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Legislation

Contents

I *Acts whose publication is obligatory*

.....

II *Acts whose publication is not obligatory*

Commission

90/459/ECSC:

- ★ Commission Decision of 1 August 1990 authorizing the Member States to institute intra-Community surveillance of the importation for home use of certain iron and steel products originating in certain third countries and covered by the Treaty establishing the European Coal and Steel Community and in free circulation in the Community 1

90/460/EEC:

- ★ Commission Decision of 6 August 1990 concerning applications for refund of anti-dumping duties collected on the import of vinyl acetate monomer originating in the United States of America (Gantrade (UK) Ltd) 19

90/461/EEC:

- ★ Commission Decision of 6 August 1990 concerning applications for refund of anti-dumping duties collected on the import of vinyl acetate monomer originating in the United States of America (Quantum Chemical Corporation) 21

90/462/EEC:

- ★ Commission Decision of 6 August 1990 concerning applications for refund of anti-dumping duties collected on the import of vinyl acetate monomer originating in the United States of America (Guzman, SA) 23

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 August 1990

authorizing the Member States to institute intra-Community surveillance of the importation for home use of certain iron and steel products originating in certain third countries and covered by the Treaty establishing the European Coal and Steel Community and in free circulation in the Community

(90/459/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the third paragraph of Article 71 thereof,

Having regard to the requests made by the Member States,

Whereas under the provisions of the ECSC Treaty the principle of freedom of movement necessarily applies to products originating in third countries which are in free circulation in the Community;

Whereas these provisions preclude, in the case of intra-Community trade, any requirement, even of a purely formal nature, to submit import to licences or any similar procedure;

Whereas the Commission, in response to the crisis in the iron and steel sector, has adopted measures with both internal and external effects; whereas, in this context, measures have been adopted in respect of imports of certain products originating in certain third countries with a view to ensuring adherence to traditional trade flows between the Community and these countries, including at regional level;

Whereas the combined effect of these measures is not, however, such as to eliminate the risk of deflections of trade in the case of the products in question;

Whereas under these circumstances it is important to ensure that full information is available on prospective imports of

products originating in third countries in free circulation in certain Member States and the terms under which the products concerned are imported; whereas the Member States ought accordingly to be authorized to institute prior surveillance of these imports by making them subject to the issue of an import document;

Whereas it is necessary to maintain, for a transitional period, the arrangements for the provision of information thereby established; whereas, however, the scope of the surveillance should be limited to take account of the reduction, fixed for 1990, of the range of products and countries of origin covered by the measures with external effects;

Whereas the import document must be issued automatically, within a fixed time limit and for all the quantities applied for; whereas the fact that it is issued automatically excludes the use of the system in circumstances which would extend its restrictive effects beyond that which is necessary to attain the desired objective;

Whereas application of these surveillance measures must be of strictly limited duration;

Whereas, so that checking the origin of imports does not act as a barrier to intra-Community trade, the Member States ought as a general rule to be obliged, as part of the formalities for the importation of a product from another Member State, to confine themselves to asking the importer for a simple declaration on the origin of the product, on the basis of what he may reasonably be expected to know of it;

Whereas it is important that the Member States should keep the Commission regularly informed of the results of the surveillance,

HAS ADOPTED THIS DECISION:

Article 1

1. Each of the Member States mentioned in the Annex is hereby authorized to make imports for home use (hereinafter referred to as 'imports') of the iron and steel products covered by the Treaty establishing the European Coal and Steel Community listed in the Annex, originating in the third countries mentioned in the Annex and in free circulation in the other Member States, subject to presentation to the relevant authorities of an import document.

2. The import document shall be issued or countersigned by the Member States, without charge and for all the quantities applied for, upon receipt of the relevant application and at the very latest within 10 working days of the date on which application was lodged, without prejudice to such protection measures as may have been authorized under Article 71, third indent, of the Treaty.

3. The period of validity of the import document shall be three months.

4. Import documents which have been completely used up shall be returned immediately to the department which issued them. Unused or partly used documents shall be returned to the department which issued them within five working days following expiry of their period of validity.

Article 2

1. The importer's application shall provide the following particulars:

- (a) the country of origin and the Member State from which the goods are being imported;
- (b) a description of the goods and the relevant CN code;
- (c) the quantity of the goods in tonnes;
- (d) the name, address, telephone number and telex number of the applicant;
- (e) documentary evidence of release for free circulation; falling such evidence, the import document's validity shall be limited to one month from the date of its issue;
- (f) the characteristics of any seconds or substandard products;
- (g) the reference data of any previous application for an import document in respect of the same products.

The Member States may not request any additional particulars.

2. The importer must attest to the accuracy of his application and submit as supporting evidence two duplicate copies either of the related sales contract or contracts or of the seller's confirmation of the order or orders.

Article 3

1. As part of the formalities for the importation of products of a kind covered by intra-Community surveillance measures, the relevant authorities of the importing Member State may request the importer to indicate the origin of the goods on the customs declaration or on the application for an import document.

2. Supporting documentation may not be requested except in cases where serious, justified doubts exist rendering such documentation indispensable in order to establish the true origin of the goods in question. Nevertheless, the request for such documentation may not, of itself, constitute an impediment to the importation of the goods.

Article 4

1. The Member States shall notify the Commission during the first 10 days of each month of:

- (a) the tonnages in respect of which import documents were issued during the preceding month;
- (b) the tonnages in respect of which import documents expired during the preceding month without having been used totally or partially by the importers;
- (c) the tonnages in respect of which import documents issued previously were totally or partially renewed during the preceding month.

2. The Member States' notifications shall include:

- (a) a breakdown by product, itemized by CN code;
- (b) a breakdown by Member State of consignment and by country of origin.

Article 5

This Decision is addressed to the Member States. It shall apply until 31 December 1990.

Done at Brussels, 1 August 1990.

For the Commission
Frans ANDRIESEN
Vice-President

ANNEX

LIST OF PRODUCTS FOR WHICH AN IMPORT DOCUMENT MUST BE ISSUED

Member State	Third country of origin	CN code	
GERMANY	Bulgaria	7201 10 19	
	Hungary	ex 7201 20 00	— containing by weight more than 1 % of silicon
	Poland	ex 7208 11 00	— containing by weight less than 0,6 % of carbon
	Romania	ex 7208 12 10	— containing by weight less than 0,6 % of carbon
	Czechoslovakia	ex 7208 12 91	— containing by weight less than 0,6 % of carbon
	USSR	ex 7208 12 99	— containing by weight less than 0,6 % of carbon
	People's Republic of Korea	ex 7208 13 10	— containing by weight less than 0,6 % of carbon
		ex 7208 13 91	— containing by weight less than 0,6 % of carbon
		ex 7208 13 99	— containing by weight less than 0,6 % of carbon
		ex 7208 14 10	— containing by weight less than 0,6 % of carbon and of a thickness of 1,5 mm or more
		ex 7208 14 90	— containing by weight less than 0,6 % of carbon and of a thickness of 1,5 mm or more
		ex 7208 21 10	— containing by weight less than 0,6 % of carbon
		ex 7208 21 90	— containing by weight less than 0,6 % of carbon
		ex 7208 22 10	— containing by weight less than 0,6 % of carbon
		ex 7208 22 91	— containing by weight less than 0,6 % of carbon
		ex 7208 22 99	— containing by weight less than 0,6 % of carbon
		ex 7208 23 10	— containing by weight less than 0,6 % of carbon
		ex 7208 23 91	— containing by weight less than 0,6 % of carbon
		ex 7208 23 99	— containing by weight less than 0,6 % of carbon
		ex 7208 24 10	— containing by weight less than 0,6 % of carbon and of a thickness of 1,5 mm or more
		ex 7208 24 90	— containing by weight less than 0,6 % of carbon and of a thickness of 1,5 mm or more
		ex 7208 32 10	— containing by weight less than 0,6 % of carbon
		ex 7208 32 30	— containing by weight less than 0,6 % of carbon
		ex 7208 32 51	— containing by weight less than 0,6 % of carbon
		ex 7208 32 59	— containing by weight less than 0,6 % of carbon
		ex 7208 32 91	— containing by weight less than 0,6 % of carbon
		ex 7208 32 99	— containing by weight less than 0,6 % of carbon
		ex 7208 33 10	— containing by weight less than 0,6 % of carbon
		ex 7208 33 91	— containing by weight less than 0,6 % of carbon
		ex 7208 33 99	— containing by weight less than 0,6 % of carbon
		ex 7208 34 10	— containing by weight less than 0,6 % of carbon
		ex 7208 34 90	— containing by weight less than 0,6 % of carbon
		ex 7208 42 10	— containing by weight less than 0,6 % of carbon
		ex 7208 42 30	— containing by weight less than 0,6 % of carbon
		ex 7208 42 51	— containing by weight less than 0,6 % of carbon
		ex 7208 42 59	— containing by weight less than 0,6 % of carbon
		ex 7208 42 91	— containing by weight less than 0,6 % of carbon
		ex 7208 42 99	— containing by weight less than 0,6 % of carbon
		ex 7208 43 10	— containing by weight less than 0,6 % of carbon
		ex 7208 43 91	— containing by weight less than 0,6 % of carbon
		ex 7208 43 99	— containing by weight less than 0,6 % of carbon
		ex 7208 44 10	— containing by weight less than 0,6 % of carbon
		ex 7208 44 90	— containing by weight less than 0,6 % of carbon

