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from: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 16 February 2012

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European  
Union

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Parliament - 29th Annual Report from the Commission to the European  
Parliament on the EU's Anti-dumping, Anti-subsidy and Safeguard activities  
(2010)*

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EUROPEAN COMMISSION

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**COMMISSION STAFF WORKING DOCUMENT**

*Accompanying the document*

**Report from the Commission to the European Parliament - 29th Annual Report from the Commission to the European Parliament on the EU's Anti-dumping, Anti-subsidy and Safeguard activities (2010)**

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## EXECUTIVE SUMMARY

This report is submitted to the European Parliament following its resolution of 16 December 1981 on the EU's anti-dumping activities<sup>1</sup>, and the report of the European Parliament's Committee on industry, external trade, research and energy<sup>2</sup>.

This report, as in previous years, gives an overview of the EU legislation in force with regard to trade defence instruments, including safeguards.

The report also summarises the developments in general policy. As in previous years, the report no longer contains a commentary on each individual case. It gives an overview of all investigations together with the most essential information, such as for instance the rate of individual duty imposed.

In turn, cases which merit some special attention are treated in more detail.

Consequently, the report is more factual and condensed and covers the essential facts of the year.

The detailed annexes which cover all cases ensure that the factual content of the report remains meaningful and sufficient to provide a full overview of the activity in 2010.

2010 saw a slight decrease in the number of new cases initiated when compared to the previous year, 18 as compared to 21 in 2009. Regarding other activities, 2010 saw an increase in the number of provisional measures imposed, 13 compared to 10 the previous year while the number of investigations terminated without measures dropped slightly from 11 in 2009 to 10 in 2010. There was a drop in the number of definitive measures imposed down from 11 in 2009 to 9 in 2010.

As regards review investigations initiated, there was a slight decrease from 34 in 2009 to 31 in 2010. These included 14 expiry reviews and 12 interim reviews as well as 3 new exporter reviews and 2 anti-circumvention investigations. In the period 10 expiry reviews were concluded with confirmation of the measures and 9 interim reviews were concluded with the measures being confirmed and/or amended.

There was one new safeguard investigation opened in 2010. There were no safeguard measures in place at the start of 2010, a situation which did not change in the course of the year.

As in previous years, this report continues to provide an overview on the Court cases relating to the trade policy instruments.

In 2009, the Court of Justice (COJ) and the General Court (GC) rendered 13 judgments in total relating to the areas of anti-dumping or anti-subsidy.

2010 was the third year of activity for the Hearing Officer in DG Trade, who became operational in April 2007.

The main task of the Hearing Officer is to guarantee the full exercise of rights of defence in trade proceedings before the European Commission. In doing so the Hearing Officer also contributed to improved transparency in TDI activities.

2010 also saw the role of SMEs in trade defence investigations being examined with the results of a specially commissioned survey being finalised. This report also highlights the main finding of that study.

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<sup>1</sup> OJ C 11, 18.1.1982, p. 37.

<sup>2</sup> PE 141.178/fin of 30.11.1990, reporter Mr Gijs DE VRIES.

The European Parliament's INTA Committee continued to be informed about developments in the EU's trade defence activities.

The relevant activities in the framework of the World Trade Organisation (WTO) are also reported including dispute settlement procedures initiated against the EU. The report also addresses the continuation of the negotiations at WTO level on the Anti-dumping and Subsidies Agreements, in which the Commission continued to play an active role.

The annexes to this report provide easy access to the activities in table form.

This report is also available to the general public.

Internet Website : <http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence/anti-dumping/>

## 1. OVERVIEW OF THE LEGISLATION

### 1.1. Anti-dumping and anti-subsidy

#### 1.1.1. *The international framework*

On an international level, unfair trading practices such as dumping and the granting of subsidies were identified as a threat to open markets as early as 1947, when the first GATT agreement was signed. The agreement contained specific provisions allowing GATT members to take action against these practices if they caused material injury to the domestic industry of a GATT member. Even though, the beginning of the disciplines dates back quite some time, world trade is currently still distorted by unfair practices, making the instruments still relevant.

Since the beginning, considerable efforts have been made to harmonise the rules relating to trade instruments. During the last GATT round (the « Uruguay Round ») which led to the creation of the WTO and the detailed Anti-Dumping and Anti-Subsidy Agreements, much of the attention was focused on the procedural and material conditions to be fulfilled before measures can be adopted. The EU played an active role in the negotiation of these relevant criteria which are reflected in its own legislation. The EU's role is the more so important today as a number of new users take action without the necessary rigor and restraint, affecting negatively also EU operators. The role the EU plays as a prudent user has therefore also an exemplary function at WTO level.

#### 1.1.2. *The EU legislation*

The EU's anti-dumping and anti-subsidy legislation was first enacted in 1968 and has since been modified several times. The current basic texts, which form the legal basis of anti-dumping and anti-subsidy investigations in the EU, entered into force in March 1996 and October 1997 respectively. These are in line with the Anti-Dumping and Anti-Subsidy Agreements adopted during the GATT/WTO negotiations. The basic texts are:

- Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Union – Codified Version<sup>3</sup>
- Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidized imports from countries not members of the European Union – Codified Version<sup>4</sup>.

These regulations will overall be referred to as the "basic Regulation(s)".

The EU legislation contains a number of provisions aimed at ensuring a balanced application of the EU's Anti-Dumping and Anti-Subsidy rules on all interested

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<sup>3</sup> OJ L 343, 22.12.2009, p.51 Codified version

<sup>4</sup> OJ L 188, 18.07.2009, p. 93 Codified Version



parties. These provisions include the “EU interest test” and the “lesser duty rule”, which go beyond the WTO obligations.

The EU interest test is a public interest clause and provides that measures can only be taken if they are not contrary to the overall interest of the EU. This requires an analysis of all the economic interests involved, including those of the EU industry, users, consumers and traders of the product concerned. The EU interest test does not involve wider aspects such as foreign or development policy considerations.

The lesser duty rule requires the measures imposed by the EU to be lower than the dumping or subsidy margin, if such lower duty rate is sufficient to remove the injury suffered by the EU industry. Such a “no-injury” rate is determined by using the cost of production of the EU industry and a reasonable profit margin; it reduces the anti-dumping measures for individual exporting companies in almost half of the cases and is applied, on a world-wide level, only by the EU on a regular basis.

## **1.2. Safeguards**

### *1.2.1. The international framework*

The principle of liberalisation of imports was set under the GATT 1947 and strengthened under the 1994 WTO Agreements. As safeguard measures consist of the unilateral withdrawal or suspension of a tariff concession or of other trade liberalisation obligations formerly agreed, they have to be considered as an exception to this principle. Article XIX GATT 1994 and the WTO Agreement on Safeguards do not only impose strict conditions for the application of this "escape clause", but also put in place a multilateral control mechanism under the WTO Committee on Safeguards.

Under WTO rules, safeguard action has to be viewed as a temporary defence measure that applies to all imports of the product covered by a measure, irrespective of origin. As regards non-WTO members, safeguard measures may be selective and apply to products originating in a specific country. WTO Accession Protocols may also provide for such selective safeguard mechanisms as is the case in the People's Republic of China's Protocol of Accession.

WTO safeguards should only be adopted after a comprehensive investigation which provides evidence of the existence of a) unforeseen developments leading to b) increased imports, c) the existence of a serious injury for EU producers and d) a causal link between the imports and the injury.

### 1.2.2. The EU legislation

The above-mentioned principles are all reflected in the relevant EU regulations, except for the “unforeseen development requirement” (which is not in the EU law but has been confirmed as a self-standing condition by WTO jurisprudence). Additionally, the adoption of measures in the EU requires an analysis of all interests concerned, i.e. the impact of the measures on producers, users and consumers. In other words, safeguard action can only be taken when it is in the EU’s interest to do so. The current EU safeguard instruments are covered by the following regulations:

- Council Regulation (EC) No 260/2009<sup>5</sup> on the common rules of imports – Codified Version
- Council Regulation (EC) No 519/94<sup>6</sup> on common rules for imports from certain third countries and repealing Regulations (EEC) Nos 1765/82, 1766/82 and 3420/83. This Regulation was amended in 2003 when a Transitional Product-Specific Safeguard Mechanism for imports originating in the People’s Republic of China was adopted<sup>7</sup>. This Regulation ensures that Council Regulation (EC) No 519/94 is no longer applicable to the People’s Republic of China;
- Council Regulation (EC) No 517/94<sup>8</sup> on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific EU import rules.

These regulations will overall be referred to as the "basic safeguard Regulation(s)".

### 1.3. Anti-subsidy and unfair pricing instrument for airline services

Regulation No 868/2004<sup>9</sup> dealing with the effect of subsidisation and unfair pricing for air services from third countries which was adopted by the EP and the Council in 2004 requested the Commission to prepare a methodology to assess unfair pricing practices. This complex work, involving different services of the Commission as well as external experts, is on-going. The resulting methodology should be both derived from the significant EU experience in trade in goods and adapted to the highly specific sector of the air-services.

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<sup>5</sup> OJ L 349, 31.12.94, p. 53, as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).

<sup>6</sup> OJ L 67, 10.3.94, p. 89, as last amended by Regulation (EC) No 427/2003 (OJ L 65, 8.3.2003, p. 1)

<sup>7</sup> Council Regulation (EC) No 427/2003 (OJ L 65, 8.3.2003, p. 1), as last amended by Regulation (EC) No 1985/2003 (OJ L 295, 13.11.2003, p. 43)

<sup>8</sup> OJ L 67, 10.3.94, p. 1, as last amended by Regulation (EC) No 1786/2006 (OJ L 337, 5.12.2006, p. 12).

<sup>9</sup> OJ L 162, 30.4.2004, p. 1

## **2. BASIC CONCEPTS**

### **2.1. Anti-dumping and anti-subsidy**

#### *2.1.1. What is dumping and what are countervailable subsidies - the material conditions for the imposition of duties?*

##### 2.1.1.1. Dumping and subsidies

Dumping is traditionally defined as price discrimination between national markets, or as selling below cost of production, plus profit. The EU's anti-dumping legislation defines anti-dumping as selling a product in the EU at a price below its "normal value". This "normal value" is usually the actual sales price on the domestic market of the exporting country. Therefore, a country is selling at dumped prices if the prices in its home market are higher than its export prices (i.e. price discrimination).

Where sales in the domestic market are not representative, for instance because they have only been made in small quantities, the normal value may then be established on another basis, such as the sales prices of other producers on the domestic market or the cost of production, plus profit. In the latter case, a company is selling at dumped prices if its export prices are below the cost of production, plus profit.

A certain segregation of the market, triggered by a variety of distortions, exists in the majority of the cases where dumping occurs on a more than incidental basis. That segregation may be caused, amongst other reasons, by government intervention. As a result, exporters are shielded, at least to a certain degree, from international competition on their domestic market.

Subsidies can have similar effects to sales at dumped prices in that they allow exporters to operate from a distorted home base. Subsidies involve a direct support from a government or a government-directed private body which has the effect of conferring a benefit to producers or exporters (e.g. grants, tax and duty exemptions, preferential loans at below commercial rates, export promotion schemes, etc.), all aimed at allowing the exporters to sell at low prices in the EU. Only subsidies which are "specific", i.e. targeted at individual companies or certain sectors of the economy, can be subject to trade defence measures.

Both anti-dumping and anti-subsidy measures are thus only second-best solutions in the absence of internationally agreed and enforced competition rules.

##### 2.1.1.2. Material injury and causation

For measures to be taken against these unfair trading practices, it is not sufficient that companies are exporting their products to the EU at dumped or subsidised prices. Measures can only be taken if these exports cause material injury to EU producers.

Typical indicators of injury are that the dumped and/or subsidised import volumes increase over a certain period and import prices undercut the sales prices of the EU industry. As a consequence, the latter is forced to decrease production volumes and sales prices thus losing market shares, making losses or having to make employees redundant. In extreme cases, exporters may try to eliminate viable EU producers by using a predatory, below cost, pricing strategy. In any event, the injury analysis requires that all relevant factors be taken into account before deciding whether the EU industry is in fact suffering “material injury”.

A further condition for the imposition of measures is the need for “a causal link”: the injury must be *caused* by the dumping or the subsidy. This condition is often fulfilled when the injury to the EU industry coincides with the increase in dumped and subsidised imports. It is important to note that the dumped or subsidised imports do not have to be the only cause of the injury.

#### 2.1.1.3. EU interest

Finally, it has to be established whether there are compelling reasons according to which measures would be contrary to the overall interest of the EU. In this respect, the interests of all relevant economic operators which might be affected by the outcome of the investigation must be taken into account. These interests typically include those of the EU industry, users, consumers and traders of the product concerned and the analysis assesses the positive impact measures will have on some operators as opposed to the negative impact on others. Measures should not be imposed only if it can be clearly concluded that their negative impact would be disproportionate,.

#### 2.1.2. Procedure

Investigations are carried out in accordance with the procedural rules laid down in the basic Regulations. These rules guarantee a transparent, fair and objective proceeding by granting significant procedural rights to interested parties. In addition, the results of an investigation are published in the Official Journal, and the EU is obliged to justify its decisions in this publication. Finally, it is ensured that each case is decided on its merits and the Commission does not hesitate to terminate a case if the conditions to impose measures are not met.

Whereas each investigation is different depending on the products and countries involved, all cases follow the same procedural rules. However, certain preferential rules apply to any candidate countries. The rules relating to a new case are summarised below.

### *Initiation*

A case normally starts with a sufficiently substantiated complaint from the EU industry manufacturing the same or a similar product to the one referred to in the complaint. Then, the Commission assesses whether the complaint contains sufficient evidence to allow for the initiation of the case. A case is opened by a notice of initiation published in the Official Journal. In this notice, all interested parties, including users, exporting country authorities in anti-subsidy investigations in particular and, where appropriate, consumer organisations are invited to participate and co-operate in the proceedings. Detailed questionnaires are sent to producers in the exporting countries, in anti-subsidy investigations also to the exporting country authorities, and in the EU to the producers, traders (in particular importers) and other interested parties, such as users. These questionnaires cover all different conditions to be fulfilled, i.e. dumping/subsidy, injury, causation and EU interest. The parties are also informed that they can request a hearing and ask for access to the non-confidential files which will help them defend their case.

### *The investigation up to the provisional measures*

Following receipt of the replies to the questionnaire, investigations are carried out by Commission officials at the premises of the co-operating parties.

The main purpose of these visits is to verify whether the information given in the questionnaires is reliable. The verified information is subsequently used to calculate or determine the dumping margin and the injury factors, in particular the price undercutting margin and injury elimination level, as well as for the EU interest analysis. The respective calculations and analysis often involve the processing of thousands of transactions, the complex examination of production costs and the assessment of the economic situation of numerous economic operators.

The results of the calculations and other findings are summarised in a working document, on the basis of which it is decided - after consultation of the Member States in the Advisory Committee - whether to impose provisional measures, whether to continue the investigation without proposing duties or whether to terminate the proceedings. In either eventuality, at this stage the decision is the Commission's responsibility.

### *The investigation up to the definitive stage*

Following the publication in the Official Journal of a Commission regulation imposing provisional duties, interested parties which so request receive a full disclosure which allows them to verify the Commission's findings and to submit comments. Comments can also be made at a hearing. These provisional submissions and comments are taken into account when a second, definitive, working document is prepared by the Commission.

After final disclosure, assessment of comments of interested parties and consultation of the Member States on the basis of the second working document, the Commission makes a proposal to the Council whether or not to impose definitive measures. Another possibility is that the Commission accepts undertakings offered by exporters, which undertake to respect minimum prices. In the latter case, no duties are generally imposed on the companies from which undertakings are accepted.

As set out above, throughout the process and at various specific steps, the procedure - consisting e.g. of requests for information, hearings, access to the file and disclosure – ensures that the rights of defence of interested parties are fully respected in this quasi-judicial process.

Unless the Council decides by a simple majority not to adopt the Commission proposal for definitive measures, such measures are imposed. The regulation imposing definitive duties, and deciding on the collection of the provisional duties, is published in the Official Journal.

In view of the findings made, it may also be decided to terminate a case without the imposition of measures. The same procedure (disclosure, comments, hearing, working document) as described above applies. The termination of the case would generally be made by a Commission Decision after consultation of the Member States.

#### *Timing*

The procedure described above is subject to strict statutory time limits. A decision to impose provisional duties must be taken within nine months of the initiation and the total duration of an investigation is limited to fifteen months in anti-dumping cases and to thirteen months in anti-subsidy cases. This leads to significant time constraints, taking into account, *inter alia*, internal consultations and the necessity to publish regulations and decisions in all EU languages at the same time.

Anti-dumping or countervailing measures will normally remain in force for five years, and may consist of duties or undertakings concluded with exporters. Measures are taken on a countrywide basis, but individual treatment, i.e. the application of a company-specific duty, can be granted to exporters which have co-operated throughout the investigation. During the five-year period, interested parties may, under certain conditions, request a review of measures or the refund of anti-dumping duties paid. Measures may also be suspended for a certain period, subject to given criteria.

### 2.1.3. *Review of measures*

The basic Regulations provide for administrative reviews and distinguish between interim reviews, newcomer reviews and expiry reviews.

The *expiry review* is initiated at the end of the five year life-time of the measures. Initiation of such a review requires a request by the EU industry evidencing that the expiry of the measures would lead to continuation or recurrence of dumping and injury. Since the amendment to the basic Regulations, expiry reviews initiated after 20 March 2004 are subject to strict deadlines, i.e. they shall normally be concluded within 12 months of the date of initiation of the review, but in all cases be concluded within 15 months.

During the five year life-time of measures, the Commission may perform an *interim review*. Under the latter procedure, the Commission will consider whether the circumstances with regard to subsidy/dumping and injury have changed significantly or whether existing measures are achieving the intended results in removing the injury. Since 20 March 2006, the deadline for concluding an interim review is set at 12 months, but no later than 15 months.

Finally, the basic Regulations provide that a review shall be carried out to determine individual margins for new exporters in the exporting country concerned. Since 20 March 2006, the deadline for conclusion of *newcomer reviews* is nine months.

During these reviews, the main procedural rules outlined in chapter 2.1.2 are also applicable.

### 2.1.4. *Judicial reviews*

The procedural rights of the parties, including hearings and access to non-confidential files, are respected in the course of the proceeding, and a system of judicial review is in place to ensure their correct implementation. The competence to review anti-dumping and anti-subsidy cases lies with the Court of First Instance and the Court of Justice in Luxembourg. Furthermore, WTO members may recourse to the WTO dispute settlement mechanism.

## 2.2. **Safeguards**

### 2.2.1. *What are safeguard measures?*

Safeguard measures allow temporary protection against the adverse effects of import surges. Under the EU legislation<sup>10</sup> implementing the WTO Safeguards Agreement, they can be applied under the following conditions: safeguard measures may be imposed if, as a result of unforeseen developments, a product is being imported into the EU in such increased quantities and/or on such terms and conditions as to cause, or threaten to cause, serious injury to EU producers of like or directly competitive products. Safeguard measures may only be imposed to the extent and for such time as may be necessary to prevent or remedy the injury.

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<sup>10</sup> Council Regulation (EC) No 260/2009 on common rules for imports (Codified version).

### 2.2.2. *Procedure*

Investigations are carried out in accordance with the procedural rules laid down in the basic safeguard Regulations. These rules guarantee a transparent, fair and objective proceeding. In addition, the results of safeguard investigations are published in the Official Journal, and the EU is obliged to justify its decisions in this publication.

#### *Initiation*

The Commission is informed by one or more Member States should trends in imports of a certain product appear to call for safeguard measures. This information must contain evidence available, of the following criteria: a) the volume of imports, b) the price of imports, c) trends in certain economic factors such as production, capacity utilisation, stocks, sales, market share, prices, profits, employment, etc.. Where there is a threat of serious injury, the Commission must also examine whether it is clearly foreseeable that a particular situation is likely to develop into actual injury.

This information is immediately passed on by the Commission to all other Member States, at which stage consultations are held within the Advisory Safeguard Committee. If there is sufficient evidence to justify an investigation, the Commission publishes a notice of initiation in the Official Journal within one month of receipt of the information and commences the investigation, acting in co-operation with the Member States.

#### *Provisional measures*

Provisional measures may be imposed at any stage of the investigation. They shall be applied in critical circumstances where delay would cause damage which would be difficult to repair, making immediate action necessary, and where a preliminary determination provides clear evidence that increased imports have caused, or are threatening to cause, serious injury.

The duration of the provisional measures can, however, not exceed 200 days (i.e. six months).

#### *Definitive measures*

If, at the end of the investigation, the Commission considers that definitive safeguard measures are necessary, it will take the necessary decisions no later than nine months from the initiation of the investigation, at which stage the results of the investigation are being published in the Official Journal. In exceptional circumstances, this time limit may be extended by a further maximum period of two months, provided a notice is published in the Official Journal specifying the duration of the extension and a summary of its reasons.



Safeguard measures shall be applied only to the extent to prevent or remedy serious injury, thereby maintaining as far as possible traditional trade flows. As to the form of the measures, the EU will choose the measures most suitable in order to achieve these objectives. These measures could consist of quantitative quotas, tariff quotas, duties, etc.

#### *Duration and review of the measures*

The duration of safeguard measures must be limited to the period of time necessary to prevent or remedy serious injury and to facilitate adjustments on the part of the EU producers, but should not exceed four years, including the duration of the provisional measures, if any. Under certain circumstances, extensions may be necessary but the total period of application of safeguard measures should not exceed eight years.

If the duration of the measures exceeds one year, the measures must be progressively liberalised at regular intervals during the period of application. If the duration exceeds three years, the Commission should seek consultations with the Advisory Safeguard Committee in order to examine the effects of the measures, to determine the appropriateness of further liberalisation and to ascertain that the application of the measures is still necessary. Depending on the consultations, the measures may be revoked or amended.

### **3. TDI REVIEW**

The Trade Commissioner's portfolio includes e.g. the question of updating and modernising our current trade defence instruments. At the European Parliament hearing in 2009 the Trade Commissioner signalled openness to this debate but highlighted the need to obtain consensus among stakeholders.

In the meantime the Commission implemented in 2010 measures (such as revamp of TDI website; specific assistance for SMEs; improved disclosure etc) that would improve transparency in trade defence investigations.

Apart from any comprehensive reform, the internal policies of the European Commission require the Commission services to evaluate all their activities in a planned, systematic and regular manner. Since trade defence activities were last evaluated in 2005, a new evaluation arose within the normal cycle of DG Trade's evaluation planning. Such evaluation would help the Commission to design or improve its policy interventions, and to monitor their effectiveness. It would also help citizens to exercise their right to scrutinize, criticise and influence the policies and activities conducted by the Commission on their behalf.

Accordingly, the Commission published at the end of September 2010 an invitation to tender for an evaluation of the European Union's trade defence instruments (limited to anti-dumping and anti-subsidy). The objectives of the evaluation are:

- To provide a concise description of the European Union's trade defence instruments (TDI) and of the current practice in this area;
- To provide a balanced economic analysis of the fundamental arguments in favour of and against the use of trade defence instruments and their application in the context of the current international legal framework (e.g., in view of the absence of international competition laws) and economic realities;

- To provide an evaluation of the performance, methods, utilisation and effectiveness of the present TDI scheme in achieving its trade policy objectives;
- To provide an evaluation of the effectiveness of the existing and potential policy decisions of the European Union (e.g., the Union interest test, the lesser duty rule, the duty collection system) in comparison with the policy decisions made by the following EU trading partners: Australia, Canada, China, India, New Zealand, United States;
- To provide an examination of the basic anti-dumping and anti-subsidy Regulations in light of the administrative practice of the EU institutions, the judgments of the Court of Justice of the European Union and the recommendations of the WTO Dispute Settlement Body.

Following the evaluation of the offers submitted, the Commission awarded a contract to BKP Development Research & Consulting GmbH, which was signed in December 2010. The work was ongoing in 2011 with results expected early 2012.

#### **4. COUNTRY-WIDE MARKET ECONOMY STATUS (MES)**

A normal anti-dumping investigation can only be conducted if costs and prices are reliable and the result of market forces. There are five criteria to determine whether a country can be considered a full market economy for the purpose of anti-dumping investigations (according to Article 2 (7) of the basis antidumping Regulation). These criteria are:

- i. a low degree of government influence over the allocation of resources and decisions of enterprises, whether directly or indirectly (e.g. public bodies), for example through the use of state-fixed prices, or discrimination in the tax, trade or currency regimes;
- ii. an absence of state-induced distortions in the operation of enterprises linked to privatisation and the use of non-market trading or compensation system;
- iii. the existence and implementation of a transparent and non-discriminatory company law which ensures adequate corporate governance (application of international accounting standards, protection of shareholders, public availability of accurate company information);
- iv. the existence and implementation of a coherent, effective and transparent set of laws which ensure the respect of property rights and the operation of a functioning bankruptcy regime;
- v. the existence of a genuine financial sector which operates independently from the state and which in law and practice is subject to sufficient guarantee provisions and adequate supervision.

To obtain Market Economy Status for trade defence investigations all five criteria must be met.

2010 saw the continued evaluation of five of the six requests for country-wide MES from China, Vietnam, Armenia, Kazakhstan, Mongolia and Belarus. All countries, except Belarus, continued to provide additional information in support of their claims throughout the year and their requests are at various stages of progress. The Consultations with the authorities of the Republic of Belarus were put on hold due to the political situation in the country. These five applicant countries are at different stages of progress in terms of meeting the five criteria for MES.

Companies from these applicant countries have the possibility to request market economy treatment on an individual basis in the context of anti-dumping investigations.

#### **4.1 China**

China is undoubtedly the most important MES applicant country and the first of the six countries to have requested the status.

The first preliminary assessment was prepared in 2004 which concluded at that time that China fulfilled only one of the five MES criteria i.e. the second criteria outlined above.

In September 2010 the 10<sup>th</sup> thematic MES Working Group China met in Beijing in a good and constructive atmosphere. The meeting's focus was on criterion 4. The Chinese authorities provided information on new developments in the area of bankruptcy practices; in particular on the development of a set of laws regulating bankruptcy and on how these laws were implemented on the ground. Furthermore Chinese experts explained how and to what extent Chinese property laws allow private property.

At the working group meeting both parties also discussed the ongoing joint study on the accounting practices in the People's Republic of China, especially the issue of access by the consultants to the Chinese companies.

The Commission will continue their evaluation in close cooperation with relevant Chinese's authorities and a further report is expected towards the end of 2011.

#### **4.2 Vietnam**

Vietnam's second preliminary assessment report was completed in February 2010. The report concluded that Vietnam fulfils one of the five criteria (criterion 1) which relates to the degree of government interference in the economy. The report concluded that the Vietnamese government does not exercise an undue influence over the allocation of economic resources in the economy or decisions of companies. In September 2010 the 3<sup>rd</sup> thematic working group meeting took place in Hanoi during which the Vietnamese provided the Commission with further information on their efforts to meet the remaining 4 criteria. A third assessment report is expected in 2011.

#### **4.3 Armenia**

The first assessment report on Armenia's MES request was transmitted to the Armenian authorities early in 2010. The report, completed late in 2009, had concluded that Armenia had made good progress in certain areas fulfilling two of the five criteria for MES, nos. i and v above. The Commission services followed this with a series of questions to the Armenian authorities in June 2010 in order to have information on further developments in their progress towards becoming a fully fledged market economy. By the end of 2010 no new information had been sent to the Commission from Armenia.

#### **4.4 Kazakhstan**

At the end of 2010, DG Trade's services assessed Kazakhstan's progress towards fulfilling the market economy status criteria. DG Trade's services concluded that although there have been positive developments and Kazakhstan has been following a route to create a functioning market economy, their progress has been hampered by their response to the impact of the global financial crisis on their economy.

It is hoped that the cooperation between the Commission services and the Kazakhstani authorities will continue and that a road map will be jointly developed setting out the next steps to be taken in order to achieve progress on this matter.

#### **4.5 Mongolia**

After the decision of the Mongolian Government to postpone the on spot verification mission scheduled for autumn 2008 the Commission repeated its readiness for a further mission but could not take place in 2010. The Commission provided information on progress of the MES assessment at the Joint EU-Mongolia Trade Committee in October 2010 and in December 2010, the Commission gave a list of questions to the authorities of Mongolia, in order to make further progress on the MES assessment report. Based on the replies to these questions, an on spot verification mission will be organised.

#### **4.6. Belarus**

In May 2009 the Minister of Foreign Affairs of the Republic of Belarus addressed an official request to the EU for market economy status. The official MES assessment process was launched formally in July 2010 during a visit to the authorities of Belarus. The Commission has continued analysing the submitted application documents from Belarus, as well as information from third sources concerning the concrete market situation and the existence and application of laws which are relevant to the context of the MES assessment.

### **5. TRADE DEFENCE INSTRUMENTS – RAW MATERIAL STRATEGY**

The first case where MET was refused on the grounds that the costs of a major input did not substantially reflect market values happened in 2009 and was reported in last year's Annual Report. During 2010 the Commission services continued to examine the costs of major inputs in cases where MET is being claimed to ensure that they reflect true market values. The existence of such distortions is also taken into account when assessing requests for global Market Economy Status (MES) by non-market economies. In this context the role of the country concerned is examined vis-à-vis their interference in the market and any policies which result in distorted prices of raw materials.

