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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

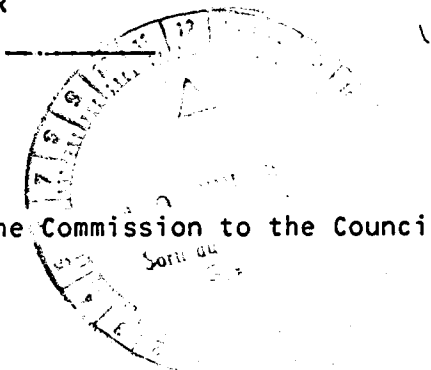
COM(82) 482 final

Brussels, 14th July 1982

PROPOSAL FOR A COUNCIL REGULATION (EEC)

imposing a definitive anti-dumping duty on upright pianos
originating in the USSR

(presented by the Commission to the Council)



COM(82) 482 final

EXPLANATORY MEMORANDUM

1. In April 1982, the Commission imposed a provisional anti-dumping duty on imports of upright pianos originating in the USSR¹. This duty is due to expire not later than 16 August 1982.

2. Following the imposition of the provisional duty, the Commission received from one of the Community importers concerned new evidence concerning the calculation of the dumping margins.

This new evidence has been taken into account, and has resulted in the determination of a considerably lower dumping margin than that provisionally established.

3. As regards the injury caused to the Community industry, no new evidence has been submitted to the Commission. The Commission's/^{own} investigations show that USSR pianos continue to undercut the prices of Community pianos by an amount exceeding the dumping margin .

4. In these circumstances, it is proposed that the Council decide to impose a definitive anti-dumping duty on upright pianos originating in the USSR equal to the dumping margin definitively determined, namely 284 ECU per piano, and to collect definitively the amounts secured by way of provisional duty, up to the amount of the definitive duty.

¹ Commission Regulation (EEC) No 871/82, OJ No L 101, 16.04.1982, p. 30

COUNCIL REGULATION (EEC) No

of

imposing a definitive anti-dumping duty on upright pianos originating in the USSR

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Reg. (EEC)
1570/81
OJ L 154
13.06.1981

Having regard to Council Regulation (EEC) No 3017/79 of 20 December 1979 on protection against dumped or subsidized imports from countries not members of the European Economic Community¹, as modified by Council Regulation (EEC) No 1580/82 of 14 June 1982², and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee set up under Article 6 of Regulation (EEC) No 3017/79,

Whereas the Commission, by Regulation (EEC) No 871/82³, imposed a provisional anti-dumping duty on upright pianos originating in the USSR of 476 ECU per piano;

Whereas, following the imposition of the provisional duty, the Commission received a written submission from Razno and Company Limited, a company whose interest in this case was previously unknown to the Commission, stating that it was a past, and potential future, importer of USSR pianos, and making known its views concerning the duty; whereas Razno requested, and was granted, an opportunity to be heard orally by the Commission; whereas the Commission also received a written submission from the complainant;

Whereas Razno also requested to be informed of certain of the essential facts and considerations on the basis of which it was intended to recommend definitive action; whereas this request was granted;

¹ OJ No L 339, 31.12.1979, p. 1

² OJ No L 178, 22.06.1982, p. 9

³ OJ No L 101, 16.04.1982, p. 30

Whereas, as regards the determination of the dumping margin, Razno has submitted comments concerning both the normal value and the export price;

Whereas, as regards the normal value, Razno do not contest the choice of Finland as basis for the normal value of USSR pianos; whereas, however, they contend that USSR pianos are of considerably inferior quality to Finnish pianos, and that the allowance made for this by the Commission in its preliminary determination of the dumping margin, on the basis of the evidence then available to it, should be revised to take account of new evidence supplied by Razno in its submissions; whereas this new evidence covers in particular the defective condition of USSR pianos on arrival at the premises of the importers, and the cost to the importers of making good the defects in question; whereas the Commission has taken due account of this new evidence, and revised its calculation of normal value accordingly;

Whereas, as regards the export price, Razno have produced evidence that the export price of USSR pianos has been increased on two occasions since September 1981, the latest period taken into account by the Commission in its preliminary determination of the dumping margin; whereas the Commission has accepted this evidence and has established a revised export price;

Whereas a comparison between the most recent export price and the revised normal value shows a dumping margin of 284 ECU per piano, which is equivalent to 41.8% of the price free Community frontier;

Whereas, as regards the injury caused to the Community industry, no new evidence has been submitted to the Commission since the imposition of the provisional duty;

Whereas the Commission has nevertheless considered it appropriate to re-examine the situation as regards price undercutting, following the increases in the export price referred to above; whereas this shows that, despite the increase in the USSR export price, the prices of USSR pianos in the Community, free delivered distributor's warehouse duty paid, are 48% below

the minimum price which a Community producer must charge to make a normal profit; whereas, even allowing for the costs which the distributor has to incur in order to prepare USSR pianos for sale, the export price of those pianos would still need to be increased by 69% to eliminate the effective price undercutting;

Whereas, therefore, in the Commission's view, the facts as finally determined show that the injury being caused by dumped imports of upright pianos originating in the USSR, taken in isolation from that caused by other factors, has to be considered as material;

Whereas the Council, by Regulation (EEC) No 596/82¹, introduced certain measures designed, in the interests of the Community, to reduce imports from the USSR; whereas, however, Regulation (EEC) No 596/82 applies only until 31 December 1982, and does not prevent the release for free circulation of products imported in pursuance of contracts entered into before 17 April 1982; whereas the effect of Regulation (EEC) No 596/82 on the injury caused to the Community industry by imports of dumped USSR pianos will thus be limited both in time and in scope; whereas, moreover, there will be no direct effect on the level of price undercutting which the present investigation has shown to exist; whereas consequently the measures taken under Regulation (EEC) No 596/82 cannot be regarded as substituting for, or lessening the need for, definitive measures covering all imports of USSR pianos taken in accordance with the provisions of Regulation (EEC) No 3017/79; whereas, finally, the purpose of Regulation (EEC) No 596/82 was to reduce imports from the USSR independently of the effects of other Community measures applying to imports; whereas this purpose would be frustrated if allowance were made for the effects of Regulation (EEC) No 596/82 in the normal implementation of these other Community measures;

Whereas in these circumstances the protection of the Community's interests calls for the imposition of a definitive anti-dumping duty on imports of upright pianos originating in the USSR;

Whereas, taking into account the extent of injury caused by the dumped imports, and in particular the level of price undercutting, the amount of the definitive duty should be equal to the dumping margin definitively established,

¹ OJ No L 72, 16.03.1982, p. 15

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on new upright pianos falling within subheading 92.01 A ex I of the Common Customs Tariff (Nimexe Code 92.01-12) originating in the USSR.
2. The definitive anti-dumping duty shall be 284 ECU per piano.
3. The provisions in force with regard to customs duties shall apply to the definitive anti-dumping duty.

Reg. (EEC)
871/82
OJ L 101
16.04.1982

Article 2

The amounts secured by way of provisional duty under Regulation (EEC) No 871/82 shall be definitively collected up to an amount of 284 ECU per piano.

Article 3

This Regulation shall enter into force on the third 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