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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1144/97

of 24 June 1997

making imports of microwave ovens originating in the Republic of Korea
subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as amended by Regulation (EC) No 2331/96⁽²⁾, and in particular Articles 12 and 14 thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) In December 1996, the Commission received a request pursuant to Article 12 of Regulation (EC) No 384/96 to investigate whether the anti-dumping duties imposed by Council Regulation (EC) No 5/96⁽³⁾ on imports of microwave ovens originating in the Republic of Korea have had effects on resale prices or subsequent selling prices in the Community.
- (2) The request was lodged on behalf of Community producers whose collective output of microwave ovens constitutes a major proportion, as defined in Article 5 (4) of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation') of the total Community production of that product.
- (3) Having determined that the request has been lodged on behalf of the Community industry and that there was sufficient information to justify the initiation of a review, the Commission, after consulting the Advisory Committee, by a notice published in the *Official Journal of the European Communities*⁽⁴⁾, re-opened the investigation pursuant to Article 12 of the Basic

Regulation in respect of imports of microwave ovens originating in the Republic of Korea.

B. PRODUCT

- (4) The product under consideration is microwave ovens for domestic use currently classifiable under CN code 8516 50 00. This CN code is only given for information and has no binding effect on the classification of the product.

C. REGISTRATION

- (5) In order to obtain the information it deemed necessary for its investigation, the Commission sent questionnaires to the exporters and importers known to be concerned. In their replies to the questionnaires, certain exporters provided information on revised normal values pursuant to Article 12 (5) of the Basic Regulation.
- (6) Following receipt of the replies to the questionnaires, the Commission received in April 1997 a request made by the Community industry in accordance with Article 14 (5) of the Basic Regulation to make imports into the Community of microwave ovens originating in the Republic of Korea subject to registration.
- (7) The request is based on the fact that since the investigation might involve a re-examination of normal values, it is necessary to register imports pending the outcome of the re-investigation.
- (8) The Commission has, therefore, concluded that sufficient grounds exist to make imports of microwave ovens originating in the Republic of Korea subject to registration in accordance with Article 14 (5) of the Basic Regulation in order to ensure that, should the re-investigation result in increased dumping, the anti-dumping measures amended accordingly, can subsequently be applied against those imports from the date of such registration. The amount of possible future liability cannot be estimated at this stage of the investigation,

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ No L 2, 4. 1. 1996, p. 1.

⁽⁴⁾ OJ No C 19, 18. 1. 1997, p. 3.

HAS ADOPTED THIS REGULATION:

Article 1

The customs authorities are hereby directed, pursuant to Article 14 (5) of Regulation (EC) No 384/96, to take the appropriate steps to register imports into the Community of microwave ovens, falling within CN code 8516 50 00, originating in the Republic of Korea. Registration shall expire nine months following the date of entry into force of this Regulation.

Article 2

This Regulation shall enter into force on the day following 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.

Done at Brussels, 24 June 1997.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 1145/97

of 24 June 1997

introducing special arrangements for issuing export licences for wine sector products up to 31 August 1997

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 536/97 ⁽²⁾, and in particular Article 52 (3) thereof,

Whereas a certain quantity and budget are still available for the rest of the 1996/97 wine year for the grant of export refunds as a result of the undertakings under the GATT Agreements; whereas special arrangements should be laid down for applications for and the issuing of export licences within the quantity and budget so as to avoid situations likely to lead to distortion of competition between interested operators; whereas such provisions may be additional to or derogate from Commission Regulation (EC) No 1685/95 of 11 July 1995 on arrangements for issuing export licences for wine sector products ⁽³⁾, as last amended by Regulation (EC) No 561/97 ⁽⁴⁾, and Commission Regulation (EEC) No 3388/81 of 27 November 1981 laying down special detailed rules in respect of import and export licences in the wine sector ⁽⁵⁾, as last amended by Regulation (EC) No 257/96 ⁽⁶⁾;

Whereas additional or derogating provisions are necessary to take account of the nature of the operators able to introduce applications for export licences, the number of applications per operator per week and the maximum quantity for each application, so as to guarantee a fair distribution of the available volume between all interested operators engaged in export activities; whereas, moreover, special measures should be laid down which the Commission must apply in the event that the quantity or budget is used up before the end of the period; whereas the period of validity of those licences should also be restricted to the end of the current wine year and the level of the security lodged on application for a licence as provided for in Article 4 (2) of Regulation (EEC) No 3388/81 should be increased;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

1. Regulation (EC) No 1685/95 shall apply to applications for and the issue of the export licences referred to in this Regulation, along with the additional or derogating provisions laid down in this Article.
2. Applications for export licences pursuant to this Regulation shall be reserved for operators providing proof that their activities as businesses in the wine sector started at least by the beginning of the 1996/97 wine year.
3. The application submitted by each operator for each weekly period must be for a quantity not exceeding 5 000 hl for wine or 500 hl for grape must.
4. In the event that the available quantity or budget is used up, the Commission shall set a single percentage for the acceptance of current applications and/or shall suspend the submission of applications for export licences until 31 August 1997.