### **6. INFORMATION AND COMMUNICATION ACTIVITIES / BILATERAL CONTACTS**

#### **6.1. Small and medium sized enterprises (SMEs)**

At the end of 2009 the Commission, in recognising the important role that SMEs have in the EU's economy and the difficulties they face in participating in trade defence investigations, launched a study to identify the needs of SMEs in the EU

when participating in trade defence investigations. At the end of 2010, the Commission received from a contractor the results of the study identifying the needs of SMEs in the 27 EU Member States when submitting a complaint or participating in trade defence investigations as an importer or as a user or as exporters in investigations initiated by third countries. The outcome of the study also laid down specific proposals on how the Commission and the Member States could better assist SMEs in all areas of such investigations.

The Review identifies a set of concrete measures to support SMEs growth and competitiveness and proposes in particular, actions to increase information and assistance to SMEs with regard to the use of the EU Trade Defence Instruments. Such actions were discussed with National authorities involved in Trade Defence and DG TRADE, Trade Defence services with the intention of adopting in 2011 a declaration outlining a number of concrete actions to address the difficulties encountered by SMEs involved in Trade Defence Instruments.

The Trade Defence Helpdesk for SMEs was set up in December 2004 in view of the complexity of TDI proceedings, especially for SME's, because of their small size and their fragmentation. Its role is to address specific SME questions and problems regarding TDIs, both of a general nature or case-specific. A part of the TDI website is dedicated to SMEs, and refers to the Trade Defence Helpdesk contact points. This TDI website was further updated, making it more accessible and user-friendly, especially for SMEs.

In 2010 these contact points received many requests for information, which were all immediately addressed. These requests concerned both the procedures and content of TDI proceedings.

## **6.2. Bilateral contacts/information activities – industry and third countries**

Explaining the legislation and practice of the EU's trade defence activity is an important part of the work of the TDI services.

A seminar on trade defence for officials from third countries took place in 2010. In addition, there were a number of bilateral contacts dedicated to discussing various trade defence related topics with a number of third countries including China, Korea, Vietnam, India, Belarus and Australia held in 2010.

There were also several meetings with key stakeholder associations and companies in 2010, including a number of events with Business Europe (namely a seminar with all the most relevant members of the association and several bilateral meetings with Business Europe's Committee on Trade Policy), as well as a seminar and regular meetings with the most relevant associations of importers and distributors, such as Eurocommerce and FTA.

## **7. THE HEARING OFFICER**

2010 was the third year of activity for the Hearing Officer for DG Trade, who became operational in April 2007. The Hearing Officer acts independently. He is attached for administrative purposes to the Director General of DG Trade to whom he reports.

The Hearing Officer's principal role is to safeguard the effective exercise of the procedural rights of interested parties and to ensure that the trade proceedings before the European Commission are handled impartially, fairly and within a reasonable

time. The Hearing Officer also advises the Director General of DG Trade on issues related to due process and on any issue arising out of a trade proceeding, where appropriate.

An update of the Guidelines on cooperation between the Hearing Officer and the Commission trade investigation services was adopted. They set out a number of operating principles and introduce time windows for the organisation of hearings. There are rules on interventions with regard to confidentiality issues and access to files and a number of mechanisms for communication and follow-up on the interventions of the hearing officer. The updated guidelines were used as a basis for a draft Terms of Reference of the Hearing Officer. In the course of 2010 this decision was subject of internal consultations and its adoption is foreseen in 2011.

In 2010 the Hearing Officer had 55 interventions in 29 trade defence cases and held 24 hearings which represent a significant increase in comparison with 2009. The Hearing Officer was contacted by interested parties, Commission investigation services, and stakeholders. He intervened on issues covering all stages of the investigation.

A number of good practices have been adopted at the recommendation of the hearing officer and after the conclusions of the working groups created by the Commission services. For example, the services have started including in the file for consultation by interested parties notes to the file on pre-decisions such as sampling. The timing of sending disclosure documents to interested parties seems to have improved as well. The hearing officer has not received many complaints with the exception of the Market Economy Treatment (MET) disclosure documents. In a case, the services contracted an expert who helped to analyse possible circumvention. The hearing officer expects that more experts will be used in future cases.

The main issues that the hearing officer faced in 2010 could be grouped in six categories: (i) MET determinations; (ii) non-confidential files and confidentiality; (iii) content and timing of disclosures; (iv) definition of a Union producer, an importer, or a user; (v) criteria for the selection of an analogue country; and (vi) use of experts.

#### *MET determinations*

A number of exporters who were refused MET asked for the intervention of the Hearing Officer. Their main concern was that before they receive an MET disclosure there was no indication from the Commission services that there were problems with their MET claim. At the time of an MET disclosure it is usually difficult to provide the necessary evidence and to have it verified. The Hearing Officer made a number of suggestions to the Commission services which aim at increasing transparency in those cases.

#### *Non-confidential files and confidentiality*

Many of the interventions of the Hearing Officer related to access to the file, quality of non-confidential summaries of confidential information and confidentiality issues. The Hearing Officer observed improvements of the overall quality of the files after

his interventions. A recurring issue is the requests by complainants to the Commission to keep their identity confidential. In most of the cases there was evidence which justified such requests. However, such requests decrease transparency. In particular, they prevent the other interested parties from submitting arguments in their defence, which they would have otherwise submitted. In view of this the Hearing Officer would encourage complainants not to request such confidentiality unless there would be no other solution.

#### *Content and timing of disclosures*

The Hearing Officer continued insisting on more detailed disclosure documents sent to the parties as early as possible in order to enable the latter to exercise effectively their rights of defence. The cases in which the Hearing Officer intervened were complex in view of the difficult balance that had to be drawn between the obligation of the Commission not to divulge business secrets and the right to information of interested parties. The Hearing Officer believes that in those cases the Commission services should provide as detailed as possible description of the methodology that the Commission services followed to arrive at their findings. The power of the Hearing Officer to check the confidential file on behalf of a party that has no access to this file can also contribute to ensuring that the rights of the parties in trade proceedings are respected fully.

#### *Definition of a Union producer, an importer, or a user*

The European producers, importers and users spread their business activities internationally. This is a global trend which concerns companies in countries outside the EU as well. The modems case, in particular, has demonstrated that this fact has to be carefully considered in trade defence cases. The Hearing Officer would encourage more detailed explanations of the reasons to determine that a company is a producer, importer or user in any future case.

#### *Criteria for the selection of an analogue country*

It is very rare that producers in two or more "analogue" or "reference" countries agree to cooperate for the establishment of a normal value. The normal value and thus the dumping margin could be different depending on the choice of an analogue country. However, there is little case-law on the basis of what criteria to select the more appropriate country. The Hearing Officer, therefore, considers that the reasons to choose a country should be explained in detail in the regulation imposing measures. This would enable the parties to exercise effectively their rights of defence and will help further developing the criteria.

#### *Use of experts*

There appears to be an increasing need for the use of experts in trade defence investigations. Detailed discussions on the product scope of the investigations, in particular, have become a usual practice and in certain more complicated cases the Commission services do not have the necessary expertise. Their analysis would therefore be strengthened, if they would be able to rely on an independent opinion. This was already done in a case and proved to be useful.

Taking into account the increased number of interventions and the variety of issues dealt with, it could be claimed that the function of the Hearing Officer is now well established.

## **8. GENERAL OVERVIEW OF ANTI-DUMPING AND ANTI-SUBSIDY INVESTIGATIONS AND MEASURES**

The number of new investigations initiated in 2010 decreased in comparison to the previous year, 18 compared to 21. The number of definitive measures imposed dropped slightly while the number of provisional measures imposed in 2010 increased by almost a third compared to 2009. Below are details on new investigations and review investigations.

### **8.1. New investigations**

At the end of 2010, the EU had 124 anti-dumping measures and 11 countervailing measures in force<sup>11</sup>. The anti-dumping measures covered 68 products and 27 countries (see Annex O); the countervailing measures covered 6 products and 7 countries (see Annex P). Of the measures, the large majority was in the form of duties; however, in a number of cases, undertakings were accepted.

Of the 124 anti-dumping measures in force at the end of 2010 the main countries affected were China 56, India, Russia and Thailand 7 each, Ukraine 6, Korea and Taiwan 5 each, Indonesia 4 and Belarus, Malaysia and USA 3 each. Of the 11 anti-subsidy measures in place the majority concern imports from India – 5 in total, with 1 each for Brazil, Israel, Iran, Pakistan, United Arab Emirates and USA.

Regarding the of anti-dumping measures one has to look at the trade volume of the products concerned, which varies considerably depending on the sector concerned. The largest trade volumes are often generated by high technology, such as electronics, which are high-value products. It should be noted that in 2010, only 0.43%<sup>12</sup> of total imports into the EU was affected by anti-dumping or anti-subsidy measures.

Table 1 below provides statistical information on the new investigations for the years 2006 – 2010.

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<sup>11</sup> The measures are counted per product and country concerned.

<sup>12</sup> Source Comext.



**TABLE 1**  
**Anti-dumping and anti-subsidy new investigations**  
**during the period 1 January 2005 - 31 December 2009<sup>13</sup>**

	2006	2007	2008	2009	2010
Investigations in progress at the beginning of the period	28	33	20	26	25
Investigations initiated during the period	36	9	20	21	18
Investigations in progress during the period	64	42	42	47	43
Investigations concluded :					
- imposition of definitive duty or acceptance of undertakings	13	12	16	11	9
- terminations <sup>14</sup>	18	10	3	11	10
Total investigations concluded during the period	31	22	16	22	24
Investigations in progress at the end of period	33	20	26	25	19
Provisional measures imposed during the period	13	12	5	10	13

Details on the conclusions can be found under heading 9.1.

## 8.2. Review investigations

Anti-dumping measures, including price undertakings, may be subject, under the basic Regulation, to five different types of reviews: expiry reviews (Article 11(2)), interim reviews (Article 11(3)), newcomer investigations (Article 11(4)), absorption investigations (Article 12) and circumvention investigations (Article 13).

<sup>13</sup> The initiation of a case concerning several countries is accounted as separate investigations/proceedings per country involved.

<sup>14</sup> Investigations might be terminated for reasons such as the withdrawal of the complaint, *de minimis* dumping or injury, etc.

Also anti-subsidy measures may be subject, under the basic Regulation, to five different types of reviews: expiry reviews (Article 18), interim reviews (Article 19), absorption investigations (Article 19(3)), accelerated reviews (Article 20) and circumvention investigations (Article 23).

These reviews continue to represent a major part of the work of the Commission's TDI services. In the period from 2006 to 2010, a total of 164 review investigations were initiated. These review investigations represented 61% of all investigations initiated in that period.

In 2010, 31 reviews were initiated. Of these, 14 were expiry reviews, 12 interim reviews, 3 newcomer review, and 2 circumvention investigation.

An overview of the review investigations in 2010 can be found in Annexes F to K. Table 2 provides statistical information for the years 2006 – 2010.

**TABLE 2**  
**Reviews of anti-dumping and anti-subsidy investigations**  
**during the period 1 January 2006 - 31 December 2010<sup>15</sup>**

	2006	2007	2008	2009	2010
Reviews in progress at the beginning of the period	63	52	46	32	33
Reviews initiated during the period	35	41	23	34	31
Reviews in progress during the period	98	93	69	66	64
Total reviews concluded during the period <sup>16</sup>	46	47	37	30	30
Reviews in progress at the end of the period	52	46	32	33	34

Details on the conclusions can be found under heading 9.2.

<sup>15</sup> The initiation of a case concerning several countries is accounted as separate investigations/proceedings per country involved.

<sup>16</sup> Investigations which were conducted and concluded under the specific provisions of the Regulation imposing the original measures are not counted as there was no publication of the initiation.

## 9. OVERVIEW OF ACTIVITIES IN 2010

### 9.1. New investigations

#### 9.1.1. Initiations

In 2010, 15 new anti-dumping investigations and 3 new anti-subsidy investigations and 1 safeguard were initiated in the period. The anti-dumping investigations involved 13 different products from 8 different countries. The anti-subsidy investigations involve 3 products from 2 different countries. Details of these investigations are given in Annex A. The country most affected by the anti-dumping investigations is China with 8 investigations, India 2 investigations and 1 investigation each opened concerning Bosnia & Herzegovina; Thailand, Indonesia, Malaysia and USA. The main sector concerned by these new cases is chemicals.

In the five-year period from 2006 to 2010, 104 investigations were initiated on imports from 24 countries. The main sectors concerned by the investigations were chemical and allied - 33 investigations, iron and steel – 24 investigations, other metals - 13 investigations and electronics - 8 investigations. A breakdown of the product sectors is given in Annex B(A).

The main countries concerned during the period from 2006 to 2010 include the People's Republic of China with 41 investigations, India and USA with 7 each, Thailand with 6, Taiwan and Malaysia with 5 each, Korea, Russia and Turkey with 3 each, Pakistan and Turkey with 3 each. A table showing all the investigations initiated over the last five years broken down by country of export is at Annex B(B).

The list of cases initiated in 2010 can be found below, together with the name of the complainant. More information can be obtained from the Official Journal to which reference is given in Annex A.

<b>Product</b>	<b>Country of origin</b>	<b>Complainant</b>
Zeolite A powder	Bosnia & Herzegovina	Industrias Quimicas del Ebro, SA; MAL Magyar Aluminium; PQ Silicas B.V.; Silkem d.o.o. and zeolite Mira Srl Unipersonale
Melamine	P.R. China	Borealis Agrolinz Melamine GmbH, DSM Melamine B.V. and Zaklady Azotowe Pulawy
Coated fine paper	P.R. China	CEPIFINE
Stainless steel bars	India	EUROFER
Open mesh fabrics of glass fibres	P.R. China	Saint-Gobain Vertex s.r.o., Tolnatext Fonalfeldolgozo,

		Valmieras 'Stikla Skiedra' AS and Vitruvan Technical Textiles GmbH
Ring binder mechanisms	Thailand	Ring Alliance Ringbuchtechnik GmbH
Ceramic tiles	P.R. China	European Ceramic Tile Manufacturers' Federation (CET)
Wireless wide area networking modems	P.R. China	Option NV
Tris (2-chloro-1-methylethyl) phosphate	P.R. China	European Chemical Industry Council (CEFIC)
Fatty alcohols and their blends	India Indonesia Malaysia	Cognis GmbH and Sasol Olefins & Surfactants GmbH
Seamless pipes and tubes of stainless steel	P.R. China	Defence Committee of the seamless stainless steel tubes industry of the European Union
Vinyl acetate	U.S.A.	Ineos Oxide Ltd
Graphite electrode systems	P.R. China	European Carbon and Graphite Association
Stainless steel bars (AS)	India	EUROFER
Coated fine paper (AS)	P.R. China	CEPIFINE
Wireless wide area networking modems (AS)	P.R. China	Option NV
Wireless wide area networking modems (Safeguard)	P.R. China	Belgian Government

Initiation of safeguard case concerning imports of Wireless wide area networking modems.

In June 2010 the Commission initiated a safeguard investigation under Article 6 Regulation (EC) No 260/2009 and Article 5 of Regulation (EC) on imports of *Wireless wide area networking modems*. This followed a request from the Belgian Government with evidence showing that imports into the Union of the product concerned were increasing rapidly both in absolute terms, and relative to Union production and consumption, and that imports had increased by more than 4 100 percentage points from 2006 to 2009. The request stated that there is one single Union producer of the like or directly competitive product which is located in Belgium with some production in other Union Member States

The request also alleged that the volumes and conditions of the imports concerned had a negative impact on the prices of like products in the Union, and on the market share held, the quantities sold and the level of prices charged by the Union producers. As a result there was serious injury to the Union producers.

The safeguard investigation was still ongoing at the end of 2010.

### 9.1.2. *Provisional measures*

In 2010, provisional duties were imposed in 9 anti-dumping proceedings and 4 anti-subsidy proceeding. The AD measures involved imports from 8 products and covering 4 countries while for anti-subsidy they concern of 2 products covering 4 countries. As shown in Table 1 (see point 8.1), this figure compares to 10 in 2009 and 5 in 2008.

The list of cases where provisional measures were imposed during 2010 can be found below, together with the measure(s) imposed. More information can be obtained from the Official Journal to which reference is given in Annex C.

<b>Product</b>	<b>Originating from</b>	<b>Type<sup>17</sup> and level of measure</b>
Sodium gluconate	P.R. China	AD Duty ranging :5.6% - 27.3% Others rate: 53.4%
Aluminium wheels	P.R. China	AD Duty 20.6%
Polyethylene terephthalate (PET)	Iran UAE	AD Duty ranging 0 Eur/tonne – 54.80 Eur/tonne
High tenacity yarn of polyesters	P.R. China	AD Duty ranging: 0% - 8.9% Others rate: 9.3%
Continuous filament glass fibre products	P.R. China	AD duty 8,5% Others rate: 43.6%
Melamine	P.R. China	AD Duty ranging: 44.9% - 49% Others rate: 65.2%
Zeolite A powder	Bosnia & Herzegovina	AD Duty: 28.1%
Coated fine paper	P.R. China	AD Duty: 19.7% Others rate: 39.1%
Polyethylene terephthalate (PET) (AS)	Iran Pakistan UAE	AS Duty 142.97 Eur/ tonne AS Duty 83.64 Eur/tonne AS Duty 42.34 Eur/tonne
Stainless steel bars (AS)	India	AS Duty Ranging 3.3% - 4.3% Others rate 4.3%

### 9.1.3. *Definitive measures*

During 2010, definitive duties were imposed in 6 anti-dumping cases and 1 anti-subsidy case. They involved imports from 4 different countries and covered 7 products. The People's Republic of China featured with 6 anti-dumping measures, with Iran, Pakistan and UAE with 1 measure each.

<sup>17</sup> AD = anti-dumping duty, CVD = countervailing duty, UT = undertaking.

The list of cases where definitive measures were imposed during 2010 can be found below, together with the measure(s) imposed. More information can be obtained from the Official Journal to which reference is given in Annex D.

<b>Product</b>	<b>Originating from</b>	Type <sup>18</sup> and level of measure
Cargo scanning systems	P.R. China	AD Duty: 34%
Molybdenum wires	P.R. China	AD Duty: 64.3%
Aluminium road wheels	P.R. China	AD Duty: 22.3%
Sodium gluconate	P.R. China	AD Duty ranging: 5.6% - 27.1% Others rate: 53.2%
High tenacity yarn of polyesters	P.R. China	AD Duty ranging 0% - 9.8% Others rate: 9.8%
Ironing board (Since Hardware)	P.R. China	AD Duty 35.8%
Polyethylene terephthalate (PET) (AS)	Iran Pakistan UAE	AS Duty 139.70 Eur/tonne AS Duty 44.02 Eur/tonne AS Duty 42.34 Eur/tonne

#### 9.1.4 Details on individual cases

##### Cargo scanning systems originating in the People's Republic of China

An anti-dumping investigation was initiated in February 2009 following a complaint lodged by Smiths Detection Group Limited on behalf of EU producers. The investigation period (IP) was from 1 July 2007 to 31 December 2008 with trends relevant for the assessment of injury being examined over a period covering 1 January 2004 to the end of the IP. An 18-month period was selected due to the specific particularities of the product concerned/like product market, i.e. public procurement/ tendering processes with long lead time periods for transactions and the existence of relatively few transactions. Provisional measures were imposed in December 2009. The product concerned is systems for scanning of cargo, currently falling within CN codes ex 9022 19 00, ex 9022 29 00, ex 9027 80 17 and ex 9030 10 00 and motor vehicles equipped with such systems currently falling within CN code ex 8705 90 90 originating in the People's Republic of China.

##### Dumping

Only one Chinese producer co-operated with the proceeding and did not claim market economy treatment but did claim individual treatment. However, the

<sup>18</sup> AD = anti-dumping duty, CVD = countervailing duty, UT = undertaking.

investigation revealed that there was significant state interference in the activities of the company. This coupled with the fact that there was difficulties in obtaining specific import/export data. In line with the Basic Regulation regarding imports from non-market economy countries, normal value was based on information from an analogue country, in this case, the USA. The US producer only manufactured one type of the product concerned and therefore normal value for that product was based on the that producers' prices for domestic sales in the US. For other types of the product it was decided to use verified information on costs of the Union industry to construct normal value.

The sole cooperating exporting producer in the PRC made export sales to the Community only to public authorities following the award of public tenders. However the investigation revealed that the accounting of the company was deficient so that the exact details of export sales and prices could not be established with certainty for a number of transactions. As a result export prices of the product concerned were established pursuant to Article 18(1) of the basic Regulation on the basis of the prices paid for the product concerned. The comparison between normal value and export price was made on an ex-factory basis. Allowances in the form of adjustments were made for differences affecting prices and price comparability in accordance with the basic Regulation including for transport and insurance costs, packing costs, credit costs, warranty and guarantee costs, commissions, civil works and on-spot installation, and service costs have been made where applicable and justified. This resulted in a dumping margin of 38.8%.

### Injury

The analysis of the economic indicators of the Community industry showed that there was injury to the EU industry. The most important injury indicators were profitability, market share and undercutting as they reflect directly the situation of the Union industry as regards its activity on the EU market. Certain other indicators were not considered as important as they relate to the production of cargo scanning equipment sold on the export market e.g. labour cost and productivity per worker. As regards profitability, the Union industry became loss making over the period considered with the sales volume of the Union producers falling by 24 % and market share by 20 percentage points. Furthermore, the Chinese producer undercut the complainant by a range of 15 to 20 %.

Financial indicators also confirmed that the future of the Community industry was at risk and that the presence of dumped imports from China prevented it from increasing sales volumes or prices to levels that could restore its financial situation.

### Causation

It was concluded from the investigation that the material injury to the Union industry, which was evident by a decrease in EU sales and market share in the EU market as well as negative financial results, was caused by the dumped imports concerned. Imports from other countries were considered, however, these were found to be sporadic and not of sufficient volume to cause injury to the EU producers. The Chinese argued that the fact that EU producers did not participate in all tenders caused injury. However the investigation confirmed that neither the EU industry nor the sole cooperating Chinese exporting producer presented a bid in each and every

tendering process. The EU industry presented bids only when it could submit a reasonable commercial offer. No compelling factor was found to suggest that the injury suffered resulted from the Community industry not participating in bids that were not deemed reasonable business options. Furthermore it was found that the export performance of the Community industry, the competition between Community producers and the above-mentioned bid-related issues did not have a significant effect on the Community industry's negative developments.

#### EU Interest

The investigation found that imposing measures would clearly be in the interest of the EU industry. Without the imposition of measures the already bad financial position of the EU industry would deteriorate further and ultimately lead to the Community industry closing down. The imposition of measures would restore the import price to non-injurious levels, allowing the EU industry to compete under fair trade circumstances. Given the nature of the product concerned the EU interest analysis was limited to the effect of measures on users, in this case customs authorities. In any event, in the context of the investigation, no upstream suppliers made themselves known, there were no representations received from consumers' organisations and no unrelated importers/ distributors of the product concerned were known to exist in the EU. Some users were concerned about the negative impact that measures could have both on competition and on stimulating innovative solutions but no concrete evidence was provided that could substantiate this claim. The main general concern of users was that measures might have a negative impact on their budgets and increase the cost of investment by Customs administrations. However, it was considered that as the product concerned is considered as a fixed asset any anti-dumping duties paid could be spread over the useful life of the cargo scanner. As regards procurement procedures it was noted that such procedures are not designed to counteract dumping practices. The EU industry would clearly be in a position to benefit from any measures by increased economies of scale because of an increase in production and sales by the EU producers.

Definitive anti-dumping measures of 34% were imposed in June 2010 based on the injury margin.

#### Aluminium road wheels originating in the People's Republic of China.

An anti-dumping investigation on imports of aluminium road wheels originating in the People's Republic of China was initiated in May 2010 on the basis of a complaint lodged by the Association of European Wheel Manufacturers (EUWA). Provisional anti-dumping measures were imposed in the case in December 2010.

The investigation period (IP) for dumping and injury covered 1 July 2008 to 30 June 2009 while the examination of trends relevant for the assessment of injury covered the period from 1 January 2006 to the end of the IP. The product concerned by the investigation was 'aluminium road wheels of the motor vehicles of CN headings 8701 to 8705, whether or not with accessories and whether or not fitted with tyres, falling within CN codes ex 8708 70 10 and ex 8708 70 50 (TARIC codes 8708 70 10 and 8708 70 50 10)'. In view of the large number of exporting producers in the



PRC, importers and Union producers, sampling was used in the investigation in line with Article 17 of the basic Regulation.

### Dumping

Four Chinese groups of companies were included in the sample (representing 43% of total exports from the PRC to the EU) and all requested market economy treatment. However, none of the PRC companies that had requested MET could show that they fulfilled the criteria set out in the basic Regulation. All the companies which claimed MET also claimed individual treatment (IT). IT was granted to three of the four groups of companies who claimed IT. As regards the fourth company CITIC Dicastal, a State-owned company directly controlled by the State (the majority of its shares belong to the State) it was considered that the State interference was such that it would permit circumvention of measures if it obtained a different rate of duty. In other words, production of other State-controlled companies could be re-directed through CITIC Dicastal. In line with the basic Regulation and the rules concerning the establishment of normal value in cases concerning non-market economies, Turkey was selected as an analogue country.

Normal value was calculated on the basis of actual domestic profitable prices in Turkey for certain types of the product concerned while for another type where no profitable sales were made, normal value was based on the manufacturing costs of the product type sold in the domestic market, plus selling, general and administrative costs and a reasonable value for profit where for a limited number of product types, normal value was calculated on the basis of normal value for comparable types of products making adjustments for physical differences.

The export prices were based on export prices actually paid or payable in the EU. Where sales were made via a related importer or trader, the export prices were constructed in accordance with Article 2(9) of the basic Regulation on the basis of the resale prices of that related importer/importer to first independent customers in the Union, with appropriate adjustments for all costs incurred between importation and resale.

The normal value and export prices were compared on an ex-works basis. For the companies granted IT, dumping margins were established by comparing the weighted average normal value established for the Turkish producers with each company's weighted average export price to the Union. For the purpose of ensuring a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences affecting prices and price comparability in accordance with Article 2(10) of the basic Regulation. The price comparison between the wheels exported from the PRC and those sold on the Turkish market by the Turkish cooperating producers was made by distinguishing sales to OEMs and sales in the After-market. The dumping margins calculated from 23,81% to 67,66%.

### Injury

The product concerned is sold in the Union via two distribution channels: to the Original Equipment Manufacturer (OEM) segment and to the so-called aftermarket (AM) segment. Although the 'OEM and AM' aluminium road wheels were found to

have different channels of distribution it was considered that they share the same physical and technical characteristics and interchangeable. In addition, ARWs are sold and imported from China in significant quantities via both sales channels. In analysing the situation of the EU market while the two segments were considered together some indicators were analysed separately. This analysis confirmed that the trends found for the product segment as a whole in general corresponded to those for the OEM and AM segments which were considered separately. The investigation concluded that Union industry suffered material injury. This conclusion was reinforced by the number of companies or production sites that would have closed (5 in the OEM segment) or that would have gone under insolvency procedures (21 in the AM and 4 in the OEM segment) over the period considered. The market share of EU producers dropped from 84,5% to 82,3% in OEM and for 57,4% to 48,5% for AM while the market share for the Chinese imports doubled. Price undercutting by imports from the PRC was found in the range of 20% to 38%. Overall profitability for the EU industry dropped from 3,2% on 2006 to -5,4% during the IP. Return on investments collapsed during the period considered, reaching -40% in the IP.

### Causation

The investigation found there was a significant decrease of production and sales, loss of market share, as well as price depression leading to losses of the Union industry while imports from the PRC, which undercut substantially the Union industry prices, as well as their market share increased during the same period of time.

All other factors that might have contributed to the material injury suffered by the Union industry were also analysed. In this respect, it was found that the economic crisis, the imports from Turkey and the competition between Union producers leading to a concentration process may have had some impact on the injury situation. However, it was concluded that their impact was not such as to break the causal link between the dumped imports and the injury found. It was concluded that there was a causal link between the dumped imports from the PRC and the material injury suffered by the Union industry.

### Union interest

This case found a high level of cooperation and support from the Union production (more than 70 %) suggesting that the imposition of measures was clearly in the interest of the EU producers. If measures were not imposed, it was considered that the increase of low-priced, dumped ARWs, in particular on the AM segment, would continue, if not increase. The low level of co-operation of unrelated importers suggested that the imposition of measures would not have any significant impact on their activity. As regards users i.e. car manufacturers the investigation found that they appear to rely on Chinese supplies only to a limited extent. Some were found not to import from China at all, others import less than 5 %, but some import up to 30 % of their needs. However, this argument was not decisive because of the existence of significant imports from other third countries. As regards the cost of measures it was found that ARWs represent about 1 % of the cost of a car so therefore a measure of 20 % on ARWs would lead to a cost increase of only 0,2 %. No argument has been raised as regards the impact of measures on final consumers. As regards the impact on suppliers to the EU industry it was found that for some their sales to the Union industry range between 30 % and 50 % of their total turnover.

Given that these companies are SMEs, the viability of the Union industry is essential to their operations. Some parties claimed that the imposition of duties on ARWs originating in the PRC would give an advantage to South Korean car manufacturers, in addition to the 0 % duty on cars under the Free Trade Agreement (FTA). In this respect it was found that the market share of cars originating in South Korea amounted at that time to only 3 % of the EU car market. While it was difficult to foresee the import evolution for Korean cars, but having regard to the very limited direct cost impact of measures on the EU car makers, it could not be concluded that the imposition of an anti-dumping on ARWs from China would play any meaningful role in that respect. It was therefore considered to be in the interest of the EU to impose anti-dumping measures on imports of ARW originating in China.

