COMMISSION DECISION

of 15 December 1980

terminating the anti-dumping proceeding concerning imports of pressure sensitive paper masking tape originating in the United States of America

(80/1175/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 Community [1], and in particular Article 9 thereof,

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

Whereas in April 1980 the Commission received a complaint lodged by the 'Associazione nazionale fra le industrie de la gomma, cavi elettrici e affini' (Assogomma) on behalf of the great majority of the EEC manufacturers; whereas the complaint contained evidence of the existence of dumping in respect of like products originating in the United States of America and of material injury resulting therefrom;

Whereas the said evidence was sufficient to justify initiating an investigation;

Whereas the Commission accordingly announced, by a notice published in the *Official Journal of the European Communities* [2], the initiation of proceedings concerning imports of pressure sensitive paper masking tape originating in the United States of America, and commenced an investigation of the matter at Community level;

Whereas the Commission officially so advised the exporters and importers known to be concerned;

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 majority of the parties concerned have taken this opportunity; whereas the Commission has also 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 complainants nor the exporters have taken this opportunity; whereas the complainant, the importers and the exporters known to be concerned and 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 none of them has taken this opportunity;

Whereas, in order to arrive at a preliminary determination of the dumping margin and injury, the Commission verified all information it deemed to be necessary and carried out investigations of the principal producers and exporters in the United States of America, *viz* Shuford Mills Inc., Hickory, North Carolina, Permacel, New Brunswick, New Jersey, Tuck Industries Inc., New Rochelle, New York, Nashua Corporation, Nashua, New Hampshire, Mystik Tape, Northfield, Illinois, Armak Company, Marysville, Michigan, and Anchor Continental Inc., Columbia, South Carolina; whereas the Commission also carried out investigations at the premises of the main complainant Community producers, *viz* in Italy, Boston SpA, Milan, Comet SARA, Como, and Manuli Autoadesivi SpA, Milan and in the United Kingdom, Rotunda Ltd, Manchester;

Whereas the allegations of dumping in the complaint submitted by Assogomma were based on a comparison of the American producers' domestic list prices with their export prices from the USA to the Community; whereas, however, the examination of the facts showed that almost all sales in the USA which were comparable with their export sales to the Community were made 'off list', i.e. with discounts from the price list; whereas therefore the Commission compared the American export prices to the Community with the weighted average prices ruling on the domestic market for comparable customers; whereas these comparisons were made at the ex-factory level for sales during the period 1 January 1979 to August 1980;

Whereas to ensure that export prices and normal value were on a comparable basis, allowances were made, where appropriate, for differences in quantities and in the conditions and terms of sale, i.e. for credit terms, for technical assistance, for salaries paid to salesmen and for transport;

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[1] OJ No L 339, 31. 12. 1979, p. 1.
[2] OJ No C 130, 31. 5. 1980, p. 3.

Whereas it emerged from this exanination that for all but one of the companies concerned, their export prices to the Community were not lower than the corresponding prices on their respective domestic markets ;

Whereas for one company concerned there had been dumping of one roll size, by margins of 7 to 11 % in 1980 ; whereas this roll size represented 0·9 % of the company's EEC sales and approximately 0·3 % of total United States exports to the EEC of general purpose paper masking tape ; whereas the company concerned was taking action to rectify this situation ;

Whereas, with regard to injury to the Community industry, official statistics showed that imports from the USA had increased from approximately 3 912 tonnes in 1977 to approximately 6 610 tonnes in 1979 ; whereas on this basis the share of the Community market held by these imports had risen from 29 % in 1977 to approximately 44 % in 1979 ;

Whereas there was evidence that the resale prices of US imports were undercutting those of the Community producers ;

Whereas the consequent impact on the Community industry was characterised by a decrease in the production of the Community producers investigated from approximately 18·4 million square metres in 1977 to approximately 15·7 million square metres in 1979 ; whereas the market share of the Community producers had fallen from approximately 60 % in 1977 to approximately 50 % in 1979 ;

Whereas there was price depression on the Community market with the result that the profits of the Community industry were reduced or non-existent ;

Whereas the investigation of the Community producers showed that capacity utilization had fallen from an average of 60 % in 1977 to an average of 50 % in 1979 ; whereas there was considerable short-time working in the industry and transfer of personnel to other production lines ;

Whereas, however, given the very low volume of dumped imports, the Commission has determined that there is no causal link between the injury suffered by the Community industry and these dumped imports ;

Whereas in these circumstances it is appropriate to terminate the proceeding concerning imports of pressure sensitive paper masking tape originating in the United States of America,

HAS DECIDED AS FOLLOWS :

Sole Article

The anti-dumping proceeding concerning imports of pressure sensitive paper masking tape originating in the United States of America is hereby terminated.

Done at Brussels, 15 December 1980.

For the Commission

Wilhelm HAFERKAMP

Vice-President