Article 2

1. By derogation from Article 3 of Regulation (EEC) No 3388/81, the period of validity of export licences issued pursuant to this Regulation shall be restricted to 31 August 1997.
2. By derogation from Article 4 (2) of Regulation (EEC) No 3388/81, the amount of the security for export licences applied for under these arrangements shall be ECU 15 per hectolitre for products falling within CN codes 2009 60 11, 2009 60 19, 2009 60 51, 2009 60 71, 2204 30 92 and 2204 30 96 and ECU 5 per hectolitre for the other products in the sector.

Article 3

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

It shall apply from 2 July 1997.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 83, 25. 3. 1997, p. 5.

⁽³⁾ OJ No L 161, 12. 7. 1995, p. 2.

⁽⁴⁾ OJ No L 85, 27. 3. 1997, p. 34.

⁽⁵⁾ OJ No L 341, 28. 11. 1981, p. 19.

⁽⁶⁾ OJ No L 34, 13. 2. 1996, p. 11.

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

Done at Brussels, 24 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1146/97

of 24 June 1997

establishing the standard import values for determining the entry price of
certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2375/96⁽²⁾, and in particular Article 4 (1) thereof,Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 June 1997.

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

Done at Brussels, 24 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.⁽²⁾ OJ No L 325, 14. 12. 1996, p. 5.⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 24 June 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 35	066	49,3
	999	49,3
0709 90 77	052	77,6
	999	77,6
0805 30 30	388	79,7
	528	58,7
	999	69,2
0808 10 61, 0808 10 63, 0808 10 69	388	89,2
	400	83,3
	404	76,7
	508	78,7
	512	66,0
	524	75,2
	528	58,6
	804	96,0
	999	78,0
	052	222,2
0809 20 49	064	144,2
	400	230,4
	616	93,7
	999	172,6

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6). Code '999' stands for 'of other origin'.

II

(Acts whose publication is not obligatory)

COMMISSION

DECISION No 1/97 OF THE EC-TURKEY CUSTOMS COOPERATION COMMITTEE

of 30 May 1997

amending Decision No 1/96 laying down detailed rules for the application of Decision No 1/95 of the EC-Turkey Association Council

(97/399/EC)

THE CUSTOMS COOPERATION COMMITTEE,

Having regard to the Agreement of 12 September 1963 establishing an association between the EEC and Turkey,

Having regard to Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union ⁽¹⁾ and in particular Article 3 (6) thereof,

Whereas there is a need, in order to allow stocks to be exhausted, to extend the period during which it is permitted to use the forms shown in Decision 5/72 of the EC-Turkey Association Council ⁽²⁾, and to amend Decision 1/96 of the EC/Turkey Customs Cooperation Committee ⁽³⁾ accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

In Article 7 (1) of Decision 1/96 of the EC/Turkey Customs Cooperation Committee, the words '30 June 1997' are replaced by '31 December 1997'.

Article 2

This Decision shall enter into force on 1 July 1997.

Done at Ankara, 30 May 1997.

By the Customs Cooperation Committee

The President,

A. OYARZABAL

⁽¹⁾ OJ No L 35, 13. 2. 1996, p. 1.

⁽²⁾ OJ No L 59 of 5. 3. 1973, p. 74. Decision abrogated by Decision No 1/96 of the EC/Turkey Association Council (OJ No L 231 of 12. 9. 1996, p. 22)

⁽³⁾ OJ No L 200, 9. 8. 1996, p. 14.

COMMISSION DECISION

of 13 June 1997

terminating the anti-dumping proceeding concerning imports of synthetic fibre ropes originating in India

(97/400/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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⁾, as amended by Regulation (EC) No 2331/96⁽²⁾, and in particular Article 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

(1) In April 1996, the Commission announced by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of synthetic fibre ropes originating in India.

(2) This proceeding was initiated as a result of a complaint lodged on 23 February 1996 by the Liaison Committee of European Twine, Cordage and Netting Industries (Eurocord) (hereinafter referred to as 'the complainant') on behalf of the Community industry. The complaint was supported by 20 Community producers representing approximately 81 % of the Community production of the product concerned.

The complaint contained *prima facie* evidence of dumping of the product concerned originating in India and of material injury resulting therefrom which was considered sufficient to justify the opening of a proceeding. As a result, the Commission commenced an investigation concerning imports on synthetic fibre ropes originating in India.

(3) The Commission officially advised the producers, exporters and importers known to be concerned,

the representatives of the exporting country and the complainants, about the initiation of the proceeding. Interested parties were given the opportunity to make their views known in writing and to request a hearing.