For the purpose of determining the level of duties to be imposed account was taken of the dumping margins found and the amount of duty necessary to eliminate the injury sustained by the Union industry. The ARW market is characterised by the existence of two relatively distinct market segments with sales by the Union producers concentrated in the OEM segment, counting for 85 % of all Union industry sales. For that reason it was therefore found appropriate to assess an injury margin that takes into account this specific market situation.

In the OEM segment, ARW purchasers (which are carmakers) typically place their orders pursuant to tender proceedings. It was therefore found appropriate to calculate the underselling margin on the basis of the prices identified from the data submitted by EU producers and Chinese exporters when they compete for such tenders.

When calculating the amount of duty necessary to remove the effects of the injurious dumping, it was considered that any measures should allow the Union industry to cover its costs of production and achieve a reasonable profit. Further, it was considered that a reasonable profit before tax that could be reasonably achieved by an industry of this type under normal conditions of competition, i.e. in the absence of dumped imports, on sales of the like product in the Union should be assessed by reference to the profitability achieved in 2006 which amounted to + 3,2 %, a year where the volume of imports from China was still relatively low. On this basis, a non-injurious price was calculated for the Union industry for the like product. This resulted in an injury margin of 22,3%.

Definitive anti-dumping measures were imposed in October 2010 at a rate of 22,3%.

#### *Ironing Boards (Since Hardware) originating in the People's Republic of China*

Following an anti-dumping investigation concerning imports of ironing boards originating in the People's Republic of China ('PRC') and Ukraine ('the first investigation'), anti-dumping measures were imposed in April 2007. At that time the rate of the definitive anti-dumping duty imposed on ironing boards produced by the Chinese exporting producer Since Hardware (Guangzhou) Co., Ltd. ('Since Hardware') was 0 % while it ranged between 18,1 % and 38,1 % for other Chinese exporting producers. Following a subsequent interim review these duty rates were increased to up to 42,3 % in March 2010 amending the original definitive regulation.

In October 2009, the Commission initiated an anti-dumping investigation pursuant to Article 5 of the basic Regulation concerning imports into the Union of ironing boards

originating in the PRC, limited to Since Hardware. The anti-dumping investigation was initiated following a complaint lodged on 20 August 2009 by three Union producers, representing a major proportion of the total Union production of ironing boards.

The new anti-dumping investigation based on Article 5 of the basic Regulation was initiated against Since Hardware rather than an interim review pursuant to Article 11(3) of the basic Regulation, in the light of the WTO Appellate Body report entitled ‘Mexico — Definitive Anti-dumping Measures on Beef and Rice’ (AB-2005-6) . That report stipulated that an exporting producer not found to be dumping in an original investigation has to be excluded from the scope of the definitive measure imposed as a result of such investigation and cannot be made subject to administrative and changed circumstances reviews.

Since Hardware argued that the Commission could not initiate a new anti-dumping investigation based on Article 5 of the basic Regulation against one company as it thereby violated the general principle enshrined in GATT Article VI and the WTO Anti-dumping Agreement (WTO ADA) as well as that in the basic Regulation that anti-dumping proceedings are directed against imports of countries and not of individual companies.

However it was considered that none of the provisions of the basic Regulation excluded the opening of a new anti-dumping investigation based on Article 5 of the basic Regulation against one company. It was also considered that EU must, so far as possible, be interpreted in a manner that is consistent with international law, in particular where the provisions concerned are intended to give effect to an international agreement concluded by the Union. Since the WTO ADA on the one hand allows WTO members to impose duties to counteract harmful dumping, but on the other hand was interpreted by the Appellate Body in the WTO Appellate Body report as not allowing reviews of companies found not to be dumping during an original investigation, the basic Regulation must therefore be interpreted to allow the Union to open an investigation based on Article 5 of the basic Regulation against an individual company in circumstances such as the ironing boards case presented.

The investigation of dumping and price undercutting covered the period from 1 July 2008 to 30 June 2009 (the ‘investigation period’ or ‘IP’). The examination of import volumes of Since Hardware products relevant for the assessment of injury covered the period from 1 January 2006 to the end of the IP. However, given that another original investigation concerning the same product and country took place only some years beforehand, and because the duties resulting from that investigation were still in place, in the injury analysis reference to the investigation period of that earlier investigation was also made.

There were no provisional measures imposed in this case.

## Dumping

Since Hardware requested market economy treatment (‘MET’) or individual treatment (‘IT’) in case MET was not granted. The company did not fulfil all the criteria for MET but did qualify for IT. In cases concerning non-market economies normal value is normally based on data from an analogue country. However, given

the lack of co-operation from any producers in third countries it was decided to use data from co-operating Union producers to establish normal value. The export price was based on prices paid for exports of the product by Since Hardware. The normal value and export price were compared on an ex-works basis with allowances made for differences in factors which were claimed and demonstrated to affect prices and price comparability including transport costs, insurance, handling charges, credit costs and indirect taxes. This revealed dumping of 51,7%.

## Injury

A full analysis of injury in respect of all imports of ironing boards originating, inter alia, in the PRC was already carried out in the framework of the first investigation. Indeed, in that investigation the Commission established that dumped imports of ironing boards originating, inter alia, in the PRC had caused material injury to the Union industry. These findings were based on an assessment of the effects of all imports originating in the PRC and Ukraine, with the sole exclusion of imports of ironing boards produced by Since Hardware which had been found to be sold at non-dumped prices.

As a result, during the IP in the second case, anti-dumping duties were applicable to all imports from those countries (only Since Hardware was subject to a zero duty). As the Union industry was already protected against the harmful effects of these imports during the IP, it was impossible to perform a normal full injury analysis. Therefore, a specific approach was developed with focus on particular injury indicators. In particular the analysis focussed on whether Since Hardware had undercut the EU prices and what was the profitability of those prices.

The average undercutting margin found for Since Hardware, expressed as a percentage of the Union industry's price, is 16,1 %. Over the period considered, Since Hardware's exports to the Union increased strongly, by 64 %. On the other hand, the imports of other Chinese and Ukrainian producers have constantly decreased following the imposition of provisional duties in 2006.

## Causation

It was concluded that imports of ironing boards from Since Hardware caused injury to the Union producers given it offered its products, during the IP, at heavily dumped prices which strongly undercut the Union industry's prices. As a result, it succeeded to sell quantities during the IP which were much higher than, for instance, in 2005 or 2006. It was concluded that no factor existed that could break the causal link between the dumped imports from Since Hardware and their contribution to injury which was found.

## Anti-Dumping duty

When calculating the amount of duty necessary to remove the effects of the injurious dumping, it was considered that any measures should allow the Union industry to cover its costs and obtain a profit before tax that could be reasonably achieved in the absence of dumped imports. The pre-tax profit margin used for this calculation was 7 % of turnover as it was demonstrated in the course of the first investigation that this was the profit level that could reasonably be expected in the absence of injurious

dumping. This resulted in an injury elimination level of 35,8%. Definitive anti-dumping measures at that level were imposed on ironing boards from Since Hardware in December 2010 to be effective until April 2012 which is the normal expiry date of the anti-dumping measures on the same product originating in China.

*Polyethylene terephthalate (PET) originating in Iran, Pakistan and UAE – Anti-subsidy measures*

An anti-subsidy complaint was lodged by the Polyethylene Terephthalate Committee of Plastics Europe in July 2009 regarding imports of certain polyethylene terephthalate originating in Iran, Pakistan and United Arab Emirates (UAE). Prior to the initiation of an investigation the respective Governments were invited for consultations with the aim of clarifying the situation as regards the contents of the complaint and arriving at a mutually agreed solution. All the Governments accepted the offer of consultations and consultations were subsequently held. However during the consultations, no mutually agreed solution was found. An investigation was subsequently initiated in September 2009. A parallel anti-dumping investigation on the same product originating in the same countries was also initiated on the same date. Provisional anti-subsidy and anti-dumping measures were imposed simultaneously in June 2010 on imports of the product concerned from the three countries subject to the proceedings.

The investigation of subsidisation covered the period from 1 July 2008 to 30 June 2009 (IP). The examination of trends relevant for the assessment of injury covered the period from 1 January 2006 to the end of the IP. The product concerned was polyethylene terephthalate which for the purposes of the investigation was subdivided into different product types according to different viscosity numbers given the viscosity number was essential to determine the different possible applications of the PET type produced.

#### Subsidisation

##### Iran

There were two schemes investigated which allegedly involved the granting of subsidies by the Iranian Government i.e. Measures connected to Special Economic Zones ('SEZs') – Petrochemical SEZ and Financing from National Petrochemical Company to the PET exporting producer. Both schemes were deemed to be specific and countervailable under Article 4(4)(a) of the basic Regulation with the amount of countervailable subsidies being calculated at 51,88% for the one co-operating exporter.

##### Pakistan

There were seven schemes investigation concerning Pakistan which allegedly involved the granting of subsidies, these were: Manufacturing Bond Scheme; Imports of plant, machinery and equipment in Manufacturing Bond; Tariff protection on purchases of PTA in the domestic market; Final Tax Regime (FTR); Export Long-Term Fixed Rate Financing Scheme (LTF-EOP); Export Finance Scheme from the State Bank of Pakistan (EFS);(VII) Finance under F.E. Circular No 25 of the State Bank of Pakistan. All seven schemes were deemed to be specific and

countervailable under Article 4(4)(a) of the basic Regulation with the amount of countervailable subsidies being calculated at 5.15% for the one co-operating exporter.

## UAE

There were two schemes investigated which allegedly involved the granting of subsidies by the UAE Government. These were: Federal Law No 1 of 1979 and Free Trade Zone (FTZ). Both schemes were deemed to be specific and countervailable under Article 4(4)(a) of the basic Regulation with the amount of countervailable subsidies being calculated at 5.13% for the one co-operating exporter.

## Injury

12 Union producers cooperated with the investigation representing more than 80 % of the total Union production of PET. Given the large number of companies sampling was used and six companies selected for the sample. For the purposes of the injury assessment, the imports from the three countries were cumulated in accordance with the basic Regulation. The volume of these subsidised imports of the product concerned into the EU rose by more than 5 times between 2006 and the IP reaching 304 202 tonnes in the IP. The market share held by the subsidised imports from the countries concerned stood at 2,1 % during 2006 and increased to 10,2 % in the IP. At the same time the average import prices decreased by 14 % in the period considered with the sharpest decline between 2008 and the IP. These low prices undercut the EU's prices by 3,2 % overall and on an individual basis as follows; UAE - 3,9 %, Iran - 3,2 % and Pakistan - 1,4 %.

As regards injury, macroeconomic data showed that the Union producers decreased their production and sales during the period considered. Union production decreased by 4 % between 2006 and the IP. While the decrease was not dramatic as such, it was examined in the context of the increase in demand. During the period considered, the Union producers lost 10 percentage points of market share, which decreased from 85 % in 2006 to 75 % in the IP. This loss of market share reflects the fact that, despite an increase in consumption, the Union industry's sales dropped by 3 % in the period considered. At the same time the relevant microeconomic indicators showed a clear deterioration of the economic situation of the sampled Union producers. The profitability and return on investment remained negative and overall declined further between 2006 and the IP. The cash flow, despite an overall positive development, also remained negative in the IP. The employment level of the Union producers also showed a decrease of 15 % between 2006 and the IP. It was therefore concluded that the Union industry suffered material injury within the meaning of Article 8(4) of the basic Regulation

## Causation

The increased imports from the countries concerned at subsidised prices were found to have exerted a downward pressure on prices, preventing the Union industry from keeping its sales prices to a level that would have been necessary to cover its costs and to realise a profit. As a result it was considered that a causal link existed between those imports and the injury suffered by the EU. Other factors were also analysed but were found not to break the causal link between the effects of the

subsidised imports and the injury suffered by the Union industry. These factors included imports from other sources (found to be decreasing in volume and increasing in price), the export performance of the Union industry, competition from the other Union producers, the economic downturn, the geographical location and lack of vertical integration, none of which were found to have contributed to the injury of the Union industry to an extent that would break the causal link. It was however acknowledged that imports from the Republic of Korea may have contributed to the injury suffered by the Union industry, but the small price difference between these imports and the Union market prices was not considered to break the causal link established with the subsidised imports from the countries concerned.

#### Union interest

It was considered that the imposition of measures on imports from the countries concerned would provide an opportunity for the Union industry, as well as the other Union producers, to improve their situation through increased sales volumes, sales prices and market share. While it was acknowledged that some negative effects could occur in the form of cost increases for users (mainly converters), it was considered that they would be likely to be outweighed by the expected benefits for the producers and their suppliers. It was also concluded that restoring fair competition and maintaining a reasonable price level in the EU would encourage PET recycling, thus, assisting in the protection of the environment. As a result it was found that no compelling reasons existed for not imposing measures on imports of PET from the countries concerned.

#### Measures

Given the lesser duty rule i.e. that measures be imposed only at a level sufficient to eliminate the injury caused to the Union industry by the subsidised imports, without exceeding the subsidy margin found, an injury elimination level was calculated. This was done on the basis that any measures should allow the Union industry to cover its costs of production and obtain overall a profit before tax that could be reasonably achieved under normal conditions of competition, i.e. in the absence of subsidised imports. 5 % was considered as the most appropriate target profit. On this basis the injury elimination level was calculated as Iran - 17,0 %; Pakistan - 15,2 % and UAE - 18,5 % .

#### 9.1.5. *Investigations terminated without measures*

In accordance with the provisions of the respective basic Regulations, investigations may be terminated without the imposition of measures if a complaint is withdrawn or if measures are unnecessary (i.e. no dumping/no subsidies, no injury resulting therefrom, measures not in the interest of the EU).

In 2010, 10 new proceedings (8 anti-dumping and 2 anti-subsidy) were terminated without measures, compared to 11 in 2009 and 3 in 2008.

The alphabetical list of cases which were terminated without the imposition of measures during 2010 can be found below. More information can be obtained from



the Official Journal to which reference is given in Annex E.

<b>Product (type of investigation<sup>19</sup>)</b>	<b>Originating from</b>	<b>Main reason for termination</b>
Ring binder mechanisms	Thailand	Complaint withdrawn
Stainless steel fasteners	India Malaysia	Complaint withdrawn
Polyethylene terephthalate (PET)	Iran Pakistan United Arab Emirates	No injury No dumping No dumping
High tenacity yarn of polyesters	Korea (Rep. of) Taiwan	No dumping No dumping
Stainless steel fasteners (AS)	India Malaysia	Complaint withdrawn

#### 9.1.6. Details on some individual cases

##### Anti-dumping proceeding concerning Polyethylene terephthalate originating in Iran, Pakistan, UAE

In September 2009, the Commission initiated an anti-dumping proceeding on imports of certain polyethylene terephthalate (PET) originating in Iran, Pakistan and the United Arab Emirates. The proceeding was initiated following a complaint lodged in July 2009 by the Polyethylene Terephthalate Committee of Plastics Europe. The investigation period was from 1 July 2008 to 30 June with the assessment of injury covering the period from 1 January 2006 to the end of the IP. In June 2010, the Commission imposed a provisional anti-dumping duty on imports of the product originating in Iran and the United Arab Emirates. The dumping levels found at that stage for Pakistan were de minimus for the sole exporting producer in the country and therefore no provisional measures were imposed.

In June 2010 in a parallel anti-subsidy proceeding concerning the same product from the same countries, the Commission imposed a provisional countervailing duty on imports of the product originating in Iran and the United Arab Emirates.

##### Dumping

Except for Iran, quarterly data was used in establishing the normal value and export price in this case. This was due to the considerable fluctuations in raw material costs and PET market prices observed during the IP. For each of the three countries concerned, normal value was based on the actual domestic prices, calculated as a weighted average of profitable sales. Regarding export prices concerning Iran these

<sup>19</sup> AD = anti-dumping investigation; AS = anti-subsidy investigation, AD + AS = parallel anti-dumping and anti-subsidy investigation.

were based on prices from of a related importer to independent customers in the Union. Exports from Pakistan and the UAE were made directly to independent customers in the Union and therefore the export prices were established on the basis of the prices actually paid or payable by these independent customers for the product concerned.

The normal values and the export prices of the countries concerned were compared on an ex-works basis. Where necessary, in order to ensure a fair comparison, allowance in the form of adjustments were made for differences affecting price comparability in accordance with Article 2(10) of the basic Regulation. These adjustments included differences in import charges, discounts, rebates, transport, insurance, handling, loading and ancillary costs, packing costs, credit costs, after-sales costs (technical assistance and services), commissions, and other factors (bank charges). The Iranian exporting producer submitted a claim regarding the alleged impact of the international sanctions against Iran. However, the Iranian exporting producer was unable to quantify the alleged impact of the sanctions in a way that could be supported by any evidence. As a result it was concluded that there were no grounds to make an allowance in the form of an adjustment for the impact of sanctions on Iran.

The dumping margins calculated expressed as a percentage of the CIF Union frontier price, duty unpaid, were 26.8% for Iran and 0.6% for both Pakistan and UAE, the latter two being below de minimis according to the basic Regulation.

### Injury

Given that the dumping found for both Pakistan and UAE was de minimis there was no cumulation of imports for the purposes of injury. As regards the dumped imports from Iran these more than doubled between 2006 and 2007 and between 2006 and the IP by over 350%. The market share of the imports from Iran increased from 0.4% in 2006 to 1.9% in the IP. This increase in imports was accompanied by a decrease in prices which undercut the Union producers by 3.2%. The analysis of the macroeconomic data show that the Union producers decreased their production and sales during the period considered. Although it was found to be not dramatic as such, when seen in the context of increased demand between 2006 and the IP, it resulted in the Union producers' market share dropping by 10 percentage points to 75 %.

The relevant microeconomic indicators showed a clear deterioration of the economic situation of the sampled Union producers in the period. The profitability and return on investment remained negative and they overall declined further between 2006 and the IP. The cash flow, despite an overall positive development, also remained negative in the IP. It was therefore concluded that the Union industry suffered material injury within the meaning of Article 3(5) of the basic Regulation.

### Causation

In the parallel anti-subsidy proceeding, the cumulated subsidised imports from Pakistan, the UAE and Iran were found to cause material injury to the Union industry. However it was also acknowledged in that investigation that the low prices of imports from Korea and Pakistan also contributed to a certain extent to the injury suffered by the Union industry. In addition it was found that in the anti-dumping

investigation, considerable imports from the UAE were also undercutting the Union industry prices. In this context it was also found that the undercutting established for the Iranian producer was in fact lower than in the case of the non-dumped imports from the UAE. It was also noted that the market share of the Iranian imports was below 1 % in 2006 and in 2007 and in the IP it was only close to 2 %, corresponding to 55 000 t. It was therefore concluded while dumped imports originating in Iran had some negative impact on the situation of the Union industry, this impact, taken in isolation, did not exist to a degree that it could be classed as material.

It was therefore concluded that in light of the de minimis dumping from Pakistan and UAE as well as the lack of material injury resulting from the dumped Iranian PET, the case should be terminated. A notice terminating the investigation was published in September 2010.

## 9.2. Review investigations

### 9.2.1. Expiry reviews

Article 11(2) and Article 18 of the basic Regulations provide for the expiry of measures after five years, unless an expiry review demonstrates that they should be maintained in their original form.

In 2010, 14 anti-dumping measures and 0 anti-subsidy measure expired automatically. The references for these measures are set out in Annex N.

Since the expiry (or "sunset") provision of the basic Regulations came into force in 1985, a total of 452 measures have been allowed to expire automatically.

#### 9.2.1.1. Initiations

During 2010, 14 expiry review investigations were initiated, all anti-dumping cases. It should be noted that investigations initiated after 20 March 2004 are under deadline, i.e. conclusions should be reached within 12 months but not later than 15 months from the date of initiation.

The alphabetical list of these cases can be found below, together with the name of the complainant. It should be noted that some expiry reviews may be carried out in parallel with interim reviews, which allow the amendment of the duty rates. In such case, these reviews **are marked with an asterisk**. More information can be obtained from the Official Journal to which reference is given in Annex F.

Product (type of investigation <sup>20</sup> )	Originating from	Complainant
Polyester staple fibres	P.R. China	European Man-made Fibres Association (CIRFS)
Furfuraldehyde	P.R. China	Lenzing AG and Tanin Sevnica

<sup>20</sup> A = anti-dumping investigation; AS = anti-subsidy investigation, AD + AS = parallel anti-dumping and anti-subsidy investigation.

		kemicna industrija d.d.
Antibiotics (broad spectrum) (AS)	India	DSM, and Sandoz
Bicycles	P.R. China	European Bicycle Manufacturers Association (EBMA)
Barium carbonate	P.R. China	Solvay & CPC Barium Strontium GmbH & Co. KG
Hand pallet trucks and their essential parts	P.R. China	BT Products AB and Lifter S.r.l
Castings	P.R. China	Eurofonte, acting on behalf of seven of its members, and by Fundiciones de Odena
Trichloroisocyanuric acid	P.R. China	European Chemical Industry Council (CEFIC)
Magnesia bricks	P.R. China	Magnesia Bricks Production Defence Coalition (MBPDC)
Steel ropes and cables	P.R. China South Africa Ukraine	Liaison Committee of EU Wire Rope Industries (EWRIS)
Stainless steel fasteners and parts thereof	P.R. China Taiwan	European Industrial Fasteners Institute (EIFI)

#### 9.2.1.2. Reviews concluded with confirmation of duties

During 2010, 10 expiry reviews were concluded with confirmation of the duties for a further five years.

The alphabetical list of the cases which were concluded with confirmation of duty during 2010, together with the result of the investigation, can be found below. More information can be obtained from the Official Journal to which reference is given in Annex F.

<b>Product</b>	<b>Originating from</b>	<b>Result of the investigation/ Type<sup>21</sup> and level of measure</b>
Ethanolamines	USA	Continuation of the measures in place for a further period of 2 years/ AD
Ring binder mechanisms	P.R. China	Continued imposition of measure for a further 5 years ranging from 32,5 % to 39,4 % for certain RBMs and ranging between 51,2 % to 78,8 % for other types of RBMs/AD.
Silicon *	P.R. China	Duties continued for a further period

<sup>21</sup> AD = anti-dumping duty, CVD = countervailing duty, UT = undertaking.

		of 5 years. Reduction in the level of anti-dumping duties imposed from 49% to 19%/ AD
Sodium cyclamate	P.R. China Indonesia	Continuation of the measures in place for a further period of 5 years/ AD
Ammonium nitrate	Ukraine	Continuation of the measures in place for a further period of 5 years/ AD
Polyethylene terephthalate (PET)	P.R. China	Measures continued for further period of 5 Years /AD
Graphite electrode systems	India	Measures continued for further period of 5 Years /AD
Graphite electrode systems (AS)	India	Measures continued for further period of 5 Years /AS
Synthetic fibre ropes	India	Measures continued for further period of 5 Years /AS

### 9.2.1.3 Details on some individual cases

#### Ammonium Nitrate originating in Peoples Republic of China (PRC)

In January 2001, the EC imposed, definitive anti-dumping duties on imports of ammonium nitrate ('AN') originating, inter alia, in Ukraine. Following the imposition of these original measures an interim review, concluded in May 2004 resulted in the acceptance of undertakings from a number of exporters while another partial interim review, concluded in June 2005, resulted in the measures being extended to AN when incorporated into other fertilizers. Following an expiry review, concluded in June 2007, the EU decided to prolong the existing measures for a period of two years.

In April 2009, following a request from the European Fertilizer Manufacturers Association (EFMA), the EU initiated an expiry review of the measures on imports of AN originating in Ukraine ('the country concerned').

The investigation of continuation or recurrence of dumping covered the period from 1 April 2008 to 31 March 2009 ('review investigation period' or 'RIP'), while the continuation or recurrence of injury was examined over the period from 2005 to the end of the RIP.

Owing to the large number of EU producers willing to cooperate, sampling was used for the EU producers. Five Union producers, accounting for 57 % of the total production of the Union industry during the RIP, were selected for the sample. Three Ukrainian exporting producers cooperated in the investigation accounting for more than 90 % of all Union imports from Ukraine during the RIP. The level of cooperation was therefore considered to be high.

Recurrence of Dumping

In the previous expiry review, Ukraine was not yet considered a market economy country and as a result the normal value was based on data obtained from an analogue country, the USA.

In the present review, normal value was based on data obtained and verified at the premises of the three cooperating exporting producers in Ukraine. It was found that apart from one product type exported by one producer, domestic sales were made in the ordinary course of trade during the RIP. Normal value was therefore established either based on the price paid or payable on the domestic market in Ukraine and based on constructed normal value for the product type not sold in the ordinary course of trade. In the latter case, normal value was constructed by adding to the manufacturing costs of the exported type a reasonable amount of selling, general and administrative expenses (SG&A) and a reasonable margin of profit.

As regards gas costs, it was found that Ukraine was importing the majority of the gas consumed in the production of AN from Russia. The data indicated that Ukraine imported natural gas from Russia at a price which was during the RIP, around 40 % below the price of natural gas from Russia when exported to the Union. However, it was found that in the last quarter of the RIP the prices were similar. In spite of the apparently distorted gas prices there was no adjustment for these costs to the normal value of the Ukrainian producers as it was clear that dumping took place during the RIP. Given that the purpose of the expiry review was to determine whether dumping would be likely to continue or recur should measures be repealed, it was considered that it was not necessary to examine whether an adjustment under the Basic Regulation was justified in this case.

The export price was established by reference to the price actually paid or payable for the product concerned when exported to the Community with all sales of the three cooperating exporting producers made directly to independent customers in the Union.

The normal value and export price were compared on an ex-works basis. For the purpose of ensuring a fair comparison, due allowance in the form of adjustments was made for the differences affecting price comparability including for transport, handling, loading and ancillary costs, insurance, commissions and packing. This resulted in a weighted average dumping margin of 6-7 % for the three cooperating exporting producers concerned.

#### Injury and likelihood of recurrence of injury

The investigation found that between 2005 and the RIP, most injury indicators developed positively: unit sales prices and profitability improved substantially, the latter reaching a level of 28,1 % during the RIP. Investments, return on investment and cash-flow also evolved positively. While production and sales volumes decreased considerably over the period considered, this was in the context of a shrinking Union market in the order of minus 10 %. Overall, the investigation found that the situation of the Union industry had improved significantly as compared to its situation prior to the imposition of the anti-dumping measures on imports of AN from Ukraine in 2001.

In the context of the likelihood of recurrence of injury, two main issues were analysed: (i) the likely export volumes and prices in Ukraine and (ii) the likely effect of projected volumes and prices from Ukraine on the EU market. The investigation found that there was a known spare capacity of around 650 thousand tonnes available for the cooperating Ukrainian producers, representing 9 % of the Union market. This surplus of capacity showed that Ukrainian producers would have the possibility to quickly increase their production and therefore their exports of AN. It was found that the Ukrainian domestic market was relatively small and therefore Ukrainian producers are heavily dependent on exports to third countries. It was considered that, should the measures be allowed to lapse, a considerable part of the volumes exported to third countries would be directed toward the EU. The proximity of the EU market would also increase the likelihood of a redirection of current exports by Ukrainian producers from third countries to the Union. As a result, it was considered that was likely that significant volumes of AN produced in Ukraine would be redirected to the Union market at dumped prices substantially undercutting Union industry's prices, if the measures were allowed to lapse. This in turn would, in all likelihood, have the effect of introducing a price-depressive trend on the market, with an expected negative impact on the economic situation of the Union industry. This would impede the financial recovery that was achieved during the period considered, leading to a recurrence of injury.

#### Union interest

As regards the EU producers it was considered the removal of measures would be likely to result in increased imports at dumped prices from Ukraine thereby causing injury to the Union industry by exerting a downward pressure on sale prices which will negatively affect its currently positive financial situation. It was concluded that the maintenance of the measures will allow the EU producers to further recover by maintaining and stabilising its profitability . There was a lack of cooperation from importers and therefore no reliable information available indicating that the maintenance of the measures will have a significant negative effect on importers or traders. As regards users, in this case farmers, the original investigation concluded that given the small incidence of AN on the farmers' activity, any increase in these costs was unlikely to have a significant adverse effect on them. In this investigation two farmer associations submitted comments requesting the termination of the measures arguing that only the free choice of AN suppliers could prevent prices of farm products from increasing substantially. However it was concluded that the continuation of the anti-dumping measures would not prevent users from freely choosing their AN suppliers, but would maintain a fair level playing field in the Union market where effective competition would be enhanced. As a result it was concluded that the continuation of the anti-dumping measures against Ukraine were in the Union interest. It was decided to limit the maintenance of the measures to two years. A notice to that effect was published in the Official Journal in June 2010.

#### Graphite electrode systems originating in the India (anti-subsidy)

In September 2009, the Commission initiated an expiry review of the anti-subsidy measures in place on imports of certain graphite electrode systems originating in India, following a request received from there Union producers of the like product: Graftech International, SGL Carbon GmbH, and Tokai ERFTCARBON GmbH. The request was based on the grounds that the expiry of the measures would be likely to

result in a continuation or recurrence of subsidisation and injury to the Union industry.

Prior to the initiation of the expiry review, and in accordance with Articles 22(1) and 10(7) of the basic Regulation, the Commission invited the Government of India for consultations with the aim of clarifying the situation as regards the contents of the review request and arriving at a mutually agreed solution. Consultations were held in September 2009. However, no mutually agreed solution could be reached.

Only one of the two known exporting producers in India, namely HEG Limited ('HEG'), fully cooperated in the review by submitting a response to the questionnaire.

