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COMMISSION DECISION

of 26 September 1997

accepting undertakings offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of farmed Atlantic salmon originating in Norway

(97/634/EC)

(OJ L 267, 30.9.1997, p. 81)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 2529/97 of 16 December 1997	L 346	63	17.12.1997
►**M2**	Commission Regulation (EC) No 651/98 of 23 March 1998	L 88	31	24.3.1998
►**M3**	Commission Regulation (EC) No 1126/98 of 29 May 1998	L 157	82	30.5.1998
►**M4**	Commission Regulation (EC) No 1789/98 of 14 August 1998	L 228	4	15.8.1998
►**M5**	Commission Decision 98/540/EC of 11 September 1998	L 252	68	12.9.1998
►**M6**	Commission Regulation (EC) No 2249/98 of 19 October 1998	L 282	57	20.10.1998

Corrected by:

►**C1** Corrigendum, OJ L 337, 9.12.1997, p. 18 (97/634/EC)

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COMMISSION DECISION

of 26 September 1997

accepting undertakings offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of farmed Atlantic salmon originating in Norway

(97/634/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community [1], as amended by Regulation (EC) No 2331/96 [2], and in particular Article 8 (1) thereof,

Having regard to Council Regulation (EC) No 3284/94 of 22 December 1994 on protection against subsidized imports from countries not members of the European Community [3], and in particular Article 10 (1) thereof,

After consulting the Advisory Committee,

Whereas:

(1) On 31 August 1996, the Commission announced, by a notice published in the *Official Journal of the European Communities* [4], the initiation of anti-subsidy proceedings in respect of imports of farmed Atlantic salmon originating in Norway.

(2) On 31 August 1996, the Commission also announced, by a separate notice published in the *Official Journal of the European Communities* [5], the initiation of an anti-dumping proceeding in respect of imports of farmed Atlantic salmon originating in Norway.

(3) Both of the above mentioned proceedings were initiated following complaints lodged in July 1996 by the Scottish Salmon Growers' Association Ltd and the Shetland Salmon Farmers' Association on behalf of their members, which represent a major proportion of total Community production of farmed Atlantic salmon. The complaints contained sufficient evidence of injurious dumping and subsidization of the imports concerned to justify the initiation of anti-dumping and anti-subsidy proceedings.

(4) The Commission sought and verified all information that it deemed necessary for the purpose of its definitive findings. In the course of this examination, it was established that definitive anti-dumping and countervailing measures should be taken in order to eliminate the injurious effects of dumping and subsidization. The findings and conclusions on all aspects of the investigations are set out in Council Regulation (EC) No 1890/79 [6] and (EC) No 1891/97 [7].

(5) Having been informed of the Commission's findings, the Kingdom of Norway and the Norwegian exporters referred to in Article 1 of the present Decision offered undertakings pursuant to Article 10 of Council Regulation (EC) No 3284/94. The Norwegian exporters also offered their undertakings pursuant to Article 8 of Council Regulation (EC) No 384/96.

(6) Pursuant to these undertakings, the Norwegian exporters, have, *inter alia*, offered not to sell the product under investigation to

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[1] OJ L 56, 6. 3. 1996, p. 1.
[2] OJ L 317, 6. 12. 1996, p. 1.
[3] OJ L 349, 31. 12. 1994, p. 22.
[4] OJ C 253, 31. 8. 1996, p. 20.
[5] OJ C 253, 31. 8. 1996, p. 18.
[6] See page 1 of this Official Journal.
[7] See page 19 of this Official Journal.

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their first unrelated customer in the Community below a certain minimum price. Norway, for its part, has agreed to take a number of measures which will contribute to eliminating the injurious effects of subsidisation. Both Norway and the Norwegian exporters concerned have agreed to comply with their undertakings as of 1 July 1997.

(7) The Commission considers that the combined effect of the above mentioned undertakings will be sufficient to remove the injurious effects of dumping and subsidization.

(8) In addition, given that Norway has offered to co-operate with the Commission in monitoring the evolution of Norwegian exports of farmed Atlantic salmon to the Community, and that the exporters which have offered undertakings have agreed to provide the Commission with regular and detailed information on their exports to the Community, it is concluded that the correct observance of the undertakings can be effectively monitored by the Commission.

(9) Under these circumstances, the undertakings offered by Norway and the Norwegian exporters mentioned below, are considered acceptable, and the investigations can, therefore, be terminated with respect to those parties.

(10) All exporters and related importers concerned were informed of the essential facts and considerations on the basis of which it was intended to recommend the termination of the investigations without the imposition of measures with regard to parties from which undertakings have been accepted and these parties have had the opportunity to comment on all aspects of the investigations. Accordingly, should the Commission have reasons to believe that an undertaking is being violated, a provisional anti-dumping duty and a provisional countervailing duty may be imposed pursuant to Article 8 (10) of Regulation (EC) No 384/96 and Article 10 (10) of Regulation (EC) No 3284/94, respectively. A definitive anti-dumping duty and a definitive countervailing duty will be imposed, should the conditions of Article 8 (9) of Regulation (EC) No 384/96 and Article 10 (9) of Regulation No (EC) 3284/94 respectively be met.