(4) The Commission sent questionnaires to all producers, exporters and importers known to be concerned and received replies from two Indian producers. One importer in the Community replied to the Commission's questionnaire. The Indian producers requested and obtained oral hearings.

(5) In view of the number of Community producers expressly supporting the complaint, the Commission investigated injury on the basis of a representative selection of Community producers. Questionnaires were sent to, and information was received from a representative sample of these producers.

(6) The Commission sought and verified all information it deemed necessary for the assessment of the facts and carried out investigations at the premises of the following companies:

a. Community producers (sample):

- Irish Ropes (Newbridge, Co. Kildare, Ireland)
- Oliveira SA (Porto, Portugal)
- Oliveira Holland BV (Rotterdam, The Netherlands)
- Exporplas (Porto, Portugal)
- Cotesi (Porto, Portugal)
- Cerfil (Porto, Portugal)
- Lankhorst Touwfabrieken BV (Sneek, The Netherlands)

b. Producers/exporters:

- Krishna Filament Limited, Mumbai, India
- Garware-Wall Ropes Limited, Poona, India.

(7) The investigation of dumping covered the period from 1 April 1995 to 31 March 1996 (hereinafter referred to as 'the investigation period').

The examination of injury covered the period from 1992 to the end of the investigation period.

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ No C 102, 4. 4. 1996, p. 16.

Disclosure

- (8) The parties were informed in writing of the essential facts and considerations on the basis of which it was intended to recommend the termination of the proceeding. The parties were also granted a reasonable period within which to make representations subsequent to the disclosure.

The written comments presented by the parties were considered and, where appropriate, were taken into account by the Commission.

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

- (9) The product under consideration is twine, cordage, ropes and cables, whether or not plaited or braided and whether or not impregnated, coated, covered or sheathed with rubber or plastics of polyethylene or polypropylene other than binder and baler twine measuring more than 50 000 decitex (5g/m), plaited and other. The product as described above falls within CN Codes 5607 49 11, 5607 49 19, 5607 50 11 and 5607 50 19.

This product is used for a wide variety of naval and industrial applications, in particular for shipping (especially for mooring purposes), and the fishing industry. It is produced in many different types depending on the raw material composition and on the number of strands making up the ropes.

- (10) The investigation showed that the different types of synthetic fibre ropes sold in India are alike in their physical characteristics, application and use to those exported to the Community. Similarly, the ropes manufactured in the Community and those exported from India to the Community have the same characteristics and compete with each other. It is therefore concluded that they must be considered like products within the meaning of Article 1 (4) of Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation').

C. DUMPING

1. Normal value

- (11) It was first examined whether each of the two co-operating producers'/exporters' domestic sales volumes were representative in accordance with Article 2 (2) of the Basic Regulation. To this end, it was first established whether the total volume of

domestic sales of the product concerned constituted 5 % or more of the total volume of export sales of the like product to the Community, i.e. whether domestic sales were representative. This assessment revealed that the co-operating producers/exporters had representative global sales of synthetic fibre ropes on the domestic market during the investigation period.

- (12) For each of the types sold by the producers/exporters on their domestic market and found to be directly comparable to types sold for export to the Community, the Commission established whether total domestic sales per product type were made in sufficient quantities. Domestic sales of each type were considered to have been made in sufficient quantities, within the meaning of Article 2 (2) of the Basic Regulation, where the volume of each product type sold in India during the investigation period represented 5 % or more of the volume of the corresponding types sold for export to the Community.

- (13) As one co-operating producer/exporter was not in a position to provide the Commission with sufficient information concerning the breakdown of domestic sales between the different types of ropes, the Commission was not able to verify by product type the representativeness of the domestic sales of this company. The Commission had, therefore, to establish normal value for this company on the basis of the facts available, in accordance with Article 18 (1) of the Basic Regulation. Given the similarity between the products manufactured by the two co-operating producers/exporters, these were found to be the other producer's normal values.

- (14) As far as the other co-operating producer/exporter is concerned, it was found that its sales of each product type on the domestic market during the investigation period were representative.

- (15) With regard to the latter producer/exporter mentioned, the Commission subsequently examined whether the domestic sales of each type of synthetic fibre ropes could be considered to have been made in the ordinary course of trade by looking at the proportion of profitable sales of each type in question, in accordance with Article 2 (4) of the Basic Regulation.

Where, per product type, the weighted average selling price of 20 % or more of the sales by volume was lower than the weighted average unit cost, normal value was established on the basis of

the weighted average prices actually paid for the remaining profitable sales only, provided that the volume of the latter exceeded 10 % of sales being used to determine normal value.

Where there were no sales of the like product or where the profitable sales were 10 % or less of the total domestic sales of the product type in question, normal value was constructed in accordance with Article 2 (3) of the Basic Regulation.