#### Likelihood of recurrence of subsidisation

During the expiry review the following four schemes, which allegedly involve the granting of subsidies, were investigated: Nationwide schemes covered (a) Advance Authorisation Scheme ('AAS'); (b) Duty Entitlement Passbook Scheme ('DEPBS') and (c) Export Promotion Capital Goods Scheme ('EPCGS'); Regional Scheme covered (d) Electricity Duty Exemption Scheme ('EDES').

With regard to the first scheme mentioned above, Advance Authorisation Scheme ('AAS') the investigation found that the cooperating Indian producer did not obtain any benefits under the AAS scheme during the RIP. It was therefore not necessary to further analyse this scheme in this investigation. For the remaining three schemes the investigation found these were all countervailable and specific in accordance with the basic Regulation.

The amount of countervailable subsidies determined in accordance with the provisions of the basic Regulation, expressed ad valorem, for the investigated exporting producer amounted to 7,1 %. The investigation found that during the RIP, the cooperating exporting producer continued to benefit from countervailable subsidies from the Indian authorities. The subsidy schemes analysed were also found to give recurring benefits with no indications that the programmes would be phased out or modified in the foreseeable future or that the cooperating exporting producer would stop obtaining benefits under these schemes. As regards the other known exporting producer in India, according to the review request, it continued to benefit from the subsidy schemes investigated in the review. There was no information available which would indicate that this was not the case and so it was concluded that the subsidisation at country-wide level also continued. Given that the investigation showed that subsidisation continued during the RIP and that was likely to continue in the future, the issue of likelihood of recurrence of subsidisation was irrelevant.

#### Injury and likelihood of recurrence of injury

The following three groups of producers, representing over 90 % of the total Union production of certain graphite electrode systems, cooperated in the investigation: Graftech International, SGL Carbon GmbH, and Tokai ERFTCARBON GmbH.

The investigation showed that the volume of imports from the country concerned more than doubled between 2006 and the RIP. Given that consumption declined by



almost 25 % over the same period, this resulted in a sharp rise in the market share held by Indian exporters from around 1,5 % in 2006 to around 5 % during the RIP with the EU's market share down by 15,9 percentage points between 2006 and the RIP. While Indian export prices to the Union increased considerably during the period considered as an effect of generally high market prices, they were still undercutting the prices of the Union industry. Between 2006 and the RIP, and notwithstanding the existence of the anti-dumping and countervailing measures, a number of important indicators developed negatively: production and sales volumes decreased by 29 % and 39 % respectively, capacity utilisation went down by 28 % and was followed by a decrease in employment and productivity levels. It was concluded that the Union industry's situation deteriorated overall during the period considered and that the Union industry was in a fragile situation at the end of the RIP, despite a relatively high level of profit at that stage, when its efforts to maintain sales volumes and a sufficient level of prices, in a situation of weakened demand, were hampered by the increased presence of the Indian subsidised imports. It was therefore concluded that the repeal of the measures would, in all likelihood, result in a worsening of the EU's industry situation, and a recurrence of material injury .

#### Union interest

None of the nine unrelated importers that were contacted came forward to cooperate. It was recalled that, in the original investigation, it was found that the impact of the imposition of measures would not be significant for the users. In any event despite the existence of measures for 5 years, importers/users in the Union continued to source their supply, inter alia, from India. There was no information provided to show that there have been difficulties in finding other sources. It was also highlighted that, it was concluded in the original investigation that, given the negligible incidence of the cost of graphite electrodes on user industries, any cost increase was unlikely to have a significant effect on the user industry. It was therefore concluded that it was not against the EU interest to maintain the existing measures.

#### 9.2.1.3. Reviews concluded by termination

During 2010, 1 expiry review was concluded by termination.

##### Glyphosate originating in the People's Republic of China.

Following an expiry review in September 2004 the EC imposed a definitive anti-dumping duty on imports of glyphosate originating in the People's Republic of China falling within CN codes ex 2931 00 99 and ex 3808 93 27. The duty had been extended to imports of the product from Malaysia and Taiwan whether declared as originating in these countries or not. The rate of the anti-dumping duty was 29,9 %.

In May 2009 Commission suspended the definitive anti-dumping duties for a period of 9 months which was further extended for a period of 1 year in February 2010.

In September 2009 the Commission initiated an expiry review of the measures following the receipt of a request the European Glyphosate Association containing prima facie evidence showing that the expiry of the measures would be likely to result in a continuation or recurrence of dumping and injury to the Union industry.

In September 2010 the applicant formally withdrew its request. In accordance with the basic Regulation, a proceeding may be terminated where a request for a review is withdrawn unless the termination would not be in the Union interest.

In view of the fact that investigation did not bring to light any considerations showing that termination would not be in the Union interest it was decided to terminate the proceeding. Interested parties were informed and invited to comment. However, no comments were received to change the decision. It was therefore concluded that the anti-dumping expiry review should be terminated and the measures repealed. A notice to that effect was published in the Official Journal in December 2010.

### 9.2.2. Interim reviews

Article 11(3) and Article 19 of the basic Regulations provide for the review of measures during their period of validity on the initiative of the Commission, at the request of a Member State or, provided that at least one year has elapsed since the imposition of the definitive measure, following a request containing sufficient evidence by an exporter, an importer or by the EU producers. In carrying out the investigations, it is being considered, *inter alia*, whether the circumstances with regard to dumping/subsidization and injury have changed significantly. Reviews can be limited to dumping/subsidization or injury aspects.

During 2010, a total of 12 interim reviews were initiated (10 anti-dumping and 2 anti-subsidy). 9 interim reviews were concluded with confirmation or amendment of duty and none were concluded by terminating the measures. The alphabetical list of cases which were concluded during 2010 by confirming or amending the duties, together with the result of the investigation, can be found below. It should be noted that some interim reviews may be carried out in parallel with expiry reviews, which allow the amendment of the duty rates. In such case, these reviews are marked with an asterisk. More information can be obtained from the Official Journal to which reference is given in Annex G.

Product	Originating from	Result of the investigation/ Type <sup>22</sup>
Ironing boards	P.R. China	Increase in the level of AD measures to 39.6% for Guangzhou Power Team and 42.3% for 'All others'/AD
Silicon *	P.R. China	Duties continued for a further period of 5 years. Reduction in the level of anti-dumping duties imposed from 49% to 19%/ AD
Ironing boards	Ukraine	Reduction in the level of anti-dumping duties imposed from 9.9% to 7%/ AD
PET (polyethylene	India	Reduction in the level of

<sup>22</sup> AD = anti-dumping, AS = anti-subsidy, UT = undertaking.

terephthalate) film (AS)		CVD duty imposed on Jindal Poly Films Ltd from 17.1% to 8.4% - No change in the level of measures for 'All others'/CVD
Trichloroisocyanuric acid	P.R. China	Reduction in the level of anti-dumping duties imposed from 14.1% to 3.2% for Heze Huayi Chemical Co. Limited /AD
Tungsten electrodes	P.R. China	Review request withdrawn
Ammonium nitrate	Russia	Review investigation terminated without acceptance of revised undertaking offer from applicant./AD
PET (polyethylene terephthalate) film AD/AS	India	Review investigation terminated without changing the product scope of the measures/AD and AS

#### 9.2.2.4 Details on individual cases

##### Polyethylene terephthalate (PET) film originating in India - AS

In December 1999, the EU imposed a definitive countervailing duty on imports of polyethylene terephthalate (PET) film originating in India. These measures were extended in 2006 after an expiry review. In September 2007, following a partial interim review the definitive countervailing duty imposed on Jindal, an Indian PET film producer, was amended. There are also anti-dumping measures on imports of the same product also originating in India. Jindal Poly Films Limited is subject to an anti-dumping duty of 0 %.

In September 2009, following a request by Jindal Poly Films Limited, the Commission initiated a partial interim review, limited to the level of subsidisation to the applicant, with a view to determining whether the measures should be removed or amended for the applicant.

The partial interim review investigation also assessed the need to amend the rate of duty applicable to imports of the product concerned from 'all other companies' in India, i.e. those companies not individually mentioned in the Regulation imposing measures.

The investigation of the level of subsidisation covered the period from 1 April 2008 to 31 March 2009 ('review investigation period' or 'RIP').

Level of subsidisation

On the basis of the information submitted by the Government of India, and the other interested parties the following schemes were investigated: Advance Authorization Scheme (AAS); Duty Entitlement Passbook Scheme; Export Promotion Capital Goods Scheme; Export Credit Scheme and the regional scheme Package Scheme of Incentives (PSI).

The investigation found that all of the subsidy schemes investigated were countervailable in accordance with the basic regulation and that the applicant had benefited in the RIP from them. The calculation of the amount of countervailable subsidies for Jindal, expressed ad valorem, was found to be 8,4 % which represented a decrease in the level of subsidisation from the previous level of 17,1%.

The investigation also examined whether the changed circumstances with regard to the examined schemes could be considered to be of a lasting nature. In this context it was found that the findings in this partial interim review were in line with the subsidy amounts established for five Indian PET film producers in the an earlier partial interim review published in January 2009, where the amount of countervailable subsidies, expressed ad valorem, were found to be ranging from 5,4 % to 8,6 %. This represented a certain constancy in the level of subsidisation existing in India for the product. It was also found that the main benefit was conferred under the AAS and that the benefit under this scheme has dropped significantly during the RIP and this continued to be the case also after the RIP. As a result it was concluded that there were indications Jindal would continue to receive subsidies in the future of an amount which is less than the one determined in the previous partial interim review investigation. As a result it was decided that the level of the measure should be amended to reflect the new findings.

Regarding the rate of duty applicable to imports of the product concerned from exporting producers not individually mentioned in the existing Regulation imposing measures it was considered that modalities of the investigated schemes and their countervailability had not changed with respect to the previous investigation. As a result there was no recalculation of the subsidy amounts and duty rates of these companies.

A regulation amending the level of countervailing duty applied to Jindal was published in the Official Journal in July 2010.

#### Partial interim review Polyethylene terephthalate (PET) film originating in India – AD/AS

In December 1999, the EU imposed a definitive countervailing duty on imports of polyethylene terephthalate (PET) film originating in India. Following that in August 2001 the EU imposed a definitive anti-dumping duty on imports of polyethylene terephthalate (PET) film originating, inter alia, in India. Following expiry review both the AD and CVD measures have been continued.

In September 2009 the Commission initiated a partial interim review in accordance with the provisions of Article 11(3) of the basic anti-dumping Regulation and Article 19 of the basic anti-subsidy Regulation limited to the examination of the product scope. In particular, the review had to determine whether or not SPRL is part of the product concerned as defined in the original investigations. The request for the review was lodged by Polyplex Corporation Limited, an exporting producer from

India requesting the exclusion of ‘siliconised polyester release liner’ (SPRL) in so far as it falls within the definition of the product concerned, from the scope of the current anti-dumping and countervailing measures on imports of PET film originating in India. The applicant provided prima facie evidence that the basic physical, technical and chemical characteristics of SPRL significantly differ from those of the product concerned.

#### Findings of the investigation

In order to assess whether SPRL and other types of PET film should be considered as one single product or two different products, it was examined whether SPRL and other types of PET film shared the same basic physical and chemical characteristics. In addition, the production process, differences in end-uses and interchangeability as well as differences in costs and prices were examined.

The applicant claimed the following: that the relatively low release force of SPRL and its low surface tension make the film slippery and consequently its surface becomes inactive to inks, coatings, adhesives and metallisation; SPRL requires separate manufacturing facilities compared to other types of PET film produced; that there is no interchangeability in the applications between SPRL and other types of PET film and that the process of siliconising of base PET film involves additional costs.

As regards the claims of the applicant the investigation showed that as regards the two characteristics specific to SPRL, i.e. low release force and low surface tension, it was found that these are not the characteristics of PET film as such, but rather the characteristics of its siliconised surface or effectively the characteristics of silicone. Coating with silicone, as well as coating with any other substances, changes some features of the surface of the film but does not change the basic physical, technical and chemical characteristic of the base PET film itself, which under the coating layer remains the same. The investigation showed that there are two different technologies of manufacturing SPRL. However it was found that the two different coating methodologies did not alter the basic physical, technical and chemical characteristics of SPRL, which remain the same as compared to those of other types of PET film. The investigation confirmed that the purpose of coating, or of any other special treatment of PET film, is to make it suitable for certain specific applications. The substance chosen as the coating layer in each case has certain characteristics serving the relevant purpose. Therefore, whilst SPRL is specifically used for certain applications, its basic physical, technical and chemical characteristics are the same as those of the other types of PET film. It was indeed found that the additional cost of silicone coating can amount to up to 10 % of the costs of manufacturing, depending on the choice of coating methodology. In this respect, however, it is considered that the additional cost of silicone coating does not constitute in itself a decisive criterion when determining whether SPRL form a distinct product.

As a result of these findings it was decided to terminate the review investigation without any amendment of the measures and a notice to that effect was published in the Official Journal in November 2010.

### 9.2.3. *“Other” interim reviews*

A number of other reviews, not falling under Article 11(3) or Article 19 of the basic Regulations were concluded during 2010.

A list of the cases concerned is given in Annex H which shows, in footnotes, the main issues concerned. More information can be obtained from the Official Journal to which reference is given in the Annex .

### 9.2.4. *New exporter reviews*

As far as anti-dumping measures are concerned, Article 11(4) of the basic Regulation allows for a review ("newcomer" review) to be carried out in order to determine individual margins of dumping for new exporters located in the exporting country in question which did not export the product during the investigation period.

Such parties have to show that they are genuine new exporters, i.e. that they are not related to any of the exporters or producers in the exporting country, which are subject to the anti-dumping measures, and that they have actually started to export to the EU following the investigation period, or that they have entered into an irrevocable contractual obligation to export a significant quantity to the EU.

When a review for a new exporter is initiated, the duties are repealed with regard to that exporter, though its imports are made subject to registration under Article 14(5) of the basic Regulation in order to ensure that, should the review result in a determination of dumping in respect of such an exporter, anti-dumping duties may be levied retroactively to the date of the initiation of the review.

As far as anti-subsidy measures are concerned, Article 20 of the basic Regulation allows for a review ("accelerated" review) to be carried out in order to establish promptly an individual countervailing duty. Any exporter whose exports are subject to a definitive countervailing duty but who was not individually investigated during the original investigation for reasons other than a refusal to co-operate with the Commission can request such review.

In 2010, 3 new exporter review were initiated. Since the Commission carried out the first reviews of this type in 1990, a total of 63 such investigations have been initiated. There were 5 new exporter reviews concluded during 2008 all of were concluded with imposition of the duty.

More information can be obtained from the Official Journal to which reference is given in Annex I.

### 9.2.5. *Absorption investigations*

Where there is sufficient information showing that, after the original investigation period and prior to or following the imposition of measures, export prices have decreased or that there has been no or insufficient movement in the resale prices or subsequent selling prices of the imported product in the EU, an "absorption" review may be opened to examine whether the measure has had effects on the above-mentioned prices. Dumping margins may as such be recalculated and the duty

increased to take account of such lower export prices. The possibility of "absorption" reviews is included in Articles 12 and 19(3) of basic Regulations.

In 2010, there were no anti-absorption investigations initiated or concluded. – Annex J.

#### 9.2.6 *Circumvention investigations*

The possibility of investigations being re-opened in circumstances where evidence is brought to show that measures are being circumvented was introduced by Article 13 and Article 23 of the basic Regulations.

Circumvention is defined as a change in the pattern of trade between third countries and the EU which stems from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty. The duties may be extended to imports from third countries of like products, or parts thereof, if circumvention is taking place.

In 2010, 4 anti-circumvention investigation was initiated. 1 such investigations was concluded with an extension of the duty. More information can be obtained from the Official Journal to which reference is given in Annex K.

##### Steel ropes and cables originating in Korea and Malaysia

In August 1999 the Council imposed definitive antidumping duties on steel ropes and cables originating in the People's Republic of China. Following the imposition of these measures, it was found that they were being circumvented by means of transshipment of the product via Morocco and the measures were consequently extended to cover imports of the product from that country in 2004. On the basis of a request from the EU Wire Rope Industries (EWRIS), the Commission initiated an anti-circumvention investigation in August 2009. The requests was based on allegations of a significant change in the pattern of trade in the product concerned from the Republic of Korea and Malaysia. The investigation period (the 'IP') covered 1 July 2008 to 30 June 2009. Data was collected from 1999 up to the end of the IP to investigate the alleged change in the pattern of trade and other aspects.

##### Circumvention

Trade statistics showed an increase in imports of the product concerned from Korea between 2000 and 2004 where their share of total imports into the EU of the product increased from 29% to 52% respectively. This significant increase contrasted with relatively stable production volumes by the Korean exporters at the same time but very significant increase in exports of the product from China to Korea at that time. While imports from Malaysia also increased in the period under consideration, this reflected the increased production by Malaysian exporters in the same period. At the same time imports from China dropped by more than 40% between 2006 and the IP. It was concluded that in the absence of any information to the contrary that the change in the pattern in trade particularly since 2005 when both Korean and Malaysian exporters increased their volumes while the Chinese exports to the EU dropped was as a result of the imposition of the anti-dumping measures on imports from PRC.

A dumping test was carried out regarding the exports from Korea and it was found that when compared to the normal value from the expiry review (based on analogue data from turkey) it was found that dumping existed. It was also found that the imports from Korea undermined the remedial effects of the original measures owing to significantly increased quantities and dumped prices significantly below the injury elimination level established for the sunset review investigation.

Extension of the measures

The investigation concluded that there was clear circumvention of the measures on the product concerned from the PRC via transshipment via Korea. On the other hand the investigation concluded that exports to the EU of the product concerned from Malaysia were of genuine Malaysian origin. As a result the anti-dumping measures imposed by the original definitive Regulation on imports of the product concerned originating in the PRC were extended in May 2010 to the same product consigned from Korea, whether declared as originating in Korea or not. At the same time the investigation regarding Malaysia was terminated without extending the measures to imports from that country.

### **9.3. Safeguard investigations**

Safeguard measures have always been and remain an exceptional instrument which the Commission would only apply in truly exceptional circumstances. Indeed, they are only used where it is clear that, applying the highest standards, such measures are necessary and justified because, due to unforeseen circumstances, there has been a surge in imports and this has caused or threatens to cause serious damage to the EU industry.

The Commission expects the EU's commercial partners to follow a similarly strict approach. However, more and more countries are adopting safeguard measures, often in circumstances which do not appear to be entirely in line with Article XIX of the GATT 1994, the WTO Agreement on Safeguards and other WTO rules. Consequently, the activities of the Commission in relation to safeguards is more and more driven towards the defence of the export interests of EU producers, if necessary at WTO level.

As regards conventional trade regimes, the Commission has agreed within the various bilateral agreements to which it is a party (Europe Agreements, Agreements with Mediterranean countries, Free Trade Agreements with South Africa, Mexico, Chili, etc.) to introduce special safeguard clauses, which apply to cases, which arise between the partners. These clauses normally entail rights and obligations additional to those arising under WTO safeguard rules (in particular special notification and consultation procedures). In this regard, the Commission carefully monitors any cases, which are initiated by partners with which it has a preferential trade agreement.

At the start of 2010 there were no safeguard measures in place or investigations ongoing. During 2010 1 safeguard investigation was initiated – Annex L.

Safeguard investigation on Wireless wide area network (WWAN) modems



On the basis of a request received from the Belgian Government pursuant to the Safeguard Regulations, the Commission initiated a safeguard investigation against WWAN modems in June 2010. In its request, Belgium informed the Commission that trends in imports of WWAN modems appeared to call for safeguard measures and supported the request with evidence.

The evidence provided showed that imports into the Union of the product concerned were increasing rapidly both in absolute terms, and relative to Union production and consumption, and, in particular, that imports increased by more than 4 100 percentage points from 2006 to 2009. The request also alleged that the volumes and conditions of the imports concerned had, among other consequences, a negative impact on the prices of the like product in the EU and on the market share held resulting in serious injury to the single Union producer located in Belgium, with some production in other Member States.

The Commission commenced the investigation in order to determine whether, as a result of unforeseen developments, WWAN modems were imported into the Union in such greatly increased quantities and/or on such terms or conditions as to cause, or threaten to cause, serious injury to the Union producer as alleged in the complaint. At the same time the safeguard investigation was initiated, the Commission also initiated an anti-dumping investigation into the same product originating in the People's Republic of China on the basis of a complaint lodged by the sole EU producer of the product concerned. In September 2010 the Commission also initiated an anti-subsidy investigation concerning imports of the same product also originating in the PRC also based on a complaint lodged by the sole Union producer. These three investigations continued during 2010.

## **10. ENFORCEMENT OF ANTI-DUMPING/COUNTERVAILING MEASURES**

Globalisation of trade led to greater possibilities for circumventing or otherwise reducing the effectiveness of anti-dumping and countervailing measures. To address this problem, throughout 2010 the TDI services continued their follow-up activities aimed at ensuring that measures were effectively enforced. In the framework of an integrated approach measures were considered in all their forms - duties and undertakings – and synergy was sought between the TDI services and enforcement-oriented services (OLAF, DG Taxud and customs authorities in Member States).

### **10.1. Follow-up of measures**

The follow-up activities concerning measures in force are centred on four main areas: (1) to pre-empt fraud, by defining risk-related areas, alerting customs authorities and assessing the feedback from customs and economic operators; (2) to monitor trade flows and market developments; (3) to improve the effectiveness with the appropriate instruments (new investigation, interim review, newcomer review, contact with national administrations) and (4) to react to irregular practices by enhancing the co-operation with enforcement-related services (OLAF and national customs) and by initiating anti-absorption or anti-circumvention investigations.

## 10.2. Monitoring of undertakings

Monitoring of undertakings is part of the enforcement activities, since undertakings are a form of anti-dumping or countervailing measure. They are accepted by the Commission if it is satisfied that they can effectively eliminate the injurious effects of dumping or subsidisation. To achieve this goal, exporters normally pledge to raise their prices. The necessary price increase stems from the findings of the investigation and directly depends on the level of dumping or subsidisation found, or on the injury elimination level, whichever is the lower.

In order to allow the Commission to monitor whether or not the undertakings are being respected, the parties concerned have to submit regular sales reports, normally every quarter. They also have to provide the Commission with any other information that is considered necessary, and to allow verification of such data and any other relevant information at their premises, even at short notice.

At the beginning of 2010, there were undertakings in force accepted from 42 companies, covering 10 products originating in 8 different countries.

During 2010, the following changes to the portfolio of undertakings took place:

Three offers for an undertaking have been accepted:

- The offers of three new Chinese exporting producers to join a joint liability undertaking were accepted (castings from the People's Republic of China)

Undertakings of 23 companies came to an end:

- although only one company was found to breach its undertaking (Joint liability undertaking concerning castings originating in the People's Republic of China), the Commission had to withdraw the acceptance of the entire joint liability undertaking concerning 22 exporters, including those of the three new Chinese exporting producers accepted earlier in 2010. The anti-dumping duties became payable;
- the undertaking of one company expired since the measures concerning this country expired ( grain oriented flat-rolled products of silicon electrical steel (GOES) from the United States of America)

This brings the total number of undertakings in force at the end of 2010 to 22, covering 8 products originating in 7 different countries. Details concerning the above can be found in Annex M and an overview of all undertakings in force can be found in Annex Q.

As undertakings have to provide the same remedial effect as the alternative duties would do, the examination, adaptation and drafting of undertaking offers has to be based on a double assessment of risk and effectiveness. This has led to situations in which undertakings were not considered to be acceptable, notably where the trading patterns of the company allow too much scope for cross-compensation (i.e. the price increase charged for products subject to the undertaking being compensated through the granting of rebates on products not subject to the undertaking, if sold to the same customer in the Union), where the product concerned was not suitable for a price

undertaking (i.e. high price fluctuations of the product concerned which cannot be explained by the fluctuation in the price of the raw material and thus does not allow to index the minimum import prices; evolution of product types in design and finishing), where the method offered to determine the minimum import prices was considered inappropriate or where the a new exporting producer did not offer to join an existing joint liability undertaking for the product concerned.

## **11. REFUNDS**

Articles 11(8) and 21(1) of the basic Regulations allow importers to request the reimbursement of the relevant collected duties where it is shown that the dumping/subsidy margin, on the basis of which duties were paid, has been eliminated or reduced to a level below that of the duty in force.

During 2010, 29 new refund requests were submitted. At the end of 2010, 15 investigations were ongoing, covering 27 requests. In 2010, 28 Commission Decisions were adopted: 23 granting partial refund and 5 rejecting the refund request. 12 requests were withdrawn.

## **12. JUDICIAL REVIEW: DECISIONS GIVEN BY THE COURT OF JUSTICE / COURT OF FIRST INSTANCE**

### **12.1. Overview of the judicial reviews in 2010**

In 2010, the Court of Justice (COJ) and the General Court (Court) rendered 13 judgments in total relating to the areas of anti-dumping or anti-subsidy.

### **12.2. Cases pending**

A list of the anti-dumping/anti-subsidy cases before the CFI and the Court of Justice still pending at the end of 2010 is given in Annex S (34 before the GC and 9 before the COJ).

### **12.3. New cases**

13 new cases were lodged in 2010 (compared to 17 in 2009, 16 in 2008, 10 in 2007 and 19 in 2006). 8 of these were lodged before the GC and 5 before the COJ.

### **12.4. Judgments rendered and orders issued by the General Court**

8 judgments relating to the anti-dumping or anti-subsidy areas were rendered by the GC. 5 of these judgements relate to 2006 Regulation imposing definitive anti-dumping duties on imports of certain footwear with uppers of leather originating in China and Vietnam. Details of some of the cases are set out below.

12.4.1 *Certain footwear with uppers of leather originating in, inter alia, China – T-401/06 – Brosmann Footwear (HK) Ltd and others v. Council of the European Union – Judgment of 4 March 2010 (OJ C 113 of 01.05.2011, p.37)*

The applicants, Brosmann Footwear (HK) Ltd, Seasonable Footwear (Zhongshan) Ltd, Lung Pao Footwear (Guangzhou) Ltd and Risen Footwear (HK) Co., Ltd, are footwear-producing and exporting companies established in China. They sought the annulment of Regulation (EC) No 1472/2006, which imposed an anti-dumping duty on imports of certain footwear with uppers of leather originating in, inter alia, China, in so far as it concerns the applicants.

In support of their action, the applicants raised eight pleas in law concerning in particular MET determination, sampling, standing of the Community industry, product scope, representativity of injury data, profit used in the underselling calculation and causality assessment. All their pleas have been rejected by the GC.

The most important findings of the court can be summarised as follows:

The Commission is not obliged to examine MET/IT claims from non-sampled companies, including those to whom an individual dumping margin is not applied.

The fact that all exporting producers concerned were invited to submit MET/IT claim cannot be considered as a precise, unconditional and consistent assurance that MET/IT claim would be examined. Therefore, no legitimate expectations were created by sending MET/IT claim forms to all exporting producers concerned.

The Court rejected the applicant's claim that their rights of defence were breached by not-revealing the identity of complainants. The name of each EU producer included in the sample is irrelevant for the purposes of assessing the representativeness of the sample. It should be noted that in the case at hand the applicants were given access to data relating to the production of each company in the sample and to the non-confidential version of the replies to the injury questionnaire.

The Court also rejected applicant's claim alleging an inadequate statement of reasons, pointing out the statement of the reasons on which regulations are based is not required to specify the often very numerous and complex matters of fact and law dealt with in the regulations, provided that they fall within the general scheme of the body of measures of which they form part. It is sufficient for the reasoning of the institutions in the regulations to appear clearly and unequivocally.

For the purpose of injury calculation, the institutions may take into account data relating to products, which are broadly similar to the product concerned, even though those products are not included in the definition of the product concerned. The profit margin that the Community industry has attained for those products may be regarded as a valid indication of the profit margin that Community producers would have attained on sales of the product concerned in the absence of dumped imports.

The applicants appealed against the judgement and the appeal case is pending before the Court of Justice.

12.4.2 *Certain footwear with uppers of leather originating in, inter alia, China Joined Cases T-407/06 and T-408/06, Zhejiang Aokang Shoes Co., Ltd, established in Yongjia (China), applicant in Case T-407/06, Wenzhou Taima Shoes Co., Ltd, established in Wenzhou (China), applicant in Case T-408/06, v. Council of the European Union – Judgment of 4 March 2010 (OJ C 113 of 01.05.2011, p. 37)*

The applicants in both of these joint cases are non-sampled Chinese exporting producers of footwear, who sought the annulment of Regulation (EC) No 1472/2006, which imposed an anti-dumping duty on imports of seamless certain footwear with uppers of leather originating in, inter alia, China, in their regard.

The Court rejected all seven pleas raised by the applicants in support of their actions. Since some of these pleas are very similar to those raised in case Brosmann (see above), only the most important and case specific pleas are explained in detail below.

The applicants claimed that sampling technique provided for in Article 17 of the basic regulation cannot be used for MET/ IT determination. The court rejected this plea and confirmed that the Commission was right to find that the number of claims was manifestly too high to be examined without compromising the completion of the investigation in good time. It should be noted that in the present case, 141 MET/IT claims from Chinese exporting producers were submitted to the Commission. Even if it had been possible to examine them solely on a documentary basis without the necessity of verifying that data by on-site verification visits at the producers or exporters concerned, the Court considered the use of sampling was warranted.

The Court also rejected the applicant's plea that their rights of defence were breached because the Commission allegedly departed from its practice followed in some earlier investigations, that is to examine all MET/IT claims and calculate the dumping margin of companies not included in the sample which had been granted MET or IT as the weighted average margin of operators in the sample which had been granted MET or IT. The Court concluded that the institutions did not err in law by not examining the MET/IT claims from the non-sampled traders and by applying to those traders the average dumping margin of the sampled companies.

