



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL REGULATION

amending the Annex to Council Regulation 2042/2000 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan

(presented by the Commission)

EXPLANATORY MEMORANDUM

By Council Regulation (EC) No 1015/94 (as subsequently amended) a definitive anti-dumping duty was imposed on imports of certain television camera systems originating in Japan. The Council specifically excluded from the scope of the anti-dumping duty the camera systems listed in the Annex to that Regulation, representing high-end professional camera systems technically falling within the product definition of the above mentioned Regulation, but which cannot be regarded as broadcast camera systems.

In September 2000, the Council, by Regulation (EC) No 2042/2000, confirmed the above definitive anti-dumping duties imposed in accordance with Article 11(2) of Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community.

The Commission received requests from two Japanese exporting producers of television camera systems to add certain models of professional camera systems to the Annex to Council Regulation 2042/2000 and thus exempt them from the application of the duty.

The attached Council Regulation contains more detailed information, showing that the models concerned are in fact successor models of professional camera systems which have been previously exempted from the application of the duty and should be included in the above mentioned Annex. Also, it is explained in detail why any such exemption can only be granted from the date of receipt of the application by the Commission.

Proposal for a

COUNCIL REGULATION

amending the Annex to Council Regulation 2042/2000 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan

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,

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

Whereas:

1. PREVIOUS PROCEDURES

- (1) The Council, by Regulation (EC) No 1015/94², imposed a definitive anti-dumping duty on imports of television camera systems (“TCS”) originating in Japan.
- (2) In Article 1(3)(e) of Regulation No 1015/94, the Council specifically excluded from the scope of the anti-dumping duty camera systems listed in the Annex to that Regulation (“the Annex”), representing high-end professional cameras systems technically falling within the product definition under Article 1(2) of Regulation (EC) No 1015/94, but which cannot be regarded as television camera systems.
- (3) In October 1995, the Council, by Regulation (EC) No 2474/95³, amended the above mentioned Regulation (EC) No 1015/94, in particular as regards the like product definition and as regards certain models of professional camera systems which were explicitly exempted from the definitive anti-dumping duty.
- (4) In October 1997, the Council, by Regulation (EC) No 1952/97⁴, amended the rates of the definitive anti-dumping duty for two companies concerned, namely for Sony Corporation and Ikegami Tsushinki in accordance with Article 12 of Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (the “Basic Regulation”). Furthermore, the Council specifically excluded from the scope of the anti-dumping duty certain new models of professional camera systems by adding them to the Annex.

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

² OJ L 111, 30.4.1994, p.106 as last amended by Regulation (EC) No 176/2000 (OJ L 22, 27.1.2000, p.29)

³ OJ L 255, 25.10.1995, p.11

⁴ OJ L 276, 9.10.1997, p.20

- (5) In January 1999 and 2000, the Council by Regulation (EC) No 193/1999⁵ and Regulation (EC) No 176/2000⁶, amended Regulation (EC) No 1015/94 adding certain successor models of professional camera systems to the Annex and thus excluding those from the application of the definitive anti-dumping duty.
- (6) In September 2000, the Council by Regulation (EC) No 2042/2000⁷, confirmed the definitive anti-dumping duties imposed by Regulation (EC) No 1015/94 (as subsequently amended) in accordance with Article 11(2) of the Basic Regulation.
- (7) In January 2001 and in May 2001, the Council by Regulation (EC) No 198/2001⁸ and Regulation (EC) No 951/2001⁹, made the latest amendments to Regulation (EC) No 2042/2000 by adding certain successor models of professional camera systems to the Annex and thus excluding them from the application of the definitive anti-dumping duty.
- (8) Finally, in September 2001, the Council by Regulation (EC) No 1900/2001¹⁰ further to an interim review in accordance with Article 11(3) of the Basic Regulation confirmed the level of the definitive anti-dumping duty imposed to the exporting producer Hitachi Denshi Ltd.

2. INVESTIGATION CONCERNING NEW MODELS OF PROFESSIONAL CAMERA SYSTEMS

2.1. Procedure

- (9) Two Japanese exporting producers, namely Victor Company of Japan Limited (“JVC”) and Ikegami Tsushinki Co Ltd (“Ikegami”), informed the Commission on 17 April 2001, respectively 12 October 2001 that they intended to introduce new models of professional camera systems into the Community market and requested the Commission to add these new models of professional camera systems including their accessories to the Annex and thus exempt them from the scope of the anti-dumping duties.
- (10) The Commission informed the Community industry accordingly and commenced an investigation limited to the determination of whether the products under consideration fall within the scope of the anti-dumping duties and whether the operational part of Regulation (EC) No 2042/2000 should be amended accordingly.