The constructed normal value was determined by adding to the manufacturing costs of the exported types a reasonable amount for selling, general and administrative costs and a reasonable margin of profit, in accordance with Article 2 (6) of the Basic Regulation. The amount for selling, general and administrative costs and profits was established on the basis of the domestic sales of the product concerned in the ordinary course of trade by this producer/exporter.

2. Export price

- (16) As the two co-operating producers/exporters made export sales in the Community directly to independent importers, export prices were, in accordance with Article 2 (8) of the Basic Regulation, established on the basis of the prices actually paid or payable by these independent importers.

3. Comparison

- (17) In accordance with Article 2 (10) and (11) of the Basic Regulation, for each cooperating producer/exporter the weighted average normal value by product type was compared to the weighted average export prices at the ex-factory level and at the same level of trade.
- (18) For the purpose of a fair comparison, due allowance in the form of adjustments was made in accordance with Article 2 (10) of the Basic Regulation where it was claimed, and satisfactory evidence was supplied to demonstrate, that the differences in the factors concerned affected price comparability. These adjustments were made in respect of indirect taxes, transport, insurance and packing.
- (19) As far as the request for adjustments concerning import charges is concerned, it should be noted that this request could not be granted as the exporter/producer was not in a position to show that

the imported raw materials, on which the duties were borne, were used for the manufacturing of the product concerned intended for the domestic market.

- (20) With regard to the request for adjustments concerning the level of trade for domestic sales to end-users, on the basis that export sales to the Community were mainly made to distributors, whereas the domestic sales were made to various categories of customers, i.e. distributors, retailers and end-users, the examination of the prices charged to these various categories of domestic customer did not reveal any significant or consistent differences. Consequently, given that there was insufficient evidence that this alleged difference in level of trade had affected price comparability, this request was rejected.

4. Dumping margin

- (21) The comparison of the normal value with the export price showed the existence of dumping, the dumping margin being equal to the amount by which the normal value exceeds the price for export to the Community.
- (22) The weighted average dumping margins established for the two co-operating producers/exporters, expressed as a percentage of the free-at-Community frontier price, duty unpaid, are as follows:
- | | |
|---------------------------------|---------|
| — Krishna Filaments Limited: | 77,8 % |
| — Garware - Wall Ropes Limited: | 68,3 %. |
- (23) For those producers/exporters in India which neither replied to the Commission's questionnaire nor otherwise made themselves known, the dumping margin was determined on the basis of the facts available in accordance with Article 18 (1) of the Basic Regulation.
- (24) Given that a comparison of the data concerning exports to the Community provided by the co-operating Indian producers/exporters and the Eurostat statistics indicated a very high level of co-operation, i.e. nearly the totality of all exports, the Commission considered that the most reasonable facts available were those established in the investigation and that, since there was no reason to believe that a non-co-operating producer/exporter had dumped at a lower level than the highest found, the highest dumping margin found was the most appropriate for these purposes.

Thus, for non-co-operating producers/exporters the dumping margin was fixed at 77,8 % expressed as a percentage of the free-at-Community-frontier price.

D. COMMUNITY INDUSTRY

- (25) The complainant producers that co-operated with the Commission in the present investigation represented 81 % of the Community production of the product concerned and were therefore representative of the Community industry in accordance with Articles 4 (1) and 5 (4) of the Basic Regulation.

E. INJURY

1. Preliminary remarks

- (26) As indicated in Recital 7, for the purposes of establishing injury in the present proceeding, the Commission has analysed data relating to the period 1992 to March 1996. The geographical scope of the investigation was the Community as composed at the time of initiation of the proceeding, i.e. the Community of fifteen Member States. The injury assessment made by the Commission was based on the relevant economic factors as provided for under Article 3 of the Basic Regulation.

It should be noted, however, that prior to 1995, reliable information relating to certain injury factors (e.g. consumption, market share, production and sales) was only available for the Community of twelve and given that the size of this market is representative of the Community of fifteen, the injury analysis for these factors was carried out for the Community of twelve.

2. Collection of injury data

- (27) The Commission requested information from all the complaining industry relating to production, sales and market share ('global information'). However, in view of the large number of producers supporting the complaint and the time limits established in Article 6 (9) of the Basic Regulation, the Commission based the remaining injury indicators on a representative selection of Community producers ('sampled information').

The selection was made according to geographical location and the size of the companies in terms of production and sales. In addition, the Commission took into account the level of co-operation that the companies provided. In particular, it should be noted that one of the selected companies withdrew its co-operation at a very late stage in the proceeding, thus reducing the relevant information avail-

able to the Commission and affecting the normal course of the Commission's investigation.

The selected companies accounted for 37 % of production and sales of the product concerned of the complaining industry during the investigation period representing 30 % of total Community output.