Member State	Third country of origin	CN code	
GERMANY (cont'd)	Bulgaria	ex 7209 12 90	— containing by weight less than 0,6 % of carbon
	Hungary	ex 7209 13 90	— containing by weight less than 0,6 % of carbon
	Poland	ex 7209 22 90	— containing by weight less than 0,6 % of carbon
	Romania	ex 7209 23 90	— containing by weight less than 0,6 % of carbon
	Czechoslovakia	ex 7209 32 90	— containing by weight less than 0,6 % of carbon
	USSR	ex 7209 33 90	— containing by weight less than 0,6 % of carbon
	People's Republic of Korea	ex 7209 42 90	— containing by weight less than 0,6 % of carbon
		ex 7209 43 90	— containing by weight less than 0,6 % of carbon
		ex 7211 12 10	— containing by weight less than 0,6 % of carbon
		ex 7211 12 90	— containing by weight less than 0,6 % of carbon and of a thickness of 6 mm or less
		ex 7211 19 10	— containing by weight less than 0,6 % of carbon, of a thickness of 1,5 mm or more and in coils
			— containing by weight less than 0,6 % of carbon, of a thickness of 3 mm or more and not in coils
		ex 7211 19 91	— containing by weight less than 0,6 % of carbon
		ex 7211 19 99	— containing by weight less than 0,6 % of carbon
		ex 7211 22 10	— containing by weight less than 0,6 % of carbon
		ex 7211 22 90	— containing by weight less than 0,6 % of carbon and of a thickness of 6 mm or less
		ex 7211 29 10	— containing by weight less than 0,6 % of carbon, of a thickness of 1,5 mm or more and in coils
			— containing by weight less than 0,6 % of carbon and of a thickness of 3 mm or more and not in coils
		ex 7211 29 91	— containing by weight less than 0,6 % of carbon
		ex 7211 29 99	— containing by weight less than 0,6 % of carbon
		ex 7211 30 10	— containing by weight less than 0,6 % of carbon and of a thickness of 0,5 mm or more but less than 3 mm
		ex 7211 41 10	— of a thickness of 0,5 mm or more but less than 3 mm
		ex 7211 49 10	— containing by weight less than 0,6 % of carbon and of a thickness of 0,5 mm or more but less than 3 mm
		ex 7214 20 00	— containing by weight less than 0,6 % of carbon
		7214 40 10	
		7214 40 91	
		7214 40 99	
		7214 50 10	
		7214 50 91	
		7214 50 99	
		ex 7216 21 00	— containing by weight less than 0,6 % of carbon
		ex 7216 22 00	— containing by weight less than 0,6 % of carbon
		ex 7216 31 19	— containing by weight less than 0,6 % of carbon
		ex 7216 31 99	— containing by weight less than 0,6 % of carbon
		ex 7216 32 19	— containing by weight less than 0,6 % of carbon
		ex 7216 32 99	— containing by weight less than 0,6 % of carbon
		ex 7216 40 10	— containing by weight less than 0,6 % of carbon
		ex 7216 40 90	— containing by weight less than 0,6 % of carbon
		ex 7216 50 10	— containing by weight less than 0,6 % of carbon
		ex 7216 50 90	— containing by weight less than 0,6 % of carbon
BENELUX	Bulgaria	7208 11 00	Coils
	Hungary	7208 12 10	
	Poland	7208 12 91	
	Romania	7208 12 99	
	Czechoslovakia	7208 13 10	
	German Democratic Republic	7208 13 91	
	USSR	7208 13 99	

Member State	Third country of origin	CN code	
BENELUX (cont'd)	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR		Coils (cont'd)
		ex 7208 14 10	— of a thickness of 1,5 mm or more
		ex 7208 14 90	— of a thickness of 1,5 mm or more
		7208 21 10	
		7208 21 90	
		7208 22 10	
		7208 22 91	
		7208 22 99	
		7208 23 10	
		7208 23 91	
		7208 23 99	
		ex 7208 24 10	— of a thickness of 1,5 mm or more
		ex 7208 24 90	— of a thickness of 1,5 mm or more
		ex 7211 12 10	— in coils
		ex 7211 19 10	— of a thickness of 1,5 mm or more, in coils
		ex 7211 22 10	— in coils
		ex 7211 29 10	— of a thickness of 1,5 mm or more, in coils
		7219 11 10	
		7219 11 90	
		7219 12 10	
		7219 12 90	
		7219 13 10	
		7219 13 90	
		ex 7219 14 10	— of a thickness of 1,5 mm or more
		ex 7219 14 90	— of a thickness of 1,5 mm or more
		ex 7220 11 00	— in coils, of a width exceeding 500 mm
		ex 7220 12 00	— of a thickness of 1,5 mm or more, in coils, of a width exceeding 500 mm
		ex 7225 10 10	— of a thickness of 1,5 mm or more, in coils
		ex 7225 20 11	— of a thickness of 1,5 mm or more, in coils
		ex 7225 30 00	— of a thickness of 1,5 mm or more
		ex 7226 10 10	— of a thickness of 1,5 mm or more, in coils, of a width exceeding 500 mm
		ex 7226 20 10	— of a thickness of 1,5 mm or more, in coils, of a width exceeding 500 mm
		ex 7226 91 00	— of a thickness of 1,5 mm or more, in coils, of a width exceeding 500 mm
			Other iron and steel products
		ex 7208 14 10	— of a thickness of less than 1,5 mm, containing by weight less than 0,6 % of carbon
		ex 7208 14 90	— of a thickness of less than 1,5 mm, containing by weight less than 0,6 % of carbon
		ex 7208 24 10	— of a thickness of less than 1,5 mm, containing by weight less than 0,6 % of carbon
		ex 7208 24 90	— of a thickness of less than 1,5 mm, containing by weight less than 0,6 % of carbon
		ex 7208 32 10	— containing by weight less than 0,6 % of carbon
		ex 7208 32 30	— containing by weight less than 0,6 % of carbon
		ex 7208 32 51	— containing by weight less than 0,6 % of carbon
		ex 7208 32 59	— containing by weight less than 0,6 % of carbon
		ex 7208 32 91	— containing by weight less than 0,6 % of carbon
		ex 7208 32 99	— containing by weight less than 0,6 % of carbon