2.2. Models under investigation

- (11) The applications received concerned the following models of camera systems, supplied with the relevant technical information:

(i) JVC

– remote camera control unit RM-P210E

⁵ OJ L 22, 29.1.1999, p.10
⁶ OJ L 22, 27.1.2000, p.29
⁷ OJ L 244, 29.9.2000, p. 38
⁸ OJ L 30, 1.2.2001, p.1
⁹ OJ L 134, 17.5.2001, p.18
¹⁰ OJ L 261, 29.9.2001, p.3

(ii) Ikegami

- camera head HDL-37E
- camera head HDL-10
- camera head HDL-40
- camera control unit MA-400
- camera control unit CCU-37
- camera control unit CCU-10
- remote control unit RCU-400
- remote control unit RCU-240A
- camera adapter CA-450

All of the above models were presented as being part of professional camera systems dedicated to the professional video market.

2.3. Findings

- (12) The Commission carried out a technical examination. It resulted from this analysis that in spite of the technical development shown by these models, these are not sufficient to classify them as broadcast or television camera systems. Therefore, it was concluded that all of the models concerned should be excluded from the scope of the existing anti-dumping measures.
- (13) The Commission informed the Community industry and the exporter of the TCS of its findings and provided them with an opportunity to present their views. On the basis of the Commission's findings and in the light of the fact that the interested parties did not object to the Commission's conclusions, all models and related equipment listed in recital (11) above are considered as professional camera systems. It follows that they should be exempted from the application of the anti-dumping duty applicable on TCS originating in Japan, and the Annex should be amended accordingly.
- (14) Subsequently to the disclosure of above findings, one exporting producer, namely Ikegami, requested that the camera models produced and exported by it should be exempted retroactively from the anti-dumping measures in force, irrespective the date of their importation. It was argued that since these models were found to be professional camera systems, the anti-dumping duty should not apply on imports made prior to the publication of the present Regulation.
- (15) Camera systems listed in the Annex to Council Regulation (EC) No 2042/2000 can be considered as exempted from the duty after it has been expressly determined that they cannot be used for broadcast purposes. Such determination can only be made after detailed examination by the Community institutions of the technical specifications of the camera system concerned and accordingly, such camera systems can only be exempted from the application of the duty from the moment an affirmative decision to include the model in question in the Annex has been made. Accordingly the exemption

should normally only produce its effects for the future, i.e. from the date of the publication of the revised Annex.

- (16) However, in specific cases, the Community Institutions found it appropriate to exempt certain professional camera systems from the scope of the anti-dumping duty with retroactive effect. In these cases, the camera models under examination had been imported into the Community only between the moment of the request for exemption and the publication of the relevant amendment of the Annex. Consequently these transactions could be identified in the framework of the examination by the Commission. Under these particular circumstances it was considered acceptable not to levy the duty on such imports occurring after the application for the exemption.
- (17) In the present case, retroactive effect is requested irrespective of the date of first imports, and would hence cover imports that occurred prior to the request for exemption. The investigation revealed that certain camera models concerned were indeed imported already before an adequate request for exemption had been submitted to the Commission, although initially Ikegami claimed that no imports of the models subject to the request had taken place prior to such request.
- (18) In view of the above, it is considered that retroactive effect cannot be granted to imports which took place before a request for exemption was made to the Commission. Exemptions can only be granted on the basis of an affirmative decision to include certain camera types in the Annex. Indeed the nature of the camera system in question cannot be determined prior to obtaining the technical specifications contained in the request for exemption. There is no possibility for the Commission and Member States Authorities to monitor the accuracy of CN classifications made by exporting producers in respect of camera models not yet brought to the Commission's attention. As a result, should exemption from the duty be granted retroactively to a date before the date of receipt of the application by the Commission, there would be no risk borne by exporting producers seeking to avoid payment of the duty by first importing their camera models under inappropriate CN codes, thus avoiding the duty, and then subsequently applying for an exemption from the date of first importation if and when the irregularities come to the authorities' attention. Hence, whilst requests for retroactive effect from the date of receipt of the application for exemption can be considered, it is not appropriate to extend retroactive effect to imports that have taken place before a request was made, taking account in particular of the serious risk of circumvention of the measures.
- (19) Therefore, it is decided that imports of camera models of Ikegami subject to the present examination imported on a date on or after the date of receipt of the application for exemption, i.e. on or after 12 October 2001, should be exempted from the duty.
- (20) For these same reasons, it is decided that camera models of JVC also subject to the present examination should be exempted from the duty from the date of receipt of the application for exemption by the Commission, i.e. from 17 April 2001.