In this context, it should be noted that more than half of the Community production is located in one Member State. Notwithstanding this, the Commission included producers in other Member States in its selection.

3. Community consumption

- (28) Community consumption decreased from 21 709 tonnes in 1992 to 20 697 tonnes in 1993 and increased to 23 097 tonnes in 1994, to 24 046 tonnes in 1995 and to 24 253 tonnes in investigation period. This represents an overall increase of 11,7 % of consumption during the period under consideration.

4. Volume and market shares of the dumped imports

- (29) The total volume of all dumped imports of synthetic fibre ropes originating in India increased from 129 tonnes in 1992 to 440 tonnes in 1993, to 342 tonnes in 1994, to 1 180 tonnes in 1995 and in the investigation period. The market share of synthetic fibre ropes imported from India increased from 0,6 % in 1992 to 2,1 % in 1993, to 1,5 % in 1994 and to 4,9 % in 1995 and during the investigation period.

5. Prices of the dumped imports

- (30) In order to determine whether the exporting producers were undercutting the prices of the Community producers during the investigation period, the Commission compared the prices of the selected Community producers with comparable prices of the exporters concerned in the Community by Member State. Due to the large number of different types of synthetic fibre ropes, the price comparison was made on the basis of a selection made from transactions representing more than 70 % of the volume of sales of all types of synthetic fibre ropes made by the Community producers. For comparison purposes, synthetic fibre ropes manufactured and sold by Community producers and those exported from India to the Community have been divided into comparable product groups depending on the raw material composition and the number of strands making up the rope, i.e. three and four strands, and eight strands.

The sales prices of the Community industry considered were those to independent customers, adjusted where necessary to ex-works level. The exporters' selling prices (CIF Community frontier) were increased to take account of customs duty and an allowance in respect of post importation costs and profit (based on information collected during the investigation). Transactions from the exporters, representing 51 % of the total volume of Indian imports in the Community during the investigation period, were used. All prices were compared at net level, after excluding all discounts and rebates and at comparable levels of trade.

- (31) The complainants argued in the complaint that imports of the product concerned into one Member State benefited from shipping end-use relief provisions pursuant to Commission Regulation (EC) No 3009/95 of 22 December 1995 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾ and were exempt from duties on importation. It should be noted that no importers co-operated in the present proceeding. However, enquiries made by the Commission to the customs authorities in the relevant Member State indicated that only a very small volume (6 tonnes) of imports from India had benefited from the aforementioned provisions. The Commission, in the pricing analysis, has therefore not taken into consideration the duty exemption arising from the aforementioned provisions.
- (32) The results of the comparison (conducted on an average-to-average basis) showed that during the investigation period, price undercutting margins expressed as a percentage of the Community industry's average selling price ranged from 0 % to 53,57 % with an overall weighted average of 16,47 %. It should be noted that the differences in these margins reflect the large variety of ropes falling within the definition of the product concerned of which not all were being undercut by the Indian imports. Furthermore, no clear pattern was found as regards the Indian exporters' pricing strategies in relation to specific product types or sales in specific Member States.

6. Situation of the Community Industry

(a) *Production (global information)*

- (33) Overall production levels of the product concerned produced by the Community industry remained relatively constant throughout the period. Produc-

tion was at a level of 18 505 tonnes in 1992 and at 18 598 tonnes during the investigation period.

(b) *Sales volume (global information)*

- (34) The volume of sales of the Community industry during the period considered also remained relatively constant, with the sales levels at the beginning of 1992 (14 971 tonnes) similar to those achieved during the period of investigation at 14 829 tonnes.

(c) *Market share (global information)*

- (35) The development of sales volume compared to that of apparent Community consumption shows that the market share held by the Community industry decreased during the period under consideration. The market share of the complainants fell from 68,9 % in 1992 to 61,1 % in the investigation period. However, a slight improvement occurred between 1995 and the investigation period.

(d) *Capacity and capacity utilisation (sampled information)*

- (36) As regards capacity, it should be noted that the production facilities for synthetic fibre ropes are also used in the production of other products not concerned by the present proceeding which are subject to seasonal fluctuations of demand in the market, e.g. agricultural twines. As a consequence, it was difficult to determine accurate capacity and capacity utilisation levels for the product concerned.

Based on an estimate of the capacity normally attributed to the production of the product concerned by the Community industry, capacity increased from 10 330 tonnes in 1992 to 10 220 in 1993, to 10 650 in 1994 to 10 940 in 1995 and to 10 940 tonnes during the investigation period representing an average increase of 6 % between 1992 and the investigation period.

The rate of capacity utilisation averaged 69 % over the period. In 1992 capacity utilisation was 72 %, in 1993 it was 63 %, in 1994 74 %, and in 1995 and the investigation period it was 68 %.

Furthermore, it is noted that this rate of capacity utilisation should be seen in the light of the possibility of using the same machinery to produce products other than those concerned by this proceeding.