Member State	Third country of origin	CN code	
BENELUX (cont'd)	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR		Other iron and steel products (cont'd)
		ex 7208 33 10	— containing by weight less than 0,6 % of carbon
		ex 7208 33 91	— containing by weight less than 0,6 % of carbon
		ex 7208 33 99	— containing by weight less than 0,6 % of carbon
		ex 7208 34 10	— containing by weight less than 0,6 % of carbon
		ex 7208 34 90	— containing by weight less than 0,6 % of carbon
		ex 7208 35 10	— containing by weight less than 0,6 % of carbon
		ex 7208 35 91	— containing by weight less than 0,6 % of carbon
		ex 7208 35 93	— containing by weight less than 0,6 % of carbon
		ex 7208 35 99	— containing by weight less than 0,6 % of carbon
		ex 7208 42 10	— containing by weight less than 0,6 % of carbon
		ex 7208 42 30	— containing by weight less than 0,6 % of carbon
		ex 7208 42 51	— containing by weight less than 0,6 % of carbon
		ex 7208 42 59	— containing by weight less than 0,6 % of carbon
		ex 7208 42 91	— containing by weight less than 0,6 % of carbon
		ex 7208 42 99	— containing by weight less than 0,6 % of carbon
		ex 7208 43 10	— containing by weight less than 0,6 % of carbon
		ex 7208 43 91	— containing by weight less than 0,6 % of carbon
		ex 7208 43 99	— containing by weight less than 0,6 % of carbon
		ex 7208 44 10	— containing by weight less than 0,6 % of carbon
		ex 7208 44 90	— containing by weight less than 0,6 % of carbon
		ex 7208 45 10	— containing by weight less than 0,6 % of carbon
		ex 7208 45 91	— containing by weight less than 0,6 % of carbon
		ex 7208 45 93	— containing by weight less than 0,6 % of carbon
		ex 7208 45 99	— containing by weight less than 0,6 % of carbon
		ex 7208 90 10	— simply cut into shapes other than rectangular (including square)
		7209 12 10	
		7209 12 90	
		7209 13 10	
		7209 13 90	
		7209 14 10	
		7209 14 90	
		7209 22 10	
		7209 22 90	
		7209 23 10	
		7209 23 90	
		7209 24 10	
		7209 24 91	
		7209 24 99	
		7209 32 10	
		7209 32 90	
		7209 33 10	
		7209 33 90	
		7209 34 10	
		7209 34 90	
		7209 42 10	
		7209 42 90	
		7209 43 10	
		7209 43 90	
		7209 44 10	
		7209 44 90	
		ex 7209 90 10	— simply cut into shapes other than rectangular (including square)

Member State	Third country of origin	CN code	
BENELUX (cont'd)	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR		Other iron and steel products (cont'd)
		ex 7210 11 10	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
			— simply cut into shapes other than rectangular (including square)
		ex 7210 12 11	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
			— simply cut into shapes other than rectangular (including square)
		ex 7210 12 19	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
			— simply cut into shapes other than rectangular (including square)
		ex 7210 20 10	— simply cut into shapes other than rectangular (including square)
		ex 7210 31 10	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
			— simply cut into shapes other than rectangular (including square)
		ex 7210 39 10	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
			— simply cut into shapes other than rectangular (including square)
		ex 7210 41 10	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
			— simply cut into shapes other than rectangular (including square)
		ex 7210 49 10	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
			— simply cut into shapes other than rectangular (including square)
		ex 7210 50 10	— simply cut into shapes other than rectangular (including square)
		ex 7210 60 11	— simply cut into shapes other than rectangular (including square)
		ex 7210 60 19	— simply cut into shapes other than rectangular (including square)
		ex 7210 70 11	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
			— simply cut into shapes other than rectangular (including square)
		ex 7210 70 19	— simply cut into shapes other than rectangular (including square)
		ex 7210 90 31	— simply cut into shapes other than rectangular (including square)
		ex 7210 90 33	— simply cut into shapes other than rectangular (including square)
		ex 7210 90 35	— simply cut into shapes other than rectangular (including square)
		ex 7210 90 39	— simply cut into shapes other than rectangular (including square)
		ex 7211 12 10	— not in coils and containing by weight less than 0,6 % of carbon
		ex 7211 12 90	— of a thickness of 6 mm or less
		ex 7211 19 10	— not in coils, containing by weight less than 0,6 % of carbon and of a thickness of 1,5 mm or more
			— containing by weight less than 0,6 % of carbon and of a thickness of less than 1,5 mm
		7211 19 91	
		7211 19 99	

Member State	Third country of origin	CN code	
BENELUX (cont'd)	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR		Other iron and steel products (cont'd)
		ex 7211 22 10	— not in coils and containing by weight less than 0,6 % of carbon
		ex 7211 22 90	— of a thickness of 6 mm or less
		ex 7211 29 10	— not in coils, containing by weight less than 0,6 % of carbon and of a thickness of 1,5 mm or more
			— containing by weight less than 0,6 % of carbon and of a thickness of less than 1,5 mm
		7211 29 91	
		7211 29 99	
		ex 7211 30 10	— of a thickness of less than 3 mm
			— 'electrical'
		ex 7211 41 10	— of a thickness of less than 3 mm
			— 'electrical'
		ex 7211 41 91	— of a thickness of less than 6 mm
		ex 7211 49 10	— of a thickness of less than 3 mm
			— 'electrical'
		ex 7212 10 10	— containing by weight less than 0,6 % of carbon
		ex 7212 10 91	— containing by weight less than 0,6 % of carbon
		ex 7212 21 11	— containing by weight less than 0,6 % of carbon
		ex 7212 29 11	— containing by weight less than 0,6 % of carbon
		ex 7212 30 11	— containing by weight less than 0,6 % of carbon
		ex 7212 40 10	— containing by weight less than 0,6 % of carbon
		ex 7212 60 91	— of a thickness of 6 mm or less and containing by weight less than 0,6 % of carbon
		7213 10 00	
		7213 20 00	
		7213 31 00	
		7213 39 00	
		7213 41 00	
		7213 49 00	
		7214 20 00	
		7214 30 00	
		7214 40 10	
		7214 40 91	
		7214 40 99	
		7214 50 10	
		7214 50 91	
		7214 50 99	
		7214 60 00	
		7216 10 00	
		7216 21 00	
		7216 22 00	
		7216 31 11	
		7216 31 19	
		7216 31 91	
		7216 31 99	
		7216 32 11	
		7216 32 19	
		7216 32 91	
		7216 32 99	
		7216 33 10	
		7216 33 90	
		7216 40 10	
		7216 40 90	

Member State	Third country of origin	CN code	
BENELUX (cont'd)	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR		Other iron and steel products (cont'd)
		7216 50 10	
		7216 50 90	
		ex 7216 90 10	— containing by weight less than 0,6 % of carbon
		ex 7219 14 10	— of a thickness of less than 1,5 mm
		ex 7219 14 90	— of a thickness of less than 1,5 mm
		ex 7219 21 11	— other than rolled on four faces or in a closed box pass
		ex 7219 21 19	— other than rolled on four faces or in a closed box pass
		ex 7219 21 90	— other than rolled on four faces or in a closed box pass
		ex 7219 22 10	— other than rolled on four faces or in a closed box pass
		ex 7219 22 90	— other than rolled on four faces or in a closed box pass
		7219 23 10	
		7219 23 90	
		7219 24 10	
		7219 24 90	
		7219 33 10	
		7219 33 90	
		7219 34 10	
		7219 34 90	
		7219 35 10	
		7219 35 90	
		ex 7219 90 11	— simply cut into shapes other than rectangular (including square)
		ex 7219 90 19	— simply cut into shapes other than rectangular (including square)
		ex 7220 11 00	— other than rolled on four faces or in a closed box pass, other than in coils, and of a width exceeding 500 mm
		ex 7220 12 00	— other than in coils, of a thickness of 1,5 mm or more and of a width exceeding 500 mm
		ex 7220 20 10	— of a thickness of less than 3 mm
		7221 00 10	
		7221 00 90	
		7222 10 11	
		7222 10 19	
		7222 10 51	
		7222 10 59	
		7222 10 99	
		7222 40 11	
		7222 40 19	
		ex 7225 10 10	— not in coils and of a thickness of 1,5 mm or more
			— of a thickness of less than 1,5 mm
		7225 10 91	
		7225 10 99	
		ex 7225 20 11	— other than rolled on four faces or in a closed box pass, other than in coils and of a thickness of 1,5 mm or more
		ex 7225 20 19	— of a thickness of less than 3 mm
		ex 7225 20 30	— simply cut into shapes other than rectangular (including square)
		ex 7225 30 00	— of a thickness of less than 1,5 mm

