuant to Commission Decision No 1889/98/ECSC on protection against subsidised imports from countries not members of the European Coal and Steel Community ('Basic Anti-Subsidy Decision')⁽³⁾. Measures are normally imposed for a 5-year-period in accordance with Article 18(1) of the Basic Anti-Subsidy Decision. However, some of these measures will not, at the date of the expiry of the ECSC Treaty, have reached the end of that 5-year-period ('ECSC countervailing measures'). Some investigations, initiated pursuant to the Basic Anti-Subsidy Decision, may also be pending at the date of the expiry of the ECSC Treaty ('pending anti-subsidy investigations'). Similarly, complaints or other applications for the initiation of an investigation filed pursuant to the provisions of the Basic Anti-Subsidy Decision may be pending at the date of the expiry of the ECSC Treaty ('pending anti-subsidy applications').

⁽¹⁾ OJ L 308, 29.11.1996, p. 11. Decision as last amended by Commission Decision No 435/2001/ECSC (OJ L 63, 3.3.2001, p. 14).

⁽²⁾ 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).

⁽³⁾ OJ L 245, 4.9.1998, p. 3.

(7) It is therefore also appropriate to provide for the continued application of ECSC countervailing measures under Council Regulation (EC) No 2026/97 on protection against subsidised imports from countries not members of the European Community ('Basic Anti-Subsidy Regulation')⁽¹⁾ after the date of the expiry of the ECSC Treaty and to apply from then onwards the provisions of the Basic Anti-Subsidy Regulation to such measures. Any pending anti-subsidy investigation should after the date of the expiry of the ECSC Treaty be continued and concluded pursuant to the provisions of the Basic Anti-Subsidy Regulation and any countervailing measures resulting from such an investigation should be subject to the provisions of the Basic Anti-Subsidy Regulation. Similarly, after the date of the expiry of the ECSC Treaty pending anti-subsidy applications should be dealt with pursuant to the provisions of the Basic Anti-Subsidy Regulation.

(8) In this context, it should be noted that the provisions of the Basic Anti-Subsidy Decision are, with the exception of those on the Community's decision-making procedure, practically identical to those of the Basic Anti-Subsidy Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Anti-dumping measures which have been adopted pursuant to Commission Decision No 2277/96/ECSC and which are still in force on 23 July 2002 (the anti-dumping measures mentioned in Annex I), shall be continued and shall be governed by the provisions of Council Regulation (EC) No 384/96 with effect from 24 July 2002.

2. In calculating the date on which the anti-dumping measures in Annex I shall expire pursuant to Article 11(2) of Council Regulation (EC) No 384/96, regard shall be had to the original date of entry into force of those measures.

3. Any investigation, which has been initiated pursuant to Commission Decision No 2277/96/ECSC and which is still

pending on 23 July 2002, or any complaint or application for the initiation of such an investigation which is still pending on that date shall be continued and shall be governed by the provisions of Council Regulation (EC) No 384/96 with effect from 24 July 2002. Any anti-dumping measures resulting from such pending anti-dumping investigations, complaints or applications shall be governed by the provisions of Council Regulation (EC) No 384/96.

Article 2

1. Countervailing measures which have been adopted pursuant to Commission Decision No 1898/98/ECSC and which are still in force on 23 July 2002 (the countervailing measures mentioned in Annex II), shall be continued and shall be governed by the provisions of Council Regulation (EC) No 2026/97 with effect from 24 July 2002.

2. In calculating the date on which the anti-subsidy measures in Annex II shall expire pursuant to Article 18(1) of Council Regulation (EC) No 2026/97, regard shall be had to the original date of entry into force of those measures.

3. Any investigation which has been initiated pursuant to Commission Decision No 1898/98/ECSC and which is still pending on 23 July 2002, or any complaint or application for the initiation of such an investigation, which is still pending on 23 July 2002 shall be continued and shall be governed by the provisions of Council Regulation (EC) No 2026/97 with effect from 24 July 2002. Any countervailing measures resulting from such pending anti-subsidy investigations, complaints or applications shall be governed by the provisions of Council Regulation (EC) No 2026/97.

Article 3

This Regulation shall enter into force on 24 July 2002.

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

⁽¹⁾ OJ L 288, 21.10.1997, p. 1.