(e) *Stocks (sampled information)*

- (37) The investigation has shown that the product concerned is usually produced to order within the Community. Generally, therefore, no significant levels of stocks were maintained by the Community producers.

⁽¹⁾ OJ No L 319, 30. 12. 1995, p. 1.

(f) Price evolution (sampled information)

- (38) The weighted average prices of the product concerned sold by the selected companies on the EU market decreased by 10 % between 1992 and 1994, but rose by 19 % in 1995.

(g) Profitability (sampled information)

- (39) It should be noted that the selected companies could not provide the Commission with sufficient information relating to profitability for the period under consideration. With respect to the investigation period, a weighted average loss of 1,6 % was found.

(h) Employment (sampled information)

- (40) Employment levels in the selected Community producers for the product concerned fell during the period examined by 29 %. However, it should be noted that the major decrease in employment in the industry occurred between 1992 and 1994 when it fell by 27 %. This decrease should be seen in the context of difficulties that the Community industry was facing at that time. A slight increase occurred in the investigation period.

7. Conclusion on injury

- (41) Although the Community industry lost market share during the period examined, sales and production remained stable and prices significantly increased. Profitability was inconclusive given the insufficient information available. Employment decreased overall but appeared to show some improvement in the investigation period.

In the light of the above, some factors appear to indicate the existence of injury.

F. CAUSE OF INJURY

- (42) Although the significant increase of Indian imports between 1994 and the investigation period coincided with the loss of market share of the Community industry, it should be noted that the production and sales volume of the Community industry remained constant in the period considered.

The Community industry appeared to be facing difficulties in the early 1990s with consequent job losses, the majority of which occurred between 1992 and 1994. This took place before Indian

imports entered the Community in significant volume. Consequently, the majority of job losses cannot be attributed to the Indian imports.

As regards profitability, it should be noted that insufficient information was available, thus preventing the Commission from establishing a causal link between the development of the financial situation of the Community industry and the Indian imports.

G. CONCLUSION

- (43) The problems encountered by the Community industry were apparent before Indian imports began to rise and other factors including increases in the cost of raw materials were influential. Although the dumped imports may have exacerbated any difficulties faced by this industry as regards the product concerned, the overall degree of injurious impact of dumped imports was not sufficiently established to justify the imposition of measures in the present case.

H. TERMINATION OF THE PROCEEDING

- (44) The complainant and other interested parties were informed of the essential facts and considerations on the basis of which the Commission intended to terminate this proceeding. Subsequently, the complainants made known their views which were then examined in detail by the Commission.
- (45) The Advisory Committee has been consulted and the majority was in favour of the proposal put forward by the Commission,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of synthetic fibre ropes falling within CN codes 5607 49 11, 5607 49 19, 5607 50 11 and 5607 50 19 originating in India is hereby terminated.

Done at Brussels, 13 June 1997.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION

of 17 June 1997

amending Decision No 94/324/EC laying down specific conditions for importing
fishery and aquaculture products from Indonesia

(Text with EEA relevance)

(97/401/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Community,

Having regard to Council Directive No 91/493/EEC of 22
July 1991 laying down the health conditions for the
production and the placing on the market of fishery
products ⁽¹⁾, as last amended by Directive No 95/71/EC ⁽²⁾,
and in particular Article 11 (5) thereof,

Whereas the list of establishments approved by Indonesia
for importing fishery and aquaculture products into the
Community has been drawn up in Commission Decision
No 94/324/EC ⁽³⁾, as last amended by Decision No
96/31/EC ⁽⁴⁾; whereas this list may be amended following
the communication of a new list by the competent au-
thority in Indonesia;

Whereas the competent authority in Indonesia has
communicated a new list adding 35 establishments, de-
leting 119 establishments, and amending the data of 11
establishments;

Whereas it is necessary to amend the list of approved
establishments;

Whereas the measures provided for in this Decision have
been drawn up in accordance with the procedure laid
down by Commission Decision No 90/13/EEC ⁽⁵⁾,

HAS ADOPTED THIS DECISION:

Article 1

Annex B of Decision No 94/324/EC is replaced by the
Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 15.

⁽²⁾ OJ No L 332, 30. 12. 1995, p. 40.

⁽³⁾ OJ No L 145, 10. 6. 1994, p. 23.

⁽⁴⁾ OJ No L 9, 12. 1. 1996, p. 6.

⁽⁵⁾ OJ No L 8, 11. 1. 1990, p. 70.