The applicants further maintained that the institutions breached their rights of defence and failed to state reasons by (1) not informing them timely that they did not intend to assess their MET/IT claims and by (2) not communicating the information on which it based the calculations made in the additional final disclose document and (3) by granting the applicants a period of less than 10 days to comment. The Court rejected all these claims although it established that the Commission breached Article 20(5) of the basic regulation by granting the applicants only 5 days to comment on the additional disclosure. The Court referred to previous case law according to which in order for such breach to lead to an annulment, it would be necessary to establish that the granting of a period shorter than that prescribed was actually capable of affecting the applicant's rights of defence in the procedure in question which was not the case in the contested proceeding.

Lastly, the applicants argued that the determination of injury was not based on a sufficient period, because the increase in imports took place only in the last quarter of the investigation period that is after the lapse of the quota regime on footwear. The Court reiterated that it is necessary to carry out the investigation on the basis of

information which is as recent as possible. Therefore, where the institutions find that imports of a product which has until then been subject to quantitative restrictions increase after those restrictions have lapsed, they may take that increase into account for the purposes of their assessment of the injury sustained by the Community industry.

The Court rejected all pleas and dismissed the actions in their entirety.

One of the applicants, Zhejiang Aokang Shoes Co., Ltd, appealed against the judgement and the appeal case is pending before the Court of Justice.

*12.4.3 Certain footwear with uppers of leather originating in, inter alia, China – T-409/06 – Sun Sang Kong Yuen Shoes Factory (Hui Yang) Corp. Ltd, v. Council of the European Union – Judgment of 4 March 2010 (OJ C 113 of 01.05.2011, p.)*

The applicant, Sun Sang Kong Yuen Shoes Factory (Hui Yang) Corp. Ltd, sought the annulment of Regulation (EC) No 1472/2006, which imposed an anti-dumping duty on imports of seamless certain footwear with uppers of leather originating in, inter alia, China, in his regard. In support of its action, the applicant puts forward six pleas in law. The main findings are set out below.

The applicant argued that the Commission incorrectly applied Article 18(1) of the basic regulation in particular by not basing dumping margin calculation on its own transaction list. The Commission found that the transaction list submitted by the applicant during on-spot investigation was unreliable. Subsequently, the applicant submitted an updated list which was however rejected by the Commission for being late. The Court confirmed that even if the institutions are entitled to take into account information submitted to them after the time-limit which they have set, the Commission was entitled to refuse to take account of that list, since it could not be verified without a second visit. The claim was therefore rejected.

In another plea, the applicant claimed that the Product Control Numbers (PCNs) used for calculation of normal values in this case were too vague and that they were grouping under a single PCN very different footwear as regards their characteristics and prices. The Court held that PCNs are established on the basis of the individual characteristics of each sub-category of items coming within the definition of the product concerned and not on the basis of the price of each of those items. Thus, the fact that one PCN covers products within a wide range of prices does not establish, in itself, that the criteria chosen for implementing that system are not well founded.

The Court rejected all pleas and dismissed the actions in their entirety.

*12.4.4 Certain footwear with uppers of leather originating in, inter alia, China – T-410/06 – Foshan City Nanhai Golden Step Industrial Co., Ltd, v. Council of the European Union – Judgment of 4 March 2010 (OJ C 113 of 01.05.2011, p. 39)*

The applicant, Foshan City Nanhai Golden Step, sought the annulment of Regulation (EC) No 1472/2006, which imposed an anti-dumping duty on imports of seamless certain footwear with uppers of leather originating in, inter alia, China, in his regard. The applicant was one of Chinese producers covered by the investigation selected to be in the sample. At the stage of the provisional regulation, the applicant

had been refused MET on the ground that it was not free to determine its sales quantities without significant State interference. However, subsequently it submitted evidence demonstrating that that was not so and was consequently granted MET.

In support of its action, the applicant raises four pleas in law, alleging, mainly breach of its rights of defence and failure to state reasons as well as manifest error in the calculation of its individual injury margin. The main issues are set out below.

One of applicant's claims was that the Commission infringed its rights of defence by failing to inform it that it intended to use the SG&A expenses and profit margin of traders in different sectors (i.e. chemical and engineering sectors) and by failing to state sufficiently its reasons for rejecting to use the method suggested by the applicant. The Court held that there has been no breach of the applicant's right of defence because it is evident from the file that the applicant knew that the data in question came from sectors other than the footwear sector at the time when it made the claim in the investigation.

The Court thus rejected all four pleas and dismissed the action in its entirety.

12.4.5 *Steel ropes and cables originating, inter alia, in Indi, Case T-119/06, Usha Martin Ltd v. Council of the European Union – Judgment of 9 September 2010 (OJ C 288 of 23.10.2010, p. 30)*

The applicant, an Indian exporting producer of steel wire ropes with a related company in Dubai, sought the annulment of a Decision by which the Commission withdrew an undertaking (UT) after having established that the applicant breached the undertaking on three occasions as follows:

- (i) the applicant did not include significant volumes of exports of the product concerned not covered by the undertaking had not been included in the quarterly reports;
- (ii) product had been sold to related importers and
- (iii) some of the product concerned had been sold from UAE and declared as having UAE origin although they were in fact Indian.

The application for the annulment was based on two pleas:

- Breach of proportionality principle (withdrawal of UT due to 'non material breaches')
- Wrong determination of origin by the Commission.

The Court recalled the previous case law according to which the Commission enjoys broad discretion in the field of undertakings and their withdrawal in the case of breaches. The Court confirmed that that any breach of undertaking, in itself, is sufficient to trigger the withdrawal. Consequently, the Commission was entitled, without infringing the principle of proportionality, to withdraw its acceptance of the undertaking.

The principle of proportionality applies to the question whether the amount of anti-dumping duty imposed is appropriate, whereas it does not apply to the question of the imposition of those duties. In the present case, the consequence of withdrawal of acceptance of the undertaking is the imposition of definitive anti-dumping duties on the applicant's imports in question. Consequently, the Court concluded that the withdrawal of acceptance of an undertaking cannot, as such, be called into question by reference to the principle of proportionality.

The Court rejected the first plea and considered the second plea ineffective, thus dismissing the action in its entirety.

The applicant appealed against the judgement and the appeal case is pending before the Court of Justice.

## **12.5. Judgments rendered by the Court of Justice**

In 2010, the COJ rendered 5 judgments relating to the anti-dumping or anti-subsidy areas. 2 of these 5 judgements were rendered in cases regarding an appeal against judgements of the GS. The 3 remaining judgements concern a reference for preliminary rulings requested by national courts in customs and anti-dumping duty related matters.

## **13. ACTIVITIES IN THE FRAMEWORK OF THE WORLD TRADE ORGANIZATION (WTO)**

### **13.1. Dispute settlement in the field of anti-dumping, anti-subsidy and safeguards**

#### *13.1.1. Overview of the WTO dispute settlement procedure*

The WTO provides for a rigorous procedure for the settlement of disputes between WTO Members concerning the application of the WTO agreements. The procedure is divided into two main stages. The first stage, at the level of the WTO Members concerned, consists of a bilateral consultation. Upon failure of the consultation, the second stage can be opened by requesting the WTO Dispute Settlement Body to establish a panel. WTO Members, other than the complaining and defending party, with an interest in a given case, can intervene as "third parties" before the panel. The panel issues a report, which can be appealed before the Appellate Body (AB) (each appeal being heard by three members of a permanent seven-member body set up by the Dispute Settlement Understanding). Both the panel report and the report by the Appellate Body are adopted by the Dispute Settlement Body (DSB) unless the latter rejects the report by unanimity.

The findings of a panel or Appellate Body report have to be implemented by the WTO Member whose measures have been found to be inconsistent with the relevant WTO Agreements. If the complaining WTO Member is not satisfied with the way the reports are implemented, it can ask for the establishment of a so-called "implementation panel". Here too, appeal against the findings of the panel is possible.

It should be noted that the anti-dumping, anti-subsidy and safeguards measures are among the most popular subject matters in WTO dispute settlement.



### *13.1.2. Dispute settlement procedures against the Union*

#### China- Certain Footwear

On 4 February 2010, China requested consultations with the European Union concerning EU anti-dumping measures on certain leather footwear from China which were imposed by Council Regulation (EC) No 1472/2006 (definitive regulation) and Council Implementing Regulation (EU) No. 1294/2009 of 22 December 2009 (following an expiry review). In particular, China is challenging as WTO-inconsistent, inter alia, the Basic regulation, which provides that, in case of imports from NME countries, the anti-dumping duty shall be specified for the supplying country concerned and not for each individual supplier. According to China, applicable WTO rules require that an individual margin and duty be determined and specified for each known exporter and producer and not for the supplying country as a whole. China states that the Basic regulation provides that an individual duty will only be specified for exporters that demonstrate that they fulfil the criteria set forth in its Market Economy Treatment and Individual Treatment rules. For China, the criteria to obtain an individual duty are unreasonable, not objective and a violation of MFN.

Consultations were held on 31 March 2010. Subsequently, on 8 April 2010, China requested the establishment of a panel. The panel was established on 18 May 2010 and its members were elected on 5 July 2010.

#### China - certain iron or steel fasteners

By Council Regulation (EC) No 91/2009, the Council imposed anti-dumping measures on imports of certain iron or steel fasteners originating in the People's Republic of China. In July 2009, China submitted a request for consultations with the European Union on the above Regulation. Consultations were held on 14 September 2009. China then requested the establishment of a panel. The panel was established on 23 October 2009 and its members were elected on 9 December 2009. On 3 December 2010, the panel report was circulated to Members.

The panel found that in the great majority of the issues examined, the EU has acted in full compliance with WTO rules. However, the Panel found that Article 9(5) of the Basic Regulation was inconsistent with Articles 6.10, 9.2 and 18.4 of the AD Agreement, Article I:1 of the GATT 1994 and Article XVI:4 of the WTO Agreement because, with respect to producers from non-market economy countries, the individual treatment test embodied in this provision conditioned the calculation of individual dumping margins and the imposition of individual duties on the fulfilment of certain criteria.

The Panel also found that the application of Article 9(5) of the Basic Regulation in the fasteners investigation was inconsistent with AD Agreement Articles 6.10 and 9.2. The Panel also found that the EU investigating authorities acted inconsistently with AD Agreement Articles 3.1 and 3.2 with respect to the consideration of the volume of dumped imports; AD Agreement Articles 3.1 and 3.5 with respect to the causation analysis; AD Agreement Articles 6.4 and 6.2 with respect to aspects of the normal value determination; AD Agreement Article 6.5.1 with respect to non-confidential versions of questionnaire responses of two European producers and AD

Agreement Article 6.5 with respect to confidential treatment of information in the questionnaire response of an Indian producer; and AD Agreement Article 6.5 with respect to the confidential treatment of the Eurostat data on total EU production of fasteners.

The Panel rejected China's claims with respect to the standing determination; definition of domestic industry; product under consideration; dumping determination; price undercutting determination; treatment of imports from non-sampled producers; consideration of the consequent impact of dumped imports on the domestic industry; non-disclosure of the identity of the complainants and the supporters of the complaint; confidential treatment of the Eurostat data on total EU production of fasteners; procedural aspects of the domestic industry definition; and the amount of time provided for responses to requests for information.

The Panel found that China's claims concerning the definition of like product; alleged non-disclosure of aspects of the normal value determination; and the procedural aspects of the domestic industry definition were not within its terms of reference and declined to make findings on these claims. Further, it applied judicial economy with respect to some of China's claims regarding the Basic Regulation and the Definitive Regulation.

The Panel recommended that the DSB request the European Union to bring its measures into conformity with its obligations under the WTO Agreement. The Panel declined to make a suggestion on how the DSB recommendations and rulings may be implemented by the European Union.

Both the European Union and China appealed to the AB certain issues of law covered in the panel report and certain legal interpretations developed by the Panel. The proceeding before the AB was still pending in 2010.

### **13.2. Other WTO activities**

In 2010, H.E. Mr. Dennis Francis (Trinidad and Tobago) was appointed Chair of the DDA Negotiating Group on rules. Under his Chairmanship, the Group met regularly, including in Plurilateral format, to discuss the bracketed and unbracketed issues of the Chair's text of December 2008. Furthermore, several new textual proposals covering various aspects of the Subsidies and Countervailing Measures Agreement were submitted, including by India and China. However, no progress could be achieved in the anti-dumping and horizontal subsidies areas.

In fisheries, the group conducted intensive discussions on all aspects of possible disciplines. While this allowed the views of Members to be clarified on key issues, it did not help positions to converge but rather confirmed the deep division among Members (developing and developed countries alike) as well as the complexity and sensitivity of the situation of developing countries.

In parallel to these activities, participation by the Commission services in the regular work of the Anti-dumping, Subsidies and Countervailing and Safeguards Committees continued. The Committees met twice in regular sessions to review notifications and raise issues of special interest.

## 14. CONCLUSION

Overall the level of activity in 2010 over 2009 dropped slightly when based on the initiation of new cases – 18 as compared to 21. However the number of anti-dumping cases remained stable at 15 while the number of anti-subsidy cases initiated halved compared to 2009, down from 6 to 3. There was a slight decrease in the number of cases terminated without the imposition of measures down 1 to 10 in 2010. 2010 also saw the number of reviews initiated drop from 34 in 2009 to 31 in 2010. 2010 did see the initiation of a safeguard case, the first such case in a number of years.

During 2010 particular focus was paid to the needs of SMEs in the context of trade defence investigations and the problems they face. In this context the study, which had been commissioned during 2009, was completed in December 2010 and it identified the issues which need to be addressed for SMEs in the context of TDIs. The study laid down specific proposals on how the Commission and the Member States could better assist SMEs in all areas of such investigations and these will be followed up in 2011. Furthermore an evaluation study of the European Union's trade defence instruments was commissioned in 2010 which should be completed during 2011. These studies are designed to complement the work already underway in improving TDI investigations e.g. improved transparency in TDI investigations, initiatives which had begun in 2009.

The TDI services also continued their information role through organising seminars aimed at third country officials and held a number of bilateral contacts with industry.

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## ANNEX A

### New investigations initiated

during the period 1 January – 31 December 2010

#### A. Anti-dumping investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Zeolite A powder	Bosnia & Herzegovina	C 40 17.02.2010, p. 5
Melamine	P.R. China	C 40 17.02.2010, p. 10
Coated fine paper	P.R. China	C 41 18.02.2010, p. 6
Stainless steel bars	India	C 87 A 1.04.2010, p. 1
Open mesh fabrics of glass fibres	P.R. China	C 131 20.05.2010, p. 6
Ring binder mechanisms	Thailand	C 131 20.05.2010, p. 13
Ceramic tiles	P.R. China	C 160 19.06.2010, p. 20
Wireless wide area networking modems	P.R. China	C 171 30.06.2010, p. 9
Tris (2-chloro-1-methylethyl) phosphate	P.R. China	C 201 23.07.2010, p. 5
Fatty alcohols and their blends	India Indonesia Malaysia	C 219 13.08.2010, p. 12
Seamless pipes and tubes of stainless steel	P.R. China	C 265 30.09.2010, p. 10
Vinyl acetate	U.S.A.	C 327 04.12.2010, p. 23
Graphite electrode systems	P.R. China	C 343 17.12.2010, p. 24

#### B. Anti-subsidy investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Stainless steel bars (AS)	India	C 87 1.04.2010, p. 17
Coated fine paper (AS)	P.R. China	C 99 17.04.2010, p. 30

Wireless wide area networking modems (AS)	P.R. China	C 249 16.09.2010, p. 7
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## ANNEX B

A) New investigations initiated by product sector during the period 2006 – 2010 (31 December)

<b>Product</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Chemical and allied	13	2	2	9	7
Textiles and allied	2	-	-	3	-
Wood and paper	-	-	-	-	2
Electronics	5	-	-	1	2
Other mechanical engineering	2	-	-	-	1
Iron and Steel	-	6	6	4	3
Others metal	9	-	-	1	-
Other	5	1	1	3	3
	<b>36</b>	<b>9</b>	<b>20</b>	<b>21</b>	<b>18</b>
Of which anti-dumping	35	9	18	15	15
anti-subsidy	1	0	2	6	3



B) New investigations initiated by country of export during the period 2006 –2010 (31 December)

Country of origin	2006	2007	2008	2009	2010
Armenia	-	-	1	-	-
Australia	-	-	-	-	-
Belarus	-	1	1	-	-
Bosnia & Herzegovina	-	1	-	-	1
Brazil	-	-	1	-	-
China (People's Republic of)	12	6	6	7	10
Croatia	-	-	-	-	-
Egypt	1	-	-	-	-
Guatemala	-	-	-	-	-
Hong Kong	-	-	-	-	-
India	2	-	-	2	3
Indonesia	-	-	-	-	1
Iran	-	-	-	2	-
Japan	1	-	-	-	-
Kazakhstan	2	-	-	-	-
Korea (Rep. of)	1	-	1	1	-
F. Y. R. O. M.	1	-	-	-	-
Malaysia	2	-	-	2	1
Moldova (Rep. of)	-	-	1	-	-
Norway	-	-	-	-	-
Pakistan	-	-	-	2	-
Philippines	-	-	-	-	-
Russia	2	1	-	-	-
South Africa	1	-	-	-	-
Taiwan	3	-	1	1	-
Thailand	2	-	1	2	1
Turkey	1	-	2	-	-
Ukraine	3	-	1	-	-
UAE	-	-	-	2	-
USA	2	-	4	-	1
Vietnam	-	-	-	-	-
	36	9	20	21	18

## ANNEX C

New investigations concluded by the imposition of provisional duties

during the period 1 January – 31 December 2010

### A. Anti-dumping investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Sodium gluconate	P.R. China	Commission Reg. (EU) No 377/2010 03.05.2010	L 111 04.05.2010 p. 5
Aluminium wheels	P.R. China	Commission Reg. (EU) No 404/2010 10.05.2010	L 117 11.05.2010 p. 64
Polyethylene terephthalate (PET)	Iran UAE	Commission Reg. (EU) No 472/2010 31.05.2010	L 134 01.06.2010 p. 4
High tenacity yarn of polyesters	P.R. China	Commission Reg. (EU) No 478/2010 01.06.2010	L 135 02.06.2010 p. 3
Continuous filament glass fibre products	P.R. China	Commission Reg. (EU) No 812/2010 15.09.2010	L 243 16.09.2010 p. 40
Melamine	P.R. China	Commission Reg. (EU) No 1035/2010 15.11.2010	L 298 16.11.2010 p. 10
Zeolite A powder	Bosnia & Herzegovina	Commission Reg. (EU) No 1036/2010 15.11.2010	L 298 16.11.2010 p. 27
Coated fine paper	P.R. China	Commission Reg. (EU) No 1042/2010 16.11.2010	L 299 17.11.2010 p. 7

### B. Anti-subsidy investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Polyethylene terephthalate (PET) (AS)	Iran Pakistan UAE	Commission Reg. (EU) No 473/2010 31.05.2010	L 134 01.06.2010 p. 25
Stainless steel bars (AS)	India	Commission Reg.	L 343

		(EU) No 1261/2010 22.12.2010	29.12.2010 p. 57
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## ANNEX D

New investigations concluded by the imposition of definitive duties

during the period 1 January – 31 December 2010

A. Anti-dumping investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Cargo scanning systems	P.R. China	Council Impl. Reg. (EU) No 510/2010 14.06.2010	L 150 16.06.2010 p. 1
Molybdenum wires	P.R. China	Council Impl. Reg. (EU) No 511/2010 14.06.2010	L 150 16.06.2010 p. 17
Aluminium road wheels	P.R. China	Council Impl. Reg. (EU) No 964/2010 25.10.2010	L 282 28.10.2010 p. 1
Sodium gluconate	P.R. China	Council Impl. Reg. (EU) No 965/2010 25.10.2010	L 282 28.10.2010 p. 24
High tenacity yarn of polyesters	P.R. China	Council Impl. Reg. (EU) No 1105/2010 29.11.2010	L 315 01.12.2010 p. 1
Ironing board (Since Hardware)	P.R. China	Council Impl. Reg. (EU) No 1243/2010 20.12.2010	L 338 22.12.2010 p. 22

B. Anti-subsidy investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Polyethylene terephthalate (PET) (AS)	Iran Pakistan UAE	Council Impl. Reg. (EU) No 857/2010 27.09.2010	L 254 29.09.2010 p. 10

## ANNEX E

New investigations terminated without the imposition of measures  
during the period 1 January – 31 December 2010

A. Anti-dumping investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Decision N°</b>	<b>OJ Reference</b>
Ring binder mechanisms	Thailand	Commission Decision No 2010/116/EU 24.02.2010	L 48 25.02.2010 p. 17
Stainless steel fasteners	India Malaysia	Commission Decision No 2010/392/EU 14.07.2010	L 180 15.07.2010 p. 26
Polyethylene terephthalate (PET)	Iran Pakistan United Arab Emirates	Commission Decision No 2010/577/EU 28.09.2010	L 254 29.09.2010 p. 40
High tenacity yarn of polyesters	Korea (Rep. of) Taiwan	Council Impl. Reg. (EU) No 1105/2010 29.11.2010	L 315 01.12.2010 p. 1

B. Anti-subsidy investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Decision N°</b>	<b>OJ Reference</b>
Stainless steel fasteners (AS)	India Malaysia	Commission Decision No 2010/393/EU 14.07.2010	L 180 15.07.2010 p. 28

## ANNEX F

Expiry reviews initiated or concluded

during the period 1 January – 31 December 2010

(chronological by date of publication)

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Polyester staple fibres	P.R. China	C 64 16.03.2010 p. 10
Furfuraldehyde	P.R. China	C 107 27.04.2010 p. 10
Antibiotics (broad spectrum) (AS)	India	C 123 12.05.2010 p. 11
Bicycles	P.R. China	C 188 13.07.2010 p. 5
Barium carbonate	P.R. China	C 192 16.07.2010 p. 4
Hand pallet trucks and their essential parts	P.R. China	C 196 20.07.2010 p. 15
Castings	P.R. China	C 203 27.07.2010 p. 2
Trichloroisocyanuric acid	P.R. China	C 270 06.10.2010 p. 7
Magnesia bricks	P.R. China	C 272 08.10.2010 p. 5
Steel ropes and cables	P.R. China South Africa Ukraine	C 309 13.11.2010 p. 6
Stainless steel fasteners and parts thereof	P.R. China Taiwan	C 315 19.11.2010 p. 7

<b>Concluded : confirmation of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision</b>	<b>OJ Reference</b>

		No	
Ethanolamines	USA	Council Impl. Reg. (EU) No 54/2010 19.01.2010	L 17 22.01.2010 p. 1
Ring binder mechanisms	P.R. China	Council Impl. Reg. (EU) No 157/2010 22.02.2010	L 49 26.02.2010 p. 1
Silicon	P.R. China	Council Impl. Reg. (EU) No 467/2010 25.05.2010	L 131 29.05.2010 p. 1
Sodium cyclamate	P.R. China Indonesia	Council Impl. Reg. (EU) No 492/2010 03.06.2010	L 140 08.06.2010 p. 2
Ammonium nitrate	Ukraine	Council Impl. Reg. (EU) No 512/2010 14.06.2010	L 150 16.06.2010 p. 24
Polyethylene terephthalate (PET)	P.R. China	Council Impl. Reg. (EU) No 1030/2010 17.11.2010	L 300 17.11.2010 p. 1
Graphite electrode systems	India	Council Impl. Reg. (EU) No 1186/2010 13.12.2010	L 332 16.12.2010 p. 17
Graphite electrode systems (AS)	India	Council Impl. Reg. (EU) No 1185/2010 13.12.2010	L 332 16.12.2010 p. 1
Synthetic fibre ropes	India	Council Impl. Reg. (EU) No 1242/2010 20.12.2010	L 338 22.12.2010 p. 10

**Concluded : termination and repeal of the measures**

Product	Country of origin	Regulation/ Decision No	OJ Reference
Glyphosate	P.R. China	Council Impl. Reg. (EU) No 1187/2010 13.12.2010	L 332 16.12.2010 p. 31

**ANNEX G**

Interim reviews initiated or concluded  
during the period 1 January – 31 December 2010

(chronological by date of publication)

<b>Initiated</b>		
Product	Country of origin	OJ Reference
PET (polyethylene terephthalate) film	India	C 8 14.01.2010 p. 27
PET (polyethylene terephthalate) film (AS)	India	C 8 14.01.2010

		p. 29	
PET (polyethylene terephthalate)	Korea (Rep. of)	C 47 25.02.2010 p. 24	
PET (polyethylene terephthalate) film	India	C 131 12.05.2010 p. 3	
PET (polyethylene terephthalate)	India	C 151 10.06.2010 p. 15	
PET (polyethylene terephthalate) (AS)	India	C 151 10.06.2010 p. 17	
Plastic sacks and bags	P.R. China	C 253 21.09.2010 p. 2	
Ferro-silicon	Russia	C 290 27.10.2010 p. 15	
PET (polyethylene terephthalate) film	India	C 294 29.10.2010 p. 10	
Coumarin	P.R. China	C 299 05.11.2010 p. 4	
Potassium chloride	Belarus Russia	C 323 30.11.2010 p. 24	
<b>Concluded : confirmation/amendment of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
Ironing boards	P.R. China	Council Impl. Reg. (EU) No 270/2010 29.03.2010	L 84 31.03.2010 p. 13
Silicon	P.R. China	Council Impl. Reg. (EU) No 467/2010 25.05.2010	L 131 29.05.2010 p. 1
Ironing boards	Ukraine	Council Impl. Reg. (EU) No 580/2010 29.06.2010	L 168 02.07.2010 p. 12
PET (polyethylene terephthalate) film (AS)	India	Council Impl. Reg. (EU) No 579/2010 29.06.2010	L 168 02.07.2010 p. 1
Trichloroisocyanuric acid	P.R. China	Council Impl. Reg. (EU) No 855/2010 27.09.2010	L 254 29.09.2010 p. 1



<b>Concluded by termination of review/confirmation of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
Tungsten electrodes	P.R. China	Council Impl. Reg. (EU) No 151/2010 22.02.2010	L 48 25.02.2010 p. 1
Ammonium nitrate	Russia	Council Impl. Reg. (EU) No 856/2010 27.09.2010	L 254 29.09.2010 p. 5
PET (polyethylene terephthalate) film	India	Council Impl. Reg. (EU) No 1064/2010 17.11.2010	L 304 20.11.2010 p. 2
PET (polyethylene terephthalate) film (AS)	India	Council Impl. Reg. (EU) No 1064/2010 17.11.2010	L 304 20.11.2010 p. 2

<b>Concluded : termination of measures</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
None	-	-	-

## ANNEX H

Other reviews initiated or concluded

during the period 1 January – 31 December 2010

(chronological by date of publication)

<b>Initiated</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
None	-	-	-

<b>Concluded : confirmation/amendment of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
Glyphosate <sup>23</sup>	P.R. China	Council Impl. Reg. (EU) No 126/2010 11.02.2010	L 40 13.02.2010 p. 1
Polyester filament fabrics (finished) <sup>24</sup>	P.R. China	Council Impl. Reg. (EU) No 364/2010 26.04.2010	L 107 29.04.2010 p. 6

<sup>23</sup> Extension of duties suspension

<sup>24</sup> New Exporting Producers' Treatment

Ironing boards <sup>25</sup>	P.R. China	Council Impl. Reg. (EU) No 805/2010 13.09.2010	L 242 15.09.2010 p. 1
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<sup>25</sup> Re-imposition of a definitive anti-dumping duty on imports by Foshan Shunde Yongjian Housewares and Hardware Co. Ltd

## ANNEX I

New exporter reviews initiated or concluded  
during the period 1 January – 31 December 2010  
(chronological by date of publication)

### A. Anti-dumping investigations

<b>Initiated</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/Decision No</b>	<b>OJ Reference</b>
PET (polyethylene terephthalate) film	Israel	Commission Reg. (EU) No 6/2010 05.01.2010	L 2 06.01.2010 p. 5
Magnesia bricks	P.R. China	Commission Reg. (EU) No 850/2010 27.09.2010	L 253 28.09.2010 p. 42

<b>Concluded : imposition/amendment of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/Decision No</b>	<b>OJ Reference</b>
Ironing boards	P.R. China	Council Impl. Reg. (EU) No 77/2010 19.01.2010	L 24 28.01.2010 p. 1
Furfuryl alcohol	P.R. China	Council Impl. Reg. (EU) No 195/2010 01.03.2010	L 60 10.03.2010 p. 1
Tube or pipe fittings of iron or steel	P.R. China	Council Impl. Reg. (EU) No 363/2010 26.04.2010	L 107 29.04.2010 p. 1
PET (polyethylene terephthalate) film	Israel	Council Impl. Reg. (EU) No 806/2010 13.09.2010	L 242 15.09.2010 p. 6

<b>Concluded : termination of the review / confirmation of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
None	-	-	-

B. Anti-subsidy investigations ("accelerated" investigations)

<b>Initiated</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/Decision No (if applicable)</b>	<b>OJ Reference</b>
PET (polyethylene terephthalate) film (AS)	Israel	Commission Reg. (EU) No 6/2010 05.01.2010	L 2 06.01.2010 p. 5

<b>Concluded : imposition/amendment of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
PET (polyethylene terephthalate) film (AS)	Israel	Council Impl. Reg. (EU) No 806/2010 13.09.2010	L 242 15.09.2010 p. 6