Member State	Third country of origin	CN code	
BENELUX (cont'd)	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR		Other iron and steel products (cont'd)
		ex 7225 40 10	— other than rolled on four faces or in a closed box pass
		ex 7225 40 30	— other than rolled on four faces or in a closed box pass
		ex 7225 40 50	— other than rolled on four faces or in a closed box pass
		ex 7225 50 00	— of a thickness of less than 3 mm
		ex 7225 90 10	— simply cut into shapes other than rectangular (including square)
		ex 7226 10 10	— other than in coils, of a thickness of 1,5 mm or more and of a width exceeding 500 mm
		7226 10 30	
		ex 7226 20 10	— other than rolled on four faces or in a closed box pass, other than in coils, of a thickness of 1,5 mm or more and of a width exceeding 500 mm
		ex 7226 20 31	— of a thickness of less than 3 mm
		ex 7226 91 00	— other than rolled on four faces or in a closed box pass, other than in coils, of a thickness of 1,5 mm or more and of a width exceeding 500 mm
		ex 7226 92 10	— of a thickness of less than 3 mm
		7227 20 00	
		7227 90 10	
		7227 90 30	
		7227 90 80	
		7228 20 11	
		7228 20 19	
		7228 30 10	
		7228 30 30	
		7228 30 80	
		7228 70 10	
		7228 80 10	
		ex 7228 80 90	— containing by weight more than 0,6 % of carbon
		7301 10 00	
ITALY	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR People's Republic of Korea	7208 11 00	
		7208 12 10	
		7208 12 91	
		7208 12 99	
		7208 13 10	
		7208 13 91	
		7208 13 99	
		ex 7208 14 10	— of a thickness of 1,5 mm or more
		ex 7208 14 90	— of a thickness of 1,5 mm or more
		7208 21 10	
		7208 21 90	
		7208 22 10	
		7208 22 91	
		7208 22 99	
		7208 23 10	
		7208 23 91	
		7208 23 99	

Member State	Third country of origin	CN code	
ITALY (cont'd)	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR People's Republic of Korea		Coils (cont'd)
		ex 7208 24 10	— of a thickness of 1,5 mm or more
		ex 7208 24 90	— of a thickness of 1,5 mm or more
		ex 7211 12 10	— in coils
		ex 7211 19 10	— of a thickness of 1,5 mm or more, in coils
		ex 7211 22 10	— in coils
		ex 7211 29 10	— of a thickness of 1,5 mm or more, in coils
		7219 11 10	
		7219 11 90	
		7219 12 10	
		7219 12 90	
		7219 13 10	
		7219 13 90	
		ex 7219 14 10	— of a thickness of 1,5 mm or more
		ex 7219 14 90	— of a thickness of 1,5 mm or more
		ex 7220 11 00	— in coils, of a width exceeding 500 mm
		ex 7220 12 00	— of a thickness of 1,5 mm or more, in coils, of a width exceeding 500 mm
		ex 7225 10 10	— of a thickness of 1,5 mm or more, in coils
		ex 7225 20 11	— of a thickness of 1,5 mm or more, in coils
		ex 7225 30 00	— of a thickness of 1,5 mm or more
		ex 7226 10 10	— of a thickness of 1,5 mm or more, in coils, of a width exceeding 500 mm
		ex 7226 20 10	— of a thickness of 1,5 mm or more, in coils, of a width exceeding 500 mm
		ex 7226 91 00	— of a thickness of 1,5 mm or more, in coils, of a width exceeding 500 mm
			Other iron and steel products
		ex 7208 14 10	— of a thickness of less than 1,5 mm
		ex 7208 14 90	— of a thickness of less than 1,5 mm
		ex 7208 24 10	— of a thickness of less than 1,5 mm
		ex 7208 24 90	— of a thickness of less than 1,5 mm
		7208 32 10	
		7208 32 30	
		7208 32 51	
		7208 32 59	
		7208 32 91	
		7208 32 99	
		7208 33 10	
		7208 33 91	
		7208 33 99	
		7208 34 10	
		7208 34 90	
		7208 35 10	
		7208 35 91	
		7208 35 93	
		7208 35 99	
		7208 42 10	
		7208 42 30	
		7208 42 51	
		7208 42 59	
		7208 42 91	

Member State	Third country of origin	CN code	
ITALY (<i>cont'd</i>)	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR People's Republic of Korea	7208 42 99	Other iron and steel products (<i>cont'd</i>)
		7208 43 10	
		7208 43 91	
		7208 43 99	
		7208 44 10	
		7208 44 90	
		7208 45 10	
		7208 45 91	
		7208 45 93	
		7208 45 99	
		ex 7208 90 10	
		7209 11 00	
		7209 12 10	
		7209 12 90	
		7209 13 10	
		7209 13 90	
		7209 14 10	
		7209 14 90	
		7209 21 00	
		7209 22 10	
		7209 22 90	
		7209 23 10	
		7209 23 90	
		7209 24 10	
		7209 24 91	
		7209 24 99	
		7209 31 00	
		7209 32 10	
		7209 32 90	
		7209 33 10	
		7209 33 90	
		7209 34 10	
		7209 34 90	
		7209 41 00	
		7209 42 10	
		7209 42 90	
		7209 43 10	
		7209 43 90	
		7209 44 10	
		7209 44 90	
		ex 7209 90 10	
		ex 7210 11 10	
		ex 7210 12 11	

— simply cut into shapes other than rectangular (including square)

— simply cut into shapes other than rectangular (including square)

— not further worked than surface-treated and containing by weight less than 0,6 % of carbon

— simply cut into shapes other than rectangular (including square)

— not further worked than surface-treated and containing by weight less than 0,6 % of carbon

— simply cut into shapes other than rectangular (including square)

Member State	Third country of origin	CN code	
ITALY (cont'd)	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR People's Republic of Korea		Other iron and steel products (cont'd)
		ex 7210 12 19	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
			— simply cut into shapes other than rectangular (including square)
		ex 7210 20 10	— simply cut into shapes other than rectangular (including square)
		ex 7210 31 10	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
			— simply cut into shapes other than rectangular (including square)
		ex 7210 39 10	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
			— simply cut into shapes other than rectangular (including square)
		ex 7210 41 10	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
			— simply cut into shapes other than rectangular (including square)
		ex 7210 49 10	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
			— simply cut into shapes other than rectangular (including square)
		ex 7210 50 10	— simply cut into shapes other than rectangular (including square)
		ex 7210 60 11	— simply cut into shapes other than rectangular (including square)
		ex 7210 60 19	— simply cut into shapes other than rectangular (including square)
		ex 7210 70 11	— not further worked than surface-treated and containing by weight less than 0,6 % of carbon
			— simply cut into shapes other than rectangular (including square)
		ex 7210 70 19	— simply cut into shapes other than rectangular (including square)
		ex 7210 90 31	— simply cut into shapes other than rectangular (including square)
		ex 7210 90 33	— simply cut into shapes other than rectangular (including square)
		ex 7210 90 35	— simply cut into shapes other than rectangular (including square)
		ex 7210 90 39	— simply cut into shapes other than rectangular (including square)
		ex 7211 12 10	— not in coils
		ex 7211 12 90	— of a thickness of 6 mm or less
		ex 7211 19 10	— not in coils and of a thickness of 1,5 mm or more
			— of a thickness of less than 1,5 mm
		7211 19 91	
		7211 19 99	
		ex 7211 22 10	— not in coils
		ex 7211 22 90	— of a thickness of 6 mm or less
		ex 7211 29 10	— not in coils and of a thickness of 1,5 mm or more
			— of a thickness of less than 1,5 mm
		7211 29 91	
		7211 29 99	

