



Malta-EU Steering & Action Committee

## COMPETITIVENESS AND CONSUMER AFFAIRS



21.08.09

### Anti-dumping duties

#### **COM(2009) 430 - Proposal for a Council Regulation amending Regulation (EC) No 682/2007 imposing a definitive anti-dumping duty on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand**

The Council, by means of Regulation 682/2007, imposed definitive anti-dumping duties on imports of certain prepared or preserved sweetcorn in kernels falling within CN codes ex 2001 90 30 and ex 2005 80 00 and originating in Thailand.

At the time of imposition of definitive measures, the Council exceptionally allowed cooperating exporting producers who were not able to submit a sufficiently substantiated undertaking offer within the deadline set in Article 8(2) of the Regulation to complete their offer within 10 calendar days from entry into force of the Regulation. Ten further undertaking offers were completed within this deadline. The two undertaking offers accepted as well as those ten further offers include fixed minimum import prices.

Upon disclosure of the ten further offers, the Community industry opposed the acceptance of price undertakings by stating that fixed minimum import prices were no longer an effective form of the measure because of increasing prices of the product concerned as well as of its main raw material and inputs.

In order to reassess the appropriateness of undertakings as an effective form of antidumping measures, the Commission deemed it necessary to reassess the acceptability and workability of the undertakings offered and of those accepted. Thus, in September 2008, the Commission initiated a partial interim review of the antidumping measures in force. The review was limited in scope to the examination of the form of the measure and in particular to the examination of the acceptability and workability of undertakings offered by certain exporting producers in Thailand.

The findings of the investigation revealed that price undertakings are not an appropriate form of the measures. Hence the Commission is proposing that the Council adopt the proposed Regulation to amend Regulation 682/2007 and that this should be published in the Official Journal of the European Union by 15 December 2009 at the latest.



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**Anti-dumping duties**

**COM(2009) 429 – Proposal for a Council Regulation terminating the partial interim review of the anti-dumping measures imposed by Regulation (EC) No 1487/2005 on imports of certain finished polyester filament fabrics originating in the People's Republic of China**

In April 2008 the Commission received a request to initiate a partial interim review to examine whether certain product types fall within the scope of the anti-dumping measures imposed by Regulation (EC) No 1487/2005.

The request was lodged by Hüpeden GmbH & Co. KG (the applicant), an importer located in Germany. The applicant alleged that the product it imports is only used to produce a special adhesive tape for insulation of cables within the wiring harnesses of engines, mainly engines of cars (Tape grade), and that the technical and chemical characteristics of this Tape grade are different from those of the product concerned as defined in the original investigation. In particular, the tensile strength and the colouring of Tape grade seemed to be different. The applicant alleged that Tape grade should therefore be considered as being outside the scope of the original investigation and thus not be subject to the abovementioned measures.

In June of the same year the Commission initiated a partial interim review investigation. The investigation revealed that despite certain differences, Tape grade and other types of product under measures shared the same basic physical, technical and chemical characteristics. Moreover, it could not be demonstrated that Tape grade had a single possible use and that Tape grade and other types of product under measures were not interchangeable. Therefore, the Commission concluded that the partial interim review of the antidumping measures applicable to imports of certain finished polyester filament fabrics originating in China should be terminated without amending the measures in force.

Hence the Commission is proposing that the Council adopt the proposed Regulation terminating the partial interim review.