<b>Concluded : termination</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
None	-	-	-

## **ANNEX J**

Anti-absorption investigations initiated or concluded

during the period 1 January – 31 December 2010

(chronological by date of publication)

<b>Initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
None	-	-

<b>Concluded with increase of duty</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
None	-	-	-

<b>Concluded without increase of duty / termination</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
None	-	-	-

## ANNEX K

Anti-circumvention investigations initiated or concluded

during the period 1 January – 31 December 2010

(chronological by date of publication)

<b>Initiated</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
Biodiesel	USA (Canada, Singapore)	Commission Reg. (EU) No 720/2010 11.08.2010	L 211 12.08.2010 p. 1
Biodiesel (AS)	USA (Canada, Singapore)	Commission Reg. (EU) No 721/2010 11.08.2010	L 211 12.08.2010 p. 6
Plastic sacs and bags	P.R. China	Commission Reg. (EU) No 748/2010 19.08.2010	L 219 20.08.2010 p. 1
Fasteners, iron or steel	P.R. China (Malaysia)	Commission Reg. (EU) No 966/2010 27.10.2010	L 282 28.10.2010 p. 29

<b>Concluded with extension of duty</b>			
<b>Product</b>	<b>Country of consignment</b>	<b>Regulation No</b>	<b>OJ Reference</b>
Steel ropes and cables	Korea (Rep. of)	Council Impl. Reg. (EU) No 400/2010 26.04.2010	L 117 11.05.2010 p. 1

<b>Concluded without extension of duty / termination</b>			
<b>Product</b>	<b>Country of consignment</b>	<b>Regulation No</b>	<b>OJ Reference</b>
Steel ropes and cables	Malaysia	Council Impl. Reg. (EU) No 400/2010 26.04.2010	L 117 11.05.2010 p. 1

<b>Exemptions granted and/or rejected</b>			
<b>Product</b>	<b>Country of consignment</b>	<b>Regulation No</b>	<b>OJ Reference</b>
None	-	-	-

## ANNEX L

Safeguard investigations initiated and concluded

during the period 1 January – 31 December 2010

(chronological by date of publication)

<b>New investigations initiated</b>		
<b>Product</b>	<b>Country of origin</b>	<b>OJ Reference</b>
Wireless wide area networking modems	P.R. China	C 171 30.06.2010, p. 9

<b>New investigations terminated without imposition of measures</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
None	-	-	-

<b>Issue of licences</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
None	-	-	-

<b>Safeguard measures which expired</b>		
<b>Product</b>	<b>Country of origin</b>	<b>Date of expiry</b>
None	-	-

## ANNEX M

Undertakings accepted or repealed  
during the period 1 January – 31 December 2010  
(chronological by date of publication)

<b>Undertakings accepted</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Castings	P.R. China	Commission Dec. No 2010/177/EU 23.03.2010	L 77 24.03.2010 p. 55

<b>Undertakings withdrawn or repealed</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation N°</b>	<b>OJ Reference</b>
Castings	P.R. China	Commission Dec. No 2010/389/EU 13.07.2010	L 179 14.07.2010 p. 8

<b>Undertakings which expired/lapsed</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Original measure(s) &amp; OJ Reference</b>	<b>OJ Reference</b>
Grain oriented flat-rolled products of silicon-electrical steel (small + big)	USA	Commission Dec. No 2005/622/EC (OJ L 223, 27.08.2005, p. 42)	C 230 26.08.2010 p. 21



## ANNEX N

Measures which expired / lapsed

during the period 1 January – 31 December 2010

(chronological by date of publication)

### A. Anti-dumping investigations (chronological by date of publication)

<b>Product</b>	<b>Country of origin</b>	<b>Original measure &amp; OJ Reference</b>	<b>Publication</b>
Polyester staple fibres	Korea (Rep. of)	Council Reg. (EC) No 2852/2000 (OJ L332, 28.12.2000, p. 17) as last amended by Council Reg. (EC) No 412/2009 (OJ L125, 21.05.2009, p. 1)	C 55 05.03.2010 p. 12
Polyester staple fibres	Saudi Arabia	Council Reg. (EC) No 428/2005 (OJ L71, 17.03.2005, p. 1) as last amended by Council Reg. (EC) No 412/2009 (OJ L125, 21.05.2009, p. 1)	C 61 12.03.2010 p. 5
Compressors	P.R. China	Council Reg. (EC) No 261/2008 (OJ L 81, 20.03.2008, p. 1)	C 73 23.03.2010 p. 39
Magnesium oxide (caustic magnesite)	P.R. China	Council Reg. (EC) No 778/2005 (OJ L 131, 25.05.2005, p. 1)	C 135 26.05.2010 p. 22
Bicycles	Vietnam	Council Reg. (EC) No 1095/2005 (OJ L 183, 14.07.2005, p. 1)	C 188 13.07.2010 p. 10
Grain oriented flat-rolled products of silicon-electrical steel (small + big)	USA	Council Reg. (EC) No 1371/2005 (OJ L 223, 27.08.2005, p. 1)	C 230 26.08.2010 p. 21

Polyester filament fabrics (finished)	P.R. China	Council Reg. (EC) No 1487/2005 (OJ L 240, 16.09.2005, p. 1) as last amended by Council Reg. (EU) No 364/2010 (OJ L107, 29.04.2010, p. 6)	C 248 15.09.2010 p. 7
Trichloroisocyanuric acid	USA	Council Reg. (EC) No 1631/2005 (OJ L 261, 07.10.2005, p. 1)	C 271 07.10.2010 p. 28
Steel ropes and cables	India	Council Reg. (EC) No 1858/2005 (OJ L 299, 16.11.2005, p. 1) as last amended by Council Reg. (EC) No 283/2009 (OJ L94, 8.04.2009, p. 5)	C 311 16.11.2010 p. 16
Stainless steel fasteners and parts thereof	Indonesia Thailand Vietnam	Council Reg. (EC) No 1890/2005 (OJ L 302, 19.11.2005, p. 1) as last amended by Council Reg. (EC) No 768/2009 (OJ L221, 25.08.2009, p. 1)	C 314 18.11.2010 p. 8
Granular polytetrafluoroethylene (PTFE)	P.R. China Russia	Council Reg. (EC) No 1987/2005 (OJ L 320, 08.12.2005, p. 1)	C 330 08.12.2010 p. 12

B. Anti-subsidy investigations (chronological by date of publication)

Product	Country of origin	Original measure & OJ Reference	Publication
None	-	-	-

## ANNEX O

Definitive anti-dumping measures in force on 31 December 2010

### A. Ranked by product (alphabetical)

<b>Product</b>	<b>Origin</b>	<b>Measure</b>	<b>Regulation N°</b>	<b>Publication</b>
Ammonium nitrate	Russia	Duties	Council Reg. (EC) No 658/2002 15.04.2002 as last amended by Council Reg. (EC) No 945/2005 21.06.2005 and maintained by Council Reg. (EC) No 661/2008 08.07.2008 corrected by L 339, 22.12.2009, p. 59 as last amended by Council Reg. (EC) No 989/2009 19.10.2009	L 102 18.04.2002 p. 1  L 160 23.06.2005 p. 1  L 185 12.07.2008 p. 1
		Undertakings	Commission Dec. No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59	L 278 23.10.2009 p. 1  L 185 12.07.2007 p. 43
	Ukraine	Duties (2 years)	Council Reg. (EC) No 442/2007 19.04.2007 and maintained by Council Impl. Reg. (EU) No 512/2010 14.06.2010	L 106 24.04.2007 p. 1  L 150 18.06.2010 p. 24
	Undertakings	Commission Dec. No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59	L 185 12.07.2007 p. 43	
Aluminium foil	Armenia Brazil P.R. China	Duties	Council Reg. (EC) No 925/2009 24.09.2009	L 262 06.10.2009 p. 1
		Undertakings	Commission Dec. No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50

Aluminium road wheels	P.R. China	Duties	Council Impl. Reg. (EU) No 964/2010 25.10.2010	L 282 28.10.2010 p. 1
Barium carbonate	P.R. China	Duties	Council Reg. (EC) No 1175/2005 18.07.2005 corrected by L 181, 04.07.2006, p. 111	L 189 21.07.2005 p. 15
Bicycles	P.R. China	Duties	Council Reg. (EC) No 1524/2000 10.07.2000 and extended to bicycle parts by Council Reg. (EC) No 71/97 10.01.97 as last amended by Council Reg. (EC) No 1095/2005 12.07.2005 and maintained by Council Reg. (EC) No 171/2008 25.02.2008	L 175 14.07.2000 p. 39  L 16 18.01.97 p. 1  L 183 14.07.2005 p. 1  L 55 28.02.2008 p. 1
Bicycle parts (extension to bicycles)	P.R. China	Duties	Council Reg. (EC) No 71/97 10.01.97 as last amended by Council Reg. (EC) No 1095/2005 12.07.2005 and maintained by Council Reg. (EC) No 171/2008 25.02.2008	L 16 18.01.97 p. 1  L 183 14.07.05 p. 1  L 55 28.02.08 p. 1
Biodiesel	USA	Duties	Council Reg. (EC) No 599/2009 07.07.2009	L 179 10.07.2009 p. 26
Candles, tapers and the like	P.R. China	Duties	Council Reg. (EC) No 393/2009 11.05.2009	L 119 14.05.2009 p. 1
Castings	P.R. China	Duties	Council Reg. (EC) No 1212/2005 25.07.2005 corrected by L 26, 30.01.2009, p. 6 as last amended by Council Reg. (EC) No 426/2008 14.05.2008	L 199 29.07.2005 p. 1  L 129 17.05.2008 p. 1
		Undertakings	Commission Dec.	L 77

			No 2010/177/EU 23.03.2010	24.03.2010 p. 55
Cargo scanning systems	P.R. China	Duties	Council Impl. Reg. (EU) No 510/2010 14.06.2010	L 150 16.06.2010 p. 1
Citric acid	P.R. China	Duties Undertakings	Council Reg. (EC) No 1193/2008 01.12.2008	L 323 03.12.2008 p. 1
Citrus fruits	P.R. China	Duties	Commission Reg. (EC) No 1355/2008 18.12.2008	L 350 30.12.2008 p. 35
Chamois leather	P.R. China	Duties	Council Reg. (EC) No 1338/2006 08.09.2006	L 251 14.09.2006 p. 1
Coke of coal in pieces with a diameter of more than 80 mm	P.R. China	Duties	Council Reg. (EC) No 239/2008 17.03.2008	L 75 18.03.2008 p. 22
Coumarin	P.R. China India (ext.) Thailand (ext.) Indonesia (ext.) Malaysia (ext.)	Duties	Council Reg. (EC) No 769/2002 07.05.2002 as last amended by Council Reg. (EC) No 1854/2003 20.10.2003 and extended as concerns China to imports consigned from India and Thailand by Council Reg. (EC) No 2272/2004 22.12.2004 and extended as concerns China to imports consigned from Indonesia and Malaysia by Council Reg. (EC) No 1650/2006 07.11.2006 and maintained by Council Reg. (EC) No 654/2008 29.04.2008	L 123 09.05.2002 p. 1  L 272 23.10.2003 p. 1  L 396 31.12.2004 p. 18  L 311 10.11.2006 p. 1  L 183 11.07.2008 p. 1
	India	Undertaking	Commission Dec. No 2005/3/EC 03.01.2005	L 1 04.01.2005 p. 15
Dicyandiamide	P.R. China	Duties	Council Reg. (EC) No 1331/2007 13.11.2007	L 296 15.11.2007 p. 1
Dihydromyrcenol	India	Duties	Council Reg. (EC) No 63/2008 21.01.2008	L 23 26.01.2008 p. 1

Ethanolamines	USA	Duties (2 years)	Council Impl. Reg. (EU) No 54/2010 19.01.2010	L 17 22.01.2010 p. 1
Fasteners, iron or steel	P.R. China	Duties	Council Reg. (EC) No 91/2009 26.01.2009	L 29 31.01.2009 p. 1
Ferro-silicon	P.R. China Egypt Kazakhstan F.Y.R.O.M. Russia	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
Footwear with uppers of leather	P.R. China Macau (SAR) (ext.) Vietnam	Duties (15 months)	Council Reg. (EC) No 1472/2006 05.10.2006 and extended as concerns China to imports consigned from Macau (SAR) by Council Reg. (EC) No 388/2008 29.04.2008 and maintained by Council Impl.Reg. (EU) No 1294/2009 22.12.2009	L 275 06.10.2006 p. 1  L 117 01.05.2008 p. 1  L 352 30.12.2009 p. 1
Furfuraldehyde	P.R. China	Duties	Council Reg. (EC) No 639/2005 25.04.2005	L 107 28.04.2005 p. 1
Furfuryl alcohol	P.R. China	Duties	Council Reg. (EC) No 1905/2003 27.10.2003 and maintained by Council Impl. Reg. (EU) No 1202/2009 07.12.2009 as last amended by Council Impl. Reg. (EU) No 195/2010 01.03.2010	L 283 31.10.2003 p. 1  L 323 10.12.2009 p. 48  L 60 10.03.2010 p. 1
Graphite electrode systems	India	Duties	Council Reg. (EC) No 1629/2004 13.09.2004 as last amended by Council Reg. (EC) No 1354/2008 18.12.2008 and maintained by Council Impl. Reg. (EU) No 1186/2010 13.12.2010	L 295 18.09.2004 p. 10  L 350 30.12.2008 p. 24  L 332 16.12.2010 p. 17
Hand pallet trucks and their essential parts	P.R. China Thailand (ext)	Duties	Council Reg. (EC) No 1174/2005 18.07.2005 as last amended by	L 189 21.07.2005 p. 1

			Council Reg. (EC) No 684/2008 17.07.2008 and extended to such imports consigned from Thailand by Council Reg. (EC) No 499/2009 11.06.2009	L 192 19.07.2008 p. 1  L 151 16.06.2009 p. 1
High tenacity yarn of polyesters	P.R. China	Duties	Council Impl. Reg. (EU) No 1105/2010 29.11.2010	L 315 01.12.2010 p. 1
Ironing boards	P.R. China Ukraine	Duties	Council Reg. (EC) No 452/2007 23.04.2007 corrected in PL by L 353, 31.12.2009, p. 70 as last amended by Council Impl. Reg. (EU) No 77/2010 19.01.2010 and Council Impl. Reg. (EU) No 270/2010 29.03.2010 and Council Impl. Reg. (EU) No 580/2010 29.06.2010 and Council Impl. Reg. (EU) No 1241/2010 20.12.2010	L 109 26.04.2007 p. 12  L 24 28.01.2010 p. 1  L 84 31.03.2010 p. 13  L 168 02.07.2010 p. 12  L 338 22.12.2010 p. 8
	P.R. China (Since Hardware)	Duties	Council Impl. Reg. (EU) No 1243/2010 20.12.2010	L 338 22.12.2010 p. 22
Lever arch mechanisms	P.R. China	Duties	Council Reg. (EC) No 1136/2006 24.07.2006	L 205 27.07.2006 p. 1
Lighters (non-refillable and refillable)	P.R. China Taiwan	Duties	Council Reg. (EC) No 1458/2007 12.12.2007	L 326 12.12.2007 p. 1
Magnesia (deadburned)	P.R. China	Duties	Council Reg. (EC) No 716/2006 05.05.2006	L 125 12.05.2006 p. 1
Magnesia bricks	P.R. China	Duties	Council Reg. (EC) No 1659/2005 06.10.2005 as last amended by Council Reg. (EC) No 906/2008 15.09.2008,	L 267 12.10.2005 p. 1  L 251 19.09.2008 p. 1

			as last amended by Council Reg. (EC) No 825/2009 07.09.2009 and by Council Reg. (EC) No 826/2009 07.09.2009	L 240 11.09.2009 p. 1 L 240 11.09.2009 p. 7
Manganese dioxides	South Africa	Duties	Council Reg. (EC) No 221/2008 10.03.2008	L 69 13.03.2008 p. 1
Molybdenum wires	P.R. China	Duties	Council Impl. Reg. (EU) No 511/2010 14.06.2010	L 150 16.06.2010 p. 17
Monosodium glutamate	P.R. China	Duties	Council Reg. (EC) No 1187/2008 27.11.2008	L 322 02.12.2008 p. 1
Okoumé plywood	P.R. China	Duties	Council Reg. (EC) No 1942/2004 02.11.2004	L 336 12.11.2004 p. 4
Peroxosulphates	P.R. China Taiwan USA	Duties	Council Reg. (EC) No 1184/2007 09.10.2007	L 265 11.10.2007 p. 1
Plastic sacks and bags	P.R. China Thailand	Duties	Council Reg. (EC) No 1425/2006 25.09.2006 corrected by L 49, 18.02.2007, p. 36 and by L 233, 05.09.2007, p. 7 as last amended by Council Regulation (EC) No 249/2008 17.03.2008 and Council Regulation (EC) No 189/2009 09.03.2009	L 270 29.09.2006 p. 4  L 76 19.03.2008 p. 8  L 67 12.03.2009 p. 5
PET (polyethylene terephthalate)	India Indonesia Korea (Rep. of) Malaysia Taiwan Thailand  India Indonesia	Duties  Undertakings	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	P.R. China	Duties	Council Reg. (EC) No 1467/2004 13.08.2004 as last amended by Council Reg. (EC) No 2167/2005 20.12.2005	L 271 19.08.2004 p. 1  L 345 28.12.2005 p. 11



			and maintained by Council Impl. Reg. (EU) No 1030/2010 17.11.2010	L 300 17.11.2010 p. 1
PET (polyethylene terephthalate) film	India Brazil (ext.) Israel (ext.)	Duties	Council Reg. (EC) No 1292/2007 30.10.2007 and extended to imports consigned from Brazil and from Israel by the same Regulation as last amended by Council Reg. (EC) No 15/2009 08.01.2009 and Council Impl. Reg (EU) No 806/2010 13.09.2010	L 288 06.11.2007 p. 1  L 6 10.01.2009 p. 1  L 242 15.09.2010 p. 6
Polyester staple fibres	P.R. China	Duties	Council Reg. (EC) No 428/2005 10.03.2005 as last amended by Council Reg. (EC) No 1333/2005 09.08.2005	L 71 17.03.2005 p. 1  L 211 13.08.2005 p. 1
Potassium chloride	Belarus Russia  Russia	Duties  Undertakings	Council Reg. (EC) No 1050/2006 11.07.2006  Commission Dec. No 2005/802/EC 17.10.2005 as last amended by Commission Dec. No 2006/557/EC 08.08.2006	L 191 12.07.2006 p. 1  L 302 19.11.2005 p. 79  L 218 09.08.2006 p. 22
Powdered activated carbon (PAC)	P.R. China	Duties	Council Reg. (EC) No 1011/2002 10.06.2002 as last amended by Council Reg. (EC) No 931/2003 26.05.2003 and maintained by Council Reg. (EC) No 649/2008 08.07.2008	L 155 14.06.2002 p. 1  L 133 29.05.2003 p. 36  L 181 10.07.2008 p. 1
PSC wires and strands	P.R. China	Duties	Council Reg. (EC) No 383/2009 05.05.2009	L 118 13.05.2009 p. 1
Refrigerators (side-by-side)	Korea (Rep. of)	Duties	Council Reg. (EC) No 1289/2006	L 236 31.08.2006

			25.08.2006	p. 11
Ring binder mechanisms	P.R. China Vietnam (ext.) Laos (ext.)	Duties	Council Reg. (EC) No 2074/2004 29.11.2004 extended to imports from Vietnam by Council Reg. (EC) No 1208/2004 28.06.2004 and extended to imports from Laos by Council Reg. (EC) No 33/2006 09.01.2006 as last amended by Council Reg. (EC) No 818/2008 13.08.2008 and maintained by Council Impl. Reg. (EU) No 157/2010 22.02.2010	L 359 04.12.2004 p. 11  L 232 01.07.2004 p. 1  L 7 12.01.2006 p. 1  L 221 19.08.2008 p. 1  L 49 26.02.2010 p. 1
Saddles	P.R. China	Duties	Council Reg. (EC) No 691/2007 18.06.2007	L 160 21.06.2007 p. 1
Seamless pipes and tubes of iron or steel	Croatia Russia Ukraine	Duties	Council Reg. (EC) No 954/2006 27.06.2006 as last amended by Council Reg. (EC) No 812/2008 11.08.2008	L 175 29.06.2006 p. 4  L 220 15.08.2008 p. 1
Seamless pipes and tubes of iron or steel	P.R. China	Duties	Council Reg. (EC) No 926/2009 24.09.2009	L 262 06.10.2009 p. 19
Silico-manganese	P.R. China Kazakhstan	Duties	Council Reg. (EC) No 1420/2007 04.12.2007 as last amended by Council Reg. (EC) No 865/2008 27.08.2008	L 317 05.12.2007 p. 5
Silicon carbide	P.R. China	Duties	Council Reg. (EC) No 1264/2006 21.08.2006	L 232 25.08.2006 p. 1
Silicon	P.R. China Korea (Rep. of) (ext.)	Duties	Council Reg. (EC) No 398/2004 02.03.2004 extended to imports of silicon consigned from the Republic of Korea by Council Reg. (EC) No 42/2007	L 66 04.03.2004 p. 15  L 13 19.01.2007

			15.01.2007 and maintained by Council Impl. Reg. (EU) No 467/2010 25.05.2010	p. 1  L 131 29.05.2010 p. 1
Sodium cyclamate	P.R. China Indonesia	Duties	Council Reg. (EC) No 435/2004 08.03.2004	L 72 11.03.2004 p. 1
Sodium gluconate	P.R. China	Duties	Council Impl. Reg. (EU) No 965/2010 25.10.2010	L 282 28.10.2010 p. 24
Stainless steel fasteners and parts thereof	P.R. China Taiwan	Duties	Council Reg. (EC) No 1890/2005 14.11.2005 corrected by L 256, 02.10.2007, p. 31	L 302 19.11.2005 p. 1
Steel ropes and cables	P.R. China South Africa Ukraine Moldova (Rep. of) (ext.) Morocco (ext.) Korea (Rep. of)	Duties	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004 and extended as concerns China to such imports consigned from Korea (Rep. of) by Council Impl. Reg. (EU) No 400/2010 26.04.2010	L 299 16.11.2005 p. 1  L 326 12.12.2007 p. 18  L 120 24.04.2004 p. 1  L 328 30.10.2004 p. 1  L 117 11.05.2010 p. 1
	Russia	Duties	Council Reg. (EC) No 1279/2007 30.10.2007 corrected by L 96, 15.04.2009, p. 39	L 285 31.10.2007 p. 1
Strawberries (frozen)	P.R. China	Duties	Council Reg. (EC) No 407/2007	L 100 17.04.2007

			16.04.2007	p. 1
Sulphanilic acid	P.R. China India	Duties	Council Reg. (EC) No 1339/2002 22.07.2002 as last amended by Council Reg. (EC) No 123/2006 23.01.2006 and maintained by Council Reg. (EC) No 1000/2008 13.10.2008	L 196 25.07.2002 p. 11  L 22 26.01.2006 p. 5  L 275 16.10.2008 p. 1
	India	Undertakings	Commission Dec. No 2006/37/EC 05.12.2005	L 22 26.01.2006 p. 52
Sweet corn (prepared or preserved, in kernels)	Thailand	Duties	Council Reg. (EC) No 682/3007 18.06.2007 corrected by L 252 of 27.09.2007, p. 7 as last amended by Council Reg. (EC) No 954/2008 25.09.2008 and by Council Reg. (EC) No 847/2009 15.09.2009	L 159 20.06.2007 p. 14  L 260 30.09.2008 p. 1  L 246 18.09.2009 p. 1
Synthetic fibre ropes	India	Duties (3 years)	Council Reg. (EC) No 1736/2004 08.10.2004 and maintained by Council Impl. Reg. (EU) No 1242/2010 20.12.2010	L 311 08.10.2004 p. 1  L 338 22.12.2010 p. 10
Tartaric acid	P.R. China	Duties	Council Reg. (EC) No 130/2006 23.01.2006 as last amended by Council Reg. (EC) No 150/2008 18.02.2008	L 23 27.01.2006 p. 1  L 48 22.02.2008 p. 1
Trichloroisocyanuric acid	P.R. China	Duties	Council Reg. (EC) No 1631/2005 03.10.2005	L 261 07.10.2005 p. 1
Tube and pipe fitting, of iron or steel	P.R. China Thailand Taiwan (ext.) Indonesia (ext.) Sri Lanka (ext.) Philippines (ext.)	Duties	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004	L 139 06.06.2003 p. 1  L 275 25.08.2004 p. 1

			and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	L 355 01.12.2004 p. 4  L 355 01.12.2004 p. 9  L 116 29.04.2006 p. 1  L 233 04.09.2009 p. 1
	Korea (Rep. of) Malaysia	Duties	Council Reg. (EC) No 1514/2002 19.08.2002 as last amended by Council Reg. (EC) No 778/2003 06.05.2003 and maintained by Council Reg. (EC) No 1001/2008 13.10.2008 as last amended by Council Impl. Reg. (EU) No 363/2010 26.04.2010	L 228 24.08.2002 p. 1  L 114 08.05.2003 p. 1  L 275 16.10.2008 p. 18  L 107 29.04.2010 p. 1
Tungsten carbide and fused tungsten carbide	P.R. China	Duties	Council Reg. (EC) No 2268/2004 22.12.2004 as last amended by Council Reg. (EC) No 1275/2005 25.07.2005	L 395 31.12.2004 p. 56  L 202 03.08.2005 p. 1
Tungsten electrodes	P.R. China	Duties	Council Reg. (EC) No 260/2007 09.03.2007	L 72 13.03.2007 p. 1
Urea and ammonium nitrate solutions	Algeria Belarus Russia Ukraine	Duties	Council Reg. (EC) No 1911/2006 19.12.2006 as last amended by Council Reg.	L 365 21.12.2006 p. 26  L 213

	Algeria  Russia	Undertakings	(EC) No 789/2008 24.07.2008 and Council Impl. Reg. (EU) No 1251/2009 18.12.2009  Commission Reg. (EC) No 617/2000 16.03.2000  Commission Decision No 2008/649/EC 03.07.2008	08.08.2008 p. 14  L 338 19.12.2009 p. 5  L 75 24.03.2000 p. 3  L 213 08.08.2008 p. 39
Welded tubes and pipes, of iron or non-alloy steel	Thailand Ukraine	Duties	Council Reg. (EC) No 1697/2002 23.09.2002 and maintained by Council Reg. (EC) No 1256/2008 19.12.2008	L 259 27.09.2002 p. 8  L 343 19.12.2008 p. 1
Welded tubes and pipes, of iron or non-alloy steel	Belarus P.R. China Russia	Duties	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1
Wire rod	P.R. China	Duties	Council Reg. (EC) No 703/2009 27.07.2009	L 203 05.08.2009 p. 1

#### B. Ranked by country (alphabetical)

Origin	Product	Measure	Regulation N°	Publication
Algeria	Urea and ammonium nitrate solutions	Duties	Council Reg. (EC) No 1911/2006 19.12.2006 as last amended by Council Reg. (EC) No 789/2008 24.07.2008	L 365 21.12.2006 p. 26  L 213 08.08.2008 p. 14
		Undertakings	Commission Reg. (EC) No 617/2000 16.03.2000	L 75 24.03.2000 p. 3
Armenia	Aluminium foil	Duties	Council Reg. (EC) No 925/2009 24.09.2009	L 262 06.10.2009 p. 1
		Undertakings	Commission Dec. No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50
Belarus	Potassium chloride	Duties	Council Reg. (EC) No 1050/2006 11.07.2006	L 191 12.07.2006 p. 1
	Urea and ammonium nitrate solutions	Duties	Council Reg. (EC) No 1911/2006 19.12.2006	L 365 21.12.2006 p. 26

			as last amended by Council Reg. (EC) No 789/2008 24.07.2008	L 213 08.08.2008 p. 14
	Welded tubes and pipes, of iron or non-alloy steel	Duties	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1
Brazil	Aluminium foil	Duties	Council Reg. (EC) No 925/2009 24.09.2009	L 262 06.10.2009 p. 1
		Undertakings	Commission Decision No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50
	PET (polyethylene terephthalate) film (ext.)	Duties (ext.)	Council Reg. (EC) No 1292/2007 30.10.2007 and extended to imports consigned from Brazil and from Israel by the same Regulation as last amended by Council Reg. (EC) No 15/2009 08.01.2009 and Council Impl. Reg (EU) No 806/2010 13.09.2010	L 288 06.11.2007 p. 1  L 6 10.01.2009 p. 1  L 242 15.09.2010 p. 6
P.R. China	Aluminium foil	Duties	Council Reg. (EC) No 925/2009 24.09.2009	L 262 06.10.2009 p. 1
		Undertakings	Commission Dec. No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50
	Aluminium road wheels	Duties	Council Impl. Reg. (EU) No 964/2010 25.10.2010	L 282 28.10.2010 p. 1
	Barium carbonate	Duties	Council Reg. (EC) No 1175/2005 18.07.2005 corrected by L 181, 04.07.2006, p. 111	L 189 21.07.2005 p. 15
	Bicycles	Duties	Council Reg. (EC) No 1524/2000 10.07.2000 and extended to bicycle parts by	L 175 14.07.2000 p. 39