Member State	Third country of origin	CN code	
ITALY (<i>cont'd</i>)			Other iron and steel products (<i>cont'd</i>)
	Bulgaria	7211 30 10	
	Hungary	7211 41 10	
	Poland	ex 7211 41 91	— of a thickness of less than 6 mm
	Romania	7211 49 10	
	Czechoslovakia	ex 7212 10 10	— containing by weight less than 0,6 % of carbon
	German Democratic Republic	ex 7212 10 91	— containing by weight less than 0,6 % of carbon
	USSR	ex 7212 21 11	— containing by weight less than 0,6 % of carbon
	People's Republic of Korea	ex 7212 29 11	— containing by weight less than 0,6 % of carbon
		ex 7212 30 11	— containing by weight less than 0,6 % of carbon
		ex 7212 40 10	— containing by weight less than 0,6 % of carbon
		ex 7212 60 91	— of a thickness of 6 mm or less and containing by weight less than 0,6 % of carbon
		7213 10 00	
		7213 20 00	
		7213 31 00	
		7213 39 00	
		7213 41 00	
		7213 49 00	
		7213 50 10	
		7213 50 90	
		7214 20 00	
		7214 30 00	
		7214 40 10	
		7214 40 91	
		7214 40 99	
		7214 50 10	
		7214 50 91	
		7214 50 99	
		7214 60 00	
		ex 7215 90 10	— of free-cutting steel
		7216 10 00	
		7216 21 00	
		7216 22 00	
		7216 31 11	
		7216 31 19	
		7216 31 91	
		7216 31 99	
		7216 32 11	
		7216 32 19	
		7216 32 91	
		7216 32 99	
		7216 33 10	
		7216 33 90	
		7216 40 10	
		7216 40 90	
		7216 50 10	
		7216 50 90	
		ex 7216 90 10	— containing by weight less than 0,6 % of carbon
			— of free-cutting steel
		ex 7219 14 10	— other than in coils and of a thickness of less than 1,5 mm
		ex 7219 14 90	— other than in coils and of a thickness of less than 1,5 mm

Member State	Third country of origin	CN code	
ITALY (cont'd)			Other iron and steel products (cont'd)
	Bulgaria	ex 7219 21 11	— other than rolled on four faces or in a closed box pass
	Hungary	ex 7219 21 19	— other than rolled on four faces or in a closed box pass
	Poland	ex 7219 21 90	— other than rolled on four faces or in a closed box pass
	Romania	ex 7219 22 10	— other than rolled on four faces or in a closed box pass
	Czechoslovakia	ex 7219 22 90	— other than rolled on four faces or in a closed box pass
	German Democratic Republic	7219 23 10	
	USSR	7219 23 90	
	People's Republic of Korea	7219 24 10	
		7219 24 90	
		7219 31 10	
		7219 31 90	
		7219 32 10	
		7219 32 90	
		7219 33 10	
		7219 33 90	
		7219 34 10	
		7219 34 90	
		7219 35 10	
		7219 35 90	
		ex 7219 90 11	— simply cut into shapes other than rectangular (including square)
		ex 7219 90 19	— simply cut into shapes other than rectangular (including square)
		ex 7220 11 00	— other than rolled on four faces or in a closed box pass, other than in coils, and of a width exceeding 500 mm
		ex 7220 12 00	— other than in coils, of a thickness of 1,5 mm or more and of a width exceeding 500 mm
		7220 20 10	
		7221 00 10	
		7221 00 90	
		7222 10 11	
		7222 10 19	
		7222 10 51	
		7222 10 59	
		7222 10 99	
		7222 30 10	
		7222 40 11	
		7222 40 19	
		7222 40 30	
		ex 7225 10 10	— not in coils and of a thickness of 1,5 mm or more
			— of a thickness of less than 1,5 mm
		7225 10 91	
		7225 10 99	
		ex 7225 20 11	— other than rolled on four faces or in a closed box pass, other than in coils and of a thickness of 1,5 mm or more
		7225 20 19	
		ex 7225 20 30	— simply cut into shapes other than rectangular (including square)
		ex 7225 30 00	— of a thickness of less than 1,5 mm

Member State	Third country of origin	CN code			
ITALY (cont'd)	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR People's Republic of Korea	ex 7225 40 10	— other than rolled on four faces or in a closed box pass		
		ex 7225 40 30	— other than rolled on four faces or in a closed box pass		
		ex 7225 40 50	— other than rolled on four faces or in a closed box pass		
		7225 40 70			
		7225 40 90			
		7225 50 00			
		ex 7225 90 10	— simply cut into shapes other than rectangular (including square)		
		ex 7226 10 10	— other than in coils, of a thickness of 1,5 mm or more and of a width exceeding 500 mm		
		7226 10 30			
		ex 7226 20 10	— other than rolled on four faces or in a closed box pass, other than in coils, of a thickness of 1,5 mm or more and of a width exceeding 500 mm		
		7226 20 31			
		ex 7226 91 00	— other than rolled on four faces or in a closed box pass, other than in coils, of a thickness of 1,5 mm or more and of a width exceeding 500 mm		
		7226 92 10			
		7227 10 00			
		7227 20 00			
		7227 90 10			
		7227 90 30			
		7227 90 80			
		7228 10 10			
		7228 10 30			
		7228 20 11			
		7228 20 19			
		7228 20 30			
		7228 30 10			
		7228 30 30			
		7228 30 80			
		7228 60 10			
		7228 70 10			
		7228 70 31			
		7228 80 10			
		ex 7228 80 90	— containing by weight less than 0,6 % or carbon		
		7301 10 00			
DENMARK FRANCE GREECE IRELAND PORTUGAL SPAIN UNITED KINGDOM	Brazil Bulgaria Hungary Poland Romania Czechoslovakia	CN code			
		7201 10 19	7208 11 00	7208 21 10	7208 24 90
		7201 10 30	7208 12 10	7208 21 90	7208 31 00
		ex 7201 20 00	7208 12 91	7208 22 10	7208 32 10
		7201 30 10	7208 12 99	7208 22 91	7208 32 30
		7201 30 90	7208 13 10	7208 22 99	7208 32 51
		ex 7202 99 11	7208 13 91	7208 23 10	7208 32 59
		7203 90 00	7208 13 99	7208 23 91	7208 32 91
		7204 50 10	7208 14 10	7208 23 99	7208 32 99
		7204 50 90	7208 14 90	7208 24 10	7208 33 10

