II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 February 1980

accepting undertakings offered in connection with the anti-dumping procedure concerning imports of certain angles, shapes and sections of iron or steel originating in Romania, and terminating that procedure

(80/253/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 European Economic Community (1), and in particular Article 10 thereof,

Whereas in March 1979 the Commission received a complaint lodged by the 'Comité européen d'étude du profilage à froid' on behalf of the great majority of producers of cold-formed sections in the Federal Republic of Germany, France, Belgium and the Netherlands, which account for the bulk of European production ; whereas the complaint contained evidence of the existence of dumping in respect of like products originating in Romania and of material injury resulting therefrom ;

Whereas the information supplied provided sufficient evidence to justify initiating an investigation ; whereas the Commission accordingly, after consulting the Committee set up by the abovementioned Regulation, announced in the *Official Journal of the European Communities* of 12 June 1979 the initiation of a procedure concerning imports of certain angles, shapes and sections of iron or steel originating in Romania (2), officially advised the exporters and importers known to be concerned and the complainants, and commenced investigating the matter at Community level ;

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 complainants, the exporter and certain importers 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 put forward ; whereas certain complainants and the exporter have taken this opportunity ; whereas the complainant, the importers and the exporter 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 these parties has addressed a request to the Commission to that end ;

Whereas in order to arrive at a preliminary assessment of the dumping margin and injury, the Commission sought and verified all information it deemed to be necessary, and carried out inspections at the premises of the major importers in the Federal Republic of Germany, including Comex Außenhandels GmbH, F. Kirchfeld GmbH & Co. KG and Klöckner GmbH & Co. KG Stahlhandel ; the major producers in the Federal Republic of Germany and France, including Röchling-Burbach Weiterverarbeitung GmbH and Wuppermann Kaltprofil GmbH, Federal Republic of Germany, Profilafroid SA, France, and a major Austrian producer ;

(1) OJ No L 339, 31. 12. 1979, p. 1.
(2) OJ No C 146, 12. 6. 1979, p. 3.

Whereas in order to establish the existence of dumping, the Commission has had to take into account the fact that Romania is not a market economy ;

Whereas for that reason the Commission calculated the dumping margin on the basis of the normal value of the sections in question on the domestic market of a market economy non-member country ;

Whereas in that connection the complaint had cited the Austrian domestic market ; whereas, in the light of the meeting between the parties, a comparison with the constructed value of the sections in question on the Austrian market is both appropriate and reasonable ; whereas the said constructed value was determined net of all profit ;

Whereas the constructed value was compared at ex-works level with the Romanian prices for exports to the Community, for the second quarter of 1979 ;

Whereas the preliminary examination described above shows the existence of dumping with a margin exceeding 25 % in every case ;

Whereas with regard to the injury caused to the industry concerned, the evidence available to the Commission shows that imports into the Community of cold-formed sections originating in Romania rose from approximately 2 847 tonnes in 1975 to 26 141 tonnes in 1978 ; whereas the great majority of those imports went to the Federal Republic of Germany, where their volume and market share rose from approximately 2 746 tonnes and 1·55 % in 1975 to 25 932 tonnes and 12·32 % in 1978 ; whereas the remainder of the exports in question mostly went to France, Belgium and the Netherlands being affected only by re-exports from the Federal Republic of Germany ;

Whereas the resale price of the products imported into the Member States concerned are extremely low and beneath local production costs ;

Whereas the consequent impact on the Community producers concerned takes the form of a 30 to 40 % cut in production of the products in question, under-utilization of capacity, a 30 to 40 % reduction in the volume of sales, a significant fall in the size of their market share, a drop in employment, and depressed prices forcing them to sell below production costs and causing them to suffer major losses on the products in question ;

Whereas the Commission has also looked at other factors which could affect the Community industry's situation, such as the volume of exports to non-member countries and domestic consumption in the various Member States ; whereas it has emerged that these factors are not adversely affecting the Community industry ;

Whereas the preliminary findings therefore show that dumped imports are causing material injury to the industry ;

Whereas the Commission, after comparing the weighted average prices, costs, and losses of the Community industry with the importers' costs and special terms of sale, has determined the import prices for the sections in question necessary to eliminate the injury caused ;

Whereas after being informed of the main findings of the investigation, the Romanian exporting body has offered to undertake to raise the prices of its exports to the Federal Republic of Germany and France ; whereas the increase offered, although well below the dumping margins recorded, would make it possible to eliminate the injury caused ; whereas the Commission, having consulted the Member States, which have raised no objection, considers that the said undertaking is acceptable and that it is not now necessary to take protective action in respect of the relevant products originating in Romania,

HAS DECIDED AS FOLLOWS :

Article 1

The undertakings offered by Metalimportexport, Bucharest, Romania in the context of the anti-dumping procedure concerning imports of certain angles, shapes and sections of iron or steel, not further worked than cold-formed or cold-finished, originating in Romania, are hereby accepted.

Article 2

The anti-dumping procedure in question is hereby terminated.

Done at Brussels, 26 February 1980.

For the Commission

Wilhelm HAFERKAMP

Vice-President