COMMISSION DECISION

of 25 November 1980

terminating the anti-dumping proceeding concerning imports of edible and pharmaceutical gelatine originating in Sweden

(80/1094/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Council Regulation (EEC) No 3017/79 of 20 December 1979 on protection against dumped or subsidized imports from countries not members of the European Economic Community (1),

After hearing the opinions expressed by the Advisory Committee set up under that Regulation,

Whereas the Commission, after receiving a complaint containing evidence of dumping in respect of edible and pharmaceutical gelatine originating in Sweden and of material injury resulting therefrom, announced the initiation of a proceeding concerning imports of this product into the Community (2), officially advised the exporters and importers known to be concerned and the complainant and commenced an investigation of the matter;

Whereas the Commission has given the parties concerned the opportunity to make known their views in writing and to apply to be heard orally; whereas the complainant, the exporter, importers and certain end-users of the product in question have availed themselves of this opportunity; whereas the Commission has furthermore given the parties directly concerned an opportunity to meet so that opposing views might be presented and any rebuttal arguments put forward; whereas neither the complainant nor the exporter has taken this opportunity; whereas the complainant, the importers and the exporter known to be concerned as well as the representatives of the exporting country have had the opportunity to inspect non-confidential information made available to the Commission which is relevant to the defence of their interests; whereas the complainant was also given the opportunity to comment on a detailed non-confidential memorandum submitted by the exporter and has availed itself of this opportunity;

Whereas in the course of the proceeding, the Commission sought and verified all information it deemed to be necessary and carried out inspections at the premises of the Swedish producer;

Whereas, in examining the existence of dumping by the Swedish producer, the Commission had to consider that the complaint alleged that sales on the Swedish market were made at a loss; whereas these allegations were based on detailed cost calculations, derived from production costs in the Community extrapolated for Sweden as compared to actual Swedish resale prices; whereas, therefore, the Commission examined all production costs, including depreciation, finance costs and allocation of other overheads of the Swedish producer for the period 1 August 1979 to 31 July 1980 and determined that sales on the Swedish market during that period were not made at a loss; whereas, furthermore, in comparing the Swedish producer's exports to the Community, and the United Kingdom in particular, with the total sales on the Swedish domestic market the Commission found that sales made on the home market were in quantities sufficient to permit a proper comparison; whereas the Commission therefore determined that sales on the domestic market in Sweden should be used for the purpose of establishing the normal value;

Whereas all price comparisons were made on a gelatine grade-by-grade basis and, where deemed necessary, on a transaction-by-transaction basis; whereas these comparisons were made at the ex-factory level for sales during the period 1 January 1979 to 31 July 1980; whereas no adjustments of the selling prices were claimed or deemed necessary;

Whereas it emerged from this examination that on average the export prices to the United Kingdom exceeded the corresponding domestic prices on the Swedish market by 16·7 % for the period 1 January 1979 to 31 December 1979 and by 9·3 % for the period 1 January 1980 to 31 July 1980, or by an average of 12·9 %;

Whereas, consequently, no dumping existed in the case of exports of the products in question to the United Kingdom;

Whereas, in these circumstances, it is appropriate to terminate the proceeding concerning imports of edible and pharmaceutical gelatine originating in Sweden,

(1) OJ No L 339, 31. 12. 1979, p. 1.
(2) OJ No C 219, 27. 8. 1980, p. 2.

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding in respect of imports of edible and pharmaceutical gelatine, falling under Common Customs Tariff subheading ex 35.03 B I and corresponding to NIMEXE code ex 35.03-91, and originating in Sweden is hereby terminated.

Done at Brussels, 25 November 1980.

For the Commission

Wilhelm HAFERKAMP

Vice-President