ANNEX I

ECSC anti-dumping measures in force on 23 July 2002

Product	Regulation	CN-Code (TARIC code)	Origin	Manufacturers (additional TARIC code)	Level of duty
Coke of coal in pieces with a diameter of more than 80 mm	Commission Decision No 2730/2000/ECSC 14.12.2000 (OJ L 316, 15.12.2000)	2704 00 19 (2704 00 19 10)	P.R. China	All companies	EUR 32,6 per tonne of dry net weight
Flat rolled products of iron or non-alloy steel (hot rolled coils)	Commission Decision No 283/2000/ECSC 4.2.2000 (OJ L 31, 5.2.2000) (corrected by Decision No 2009/2000/ECSC 22.9.2000) (OJ L 240, 23.9.2000) as last amended by Commission Decision No 1357/2001/ECSC 4.7.2001 (OJ L 182, 5.7.2001)	7208 10 00 7208 25 00 7208 26 00 7208 27 00 7208 36 00 7208 37 10 7208 37 90 7208 38 10 7208 38 90 7208 39 10 7208 39 90	Bulgaria	All companies (A999) Kremikovtzi Corp. (A082)	7,5 % Undertaking
			India	Tata Iron & Steel Company Ltd (A078) All other companies (A999) Essar Steel Ltd (A083) Steel Authority of India Ltd (A084) Jindal Vijayanagar Steel Ltd (A270) Ispat Industries Ltd (A204)	0 10,7 % Undertaking/1,5 % Undertaking/11,5 % 18,1 % Undertaking/15 %
			South Africa	Isacor Ltd. (A079) All other companies (A999) Highveld Steel & Vanadium Corp. (A085)	5,2 % 37,8 % Undertaking
			Taiwan	China Steel Corp. (A080) Yieh Loong Enterprise Co., Ltd (A081) All other companies (A999)	2,7 % 2,1 % 24,9 %
			Yugoslavia (FR)	All companies	15,4 %
Grain-oriented electrical steel sheets	Commission Decision No 303/96/ECSC 19.2.1996 (OJ L 42, 20.2.1996)	7225 11 00 7226 11 10	Russia	All companies (8877) Novolipetsk Iron and Steel Corp. (8878) OOO VIZ-STAL (8878) VO 'Promsyrimport' (8878)	40,1 % Undertaking Undertaking Undertaking
Hot-rolled flat products of non-alloy steel (quarto plates)	Commission Decision No 1758/2000/ECSC 9.8.2000 (OJ L 202, 10.8.2000)	ex 7208 51 30 (7208 51 30 10) ex 7208 51 50 (7208 51 50 10) ex 7208 51 91 (7208 51 91 10) ex 7208 51 99 (7208 51 99 10) ex 7208 52 91 (7208 52 91 10)	P.R. China	All companies	8,1 %
			India	All companies (A999) Steel Authority of India (A178)	22,3 % Undertaking
			Romania	Sidex SA (A069) All other companies (A999) Sidex Trading SRL (A179) Metalexportimport SA (A179) Metanef SA (A 179) Metagrimex Business Group SA (A179) Uzinsider SA (A179) Uzinexport SA (A179) Shiral Trading Impex SRL (A179) Metaltrade International '97 SRL (A179) Romilexim Trading Limited SRL (A179) Metal SA (A179)	Undertaking/5,7 % 11,5 % Undertaking Undertaking Undertaking Undertaking Undertaking Undertaking Undertaking Undertaking Undertaking

ANNEX II

ECSC anti-subsidy measures in force on 23 July 2002

Product	Regulation	CN-Code	Origin	Manufacturers and/or TARIC code (additional TARIC code)	Level of duty
Flat rolled products of iron or non-alloy steel (hot rolled coils)	Commission Decision No 284/2000/ECSC 4.2.2000 (OJ L 31, 5.2.2000) corrected by Commission Decision No 2071/2000/ECSC 29.9.2000 (OJ L 246, 30.9.2000)	7208 10 00	India	Essar Steel Ltd (A119)	4,9 %
		7208 25 00		The Steel Authority of India Ltd (A120)	12,3 %
		7208 26 00		Tata Iron & Steel Company Ltd (A121)	6,4 %
		7208 27 00		All other companies (A999)	13,1 %
		7208 36 00		Essar Steel Ltd (A083)	Undertaking
		7208 37 10		The Steel Authority of India Ltd (A084)	Undertaking
		7208 37 90		Tata Iron & Steel Company Ltd (A075)	Undertaking
		7208 38 10	Taiwan	China Steel Corp. (A071) Yieh Loong Enterprise Co., Ltd. (A072) All other companies (A999)	4,4 %
		7208 38 90			0
		7208 39 10			4,4 %
		7208 39 90			