Member State	Third country of origin	CN code			
DENMARK	Brazil	7208 33 91	7210 11 10	7214 40 91	7220 12 00
FRANCE	Bulgaria	7208 33 99	7210 12 11	7214 40 99	7220 20 10
GREECE	Hungary	7208 34 10	7210 12 19	7214 50 10	7220 90 11
IRELAND	Poland	7208 34 90	7210 20 10	7214 50 91	7220 90 31
PORTUGAL	Romania	7208 35 10	7210 31 10	7214 50 99	7221 00 10
SPAIN	Czechoslovakia	7208 35 91	7210 39 10	7214 60 00	7221 00 90
UNITED KINGDOM		7208 35 93	7210 41 10	7215 90 10	7222 10 11
(cont'd)		7208 35 99	7210 49 10	7216 10 00	7222 10 19
		7208 41 00	7210 50 10	7216 21 00	7222 10 51
		7208 42 10	7210 60 11	7216 22 00	7222 10 59
		7208 42 30	7210 60 19	7216 31 11	7222 10 99
		7208 42 51	7210 70 11	7216 31 19	7222 30 10
		7208 42 59	7210 70 19	7216 31 91	7222 40 11
		7208 42 91	7210 90 31	7216 31 99	7222 40 19
		7208 42 99	7210 90 33	7216 32 11	7222 40 30
		7208 43 10	7210 90 35	7216 32 19	7225 10 10
		7208 43 91	7210 90 39	7216 32 91	7225 10 91
		7208 43 99	7211 11 00	7216 32 99	7225 10 99
		7208 44 10	7211 12 10	7216 33 10	ex 7225 20 11
		7208 44 90	7211 12 90	7216 33 90	ex 7225 20 19
		7208 45 10	7211 19 10	7216 40 10	7225 20 30
		7208 45 91	7211 19 91	7216 40 90	ex 7225 30 00
		7208 45 93	7211 19 99	7216 50 10	ex 7225 40 10
		7208 45 99	7211 21 00	7216 50 90	ex 7225 40 30
		7208 90 10	7211 22 10	7216 90 10	ex 7225 40 50
		7209 11 00	7211 22 90	7219 11 10	ex 7225 50 00
		7209 12 10	7211 29 10	7219 11 90	7225 90 10
		7209 12 90	7211 29 91	7219 12 10	7226 10 10
		7209 13 10	7211 29 99	7219 12 90	7226 10 30
		7209 13 90	7211 30 10	7219 13 10	ex 7226 20 10
		7209 14 10	7211 41 10	7219 13 90	ex 7226 20 31
		7209 14 90	7211 41 91	ex 7219 14 10	7226 20 51
		7209 21 00	7211 49 10	ex 7219 14 90	7226 20 71
		7209 22 10	7211 90 11	ex 7219 21 11	ex 7226 91 00
		7209 22 90	7212 10 10	ex 7219 21 19	ex 7226 92 10
		7209 23 10	7212 10 91	ex 7219 21 90	7226 99 11
		7209 23 90	7212 21 11	ex 7219 22 10	7226 99 31
		7209 24 10	7212 29 11	ex 7219 22 90	7227 20 00
		7209 24 91	7212 30 11	ex 7219 23 10	7227 90 10
		7209 24 99	7212 40 10	ex 7219 23 90	7227 90 30
		7209 31 00	7212 40 91	ex 7219 24 10	7227 90 80
		7209 32 10	7212 50 31	ex 7219 24 90	7228 10 30
		7209 32 90	7212 50 51	7219 31 10	7228 20 11
		7209 33 10	7212 60 11	7219 31 90	7228 20 19
		7209 33 90	7212 60 91	7219 32 10	7228 20 30
		7209 34 10	7213 10 00	7219 32 90	7228 30 10
		7209 34 90	7213 20 00	7219 33 10	7228 30 30
		7209 41 00	7213 31 00	7219 33 90	7228 30 80
		7209 42 10	7213 39 00	7219 34 10	7228 60 10
		7209 42 90	7213 41 00	7219 34 90	ex 7228 70 10
		7209 43 10	7213 49 00	7219 35 10	7228 70 31
		7209 43 90	7214 20 00	7219 35 90	ex 7228 80 10
		7209 44 10	7214 30 00	7219 90 11	7228 80 90
		7209 44 90	7214 40 10	7219 90 19	7301 10 00
		7209 90 10		7220 11 00	

Member State	Third country of origin	CN code	Explanatory list of the 'ex' positions
DENMARK FRANCE GREECE IRELAND PORTUGAL SPAIN UNITED KINGDOM (cont'd)	Brazil Bulgaria Hungary Poland Romania Czechoslovakia	ex 7201 20 00	— containing by weight more than 1 % of silicium
		ex 7202 99 11	— containing by weight more than 1 % of silicium
		ex 7219 14 10	— of a thickness of 1,5 mm or more, or of a thickness of less than 1,5 mm and containing by weight 1 % or less of carbon and 12 % or more of chromium
		ex 7219 14 90	— of a thickness of 1,5 mm or more, or of a thickness of less than 1,5 mm and containing by weight 1 % or less of carbon and 12 % or more of chromium
		ex 7219 21 11	— rolled on four faces or in a closed box pass other: containing by weight 1 % or less of carbon and 12 % or more of chromium
		ex 7219 21 19	— rolled on four faces or in a closed box pass other: containing by weight 1 % or less of carbon and 12 % or more of chromium
		ex 7219 21 90	— rolled on four faces or in a closed box pass other: containing by weight 1 % or less of carbon and 12 % or more of chromium
		ex 7219 22 10	— rolled on four faces or in a closed box pass other: containing by weight 1 % or less of carbon and 12 % or more of chromium
		ex 7219 22 90	— rolled on four faces or in a closed box pass other: containing by weight 1 % or less of carbon and 12 % or more of chromium
		ex 7219 23 10	— containing by weight 1 % or less of carbon and 12 % or more of chromium
		ex 7219 23 90	— containing by weight 1 % or less of carbon and 12 % or more of chromium
		ex 7219 24 10	— containing by weight 1 % or less of carbon and 12 % or more of chromium
		ex 7219 24 90	— containing by weight 1 % or less of carbon and 12 % or more of chromium
		ex 7225 20 11	— in coils and of a thickness of 1,5 mm or more or rolled on four faces or in a closed box pass
		ex 7225 20 19	— of a thickness of 3 mm or more
		ex 7225 30 00	— of a thickness of 1,5 mm or more
		ex 7225 40 10	— rolled on four faces or in a closed box pass
		ex 7225 40 30	— rolled on four faces or in a closed box pass
		ex 7225 40 50	— rolled on four faces or in a closed box pass
		ex 7225 50 00	— of a thickness of 3 mm or more
		ex 7226 20 10	— rolled on four faces or in a closed box pass other: of a width of less than 500 mm or of a width of 500 mm or more, of a thickness of 1,5 mm or more and in coils
		ex 7226 20 31	— of a thickness of 3 mm or more
		ex 7226 91 00	— rolled on four faces or in a closed box pass other: of a width of less than 500 mm or of a width of 500 mm or more, of a thickness of 1,5 mm or more and in coils
		ex 7226 92 10	— of a thickness of 3 mm or more
		ex 7228 70 10	— other than of high speed steel
		ex 7228 80 10	— other than of high speed steel

COMMISSION DECISION

of 6 August 1990

concerning applications for refund of anti-dumping duties collected on the import of vinyl acetate monomer originating in the United States of America
(Gantrade (UK) Ltd)

(90/460/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community ⁽¹⁾, and in particular Article 16 thereof,

Whereas:

A. PROCEDURE

(1) By Regulation (EEC) No 2357/87 ⁽²⁾, the Council amended Regulation (EEC) No 1282/81, imposing a definitive anti-dumping duty on imports of vinyl acetate monomer originating in the United States of America ⁽³⁾. Anti-dumping duty of 6 % was applied to the American company Gantrade Corporation.

(2) Since November 1987 Gantrade (UK) Ltd, a European subsidiary of Gantrade Corporation, based in Bishop's Stortford, United Kingdom, has been submitting periodic applications for refund of anti-dumping duties paid on imports of vinyl acetate monomer exported by Gantrade Corporation.

The Commission, with the agreement of the applicant, decided to treat the applications as recurring applications within the meaning of point 1.4 of the Commission notice concerning the reimbursement of anti-dumping duties (hereinafter referred to as 'the notice') ⁽⁴⁾. Accordingly, the applicant has submitted successive applications, within the three-month time limit set out under Article 16 (2) of Regulation (EEC) No 2423/88. The information required to assess the merits of the applications has been provided at six-monthly intervals.

(3) In November 1988 the Commission received a request lodged by an American producer/exporter for a review of the anti-dumping measures applicable to imports of vinyl acetate monomer originating in the United States of America. On 25 April 1989 the Commission opened the review proceeding covering the period October 1988 to March 1989 inclusive ⁽⁵⁾. In accordance with point 1.5 of the notice, it was decided that the proceeding regarding the application for reimbursement opened at the request of Gantrade (UK) Ltd would be suspended until termination of the review. However, the applicant continued to submit periodic applications. Council Regulation (EEC) No 490/90 repealed Regulation (EEC) No 2357/87 and terminated the anti-dumping proceeding concerning imports of vinyl acetate monomer originating in the United States ⁽⁶⁾. Thus, since 2 March 1990, anti-dumping duty can no longer be imposed on imports of vinyl acetate monomer originating in the United States.

(4) So as not to delay the decision on refunds, it was decided to process immediately the applications concerning imports made up to March 1989. These applications were examined at the applicant's headquarters. Recurring applications submitted after this date, or which might still be submitted, covering periods up to 1 March 1990 — when the duty ceased to be applicable — will be covered by a further Decision.