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of Council Regulation (EC) No 2042/2000 shall be replaced by the Annex hereto.

Article 2

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

2. This Regulation shall apply to imports of the following models produced and exported to the European Community by the following exporting producers from the date of the receipt by the Commission of the relevant request for exemption from the definitive anti-dumping duty for these models, as specified below:

a) Ikegami Tsushinki Co Ltd from 12 October 2001:

- camera head HDL-37E
- camera head HDL-10
- camera head HDL-40
- camera control unit MA-400
- camera control unit CCU-37
- camera control unit CCU-10
- remote control unit RCU-400
- remote control unit RCU-240A
- camera adapter CA-450

b) Victor Company of Japan Limited from 17 April 2001:

- remote camera control unit RM-P210E

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

Done at Brussels,

*For the Council
The President*

ANNEX

List of professional camera systems not qualified as television camera systems (broadcast camera systems) which are exempted from the measures

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adapters
Sony	DXC-M7PK	DXF-3000CE	CCU-M3P	RM-M7G	—	CA-325P
	DXC-M7P	DXF-325CE	CCU-M5P			CA-325AP
	DXC-M7PH	DXF-501CE	CCU-M7P			CA-325B
	DXC-M7PK/1	DXF-M3CE	CUU-M5AP ⁽¹⁾			CA-327P
	DXC-M7P/1	DXF-M7CE				CA-537P
	DXC-M7PH/1	DXF-40CE				CA-511
	DXC-327PK	DXF-40ACE				CA-512P
	DXC-327PL	DXF-50CE				CA-513
	DXC-327PH	DXF-601CE				VCT-U14 ⁽¹⁾
	DXC-327APK	DXF-40BCE				
	DXC-327APL	DXF-50BCE				
	DXC-327AH	DXF-701CE				
	DXC-537PK	DXF-WSCE ⁽¹⁾				
	DXC-537PL	DXF-801CE ⁽¹⁾				
	DXC-537PH					
	DXC-537APK					
	DXC-537APL					
	DXC-537APH					
	EVW-537PK					
	EVW-327PK					
	DXC-637P					
	DXC-637PK					

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adapters
	DXC-637PL					
	DXC-637PH					
	PVW-637PK					
	PVW-637PL					
	DXC-D30PF					
	DXC-D30PK					
	DXC-D30PL					
	DXC-D30PH					
	DSR-130PF					
	DSR-130PK					
	DSR-130PL					
	PVW-D30PF					
	PVW-D30PK					
	PVW-D30PL					
	DXC-327BPF					
	DXC-327BPK					
	DXC-327BPL					
	DXC-327BPH					
	DXC-D30WSP ⁽¹⁾					
	DXC-D35PH ⁽¹⁾					
	DXC-D35PL ⁽¹⁾					
	DXC-D35PK ⁽¹⁾					
	DXC-D35WSPL ⁽¹⁾					
	DSR-135PL ⁽¹⁾					

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adapters
Ikegami	HC-340	VF15-21/22	MA-200/230	RCU-240	—	CA-340
	HC-300	VF-4523	MA-200A ⁽¹⁾	RCU-390 ⁽¹⁾		CA-300
	HC-230	VF15-39	MA-400 ⁽¹⁾	RCU-400 ⁽¹⁾		CA-230
	HC-240	VF15-46 ⁽¹⁾	CCU-37	RCU-240A		CA-390
	HC-210	VF5040 ⁽¹⁾	CCU-10			CA-400 ⁽¹⁾
	HC-390	VF5040W ⁽¹⁾				CA-450 ⁽¹⁾
	LK-33					
	HDL-30MA					
	HDL-37					
	HC-400 ⁽¹⁾					
	HC-400W ⁽¹⁾					
	HDL-37E					
	HDL-10					
	HDL-40					
Hitachi	SK-H5	GM-5 (A)	RU-C1 (B)	—	—	CA-Z1
	SK-H501	GM-5-R2 (A)	RU-C1 (D)			CA-Z2
	DK-7700	GM-5-R2	RU-C1			CA-Z1SJ
	DK-7700SX	GM-50	RU-C1-S5			CA-Z1SP
	HV-C10	GM-8A ⁽¹⁾	RU-C10 (B)			CA-Z1M
	HV-C11	GM-9 ⁽¹⁾	RU-C10 (C)			CA-Z1M2
	HV-C10F	GM-51 ⁽¹⁾	RC-C1			CA-Z1HB
	Z-ONE (L)		RC-C10			CA-C10
	Z-ONE (H)		RU-C10			CA-C10SP
	Z-ONE		RU-Z1 (B)			CA-C10SJA
	Z-ONE A (L)		RU-Z1 (C)			CA-C10M
	Z-ONE A (H)		RU-Z1			CA-C10B
	Z-ONE A (F)		RC-C11			CA-Z1A ⁽¹⁾

