II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 February 1983

concerning a request for the immediate imposition of a provisional anti-dumping duty on imports of nickel originating in the Soviet Union

(Only the French text is authentic)

(83/64/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], as amended by Regulation (EEC) No 1580/82 [2], and in particular Article 11 thereof,

After consultation within the Advisory Committee provided for by the said Regulation,

Whereas, by telex of 7 February 1983, the French Government, in accordance with Article 11 (3) of Regulation (EEC) No 3017/79, requested immediate intervention by the Commission in the form of the imposition of a provisional anti-dumping duty on imports of unwrought nickel, not alloyed, in the form of cathodes produced by electrolysis either uncut or cut into squares, originating in the Soviet Union ;

Whereas an anti-dumping proceeding concerning this product had been opened on 5 February 1983 [3] ;

Whereas the decision to open the proceeding was based on the sole allegations of dumping and injury made in the complaint lodged by the Community producers ;

Whereas, even if the allegations mentioned in the complaint appeared adequate to allow the Commission to open the investigation in accordance with Article 7 (1) of Regulation (EEC) No 3017/79, they do not, in the absence of even a preliminary examination of the facts, justify the imposition of a provisional duty in accordance with Article 11 of the said Regulation ;

Whereas, at this stage of the proceeding and without precluding the imposition of such duty at a later date, it is not therefore possible to meet the request of the French Government,

HAS ADOPTED THIS DECISION :

Sole Article

The request of the French Government is refused.

This Decision is addressed to the French Government.

Done at Brussels, 14 February 1983.

For the Commission

Wilhelm HAFERKAMP

Vice-President

---

[1] OJ No L 339, 31. 12. 1979, p. 1.
[2] OJ No L 178, 22. 6. 1982, p. 9.
[3] OJ No C 31, 5. 2. 1983, p. 3.