ANNEX

ANNEX B

LIST OF APPROVED ESTABLISHMENTS

Approval Number	Establishment	Address
003.07.B	PT. AGUNG JAYASARI SAKTI	Palembang, South Sumatra
008.11.B	PT. AORTA	Semarang, Central Java
011.24.B	PT. BANGGAI SENTRAL SHRIMP	Batui-Luwuk, Central Sulawesi
013.10.B	PT. BONECOM	Jakarta
015.13.B	PT. BUMI MENARA INTERNUSA	Surabaya, East Java
017.13.D	PT. CANDI JAYA AMERTA	Sidoarjo, East Java
019.21.D	PD. ANUGRAH FOOD INDUSTRY	Tanjung Pinang, Riau
020.13.B	PT. CENTRAL WINDU SEJATI	Sidoarjo, East Java
024.10.B	PT. DHARMA SAMUDRA FISHING INDUSTRIES	Jakarta
025.07.B	PT. DHARMA NIAGA	Palembang, South Sumatra
026.08.B	PT. DIPASENA CITRA DARMAJA PLANT I	Lampung
027.13.B	PT. DUA MUTIARA	Sidoarjo, East Java
032.11.B	PT. FISHINDOMAKMUR SANTOSO	Semarang, Central Java
035.02.B	PT. GROWTH PACIFIC	Medan, North Sumatra
036.10.B	PT. HALIMAS SAKTI SEJATI	Jakarta
041.13.B	PT. INDONUSA ROYAL SEAFOOD CORP.	Pasuruan, East Java
042.09.B	PT. INTIMINA SETIATAMA	Cirebon, West Java
044.13.B	PT. ISTANA CIPTA SEJAHTERA	Banyuwangi, East Java
046.02.A	PT. JUTA JELITA	Medan, North Sumatra
046.02.B	PT. JUTA JELITA	Medan, North Sumatra
053.07.B	PT. LAURA INDO	Palembang, South Sumatra
054.07.B	PT. LESTARI MAGRIS PLANT I	Palembang, South Sumatra
055.10.B	PT. LOLA MINA	Jakarta
060.13.B	PT. MEGA MARINE PRIDE	Pasuruan, East Java
063.13.B	PT. MINA KENCANA SEJAHTERA	Sidoarjo, East Java
065.19.B	PT. MISAJA MITRA	Kota Baru, South Kalimantan
066.21.B	PT. MISAJA MITRA	Samarinda, East Kalimantan
069.13.B	PT. MODERN SINAR JAYANTARA	Surabaya, East Java
070.13.B	PT. MULTI PRAWN	Sidoarjo, East Java
077.10.B	PT. PANGGUNG ENTERPRISE Ltd	Jakarta
087.02.B	PT. RED RIBBON INDONESIA CORP.	Medan, North Sumatra
089.21.B	PT. SAMARINDA CENDANA COLD STORAGE & INDUSTRIES	Samarinda, East Kalimantan
093.13.B	PT. SARI TIRTA JAYA	Banyuwangi, East Java
095.13.B	PT. SEKAR BUMI I	Waru, East Java
096.13.B	PT. SEKAR BUMI II	Sidoarjo, East Java
097.13.D	PT. SEKAR LAUT	Sidoarjo, East Java
099.13.B	PT. SEKAR MULYA	Sidoarjo, East Java
102.21.B	PT. SUMBER KALIMANTAN ABADI	Tarakan, East Kalimantan
108.13.B	PT. SURI TANI PEMUKA	Banyuwangi, East Java
110.13.B	PT. SURYA ALAM TUNGGAL	Sidoarjo, East Java
118.02.B	PT. TIMUR JAYA I	Tj. Balai Asahan, North Sumatra
118.02.C	PT. TIMUR JAYA I	Tj. Balai Asahan, North Sumatra
119.11.B	PT. TIRTA RAYA MINA (PERSERO)	Pekalongan, Central Java