(5) The total amount of refunds requested was Bfrs (...) ⁽⁷⁾, which represents all the duty paid.

(6) The applicant was informed of the results of the examination and had the opportunity to submit its comments.

(7) Pursuant to Article 16 (2) of Regulation (EEC) No 2423/88, the Commission informed the Member States and gave its opinion on the applications' admissibility and merits. No Member State raised any objection.

⁽⁵⁾ OJ No C 105, 25. 4. 1989, p. 3.

⁽⁶⁾ OJ No L 53, 1. 3. 1990, p. 1.

⁽⁷⁾ In accordance with Article 8 of Regulation (EEC) No 2423/88, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 213, 4. 8. 1987, p. 32.

⁽³⁾ OJ No L 129, 15. 5. 1981, p. 1.

⁽⁴⁾ OJ No C 266, 22. 10. 1986, p. 2.

B. ARGUMENT OF THE APPLICANT

- (8) Gantrade (UK) Ltd argued that the imports in question were not dumped.

C. ADMISSIBILITY

- (9) The applicant duly submitted its first request for refund on 20 November 1987 in respect of anti-dumping duties determined between June and September 1987. Pursuant to Article 16 of Regulation (EEC) No 2423/88, applications for refund of anti-dumping duties are admissible if they are submitted within three months of the date on which the anti-dumping duties were duly determined. The first application by Gantrade UK Ltd is, therefore, admissible only in part namely in respect of duties determined since 20 August 1987. Thus the refunds requested should be reduced by Bfrs (...), corresponding to the duties determined before that date. The remaining recurring applications are admissible in that they were lodged in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular with regard to time limits.

D. MERITS OF THE CLAIM

- (10) All the applications examined, covering the period 20 August 1987 to end of March 1989 appear to be well founded. Indeed, the applicant, in accordance with the provisions of Article 16 of Regulation (EEC) No 2423/88, supplied evidence that the actual dumping margin had been eliminated by the time the imports in question were made. The Commission was able to verify all the information supplied and found it to be complete and satisfactory. It was decided to calculate the dumping margin using the method that had been used during the first investigation. Given that the applicant is a subsidiary of the exporter, the provisions of point 11.2 (c) of the notice were applied, namely all costs incurred between importation and resale, including the anti-dumping duties paid, were deducted from the resale price to the first independent buyers. It was found that the dumping margin was nil. This development was due to substantial modifications in export prices resulting from significant changes in market conditions worldwide for the product imported.

Accordingly, the applications for refund of anti-dumping duties submitted by Gantrade (UK) Ltd for vinyl acetate monomer imported between 20 August 1987 and March 1989 inclusive and considered admissible should be granted.

E. AMOUNT TO BE REIMBURSED

- (11) A total of Bfrs (...) is therefore to be reimbursed to Gantrade (UK) Ltd,

HAS ADOPTED THIS DECISION:

Article 1

The application for refund of anti-dumping duties submitted in November 1987 by Gantrade (UK) Ltd, Bishop's Stortford, United Kingdom, is inadmissible in part and is hereby rejected in respect of an amount totalling Bfrs (...).

Article 2

The applications for refund of anti-dumping duties paid for imports made between 20 August 1987 and March 1989 inclusive by Gantrade (UK) Ltd, Bishop's Stortford, is hereby granted for Bfrs (...).

Article 3

The amount in Belgian francs set out in Article 2 shall be refunded by the Belgian authorities.

Article 4

This Decision is addressed to the Kingdom of Belgium and Gantrade (UK) Ltd, Bishop's Stortford, United Kingdom.

Done at Brussels, 6 August 1990.

For the Commission
Frans ANDRIESEN
Vice-President

COMMISSION DECISION

of 6 August 1990

concerning applications for refund of anti-dumping duties collected on the import of vinyl acetate monomer originating in the United States of America
(Quantum Chemical Corporation)

(90/461/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES;

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 16 thereof,

Whereas:

A. PROCEDURE

(1) By Regulation (EEC) No 2357/87⁽²⁾, the Council amended Regulation (EEC) No 1282/81 imposing a definitive anti-dumping duty on imports of vinyl acetate monomer originating in the United States of America⁽³⁾. Anti-dumping duty of 5,9% was applied to the American company US Industrial Chemicals Co., later to become Quantum Chemical Corporation, to which the 5,9% duty was declared to be applicable by Council Regulation (EEC) No 2166/89⁽⁴⁾.

(2) Since May 1988 US Industrial Chemicals Europe BV, a European subsidiary of Quantum Chemical Corporation, based in Bavel, the Netherlands, which changed its business name to Quantum Chemical Europe BV at the beginning of 1989, has been submitting periodic applications for refund of anti-dumping duties paid on imports of vinyl acetate monomer produced and exported by Quantum Chemical Corporation.

The Commission, with the agreement of the applicant, decided to treat the applications as recurring applications within the meaning of point 1.4 of the Commission notice concerning the reimbursement of anti-dumping duties (hereinafter referred to as 'the notice')⁽⁵⁾. Accordingly, the applicant has submitted successive applications,

within the three-month time limit set out under Article 16 (2) of Regulation (EEC) No 2423/88. The information required to assess the merits of the applications has been provided at six-monthly intervals.

(3) In November 1988 the Commission received a request lodged by Quantum Chemical Corporation, a US producer/exporter, for a review of the anti-dumping measures applicable to imports of vinyl acetate monomer originating in the United States of America. On 25 April 1989 the Commission opened the review proceeding covering the period October 1988 to March 1989 inclusive⁽⁶⁾. In accordance with point 1.5 of the notice, it was decided that the proceeding regarding the application for reimbursement would be suspended until termination of the review. However, the applicant continued to submit periodic applications. Council Regulation (EEC) No 490/90 repealed Regulation (EEC) No 2357/87 and terminated the anti-dumping proceeding concerning imports of vinyl acetate monomer originating in the United States⁽⁷⁾. Thus, since 2 March 1990, anti-dumping duty can no longer be imposed on imports of vinyl acetate monomer.

(4) So as not to delay the decision on refunds, it was decided to process immediately the applications concerning imports made up to March 1989. These applications were examined during the review and are covered by this Decision. Recurring applications submitted after this date, or which might still be submitted, covering periods up to 1 March 1990 — when the duty ceased to be applicable — will be covered by a further Decision.

(5) The total amount of refunds requested was Fl (. . .) and £ (. . .)⁽⁸⁾, which represent all the duty paid during the reference period in question.

(6) The applicant was informed of the results of this examination and had the opportunity to submit its comments.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 213, 4. 8. 1987, p. 32.

⁽³⁾ OJ No L 129, 15. 5. 1981, p. 1.

⁽⁴⁾ OJ No L 208, 20. 7. 1989, p. 2.

⁽⁵⁾ OJ No C 266, 22. 10. 1986, p. 2.

⁽⁶⁾ OJ No C 105, 25. 4. 1989, p. 3.

⁽⁷⁾ OJ No L 53, 1. 3. 1990, p. 1.

⁽⁸⁾ In accordance with Article 8 of Regulation (EEC) No 2423/88, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

- (7) Pursuant to Article 16 (2) of Regulation (EEC) No 2423/88, the Commission informed the Member States and gave its opinion on the admissibility and the merits of the applications. No Member State raised any objection.

B. ARGUMENT OF THE APPLICANT

- (8) The applicant argued, as it had done to support the review application, that the imports in question were not dumped.

C. ADMISSIBILITY

- (9) The applicant submitted its first request for refund on 31 May 1988 in respect of duties determined between December 1987 and mid-April 1988. Pursuant to Article 16 of Regulation (EEC) No 2423/88, applications for refund of anti-dumping duties are admissible if they are submitted within three months of the date on which the anti-dumping duties were duly determined. The first application submitted by Quantum Chemical Europe is, therefore, admissible only in part, namely in respect of duties determined since 1 March 1988. Thus the refunds requested should be reduced by Fl (...) and £ (...), corresponding to the duties determined before that date.

