

Proposal for a Council Regulation amending Council Regulation (EC) No 963/2002 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 331 E/03)

COM(2002) 395 final — 2002/0146(ACC)

(Submitted by the Commission on 11 July 2002)

EXPLANATORY MEMORANDUM

The Treaty on the European Coal and Steel Community (ECSC Treaty) shall expire on 23 July 2002. After this date, products formerly covered by the ECSC Treaty will be covered by the EC Treaty.

The Commission has adopted two basic Decisions, respectively Commission Decisions No 2277/96/ECSC and No 1889/98/ECSC, governing anti-dumping and anti-subsidy investigations and measures for ECSC products.

A number of measures adopted pursuant to these two Decisions will still be in force as of 23 July, and a number of complaints, applications or investigations may be pending.

Council Regulation (EC) 963/2002 of 3 June 2002 ⁽¹⁾ aims at clarifying the legal situation of these measures, complaints or investigations, by stating explicitly that, after 23 July 2002, they will become subject to the provisions of the basic anti-dumping and anti-subsidy Council Regulations (Council Regulations (EC) No 384/96 and (EC) No 2026/97), adopted pursuant to Article 133 of the EC Treaty.

The Tables attached in annex to the above-mentioned Regulation list all the anti-dumping and anti-subsidy measures in force on 16 April 2002, at the date of the adoption of the proposal by the Commission.

The attached proposal aims at updating these Tables, to duly take into account developments occurred since 16 April 2002 and hence present an updated and corrected situation.

⁽¹⁾ OJ L 149, 7.6.2002.

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 ⁽¹⁾,

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) Council Regulation (EC) No 963/2002 ⁽²⁾ lays down transitional provisions concerning anti-dumping and anti-subsidy measures adopted pursuant to Commission Decisions No 2277/96/ECSC and No 1889/98/ECSC. The annexes to that Regulation list all the anti-dumping and anti-subsidy measures in force on 16 April 2002, namely the date of the adoption of the proposal by the Commission.

⁽¹⁾ COM(2002) 395 final.

⁽²⁾ OJ L 149, 7.6.2002.

- (4) In the meantime, amendments have however been adopted in relation to certain of these measures. Consequently, the above-mentioned annexes should be updated. It is therefore appropriate to provide for an amending Regulation which brings the annexes of Council Regulation (EC) No 963/2002 up to date.

HAS ADOPTED THIS REGULATION:

Article 1

Council Regulation (EC) No 963/2002 is amended as follows:

1. In the table of annex I, the section 'Flat rolled products of iron or non-alloy steel (hot rolled coils) originating in India' is replaced by the following:

Product	Decision No	CN-Code (TARIC code)	Origin	Manufacturers (additional Taric code)	Level of duty					
Flat rolled products of iron or non-alloy steel (hot rolled coils)	Commission Dec. No 283/2000/ECSC of 4.2.2000 (OJ L 31, 5.2.2000) (corrected by Dec. No 2009/2000/ECSC 22.9.2000) (OJ L 240, 23.9.2000) as last amended by Commission Dec. No 841/2002/ECSC 21.5.2002 (OJ L 134, 22.5.2002) and Commission Dec. No 1043/2002/ECSC 14.6.2002 (OJ L 157, 15.6.2002)	7208 10 00	India	Tata Iron & Steel Company Ltd. (A078)	0					
		7208 25 00			Essar Steel Ltd. (A083/A076)	Undertaking/1,5 %				
		7208 26 00				Steel Authority of India Ltd. (A084/A077)	Undertaking/11,5 %			
		7208 27 00					Jindal Vijayanagar Steel Ltd. (A270)	Undertaking/18,1 %		
		7208 36 00						Ispat Industries Ltd. (A204)	Undertaking/14 %	
		7208 37 10							All other companies (A999)	10,7 %
		7208 37 90								
		7208 38 10								
		7208 38 90								
		7208 39 10								
7208 39 90										

2. In the table of annex I, the section 'Hot-rolled flat products of non-alloy steel (quarto plates) originating in Romania' is replaced by the following:

Product	Decision No	CN-Code (TARIC code)	Origin	Manufacturers (additional Taric code)	Level of duty
Hot-rolled flat products of non-alloy steel (quarto plates)	No 1758/2000/ECSC 9.8.2000 (OJ L 202, 10.8.2000) as last amended by Commission Dec. No 979/2002/ECSC 3.6.2002 (OJ L 150, 8.6.2002)	ex 7208 51 30	Romania	Sidex SA (069)	5,7 %
		(7208 51 30 10)			All other companies (A999)
		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)			

3. In the table of annex II, the section 'Flat rolled products of iron or non-alloy steel (hot rolled coils) originating in India' is replaced by the following:

Product	Decision No	CN-Code (TARIC code)	Origin	Manufacturers (additional Taric code)	Level of duty					
Flat rolled products of iron or non-alloy steel (hot rolled coils)	Commission Dec. No 284/2000/ECSC 4.2.2000 (OJ L 31, 5.2.2000) corrected by Commission Dec. No 2071/2000/ECSC 29.9.2000 (L 246, 30.9.2000) as last amended by Commission Dec. No 842/2002/ECSC 21.5.2002 (OJ L 134, 22.5.2002) and Commission Dec. No 1043/2002/ECSC 14.6.2002 (OJ L 157, 15.6.2002)	7208 10 00	India	Essar Steel Ltd. (A083/A076)	Undertaking/4,9 %					
		7208 25 00			The Steel Authority of India Ltd. (A084/A077)	Undertaking/12,3 %				
		7208 26 00				Tata Iron & Steel Company Ltd. (A075/A078)	Undertaking/6,2 %			
		7208 27 00					Ispat Industries Ltd. (A204)	Undertaking/9,8 %		
		7208 36 00						Jindal Vijayanagar Steel Ltd. (A270)	Undertaking/5,7 %	
		7208 37 10							All other companies (A999)	13,1 %
		7208 37 90								
		7208 38 10								
		7208 38 90								
		7208 39 10								
7208 39 90										

Article 2

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.