Approval Number	Establishment	Address
120.13.B	PT. TITANI ALAM SEMESTA	Gresik, East Java
126.13.B	PT. UJUNG TIMUR	Sidoarjo, East Java
134.13.B	PT. WINDU BLAMBANGAN SEJATI	Banyuwangi, East Java
135.13.B	PT. WINDU MUTIARA	Banyuwangi, East Java
137.19.B	PT. WIRONTONO	Banjarmasin, South Kalimantan
138.13.B	PT. ANEKA TUNA INDONESIA	Malang, East Java
138.13.C	PT. ANEKA TUNA INDONESIA	Malang, East Java
139.13.C	PT. AVILA PRIMA	Banyuwangi, East Java
140.11.C	PT. BALI MAYA PERMAI	Pekalongan, Central Java
144.02.B	PT. MEDAN TROPICAL CANNING & FROZEN INDUSTRIES	Medan, North Sumatra
144.02.C	PT. MEDAN TROPICAL CANNING & FROZEN INDUSTRIES	Medan, North Sumatra
144.13.C	PT. BLAMBANGAN RAYA	Banyuwangi, East Java
145.25.C	PT. DEHO CANNING	Bitung, North Sulawesi
148.13.C	PT. MAYA MUNCAR	Banyuwangi, East Java
149.18.B	PT. UJUNG TIMUR	Pontianak, West Kalimantan
150.18.B	PT. WINDU ALAM	Pontianak, West Kalimantan
151.10.B	PT. OCEAN MITRAMAS	Jakarta (KM Mitramas 3)
151.13.C	PT. REX CANNING AND FROZEN INDUSTRY	Pasuruan, East Java
152.10.B	PT. OCEAN MITRAMAS	Jakarta (KM Mitramas 5)
153.27.C	PT. CITRARAJA AMPAT CANNING	Sorong, Irian Jaya
154.13.B	PT. KARYA KENCANA SUMBERSARI	Sidoarjo, East Java
156.11.B	PT. NAGAMAS SAKTI PERKASA	Semarang, Central Java
161.13.B	PT. BUMIMAS INDAH	Pasuruan, East Java
163.02.A	PT. CENTRAL WINDU SEJATI	Medan, North Sumatra
163.02.B	PT. CENTRAL WINDU SEJATI	Medan, North Sumatra
172.19.B	PT. KALIMANTAN FISHERY	Banjarmasin, South Kalimantan
174.21.B	PT. MALINDO KENCANA UTAMA	Tarakan, East Kalimantan
175.13.B	PT. MARINE CIPTA AGUNG	Pasuruan, East Java
178.11.B	PT. MISAJA MITRA	Pati, Central Java
179.27.C	PT. MULTI TRANSPESCHE INDONESIA	Biak, Irian Jaya
183.10.B	PT. RED RIBBON INDONESIA CORPORATION	Jakarta
186.13.B	PT. SEKAR KATOKICHI	Sidoarjo, East Java
197.18.B	PT. CENTRAL COLD STORAGE PRATAMA SAKTI	Pontianak, West Kalimantan
198.08.B	PT. DIPASENA CITRA DARMAJA PLANT II	Lampung
199.11.D	PT. INDOSIGMA SURYA CORPORATION	Semarang, Central Java
201.02.B	PT. INTIMAS SURYA	Jakarta
204.13.D	PT. MIWON MINA SAMUDRA	Sumenep, Madura
205.13.B	PT. MUSTIKA BAGUS	Surabaya, East Java
207.13.B	PT. SK. FOODS INDONESIA	Sidoarjo, East Java
209.09.B	PT. FEGA AQUAFARMINDO	Tangerang, West Java
210.13.D	PERUSAHAAN KERUPUK "SURYA JAYA"	Sidoarjo, East Java
211.13.B	PT. ARGANAN NUSA	Pasuruan, East Java
212.13.B	PT. ERATAMA PUTRA MANDIRI	Surabaya, East Java
213.01.B	PT. UJUNG TIMUR LANGSA	Langsa, Aceh
214.10.B	PT. MOONSTAR TUNAINDO	Jakarta
215.14.B	PT. SARI SEGAR LAUT	Denpasar, Bali
216.15.B	CV. SARI ALAM	Mataram, Nusa Tenggara Barat
217.11.B	PT. AQUAFARM NUSANTARA	Semarang, Central Java
218.10.B	PT. NAGAMAS SAKTI PERKASA	Jakarta

Approval Number	Establishment	Address
220.07.B	PT. CAHAYA BINTANG LAUT ABADI	Bangka, Palembang
221.21.B	PT. NELAYAN ABADI KALIMANTAN	Tarakan, East Kalimantan
222.21.B	PT. TUNAS NELAYAN MANDIRI	Tarakan, East Kalimantan
223.02.B	PT. PULAU SALJU INDAH LESTARITj.	Balai Asahan, North Sumatra
224.02.B	PT. PUTRA ALI SENTOSA	Sibolga, North Sumatra
225.10.B	PT. FISHINDOMAKMUR SANTOSO	Jakarta
226.10.B	PT. CITRA DIMENSI ARTHALI	Jakarta
227.13.B	PT. SCRUM INDONESIA	Probolinggo, East Java
228.13.B	PT. MEGAH SETYA NUGRAHA	Surabaya, East Java
229.08.B	PT. CENTRAL PERTIWI BRATASENA	Lampung
230.13.B	PT. HARAPAN BENDERANG	Banyuwangi, East Java
231.13.B	PT. UJUNG TIMUR	Banyuwangi, East Java
232.13.B	PT. MIWON MINA SAMUDRA	Sumenep, East Java

A = Fresh fishery products.

B = Frozen fishery products.

C = Preserved fishery products.

D = Smoked, salted, dehydrated or marinated fishery products.'

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 754/97 of 25 April 1997 determining the extent to which applications lodged in April 1997 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted

(Official Journal of the European Communities No L 110 of 26 April 1997)

On page 36, Annex II:

for: '1959',

read: '1915'.