The remaining recurring applications are admissible in that they were lodged in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular with regard to time limits.

D. MERITS OF THE CLAIM

- (10) All the applications examined, covering the period March 1988 to March 1989, are well founded. Indeed, the applicant, in accordance with the provisions of Article 16 of Regulation (EEC) No 2423/88, supplied evidence that the actual dumping margin had been eliminated by the time the imports in question were made. The Commission was able to verify all the information supplied. It was decided to calculate the dumping margin using the method that had been used during the first investigation. Given that the applicant is a subsidiary of the exporter, the provisions of point 11.2 (c) of the notice were applied, namely all costs incurred between importation and resale, including the anti-dumping duties paid, were deducted from the resale price to the first independent buyers. It was found that the dumping margin was nil. This development was due to substantial modifications in export prices resulting from significant changes in market conditions worldwide for the product imported.

Accordingly, the applications for refund of anti-dumping duties submitted by Quantum Chemical Europe BV for vinyl acetate monomer imported between March 1988 and March 1989 inclusive and considered admissible should be granted.

E. AMOUNTS TO BE REIMBURSED

- (11) A total of Fl (...) and £ (...) is therefore to be reimbursed to Quantum Chemical Europe BV,

HAS ADOPTED THIS DECISION:

Article 1

The application for refund of anti-dumping duties submitted by Quantum Chemical Europe BV, Bavel, Netherlands, on 31 May 1988 is inadmissible in part and is hereby rejected in respect of an amount totalling Fl (...) and £ (...).

Article 2

The applications for refund of anti-dumping duties submitted by Quantum Chemical Europe BV, Bavel, covering the period March 1988 to March 1989 inclusive are hereby granted for Fl (...) and £ (...).

Article 3

The amount in Dutch guilders set out in Article 2 shall be refunded by the Netherlands authorities; the amount in pounds sterling set out in the same Article shall be refunded by the United Kingdom authorities.

Article 4

This Decision is addressed to the Kingdom of the Netherlands, the United Kingdom and Quantum Chemical Europe BV, Bavel, Netherlands.

Done at Brussels, 6 August 1990.

For the Commission
Frans ANDRIESEN
Vice-President

COMMISSION DECISION

of 6 August 1990

concerning applications for refund of anti-dumping duties collected on the import of vinyl acetate monomer originating in the United States of America
(Guzman, SA)

(90/462/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community ⁽¹⁾, and in particular Article 16 thereof,

Whereas:

A. PROCEDURE

(1) By Regulation (EEC) No 2357/87 ⁽²⁾, the Council amended Regulation (EEC) No 1282/81, imposing a definitive anti-dumping duty on imports of vinyl acetate monomer originating in the United States of America ⁽³⁾. Anti-dumping duty of 5,9% was applied to the American company US Industrial Chemicals Co., later to become Quantum Chemical Corporation, to which the 5,9% duty was declared to be applicable by Council Regulation (EEC) No 2166/89 ⁽⁴⁾.

(2) Since June 1988 Guzman, SA, Valencia, Spain, has been submitting periodic applications for refund of anti-dumping duties paid on the purchase of vinyl acetate monomer exported by the American company Quantum Chemical Corporation and sold by its subsidiary Quantum Chemical Europe BV, a Dutch company.

The Commission, with the agreement of the applicant, decided to treat the applications as recurring applications within the meaning of point 1.4 of the Commission notice concerning the reimbursement of anti-dumping duties (hereinafter referred to as 'the notice' ⁽⁵⁾). Accordingly, the

applicant has submitted successive applications, within the three-month time limit set out under Article 16 (2) of Regulation (EEC) No 2423/88. The information required to assess the merits of the applications has been provided at six-monthly intervals.

(3) In November 1988 the Commission received a request lodged by Quantum Chemical Corporation, a US producer/exporter, for a review of the anti-dumping measures applicable to imports of vinyl acetate monomer originating in the United States of America. On 25 April 1989 the Commission opened the review proceeding covering the period October 1988 to March 1989 inclusive ⁽⁶⁾. In accordance with point 1.5 of the notice, it was decided that the proceeding regarding the application for reimbursement would be suspended until termination of the review. However, the applicant continued to submit periodic applications. Council Regulation (EEC) No 490/90 repealed Regulation (EEC) No 2357/87 and terminated the anti-dumping proceeding concerning imports of vinyl acetate monomer originating in the United States ⁽⁷⁾. Thus, since 2 March 1990, anti-dumping duty can no longer be imposed on imports of vinyl acetate monomer.

(4) So as not to delay the decision on refunds, it was decided to process immediately the applications concerning imports made up to March 1989. These applications were examined during the review and are covered by this Decision. Recurring applications submitted after this date, or which might still be submitted, covering periods up to 1 March 1990 — when the duty ceased to be applicable — will be covered by a further Decision.

(5) The total amount of refunds requested was Pta (.) (8), which represents all the duty paid during the reference period in question.

(6) The applicant was informed of the results of this examination and had the opportunity to submit its comments.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 213, 4. 8. 1987, p. 32.

⁽³⁾ OJ No L 129, 15. 5. 1981, p. 1.

⁽⁴⁾ OJ No L 208, 20. 7. 1989, p. 2.

⁽⁵⁾ OJ No C 266, 22. 10. 1986, p. 2.

⁽⁶⁾ OJ No C 105, 25. 4. 1989, p. 3.

⁽⁷⁾ OJ No L 53, 1. 3. 1990, p. 1.

⁽⁸⁾ In accordance with Article 8 of Regulation (EEC) No 2423/88, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

- (7) Pursuant to Article 16 (2) of Regulation (EEC) No 2423/88, the Commission informed the Member States and gave its opinion on the applications' admissibility and merits. No Member State raised any objection.

B. ARGUMENT OF THE APPLICANT

- (8) The applicant argued that the imports in question were not dumped.

C. ADMISSIBILITY

- (9) The applicant submitted its first request for refund on 1 June 1988 in respect of duties determined in December 1987 and March 1988. Pursuant to Article 16 of Regulation (EEC) No 2423/88, applications for refund of anti-dumping duties are admissible if they are submitted within three months of the date on which the anti-dumping duties were duly determined. The first application by Guzman, SA is, therefore, inadmissible only in part and should be rejected in so far as it relates to duties determined in December 1987, in respect of which the amount of Pta (...) should be deducted from the total amount of refund requested.

The remaining recurring applications are admissible in that they were lodged in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular with regard to time limits.

D. MERITS OF THE CLAIM

- (10) All the applications examined, covering the period March 1988 to March 1989, are well founded. Indeed, the applicant, in accordance with the provisions of Article 16 of Regulation (EEC) No 2423/88, supplied evidence that the actual dumping margin had been eliminated by the time the imports in question were made. The Commission was able to verify all the information supplied and found that the dumping margin was nil. This development was due to substantial modifications in export prices resulting from significant changes in market conditions worldwide for the product imported.

Accordingly, the applications for refund of anti-dumping duties submitted by Guzman, SA for the period March 1988 to March 1989 inclusive should be granted in full.

E. AMOUNT TO BE REIMBURSED

- (11) A total of Pta (...) is therefore to be reimbursed to Guzman, SA,

HAS ADOPTED THIS DECISION:

Article 1

The application for refund of anti-dumping duties submitted by Guzman, SA, Valencia, Spain, on 1 June 1988 is inadmissible in part and is hereby rejected in respect of an amount totalling Pta (...).

Article 2

The applications for refund of anti-dumping duties submitted by Guzman, SA, Valencia, Spain, covering the period March 1988 to March 1989 inclusive are hereby granted for Pta (...).

Article 3

The amount in Spanish pesetas set out in Article 2 shall be refunded by the Spanish authorities.

Article 4

This Decision is addressed to the Kingdom of Spain and Guzman, SA, Valencia, Spain.

Done at Brussels, 6 August 1990.

For the Commission

Frans ANDRIESEN

Vice-President