			Council Reg. (EC) No 71/97 10.01.97 as last amended by Council Reg. (EC) No 1095/2005 12.07.2005 and maintained by Council Reg. (EC) No 171/2008 25.02.2008	L 16 18.01.97 p. 1  L 183 14.07.2005 p. 1  L 55 28.02.2008 p. 1
	Bicycle parts	Duties	Council Reg. (EC) No 71/97 10.01.97 as last amended by Council Reg. (EC) No 1095/2005 12.07.2005 and maintained by Council Reg. (EC) No 171/2008 25.02.2008	L 16 18.01.97 p. 1
	Candles, tapers and the like	Duties	Council Reg. (EC) No 393/2009 11.05.2009	L 119 14.05.2009 p. 1
	Castings	Duties	Council Reg. (EC) No 1212/2005 25.07.2005 corrected by L 26, 30.01.2009, p. 6 as last amended by Council Reg. (EC) No 426/2008 14.05.2008	L 199 29.07.2005 p. 1  L 129 17.05.2008 p. 1
		Undertakings	Commission Dec. No 2010/177/EU 23.03.2010	L 77 24.03.2010 p. 55
	Cargo scanning systems	Duties	Council Impl. Reg. (EU) No 510/2010 14.06.2010	L 150 16.06.2010 p. 1
	Citric acid	Duties Undertakings	Council Reg. (EC) No 1193/2008 01.12.2008	L 323 03.12.2008 p. 1
	Citrus fruits	Duties	Commission Reg. (EC) No 1355/2008 18.12.2008	L 350 30.12.2008 p. 35
	Chamois leather	Duties	Council Reg. (EC) No 1338/2006 08.09.2006	L 251 14.09.2006 p. 1
	Coke of coal in pieces with a diameter of more than 80 mm	Duties	Council Reg. (EC) No 239/2008 17.03.2008	L 75 18.03.2008 p. 22
	Coumarin	Duties	Council Reg.	L 123



			(EC) No 769/2002 07.05.2002 as last amended by Council Reg. (EC) No 1854/2003 20.10.2003 and extended as concerns China to imports consigned from India and Thailand by Council Reg. (EC) No 2272/2004 22.12.2004 and extended as concerns China to imports consigned from Indonesia and Malaysia by Council Reg. (EC) No 1650/2006 07.11.2006 and maintained by Council Reg. (EC) No 654/2008 29.04.2008	09.05.2002 p. 1  L 272 23.10.2003 p. 1  L 396 31.12.2004 p. 18  L 311 10.11.2006 p. 1  L 183 11.07.2008 p. 1
	Dicyandiamide	Duties	Council Reg. (EC) No 1331/2007 13.11.2007	L 296 15.11.2007 p. 1
	Fasteners, iron or steel	Duties	Council Reg. (EC) No 91/2009 26.01.2009	L 29 31.01.2009 p. 1
	Ferro-silicon	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
	Footwear with uppers of leather	Duties (15 months)	Council Reg. (EC) No 1472/2006 05.10.2006 and extended as concerns China to imports consigned from Macau (SAR) by Council Reg. (EC) No 388/2008 29.04.2008 and maintained by Council Impl.Reg. (EU) No 1294/2009 22.12.2009	L 275 06.10.2006 p. 1  L 117 01.05.2008 p. 1  L 352 30.12.2009 p. 1
	Furfuraldehyde	Duties	Council Reg. (EC) No 639/2005 25.04.2005	L 107 28.04.2005 p. 1
	Furfuryl alcohol	Duties	Council Reg. (EC) No 1905/2003	L 283 31.10.2003

			27.10.2003 and maintained by Council Impl. Reg. (EU) No 1202/2009 07.12.2009 as last amended by Council Impl. Reg. (EU) No 195/2010 01.03.2010	p. 1  L 323 10.12.2009 p. 48  L 60 10.03.2010 p. 1
	Hand pallet trucks and their essential parts	Duties	Council Reg. (EC) No 1174/2005 18.07.2005 as last amended by Council Reg. (EC) No 684/2008 17.07.2008	L 189 21.07.2005 p. 1  L 192 19.07.2005 p. 1
	High tenacity yarn of polyesters	Duties	Council Impl. Reg. (EU) No 1105/2010 29.11.2010	L 315 01.12.2010 p. 1
	Ironing boards	Duties	Council Reg. (EC) No 452/2007 23.04.2007 corrected in PL by L 353, 31.12.2009, p. 70 as last amended by Council Impl. Reg. (EU) No 77/2010 19.01.2010 and Council Impl. Reg. (EU) No 270/2010 29.03.2010 and Council Impl. Reg. (EU) No 580/2010 29.06.2010 and Council Impl. Reg. (EU) No 1241/2010 20.12.2010	L 109 26.04.2007 p. 12  L 24 28.01.2010 p. 1  L 84 31.03.2010 p. 13  L 168 02.07.2010 p. 12  L 338 22.12.2010 p. 8
	Ironing boards (Since Hardware)	Duties	Council Impl. Reg. (EU) No 1243/2010 20.12.2010	L 338 22.12.2010 p. 22
	Lever arch mechanisms	Duties	Council Reg. (EC) No 1136/2006 24.07.2006	L 205 27.07.2006 p. 1
	Lighters (non-refillable and refillable)	Duties	Council Reg. (EC) No 1458/2007 12.12.2007	L 326 12.12.2007 p. 1
	Magnesia (deadburned)	Duties	Council Reg. (EC) No 716/2006 05.05.2006	L 125 12.05.2006 p. 1

	Magnesia bricks	Duties	Council Reg. (EC) No 1659/2005 06.10.2005 as last amended by Council Reg. (EC) No 906/2008 15.09.2008, as last amended by Council Reg. (EC) No 825/2009 07.09.2009 and by Council Reg. (EC) No 826/2009 07.09.2009	L 267 12.10.2005 p. 1  L 251 19.09.2008 p. 1  L 240 11.09.2009 p. 1  L 240 11.09.2009 p. 7
	Molybdenum wires	Duties	Council Impl. Reg. (EU) No 511/2010 14.06.2010	L 150 16.06.2010 p. 17
	Monosodium glutamate	Duties	Council Reg. (EC) No 1187/2008 27.11.2008	L 322 02.12.2008 p. 1
	Okoumé plywood	Duties	Council Reg. (EC) No 1942/2004 02.11.2004	L 336 12.11.2004 p. 4
	Peroxosulphates	Duties	Council Reg. (EC) No 1184/2007 09.10.2007	L 265 11.10.2007 p. 1
	Plastic sacks and bags	Duties	Council Reg. (EC) No 1425/2006 25.09.2006 corrected by L 49, 18.02.2007, p. 36 and by L 233, 05.09.2007, p. 7 as last amended by Council Reg. (EC) No 249/2008 17.03.2008 and Council Reg. (EC) No 189/2009 09.03.2009	L 270 29.09.2006 p. 4     L 76 19.03.2008 p. 8  L 67 12.03.2009 p. 5
	Polyester staple fibres	Duties	Council Reg. (EC) No 428/2005 10.03.2005 as last amended by Council Reg. (EC) No 1333/2005 09.08.2005	L 71 17.03.2005 p. 1  L 211 13.08.2005 p. 1
	PET (polyethylene terephthalate)	Duties	Council Reg. (EC) No 1467/2004 13.08.2004 as last amended by Council Reg.	L 271 19.08.2004 p. 1  L 345

			(EC) No 2167/2005 20.12.2005 and maintained by Council Impl. Reg. (EU) No 1030/2010 17.11.2010	28.12.2005 p. 11  L 300 17.11.2010 p. 1
	Powdered activated carbon (PAC)	Duties	Council Reg. (EC) No 1011/2002 10.06.2002 as last amended by Council Reg. (EC) No 931/2003 26.05.2003 and maintained by Council Reg. (EC) No 649/2008 08.07.2008	L 155 14.06.2002 p. 1  L 133 29.05.2003 p. 36  L 181 10.07.2008 p. 1
	Ring binder mechanisms	Duties	Council Reg. (EC) No 2074/2004 29.11.2004 extended to imports from Vietnam by Council Reg. (EC) No 1208/2004 28.06.2004 and extended to imports from Laos by Council Reg. (EC) No 33/2006 09.01.2006 as last amended by Council Reg. (EC) No 818/2008 13.08.2008 and maintained by Council Impl. Reg. (EU) No 157/2010 22.02.2010	L 359 04.12.2004 p. 11  L 232 01.07.2004 p. 1  L 7 12.01.2006 p. 1  L 221 19.08.2008 p. 1  L 49 26.02.2010 p. 1
	PSC wires and strands	Duties	Council Reg. (EC) No 383/2009 05.05.2009	L 118 13.05.2009 p. 1
	Saddles	Duties	Council Reg. (EC) No 691/2007 18.06.2007	L 160 21.06.2007 p. 1
	Seamless pipes and tubes of iron or steel	Duties	Council Reg. (EC) No 926/2009 24.09.2009	L 262 06.10.2009 p. 19
	Silico-manganese	Duties	Council Reg. (EC) No 1420/2007 04.12.2007 as last amended by Council Reg. (EC) No 865/2008 27.08.2008	L 317 05.12.2007 p. 5

	Silicon carbide	Duties	Council Reg. (EC) No 1264/2006 21.08.2006	L 232 25.08.2006 p. 1
	Silicon	Duties	Council Reg. (EC) No 398/2004 02.03.2004 extended to imports of silicon consigned from the Republic of Korea by Council Reg. (EC) No 42/2007 15.01.2007 and maintained by Council Impl. Reg. (EU) No 467/2010 25.05.2010	L 66 04.03.2004 p. 15  L 13 19.01.2007 p. 1  L 131 29.05.2010 p. 1
	Sodium cyclamate	Duties	Council Reg. (EC) No 435/2004 08.03.2004 and maintained by Council Impl. Reg. (EU) No 492/2010 03.06.2010	L 72 11.03.2004 p. 1  L 140 08.06.2010 p. 2
	Sodium gluconate	Duties	Council Impl. Reg. (EU) No 965/2010 25.10.2010	L 282 28.10.2010 p. 24
	Stainless steel fasteners and parts thereof	Duties	Council Reg. (EC) No 1890/2005 14.11.2005 corrected by L 256, 02.10.2007, p. 31	L 302 19.11.2005 p. 1
	Steel ropes and cables	Duties	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004	L 299 16.11.2005 p. 1  L 326 12.12.2007 p. 18  L 120 24.04.2004 p. 1  L 328 30.10.2004 p. 1

			25.10.2004 and extended as concerns China to such imports consigned from Korea (Rep. of) by Council Impl. Reg. (EU) No 400/2010 26.04.2010	L 117 11.05.2010 p. 1
	Strawberries (frozen)	Duties	Council Reg. (EC) No 407/2007 16.04.2007	L 100 17.04.2007 p. 1
	Sulphanilic acid	Duties	Council Reg. (EC) No 1339/2002 22.07.2002 as last amended by Council Reg. (EC) No 123/2006 23.01.2006 and maintained by Council Reg. (EC) No 1000/2008 13.10.2008	L 196 25.07.2002 p. 11  L 22 26.01.2006 p. 5  L 275 16.10.2008 p. 1
	Tartaric acid	Duties	Council Reg. (EC) No 130/2006 23.01.2006 as last amended by Council Reg. (EC) No 150/2008 18.02.2008	L 23 27.01.2006 p. 1  L 48 22.02.2008 p. 1
	Trichloroisocyanuric acid	Duties	Council Reg. (EC) No 1631/2005 03.10.2005	L 261 07.10.2005 p. 1
	Tube and pipe fitting, of iron or steel	Duties	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports	L 139 06.06.2003 p. 1  L 275 25.08.2004 p. 1  L 355 01.12.2004 p. 4  L 355 01.12.2004 p. 9

			consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	L 116 29.04.2006 p. 1  L 233 04.09.2009 p. 1
	Tungsten carbide and fused tungsten carbide	Duties	Council Reg. (EC) No 2268/2004 22.12.2004 as last amended by Council Reg. (EC) No 1275/2005 25.07.2005	L 395 31.12.2004 p. 56  L 202 03.08.2005 p. 1
	Tungsten electrodes	Duties	Council Reg. (EC) No 260/2007 09.03.2007	L 72 13.03.2007 p. 1
	Welded tubes and pipes, of iron or non-alloy steel	Duties	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1
	Wire rod	Duties	Council Reg. (EC) No 703/2009 27.07.2009	L 203 05.08.2009 p. 1
Croatia	Seamless pipes and tubes of iron or steel	Duties	Council Reg. (EC) No 954/2006 27.06.2006	L 175 29.06.2006 p. 4
Egypt	Ferro-silicon	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
India	Coumarin (ext.)	Duties (ext.)	Council Reg. (EC) No 769/2002 07.05.2002 as last amended by Council Reg. (EC) No 1854/2003 20.10.2003 and extended as concerns China to imports consigned from India and Thailand by Council Reg. (EC) No 2272/2004 22.12.2004 and extended as concerns China to imports consigned from Indonesia and Malaysia by Council Reg. (EC) No 1650/2006	L 123 09.05.2002 p. 1  L 272 23.10.2003 p. 1  L 396 31.12.2004 p. 18  L 311 10.11.2006

		Undertaking	07.11.2006 and maintained by Council Reg. (EC) No 654/2008 29.04.2008  Commission Dec. No 2005/3/EC 03.01.2005	p. 1  L 183 11.07.2008 p. 1  L 1 04.01.2005 p. 15
	Dihydromyrcenol	Duties	Council Reg. (EC) No 63/2008 21.01.2008	L 23 26.01.2008 p. 1
	Graphite electrode systems	Duties	Council Reg. (EC) No 1629/2004 13.09.2004 as last amended by Council Reg. (EC) No 1354/2008 18.12.2008 and maintained by Council Impl. Reg. (EU) No 1186/2010 13.12.2010	L 295 18.09.2004 p. 10  L 350 30.12.2008 p. 24  L 332 16.12.2010 p. 17
	PET (polyethylene terephthalate)	Duties  Undertakings	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	PET (polyethylene terephthalate) film	Duties	Council Reg. (EC) No 1292/2007 30.10.2007 and extended to imports consigned from Brazil and from Israel by the same Regulation as last amended by Council Reg. (EC) No 15/2009 08.01.2009 and Council Impl. Reg (EU) No 806/2010 13.09.2010	L 288 06.11.2007 p. 1     L 6 10.01.2009 p. 1  L 242 15.09.2010 p. 6
	Sulphanilic acid	Duties	Council Reg. (EC) No 1339/2002 22.07.2002 as last amended by Council Reg. (EC) No 123/2006 23.01.2006 and maintained by Council Reg.	L 196 25.07.2002 p. 11  L 22 26.01.2006 p. 5  L 275



		Undertakings	(EC) No 1000/2008 13.10.2008  Commission Dec. No 2006/37/EC 05.12.2005	16.10.2008 p. 1  L 22 26.01.2006 p. 52
	Synthetic fibre ropes	Duties (3 years)	Council Reg. (EC) No 1736/2004 08.10.2004 and maintained by Council Impl. Reg. (EU) No 1242/2010 20.12.2010	L 311 08.10.2004 p. 1  L 338 22.12.2010 p. 10
Indonesia	Coumarin (ext.)	Duties (ext.)	Council Reg. (EC) No 769/2002 07.05.2002 as last amended by Council Reg. (EC) No 1854/2003 20.10.2003 and extended as concerns China to imports consigned from India and Thailand by Council Reg. (EC) No 2272/2004 22.12.2004 and extended as concerns China to imports consigned from Indonesia and Malaysia by Council Reg. (EC) No 1650/2006 07.11.2006	L 123 09.05.2002 p. 1  L 272 23.10.2003 p. 1  L 396 31.12.2004 p. 18  L 311 10.11.2006 p. 1
	PET (polyethylene terephthalate)	Duties  Undertakings	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	Sodium cyclamate	Duties	Council Reg. (EC) No 435/2004 08.03.2004 and maintained by Council Impl. Reg. (EU) No 492/2010 03.06.2010	L 72 11.03.2004 p. 1  L 140 08.06.2010 p. 2

	Tube and pipe fitting, of iron or steel (ext.)	Duties (ext.)	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	L 139 06.06.2003 p. 1  L 275 25.08.2004 p. 1  L 355 01.12.2004 p. 4  L 355 01.12.2004 p. 9  L 116 29.04.2006 p. 1  L 233 04.09.2009 p. 1
Israel	PET (polyethylene terephthalate) film (ext.)	Duties (ext.)	Council Reg. (EC) No 1292/2007 30.10.2007 and extended to imports consigned from Brazil and from Israel by the same Regulation as last amended by Council Reg. (EC) No 15/2009 08.01.2009 and Council Impl. Reg (EU) No 806/2010 13.09.2010	L 288 06.11.2007 p. 1  L 6 10.01.2009 p. 1  L 242 15.09.2010 p. 6
Kazakhstan	Ferro-silicon	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
	Silico-manganese	Duties	Council Reg. (EC) No 1420/2007 04.12.2007	L 317 05.12.2007 p. 5

			as last amended by Council Reg. (EC) No 865/2008 27.08.2008	
Korea (Rep. of)	PET (polyethylene terephthalate)	Duties	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	Refrigerators (side-by-side)	Duties	Council Reg. (EC) No 1289/2006 25.08.2006	L 236 31.08.2006 p. 11
	Silicon (ext.)	Duties (ext.)	Council Reg. (EC) No 398/2004 02.03.2004 extended to imports of silicon consigned from the Republic of Korea by Council Reg. (EC) No 42/2007 15.01.2007	L 66 04.03.2004 p. 15  L 13 19.01.2007 p. 1
	Steel ropes and cables (ext.)	Duties (ext.)	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004 and extended as concerns China to such imports consigned from Korea (Rep. of) by Council Impl. Reg. (EU) No 400/2010 26.04.2010	L 299 16.11.2005 p. 1  L 326 12.12.2007 p. 18  L 120 24.04.2004 p. 1  L 328 30.10.2004 p. 1  L 117 11.05.2010 p. 1
	Tube and pipe fittings, of iron	Duties	Council Reg.	L 228

	or steel		(EC) No 1514/2002 19.08.2002 as last amended by Council Reg. (EC) No 778/2003 06.05.2003 and maintained by Council Reg. (EC) No 1001/2008 13.10.2008	24.08.2002 p. 1  L 114 08.05.2003 p. 1  L 275 16.10.2008 p. 18
Laos	Ring binder mechanisms (ext.)	Duties (ext.)	Council Reg. (EC) No 2074/2004 29.11.2004 extended to imports from Vietnam by Council Reg. (EC) No 1208/2004 28.06.2004 and extended to imports from Laos by Council Reg. (EC) No 33/2006 09.01.2006 and maintained by Council Impl.Reg. (EU) No 157/2010 22.02.2010	L 359 04.12.2004 p. 11  L 232 01.07.2004 p. 1  L 7 12.01.2006 p. 1  L 49 26.02.2010 p. 1
Macau (SAR)	Footwear with uppers of leather (ext.)	Duties (ext.) (15 months)	Council Reg. (EC) No 1472/2006 05.10.2006 and extended as concerns China to imports consigned from Macau (SAR) by Council Reg. (EC) No 388/2008 29.04.2008 and maintained by Council Impl.Reg. (EU) No 1294/2009 22.12.2009	L 275 06.10.2006 p. 1  L 117 01.05.2008 p. 1  L 352 30.12.2009 p. 1
F.Y.R.O.M	Ferro-silicon	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
Malaysia	Coumarin (ext.)	Duties (ext.)	Council Reg. (EC) No 769/2002 07.05.2002 as last amended by Council Reg. (EC) No 1854/2003 20.10.2003 and extended as concerns China to imports consigned	L 123 09.05.2002 p. 1  L 272 23.10.2003 p. 1

			<p>from India and Thailand by Council Reg. (EC) No 2272/2004 22.12.2004 and extended as concerns China to imports consigned from Indonesia and Malaysia by Council Reg. (EC) No 1650/2006 07.11.2006 and maintained by Council Reg. (EC) No 654/2008 29.04.2008</p>	<p>L 396 31.12.2004 p. 18</p> <p>L 311 10.11.2006 p. 1</p> <p>L 183 11.07.2008 p. 1</p>
	PET (polyethylene terephthalate)	Duties	<p>Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27</p>	<p>L 59 27.02.2007 p. 1</p>
	Tube and pipe fittings, of iron or steel	Duties	<p>Council Reg. (EC) No 1514/2002 19.08.2002 as last amended by Council Reg. (EC) No 778/2003 06.05.2003 and maintained by Council Reg. (EC) No 1001/2008 13.10.2008 as last amended by Council Impl. Reg. (EU) No 363/2010 26.04.2010</p>	<p>L 228 24.08.2002 p. 1</p> <p>L 114 08.05.2003 p. 1</p> <p>L 275 16.10.2008 p. 18</p> <p>L 107 29.04.2010 p. 1</p>
Moldova (Rep. of)	Steel ropes and cables (ext.)	Duties (ext.)	<p>Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports</p>	<p>L 299 16.11.2005 p. 1</p> <p>L 326 12.12.2007 p. 18</p> <p>L 120 24.04.2004 p. 1</p>

			consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004	L 328 30.10.2004 p. 1
Morocco	Steel ropes and cables (ext.)	Duties (ext.)	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004 and extended as concerns China to such imports consigned from Korea (Rep. of) by Council Impl. Reg. (EU) No 400/2010 26.04.2010	L 299 16.11.2005 p. 1  L 326 12.12.2007 p. 18  L 120 24.04.2004 p. 1  L 328 30.10.2004 p. 1  L 117 11.05.2010 p. 1



			L 339, 22.12.2009, p. 59	
	Ferro-silicon	Duties	Council Reg. (EC) No 172/2008 25.02.2008	L 55 28.02.2008 p. 6
	Potassium chloride	Duties	Council Reg. (EC) No 1050/2006 11.07.2006	L 191 12.07.2006 p. 1
		Undertakings	Commission Dec. No 2005/802/EC 17.10.2005 as last amended by Commission Dec. No 2006/557/EC 08.08.2006	L 302 19.11.2005 p. 79  L 218 09.08.2006 p. 22
	Seamless pipes and tubes of iron or steel	Duties	Council Reg. (EC) No 954/2006 27.06.2006 as last amended by Council Reg. (EC) No 812/2008 11.08.2008	L 175 29.06.2006 p. 4  L 220 15.08.2008 p. 1
	Steel ropes and cables	Duties	Council Reg. (EC) No 1279/2007 30.10.2007 corrected by L 96, 15.04.2009, p. 39	L 285 31.10.2007 p. 1
	Urea and ammonium nitrate solutions	Duties	Council Reg. (EC) No 1911/2006 19.12.2006 as last amended by Council Reg. (EC) No 789/2008 24.07.2008 and Council Impl. Reg. (EU) No 1251/2009 18.12.2009	L 365 21.12.2006 p. 26  L 213 08.08.2008 p. 14  L 338 19.12.2009 p. 5
		Undertakings	Commission Dec. No 2008/649/EC 03.07.2008	L 213 08.08.2008 p. 39
	Welded tubes and pipes, of iron or non-alloy steel	Duties	Council Reg. (EC) No 1256/2008 16.12.2008	L 343 19.12.2008 p. 1
South Africa	Manganese dioxides	Duties	Council Reg. (EC) No 221/2008 10.03.2008	L 69 13.03.2008 p. 1



	Steel ropes and cables	Duties	<p>Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004</p>	<p>L 299 16.11.2005 p. 1</p> <p>L 326 12.12.2007 p. 18</p> <p>L 120 24.04.2004 p. 1</p> <p>L 328 30.10.2004 p. 1</p>
Sri Lanka	Tube and pipe fitting, of iron or steel (ext.)	Duties (ext.)	<p>Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006 and maintained by Council Reg. (EC) No 803/2009 27.08.2009</p>	<p>L 139 06.06.2003 p. 1</p> <p>L 275 25.08.2004 p. 1</p> <p>L 355 01.12.2004 p. 4</p> <p>L 355 01.12.2004 p. 9</p> <p>L 116 29.04.2006 p. 1</p> <p>L 233 04.09.2009 p. 1</p>

Taiwan	Lighters (non-refillable and refillable)	Duties	Council Reg. (EC) No 1458/2007 12.12.2007	L 326 12.12.2007 p. 1
	Peroxosulphates	Duties	Council Reg. (EC) No 1184/2007 09.10.2007	L 265 11.10.2007 p. 1
	PET (polyethylene terephthalate)	Duties	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	Stainless steel fasteners and parts thereof	Duties	Council Reg. (EC) No 1890/2005 14.11.2005 corrected by L 256, 02.10.2007, p. 31	L 302 19.11.2005 p. 1
	Tube and pipe fitting, of iron or steel	Duties	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	L 139 06.06.2003 p. 1  L 275 25.08.2004 p. 1  L 355 01.12.2004 p. 4  L 355 01.12.2004 p. 9  L 116 29.04.2006 p. 1  L 233 04.09.2009 p. 1
Thailand	Coumarin (ext.)	Duties (ext.)	Council Reg. (EC) No 769/2002 07.05.2002 as last amended by Council Reg. (EC) No 1854/2003 20.10.2003	L 123 09.05.2002 p. 1  L 272 23.10.2003 p. 1

			<p>and extended as concerns China to imports consigned from India and Thailand by Council Reg. (EC) No 2272/2004 22.12.2004</p> <p>and extended as concerns China to imports consigned from Indonesia and Malaysia by Council Reg. (EC) No 1650/2006 07.11.2006</p> <p>and maintained by Council Reg. (EC) No 654/2008 29.04.2008</p>	<p>L 396 31.12.2004 p. 18</p> <p>L 311 10.11.2006 p. 1</p> <p>L 183 11.07.2008 p. 1</p>
	Hand pallet trucks and their essential parts (ext.)	Duties (ext.)	<p>Council Reg. (EC) No 1174/2005 18.07.2005</p> <p>as last amended by Council Reg. (EC) No 684/2008 17.07.2008</p> <p>extended to such imports consigned from Thailand by Council Reg. (EC) No 499/2009 11.06.2009</p>	<p>L 189 21.07.2005 p. 1</p> <p>L 192 19.07.2008 p. 1</p> <p>L 151 16.06.2009 p. 1</p>

	Plastic sacks and bags	Duties	Council Reg. (EC) No 1425/2006 25.09.2006 corrected by L 49, 18.02.2007, p. 36 and by L 233, 05.09.2007, p. 7 as last amended by Council Regulation (EC) No 249/2008 17.03.2008 and Council Regulation (EC) No 189/2009 09.03.2009	L 270 29.09.2006 p. 4  L 76 19.03.2008 p. 8  L 67 12.03.2009 p. 5
	PET (polyethylene terephthalate)	Duties	Council Reg. (EC) No 192/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 1
	Sweet corn (prepared or preserved, in kernels)	Duties	Council Reg. (EC) No 682/3007 18.06.2007 corrected by L 252 of 27.09.2007, p. 7 as last amended by Council Reg. (EC) No 954/2008 25.09.2008 and by Council Reg. (EC) No 847/2009 15.09.2009	L 159 20.06.2007 p. 14  L 260 30.09.2008 p. 1  L 246 18.09.2009 p. 1

	Tube and pipe fitting, of iron or steel	Duties	Council Reg. (EC) No 964/2003 02.06.2003 as last amended by Council Reg. (EC) No 1496/2004 18.08.2004 and extended as concerns China to imports consigned from Indonesia by Council Reg. (EC) 2052/2004 22.11.2004 and to imports consigned from Sri Lanka by Council Reg. (EC) No 2053/2004 22.11.2004 and to imports consigned from the Philippines by Council Reg. (EC) No 655/2006 27.04.2006 and maintained by Council Reg. (EC) No 803/2009 27.08.2009	L 139 06.06.2003 p. 1  L 275 25.08.2004 p. 1  L 355 01.12.2004 p. 4  L 355 01.12.2004 p. 9  L 116 29.04.2006 p. 1  L 233 04.09.2009 p. 1
	Welded tubes and pipes, of iron or non-alloy steel	Duties	Council Reg. (EC) No 1697/2002 23.09.2002 and maintained by Council Reg. (EC) No 1256/2008 19.12.2008	L 259 27.09.2002 p. 8  L 343 19.12.2008 p. 1
Ukraine	Ammonium nitrate	Duties (2 years)   Undertakings	Council Reg. (EC) No 442/2007 19.04.2007 and maintained by Council Impl. Reg. (EU) No 512/2010 14.06.2010  Commission Dec. No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59	L 106 24.04.2007 p. 1  L 150 18.06.2010 p. 24  L 185 12.07.2007 p. 43

	Ironing boards	Duties	Council Reg. (EC) No 452/2007 23.04.2007 corrected in PL by L 353, 31.12.2009, p. 70 as last amended by Council Impl. Reg. (EU) No 77/2010 19.01.2010 and Council Impl. Reg. (EU) No 270/2010 29.03.2010 and Council Impl. Reg. (EU) No 580/2010 29.06.2010 and Council Impl. Reg. (EU) No 1241/2010 20.12.2010	L 109 26.04.2007 p. 12  L 24 28.01.2010 p. 1  L 84 31.03.2010 p. 13  L 168 02.07.2010 p. 12  L 338 22.12.2010 p. 8
	Seamless pipes and tubes of iron or steel	Duties	Council Reg. (EC) No 954/2006 27.06.2006	L 175 29.06.2006 p. 4
	Steel ropes and cables	Duties	Council Reg. (EC) No 1858/2005 08.11.2005 as last amended by Council Reg. (EC) No 1459/2007 10.12.2007 extended as concerns Ukraine to such imports consigned from Moldova (Rep. of) by Council Reg. (EC) No 760/2004 22.04.2004 and extended as concerns China to such imports consigned from Morocco by Council Reg. (EC) No 1886/2004 25.10.2004	L 299 16.11.2005 p. 1  L 326 12.12.2007 p. 18  L 120 24.04.2004 p. 1  L 328 30.10.2004 p. 1
	Urea and ammonium nitrate solutions	Duties	Council Reg. (EC) No 1911/2006 19.12.2006 as last amended by Council Reg.	L 365 21.12.2006 p. 26  L 213

