

Proposal for a Council Regulation amending Regulation (EC) No 603/1999 imposing a definitive anti-dumping duty on imports of polypropylene binder or baler twine originating in Poland, the Czech Republic and Hungary and collecting definitively the provisional duty imposed

(2003/C 45 E/11)

COM(2002) 574 final

(Submitted by the Commission on 23 October 2002)

EXPLANATORY MEMORANDUM

1. By Regulation (EC) No 603/1999 the Council imposed definitive anti-dumping duties on imports of polypropylene binder or baler twine originating, *inter alia*, in Hungary.
2. Exemptions to the duties were granted, however, when this product is produced and directly exported and invoiced to an importing company in the Community by the company Tiszai Vegyi Kombinat Rt ('TVK') from which the Commission accepted an individual price undertaking (Decision 1999/215/EC).
3. TVK advised the Commission that due to changes in its trading activities it wished to withdraw its undertaking.
4. In view of this, it is necessary to amend Regulation (EC) No 603/1999 by removing the name of TVK from the list of companies which benefit from an exemption to the anti-dumping duties and to impose a definitive duty.
5. In parallel, the Commission is amending Article 1 of Decision 1999/215/EC which lists the companies from which undertakings are accepted.

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) In March 1999, the Council, by Regulation (EC) No 603/1999⁽²⁾, imposed definitive anti-dumping duties on imports of polypropylene binder or baler twine originating in Poland, the Czech Republic and Hungary.
- (2) Within the framework of this proceeding, the Commission, by Decision 1999/215/EC of 16 March 1999⁽³⁾, accepted a price undertaking offered by, *inter alia*, the Hungarian company Tiszai Vegyi Kombinat Rt ('the company').

⁽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 75, 20.3.1999, p. 1, as last amended by Regulation (EC) No 1657/2001 (OJ L 221, 17.8.2001, p. 1).

⁽³⁾ OJ L 75, 20.3.1999, p. 34, as last amended by Decision 2000/324/EC (OJ L 112, 11.5.2000, p. 65).

- (3) Imports of polypropylene binder or baler twine originating in Hungary exported to the Community by this company (TARIC Additional Code 8582) were exempted from the anti-dumping duty by Article 2(1) and (2) of Regulation (EC) No 603/1999.

B. VOLUNTARY WITHDRAWAL OF AN UNDERTAKING

- (4) Following changes in its trading activities, Tiszai Vegyi Kombinat Rt advised the Commission that it wished to withdraw its undertaking.
- (5) Accordingly, by Commission Decision 2001/.../EC, the undertaking by that company has been withdrawn and its name has been removed from the list of companies from which undertakings are accepted in Article 1(1) of Decision 1999/215/EC.

C. DEFINITIVE DUTIES

- (6) The investigation which led to the undertaking offered by the company was concluded by a final determination as to dumping and injury by Regulation (EC) No 603/1999.
- (7) In accordance with Article 8(9) of Regulation (EC) No 384/96, the rate of the anti-dumping duty to be imposed on exports manufactured by the company must be based on the facts established within the context of the investigation which led to the undertaking. In this regard, and in consideration of the fact that the dumping margin established was lower than the injury margin, it is considered appropriate to set the definitive anti-dumping duty rate at a level of 26,4 % *ad valorem*, corresponding to the dumping margin found (see also recital (26) of Regulation (EC) No 603/1999).

D. AMENDMENT OF REGULATION (EC) No 603/1999

- (8) In view of the above, Article 1(2) and Article 2(2) of Regulation (EC) No 603/1999 which list the companies on which anti-dumping duties are imposed and those which are exempted from the anti-dumping duties should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(2) of Regulation (EC) No 603/1999 is replaced by the following:

'2. The rate of the definitive anti-dumping duty applicable to the net free-at-Community-frontier prices before duty of the products manufactured by the companies listed below shall be as follows:

Country	Company	Rate of duty (%)	TARIC additional code
Poland	BZLP Beزالin	19,4	8450
	PAT Defalin s.a.	16,3	8569
	Industrial Chemistry Research Institute	12,8	8578
	Terplast sp z.o.o.	6,1	8579
	WKI Isoliertechnik Spolka z.o.o.	15,7	A091
	All other companies	20,3	8900
Czech Republic	All companies	24,8	8900
Hungary	Tiszai Vegyi Kombinat Rt	26,4	8582
	All other companies	32,9	8900'

Article 2

Article 2(2) of Regulation (EC) No 603/1999 is replaced by the following:

‘2. Imports made within the context of the undertakings offered and accepted shall be declared under the following TARIC additional codes:

Country	Company	TARIC additional code
Czech Republic	Juta a.s.	8596
	Lanex a.s.	8580
Hungary	Partium '70 Rt	8581
	Elso Magyar Kenderfono Rt	8583'

Article 3

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.