	Z-ONE A		RU-Z2			CA-Z31 ⁽¹⁾
	Z-ONE B (L)		RC-Z1			CA-Z32 ⁽¹⁾
	Z-ONE B (H)		RC-Z11			CA-ZD1 ⁽¹⁾
	Z-ONE B (F)		RC-Z2			
			RC-Z21			
	Z-ONE B		RC-Z2A ⁽¹⁾			
	Z-ONE B (M)		RC-Z21A ⁽¹⁾			
	Z-ONE B (R)		RU-Z3 ⁽¹⁾			
	FP-C10 (B)		RC-Z3 ⁽¹⁾			
	FP-C10 (C)					
	FP-C10 (D)					
	FP-C10 (G)					
	FP-C10 (L)					
	FP-C10 (R)					
	FP- C10 (S)					
	FP-C10 (V)					
	FP-C10 (F)					
	FP-C10					
	FP-C10 A					
	FP-C10 A (A)					
	FP-C10 A (B)					
	FP-C10 A (C)					
	FP-C10 A (D)					
	FP-C10 A (F)					
	FP-C10 A (G)					
	FP-C10 A (H)					
	FP-C10 A (L)					

	FP-C10 A (R) FP-C10 A (S) FP-C10 A (T) FP-C10 A (V)					
	FP-C10 A (W) Z-ONE C (M) Z-ONE C (R) Z-ONE C (F) Z-ONE C HV-C20 HV-C20M Z-ONE-D Z-ONE-D (A) Z-ONE-D (B) Z-ONE-D (C) Z-ONE.DA ⁽¹⁾ V-21 ⁽¹⁾ V-21W ⁽¹⁾					
Matsushita	WV-F700 WV-F700A WV-F700SHE WV-F700ASHE WV-F700BHE WV-F700ABHE WV-F700MHE WV-F350 WV-F350HE	WV-VF65BE WV-VF40E WV-VF39E WV-VF65BE (*) WV-VF40E (*) WV-VF42E WV-VF65B AW-VF80	WV-RC700/B WV-RC700/G WV-RC700A/B WV-RC700A/G WV-RC36/B WV-RC36/G WV-RC37/B WV-RC37/G WV-CB700E	—	—	WV-AD700SE WV-AD700ASE WV-AD700ME WV-AD250E WV-AD500E (*) AW-AD500AE AW-AD700BSE

	WV-F350E WV-F350AE WV-F350DE		WV-CB700AE WV-CB700E (*) WV-CB700AE (*)			
	WV-F350ADE WV-F500HE (*) WV-F-565HE AW-F575HE AW-E600 AW-E800 AW-E800A		WV-RC700/B (*) WV-RC700/G (*) WV-RC700A/B (*) WV-RC700A/G (*) WV-RC550/G WV-RC550/B WV-RC700A WV-CB700A WV-RC550 WV-CB550 AW-RP501 AW-RP505			
JVC	KY-35E KY-27ECH KY-19ECH KY-17FITECH KY-17BECH KY-F30FITE KY-F30BE KY-27CECH KH-100U KY-D29ECH KY-D29WECH ⁽¹⁾	VF-P315E VF-P550E VF-P10E VP-P115E VF-P400E VP-P550BE VF-P116 VF-P116WE ⁽¹⁾ VF-P550WE ⁽¹⁾	RM-P350EG RM-P200EG RM-P300EG RM-LP80E RM-LP821E RM-LP35U RM-LP37U RM-P270EG RM-P210E	—	—	KA-35E KA-B35U KA-M35U KA-P35U KA-27E KA-20E KA-P27U KA-P20U KA-B27E KA-B20E KA-M20E KA-M27E

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adapters
Olympus	MAJ-387N		OTV-SX 2			
	MAJ-387I		OTV-S5			
			OTV-S6			
	Camera OTV-SX					

(*)Also called master set up unit (MSU) or master control panel (MCP).

(1) Models exempted under the condition that the corresponding triax system or triax-adapter is not sold on the EC market.