			(EC) No 789/2008 24.07.2008	08.08.2008 p. 14
	Welded tubes and pipes, of iron or non-alloy steel	Duties	Council Reg. (EC) No 1697/2002 23.09.2002 and maintained by Council Reg. (EC) No 1256/2008 16.12.2008	L 259 27.09.2002 p. 8  L 343 19.12.2008 p. 1
USA	Biodiesel	Duties	Council Reg. (EC) No 599/2009 07.07.2009	L 179 10.07.2009 p. 26
	Ethanolamines	Duties (2 years)	Council Impl. Reg. (EU) No 54/2010 19.01.2010	L 17 22.01.2010 p. 1
	Peroxosulphates	Duties	Council Reg. (EC) No 1184/2007 09.10.2007	L 265 11.10.2007 p. 1
Vietnam	Footwear with uppers of leather	Duties (15 months)	Council Reg. (EC) No 1472/2006 05.10.2006 and extended as concerns China to imports consigned from Macau (SAR) by Council Reg. (EC) No 388/2008 29.04.2008 and maintained by Council Impl.Reg. (EU) No 1294/2009 22.12.2009	L 275 06.10.2006 p. 1  L 117 01.05.2008 p. 1  L 352 30.12.2009 p. 1
	Ring binder mechanisms (ext.)	Duties (ext.)	Council Reg. (EC) No 2074/2004 29.11.2004 extended to imports from Vietnam by Council Reg. (EC) No 1208/2004 28.06.2004 and extended to imports from Laos by Council Reg. (EC) No 33/2006 09.01.2006 and maintained by Council Impl.Reg. (EU) No 157/2010 22.02.2010	L 359 04.12.2004 p. 11  L 232 01.07.2004 p. 1  L 7 12.01.2006 p. 1  L 49 26.02.2010 p. 1

## ANNEX P

Definitive anti-subsidy measures in force on 31 December 2010

### A. Ranked by product (alphabetical)

<b>Product</b>	<b>Origin</b>	<b>Measure</b>	<b>Regulation N°</b>	<b>Publication</b>
Antibiotics (broad spectrum) (AS)	India	Duties	Council Reg. (EC) No 713/2005 10.05.2005 as amended by Council Reg. (EC) No 1176/2008 29.11.2008	L 121 13.05.2005 p. 1  L 319 29.11.2008 p. 1
Biodiesel (AS)	USA	Duties	Council Reg. (EC) No 598/2009 07.07.2009	L 179 10.07.2009 p. 1
Graphite electrode systems (AS)	India	Duties	Council Reg. (EC) No 1628/2004 13.09.2004 as last amended by Council Reg. (EC) No 1354/2008 18.12.2008 and maintained by Council Impl. Reg. (EU) No 1185/2010 13.12.2010	L 295 18.09.2004 p. 4  L 350 30.12.2008 p. 24  L 332 16.12.2010 p. 1
PET (polyethylene terephthalate) (AS)	India	Duties	Council Reg. (EC) No 193/2007 22.02.2007 as last amended by Council Reg. (EC) No 1286/2008 16.12.2008	L 59 27.02.2007 p. 34  L 340 19.12.2008 p. 1
		Undertakings	Council Reg. (EC) No 193/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 34
	Iran Pakistan United Arab Emirates	Duties	Council Impl. Reg. (EU) No 857/2010 27.09.2010	L 254 29.09.2010 p. 10





B. Ranked by country (alphabetical)

Origin	Product	Measure	Regulation N°	Publication
Brazil	PET film (polyethylene terephthalate) (AS) (ext.)	Duties (ext.)	Council Reg. (EC) No 367/2006 27.02.2005 as last amended by Council Reg. (EC) No 1124/2007 28.09.2007 and extended to imports consigned from Brazil and from Israel by Council Reg. (EC) No 1976/2004 15.11.2004 as last amended by Council Reg. (EC) No 101/2006 20.01.2006 as last amended by Council Reg. (EC) No 15/2009 08.01.2009 and Council Impl. Reg. (EU) No 806/2010 15.09.2010	L 68 08.03.2006 p. 15  L 255 29.09.2007 p. 1  L 342 18.11.2004 p. 8  L 17 21.01.2006 p. 1  L 6 10.01.2009 p. 1  L 242 15.09.2010 p. 6
India	Antibiotics (broad spectrum) (AS)	Duties	Council Reg. (EC) No 713/2005 10.05.2005 as amended by Council Reg. (EC) No 1176/2008 29.11.2008	L 121 13.05.2005 p. 1  L 319 29.11.2008 p. 1
	Graphite electrode systems (AS)	Duties	Council Reg. (EC) No 1628/2004 13.09.2004 as last amended by Council Reg. (EC) No 1354/2008 18.12.2008 and maintained by Council Impl. Reg. (EU) No 1185/2010 13.12.2010	L 295 18.09.2004 p. 4  L 350 30.12.2008 p. 24  L 332 16.12.2010 p. 1
	PET (polyethylene terephthalate) (AS)	Duties	Council Reg. (EC) No 193/2007 22.02.2007 as last amended by Council Reg. (EC) No 1286/2008 19.12.2008	L 59 27.02.2007 p. 34  L 340 19.12.2008 p. 1

		Undertakings	Council Reg. (EC) No 193/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 34
	PET film (polyethylene terephthalate) (AS)	Duties	Council Reg. (EC) No 367/2006 27.02.2005 as last amended by Council Reg. (EC) No 1124/2007 28.09.2007 and extended to imports consigned from Brazil and from Israel by Council Reg. (EC) No 1976/2004 15.11.2004 as last amended by Council Reg. (EC) No 101/2006 20.01.2006 and Council Reg. (EC) No 15/2009 08.01.2009 and Council Impl. Reg. (EU) No 579/2010 29.06.2010 and Council Impl. Reg. (EU) No 806/2010 15.09.2010	L 68 08.03.2006 p. 15  L 255 29.09.2007 p. 1  L 342 18.11.2004 p. 8  L 17 21.01.2006 p. 1  L 6 10.01.2009 p. 1  L 168 02.07.2010 p. 1  L 242 15.09.2010 p. 6
	Sulphanilic acid (AS)	Duties	Council Reg. (EC) No 1339/2002 22.07.2002 as last amended by Council Reg. (EC) No 123/2006 23.01.2006 and maintained by Council Reg. (EC) No 1010/2008 13.10.2008	L 196 25.07.2002 p. 11  L 22 26.01.2006 p. 5  L 276 17.10.2008 p. 3
		Undertakings	Commission Dec. No 2006/37/EC 05.12.2005	L 22 26.01.2006 p. 52

Israel	PET film (polyethylene terephthalate) (AS) (ext.)	Duties (ext.)	Council Reg. (EC) No 367/2006 27.02.2005 as last amended by Council Reg. (EC) No 1124/2007 28.09.2007 and extended to imports consigned from Brazil and from Israel by Council Reg. (EC) No 1976/2004 15.11.2004 as last amended by Council Reg. (EC) No 101/2006 20.01.2006 as last amended by Council Reg. (EC) No 15/2009 08.01.2009 and Council Impl. Reg. (EU) No 806/2010 15.09.2010	L 68 08.03.2006 p. 15  L 255 29.09.2007 p. 1  L 342 18.11.2004 p. 8  L 17 21.01.2006 p. 1  L 6 10.01.2009 p. 1  L 242 15.09.2010 p. 6
Iran	PET (polyethylene terephthalate) (AS)	Duties	Council Reg. (EC) No 1289/2006 277.08.2006	L 254 29.09.2010 p. 10
Pakistan	PET (polyethylene terephthalate) (AS)	Duties	Council Reg. (EC) No 1289/2006 277.08.2006	L 254 29.09.2010 p. 10
United Arab Emirates	PET (polyethylene terephthalate) (AS)	Duties	Council Reg. (EC) No 1289/2006 277.08.2006	L 254 29.09.2010 p. 10
USA	Biodiesel (AS)	Duties	Council Reg. (EC) No 598/2009 07.07.2009	L 179 10.07.2009 p. 1

## ANNEX Q

Undertakings in force on 31 December 2010

### A. Ranked by product (alphabetical)

<b>Product</b>	<b>Origin</b>	<b>Measure</b>	<b>Regulation N°</b>	<b>Publication</b>
Aluminium foil	Brazil	Undertakings	Commission Dec. No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50
Ammonium nitrate	Russia Ukraine	Undertakings	Commission Dec. No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59	L 185 12.07.2008 p. 43
Castings	P.R. China	Undertakings	Commission Dec. No 2010/177/EU 23.03.2010	L 77 24.03.2010 p. 55
Citric acid	P.R. China	Undertakings	Commission Dec. No 2008/899/EC 02.12.2008	L 323 03.12.2008 p. 62
Coumarin	India	Undertakings	Commission Dec. No 2005/3/EC 03.01.2005	L 1 04.01.2005 p. 15
PET (polyethylene terephthalate)	India Indonesia	Undertakings	Council Reg. (EC) No 192/2007 22.02.2007	L 59 27.02.2007 p. 1
PET (polyethylene terephthalate) (AS)	India	Undertakings	Council Reg. (EC) No 193/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 34
Potassium chloride	Russia	Undertakings	Commission Dec. No 2005/802/EC 17.10.2005 as last amended by Commission Dec. No 2006/557/EC 08.08.2006	L 302 19.11.2005 p. 79  L 218 09.08.2006 p. 22
Sulphanilic acid (AD + AS)	India	Undertakings	Commission Dec. No 2006/37/EC 05.12.2006	L 22 26.01.2006 p. 52
Urea and ammonium nitrate solutions	Algeria	Undertakings	Commission Reg. (EC) No 617/2000 16.03.2000	L 75 24.03.2000 p. 3
	Russia	Undertakings	Commission Dec. No 2008/649/EC 03.07.2008	L 213 08.08.2008 p. 39

### B. Ranked by country (alphabetical)

<b>Origin</b>	<b>Product</b>	<b>Measure</b>	<b>Regulation N°</b>	<b>Publication</b>
Algeria	Urea and ammonium nitrate solutions	Undertakings	Commission Reg. (EC) No 617/2000 16.03.2000	L 75 24.03.2000 p. 3
Brazil	Aluminium foil	Undertakings	Commission Dec. No 2009/736/EC 05.10.2009	L 262 06.10.2009 p. 50
P.R. China	Castings	Undertakings	Commission Dec. No 2010/177/EU 23.03.2010	L 77 24.03.2010 p. 55
	Citric acid	Undertakings	Commission Dec. No 2008/899/EC 02.12.2008	L 323 03.12.2008 p. 62
India	Coumarin	Undertakings	Commission Dec. No 2005/3/EC 03.01.2005	L 1 04.01.2005 p. 15
	PET (polyethylene terephthalate)	Undertakings	Council Reg. (EC) No 192/2007 22.02.2007	L 59 27.02.2007 p. 1
	PET (polyethylene terephthalate) (AS)	Undertakings	Council Reg. (EC) No 193/2007 22.02.2007 corrected by L 215, 18.08.2007, p. 27	L 59 27.02.2007 p. 34
	Sulphanilic acid (AD + AS)	Undertakings	Commission Dec. No 2006/37/EC 05.12.2006	L 22 26.01.2006 p. 52
Indonesia	PET (polyethylene terephthalate)	Undertakings	Council Reg. (EC) No 192/2007 22.02.2007	L 59 27.02.2007 p. 1
Russia	Ammonium nitrate	Undertakings	Commission Dec. No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59	L 185 12.07.2008 p. 43
	Potassium chloride	Undertakings	Commission Dec. No 2005/802/EC 17.10.2005 as last amended by Commission Dec. No 2006/557/EC 08.08.2006	L 302 19.11.2005 p. 79  L 218 09.08.2006 p. 22
	Urea and ammonium nitrate solutions	Undertakings	Commission Dec. No 2008/649/EC 03.07.2008	L 213 08.08.2008 p. 39
Ukraine	Ammonium nitrate	Undertakings	Commission Dec. No 2008/577/EC 04.07.2008 corrected by L 339, 22.12.2009, p. 59	L 185 12.07.2008 p. 43

## ANNEX R

Anti-dumping & anti-subsidy investigations pending

on 31 December 2010

A. New investigations (ranked by product - in alphabetical order)

<b>Product</b>	<b>AD/AS</b>	<b>Origin</b>	<b>Type</b>	<b>Publication</b>
Ceramic tiles	AD.560	P.R. China	Initiation	C 160 19.06.2010, p. 20
Coated fine paper	AD.552	P.R. China	Initiation  Prov. Duty	C 41 18.02.2010, p. 6  L 299 17.11.2010, p. 7
Coated fine paper (AS)	AS.557	P.R. China	Initiation	C 99 17.04.2010, p. 30
Continuous filament glass fibre products	AD.549	P.R. China	Initiation  Prov. Duty	C 307 17.12.2009, p. 39  L 243 16.09.2010, p. 40
Fatty alcohols and their blends	AD.563	India Indonesia Malaysia	Initiation	C 219 13.08.2010, p. 12
Graphite electrode systems	AD.567	P.R. China	Initiation	C 343 17.12.2010, p. 24
Melamine	AD.554	P.R. China	Initiation  Prov. Duty	C 40 17.02.2010, p. 10  L 298 16.11.2010, p. 10
Open mesh fabrics of glass fibres	AD.558	P.R. China	Initiation	C 131 20.05.2010, p. 6
Purified terephthalic acid and its salts	AD.550	Thailand	Initiation	C 313 22.12.2009, p. 17
Purified terephthalic acid and its salts (AS)	AS.551	Thailand	Initiation	C 313 22.12.2009, p. 22
Ring binder mechanisms	AD.559	Thailand	Initiation	C 131 20.05.2010, p. 13
Seamless pipes and tubes of stainless steel	AD.565	P.R. China	Initiation	C 265 30.09.2010, p. 10
Stainless steel bars	AD.555	India	Initiation	C 87 A 1.04.2010, p. 1
Stainless steel bars (AS)	AS.556	India	Initiation  Prov. Duty	C 87 1.04.2010, p. 17  L 343 29.12.2010, p. 57
Tris (2-chloro-1-methylethyl) phosphate	AD.562	P.R. China	Initiation	C 201 23.07.2010, p. 5
Vinyl acetate	AD.566	U.S.A.	Initiation	C 327 04.12.2010, p. 23
Wireless wide area networking modems	AD.561	P.R. China	Initiation	C 171 30.06.2010, p. 9

Wireless wide area networking modems (AS)	AS.564	P.R. China	Initiation	C 249 16.09.2010, p. 7
Zeolite A powder	AD.553	Bosnia & Herzegovina	Initiation	C 40 17.02.2010, p. 5
			Prov. Duty	L 298 16.11.2010, p. 27

B. Review investigations (ranked by product - in alphabetical order)

Product	R. No	Origin	Type of review	Publication
Antibiotics (broad spectrum) (AS)	R.499	India	Expiry review	C 123 12.05.2010, p. 11
Barium carbonate	R.502	P.R. China	Expiry review	C 192 16.07.2010, p. 4
Biodiesel	R.506	Canada Singapore	Circumvention review	L 211 12.08.2010, p. 1
Biodiesel (AS)	R.507	Canada Singapore	Circumvention review	L 211 12.08.2010, p. 6
Castings	R.505	P.R. China	Expiry review	C 203 27.07.2010, p. 2
Coumarin	R.516	P.R. China	Partial interim review	C 299 05.11.2010, p. 4
Fasteners, iron or steel	R.515	P.R. China	Circumvention review	L 282 28.10.2010, p. 29
Ferro-silicon	R.514	Russia	Partial interim review	C 290 27.10.2010, p. 15
Furfuraldehyde	R.498	P.R. China	Expiry review	C 107 27.04.2010, p. 10
Hand pallet trucks and their essential parts	R.504	P.R. China	Expiry review	C 196 20.07.2010, p. 15
Magnesia bricks	R.509	P.R. China	Newcomer review	L 253 28.09.2010, p. 42
Magnesia bricks	R.511	P.R. China	Expiry review	C 272 08.10.2010, p. 5
Okoumé plywood	R.489	P.R. China	Expiry review	C 270 11.11.2009, p. 24
Okoumé plywood	R.489	P.R. China	Partial interim review	C 270 11.11.2009, p. 24
Plastic sacs and bags	R.508	P.R. China	Circumvention review	L 219 20.08.2010, p. 1
Plastic sacs and bags	R.510	P.R. China	Partial interim review	C 253 21.09.2010, p. 2
Polyethylene terephthalate (PET)	R.496	Korea (Rep. of)	Partial interim review	C 47 25.02.2010, p. 24
Polyethylene terephthalate (PET)	R.500	India	Partial interim review	C 151 10.06.2010, p. 15
Polyethylene terephthalate (PET) (AS)	R.501	India	Partial interim review	C 151 10.06.2010, p. 17
Polyethylene terephthalate (PET) film	R.355a	India	Partial interim review	C 131 20.05.2010, p. 3
Polyethylene terephthalate (PET)	R.491	India	Partial interim	C 291



film			review	01.12.2009, p. 28
Polyethylene terephthalate (PET) film	R.494	India	Partial interim review	C 8 14.01.2010, p. 27
Polyethylene terephthalate (PET) film	R.513	India	Partial interim review	C 294 29.10.2010, p. 10
Polyethylene terephthalate (PET) film (AS)	R.495	India	Partial interim review	C 8 14.01.2010, p. 29
Polyester staple fibres	R.497	P.R. China	Expiry review	C 64 16.03.2010, p. 10
Potassium chloride	R.520	Belarus Russia	Partial interim review	C 323 30.11.2010, p. 24
Steel ropes and cables	R.517	P.R. China South Africa Ukraine	Expiry review	C 309 13.11.2010, p. 6
Stainless steel fasteners and parts thereof	R.518	P.R. China Taiwan	Expiry review	C 315 19.11.2010, p. 7
Trichloroisocyanuric acid	R.512	P.R. China	Expiry review	C 270 06.10.2010, p. 7
Tungsten carbide and fused tungsten carbide	R.493	P.R. China	Expiry review	C 322 30.12.2009, p. 23

C. Ranked by country (new and review investigations) (alphabetical)

Origin	Product	Type	Publication
Belarus	Potassium chloride	Partial interim review	C 323 30.11.2010, p. 24
Bosnia & Herzegovina	Zeolite A powder	New investigation  Prov. Duty	C 40 17.02.2010, p. 5  L 298 16.11.2010, p. 27
Canada	Biodiesel	New investigation	L 211 12.08.2010, p. 1
	Biodiesel (AS)	New investigation	L 211 12.08.2010, p. 6
P.R. China	Barium carbonate	Expiry review	C 192 16.07.2010, p. 4
	Castings	Expiry review	C 203 27.07.2010, p. 2
	Ceramic tiles	New investigation	C 160 19.06.2010, p. 20
	Coated fine paper	New investigation  Prov. Duty	C 41 18.02.2010, p. 6  L 299 17.11.2010, p. 7
	Coated fine paper (AS)	New investigation	C 99 17.04.2010, p. 30
	Continuous filament glass fibre products	New investigation  Prov. Duty	C 307 17.12.2009, p. 39  L 243 16.09.2010, p. 40

	Coumarin	Partial interim review	C 299 05.11.2010, p. 4
	Fasteners, iron or steel	Circumvention review	L 282 28.10.2010, p. 29
	Furfuraldehyde	Expiry review	C 107 27.04.2010, p. 10
	Graphite electrode systems	New investigation	C 343 17.12.2010, p. 24
	Hand pallet trucks and their essential parts	Expiry review	C 196 20.07.2010, p. 15
	Magnesia bricks	Newcomer review	L 253 28.09.2010, p. 42
	Magnesia bricks	Expiry review	C 272 08.10.2010, p. 5
	Melamine	New investigation	C 40 17.02.2010, p. 10
		Prov. Duty	L 298 16.11.2010, p. 10
	Okoumé plywood	Expiry review	C 270 11.11.2009, p. 24
	Okoumé plywood	Partial interim review	C 270 11.11.2009, p. 24
	Open mesh fabrics of glass fibres	New investigation	C 131 20.05.2010, p. 6
	Plastic sacs and bags	Circumvention review	L 219 20.08.2010, p. 1
	Plastic sacs and bags	Partial interim review	C 253 21.09.2010, p. 2
	Polyester staple fibres	Expiry review	C 64 16.03.2010, p. 10
	Seamless pipes and tubes of stainless steel	New investigation	C 265 30.09.2010, p. 10
	Steel ropes and cables	Expiry review	C 309 13.11.2010, p. 6
	Stainless steel fasteners and parts thereof	Expiry review	C 315 19.11.2010, p. 7
	Tris (2-chloro-1-methylethyl) phosphate	New investigation	C 201 23.07.2010, p. 5
	Trichloroisocyanuric acid	Expiry review	C 270 06.10.2010, p. 7
	Tungsten carbide and fused tungsten carbide	Expiry review	C 322 30.12.2009, p. 23
	Wireless wide area networking modems	New investigation	C 171 30.06.2010, p. 9
	Wireless wide area networking modems (AS)	New investigation	C 249 16.09.2010, p. 7
India	Antibiotics (broad spectrum) (AS)	Expiry review	C 123 12.05.2010, p. 11
	Fatty alcohols and their blends	New investigation	C 219 13.08.2010, p. 12
	Polyethylene terephthalate (PET)	Partial interim review	C 151 10.06.2010, p. 15

	Polyethylene terephthalate (PET) (AS)	Partial interim review	C 151 10.06.2010, p. 17
	Polyethylene terephthalate (PET) film	Partial interim review	C 131 20.05.2010, p. 3
	Polyethylene terephthalate (PET) film	Partial interim review	C 291 01.12.2009, p. 28
	Polyethylene terephthalate (PET) film	Partial interim review	C 8 14.01.2010, p. 27
	Polyethylene terephthalate (PET) film	Partial interim review	C 294 29.10.2010, p. 10
	Polyethylene terephthalate (PET) film (AS)	Partial interim review	C 8 14.01.2010, p. 29
	Stainless steel bars	New investigation	C 87 A 1.04.2010, p. 1
	Stainless steel bars (AS)	New investigation	C 87 1.04.2010, p. 17
		Prov. Duty	L 343 29.12.2010, p. 57
Indonesia	Fatty alcohols and their blends	New investigation	C 219 13.08.2010, p. 12
Korea (Rep. of)	Polyethylene terephthalate (PET)	Partial interim review	C 47 25.02.2010, p. 24
Malaysia	Fatty alcohols and their blends	New investigation	C 219 13.08.2010, p. 12
Russia	Ferro-silicon	Partial interim review	C 290 27.10.2010, p. 15
	Potassium chloride	Partial interim review	C 323 30.11.2010, p. 24
Singapore	Biodiesel	New investigation	L 211 12.08.2010, p. 1
	Biodiesel (AS)	New investigation	L 211 12.08.2010, p. 6
South Africa	Steel ropes and cables	Expiry review	C 309 13.11.2010, p. 6
Taiwan	Stainless steel fasteners and parts thereof	Expiry review	C 315 19.11.2010, p. 7
Thailand	Purified terephthalic acid and its salts	New investigation	C 313 22.12.2009, p. 17
	Purified terephthalic acid and its salts (AS)	New investigation	C 313 22.12.2009, p. 22
	Ring binder mechanism	New investigation	C 131 20.05.2010, p. 13
Ukraine	Steel ropes and cables	Expiry review	C 309 13.11.2010, p. 6
U.S.A.	Vinyl acetate	New investigation	C 327 04.12.2010, p. 23

## ANNEX S

### Court cases

#### A. Court cases pending before the Court of Justice of the European Union and the General Court on 31 December 2010:

<b>Court of Justice</b>	
Case C-191/09 P	Council (v. Interpipe Niko. Tube & Interpipe NTRP) (appeal against judgement in case T-249/06)
Case C-200/09 P	Commission (v. Interpipe Niko. Tube & Interpipe NTRP) (appeal against judgement in case T-249/06)
Case C-337/09 P	Council (v. Zhejiang Chemical) (appeal against judgement in case T-498/04)
Case C-511/09 P	Dongguan Nanzha Leco Stationery Mfg. (v. Council) (appeal against judgement in case T-296/06)
Case C-247/10 P	Zhejiang Aokang Shoes Ltd. (v. Council) (appeal against judgment in case T-407/06)
Case C-249/10 P	Brossman Footwear (HK) and others (v. Council) (appeal against judgment in case T-401/06)
Case C-338/10	GLS Grünwald Logistik Service GmbH (Reference for a preliminary ruling)
Case C-552/10P	Usha Martin Ltd. (v. Council and Commission) (appeal against judgement in case T-119/06)
Case C-533/10	CIVAD S.A. (Reference for a preliminary ruling)
<b>General Court</b>	
Case T-199/04	Gul Ahmed Textile Mills Ltd. v. Council
Case T-113/06	Fjord Seafood Norway AS et al v. Council
Case T-115/06	Fiskeri og Havbruksnaeringens et al v. Council
Case T-84/07	Eurochem v. Council
Case T-167/07	Far Eastern Textile Ltd. v. Council
Case T-274/07	Zhejiang Harmonic Hardware Products v. Council
Case T-469/07	Philips Lighting Poland SA and Philips Lighting BV v Council
Case T-459/07	Hangzhou Duralamp Electronics Co., Ltd v Council
Case T-107/08	TNC Kazchrome and ENRC Marketing AG v Council and Commission
Case T-190/08	Chelyabinskij electrometalurgicheskij kombinat and Kuznetskie Ferrosplavy v. Council and Commission
Case T-192/08	TNK Kazchrome and ENRC Marketing v. Council
Case T-234/08	EuroChem Mineral and Chemical Company OAO (EuroChem MCC) v. Council

Case T-235/08	Acron OAO and Dorogobuzh OAO v. Council
Case T-259/08	Global Digital Disc GmbH & Co. KG v. Commission
Case T-459/08	EuroChem Mineral and Chemical Company OAO (EuroChem MCC) v. Council
Case T-536/08	Huvis v. Council
Case T-537/08	Cixi Jiangnan Chemical Fiber and others v. Council
Case T-122/09	Zhejiang Xinshiji Foods and Hubei Xinshiji Foods v. Council
Case T-150/09	Ningbo Yonghong Fasteners v. Council
Case T-162/09	Würth and Fasteners (Shenyang) v. Council
Case T-170/09	Shanghai Biaowu High-Tensile Fastener and Shanghai Prime Machinery v. Council
Case T-172/09	Gem-Year and Jinn-Well Auto-Parts (Zhejiang) v. Council
Case T-210/09	Formenti Seleco SpA v. Commission
Case T-423/09	Dashiqiao Sanqiang Refractory Materials v. Council
Case T-512/09	Rusal Armenal v. Council
Case T-528/09	Hubei Xinyegang v. Council
Case T-118/10	Acron OAO v. Council
Case T-134/10	FESI v. Council
Case T-153/10	Schneider Espana de Informatica SA v. Commission
Case T-158/10	The Dow Chemical Company v. Council
Case T-191/10	Greenwood Houseware (Zhuhai) Ltd and Others v. Council
Case T-269/10	LIS GmbH Licht Impex Service GmbH v. Commission
Case T-297/10	DBV – Deutscher Brennstoffvertrieb Würzburg GmbH v. Commission
Case T-555/10	JBF RAK v. Council

B. Judgments, orders or other decisions rendered by the Court of Justice of the European Union or by the General Court in 2010.

<b>Court of Justice</b>	
Case C-373/08	Hoesch Metals and Alloys GmbH
Case C-419/08 P	Trubowest Handel and Makarov (v. Council and Commission) (appeal against judgement in case T-429/04)
Case C-498/09 P	Thomson Sales Europe (v. Commission) (appeal against judgement in case T-225/07)

Case C-371/09	Isaac International (Reference for a preliminary ruling)
Case C-382/09	Stils Met (Reference for a preliminary ruling)
<b>General Court</b>	
Case T-401/06	Brossman Footwear (HK) and others v. Council
Case T-407/06	Zhejiang Aokang Shoes Ltd. v. Council
Case T-408/06	Wenzhou Taima Shoes Co. Ltd. v. Council
Case T-409/06	Sun Sang Kong Yuen Shoes Factory v. Council
Case T-410/06	Foshan City Nanhai Golden Step Industrial Co. Ltd. v. Council
Case T-119/06	Usha Martin Ltd. v. Council and Commission
Case T-314/06	Whirlpool v. Commission
Case T-369/08	EWRIA and others vs. Commission
Case T-191/09	HIT Trading and Berkman Forwarding v. Commission

## ANNEX T

Safeguard and surveillance measures in force on 31 December 2010

### A. Safeguard measures

<b>List of safeguard measures in force</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
None	-	-	-

### B. Surveillance measures

<b>List of surveillance measures in force</b>			
<b>Product</b>	<b>Country of origin</b>	<b>Regulation/ Decision No</b>	<b>OJ Reference</b>
Footwear products (surveillance)	P.R. China	Commission Reg. (EC) No 117/2005 26.01.2005	L 24 27.01.2005 p. 8
Steel products (surveillance)	Erga omnes	Commission Reg. (EC) No 469/2005 23.03.2005	L 78 24.03.2005 p. 12