(11) The Advisory Committee was consulted and no objections were raised as to the acceptance of the undertakings offered.

(12) Having been informed of the main facts and considerations on the basis of which the Commission intended to accept the undertakings, the Community industry expressed concern that, in view of past experience with minimum prices, these undertakings would not constitute an effective remedy to the injury it was suffering.

(13) It should be pointed out that these undertakings contain strict monitoring provisions and, furthermore, unlike the minimum prices previously imposed, they will be underpinned by residual duties which may be imposed in cases of violation. It is therefore considered that these measures are adequate to remedy the injurious effects of dumping and subsidisation,

HAS ADOPTED THIS DECISION:

Article 1

The undertakings offered by the Kingdom of Norway and by the Norwegian exporters mentioned in the Annex to this Decision, in connection with the anti-subsidy proceeding concerning imports into the Community of farmed Atlantic salmon originating in Norway, are hereby accepted.

The undertakings offered by the Norwegian exporters mentioned in the Annex to this Decision, in connection with the anti-dumping proceeding concerning imports into the Community of farmed Atlantic salmon originating in Norway, are hereby accepted.

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Article 2

The investigations in connection with the anti-dumping and anti-subsidy proceedings referred to in Article 1 are hereby terminated with regard to the parties named in that Article.

Article 3

This Decision shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

▼**M5**

ANNEX

COMPANIES FROM WHICH THE COMMISSION ACCEPTED UNDERTAKINGS

Undertaking No	Company name	TARIC additional code
001	A. Øvreskotnes AS	8095
003	Agnefest Seafood	8325
005	Alsvåg Fiskeprodukter A/S	8098
007	Aqua Export A/S	8100
008	Aqua Partner A/S	8101
011	Arctic Group International AS	8109
013	Arctic Superior AS	8111
014	Arne Mathiesen AS	8112
015	AS Aalesundfisk	8113
016	AS Austevoll Fiskeindustri	8114
017	AS Keco	8115
019	AS Nortraders Ltd	8117
020	AS Refsnes Fiskeindustri	8118
021	AS West Fish Ltd	8119
022	Astor AS	8120
023	Atlantic King Stranda AS	8121
024	Atlantic Seafood AS	8122
026	Borkowski & Røsnes AS	8124
027	Brødrene Aasjord AS	8125
028	Brødrene Eilertsen AS	8126
030	Brødrene Remø AS	8128
031	Christiansen Partner AS	8129
032	Clipper Seafood AS	8130
033	Coast Seafood AS	8131
035	Dåfjord Laks AS	8133
036	Delfa Norge AS	8134
039	Domstein Salmon AS	8136
041	Ecco Fisk & Delikatesse	8138
042	Edvard Johnsen AS	8139
043	Eurolaks AS	8140
044	Euronor AS	8141
045	Fader Martin AS	8142
046	Fiskeforsyningen AS	8143
047	Fjord Aqua Group AS	8144
048	Fjord Trading Ltd AS	8145
049	Fonn Egersund AS	8146
050	Fossen AS	8147
051	Fresh Atlantic AS	8148
052	Fresh Marine Company AS	8149
053	Fryseriet AS	8150
055	Gigante Fiskekroken AS	8152
058	Grieg Seafood AS	8300
059	Gunnar Klo AS	8301

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Undertaking No	Company name	TARIC additional code
060	Haafa fisk AS	8302
061	Hallvard Lerøy AS	8303
062	Herøy Filetfabrikk AS	8304
064	Hirsholm Norge AS	8306
065	Hitramat & Delikatesse AS	8154
066	Hydro Seafood Sales AS	8159
067	Hydrotech-gruppen AS	8428
068	Icelandic Freezing Plants N. AS	8165
070	Incofood AS	8172
071	Inter Road AS	8173
072	Inter Sea AS	8174
075	Janas AS	8177
076	Joh. H. Pettersen AS	8178
077	Johan J. Helland AS	8179
079	Karsten J. Ellingsen AS	8181
080	Kr. Kleiven & Co. AS	8182
082	Labeyrie Norge AS	8184
083	Lafjord Group AS	8185

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085	Leica Fiskeprodukter	8187

▼M6

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087	Lofoten Seafood Export AS	8188
088	Lorentz A. Lossius AS	8189
089	Ma-vo Norge AS	8190

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092	Marine Seafood AS	8196
093	Marstein Seafood AS	8197
095	Melands Røkeri Eftf. AS	8199
096	Memo Food AS	8200
098	Midsundfisk AS	8202
099	Myre Sjømat AS	8203
100	Naco Trading AS	8206
101	Namdal Salmon AS	8207
104	Nergård AS	8210
105	Nils Williksen AS	8211
106	Niscan Corporation	8212
107	Nisja Trading AS	8213
108	Nor-Food AS	8214
109	Nor-Trade International	8215
111	Nordic Group ASA	8217
112	Nordreisa Laks AS	8218
113	Norexport AS	8223
114	Norfi Produkter AS	8227
115	Norfood Group AS	8228
116	Norfra Eksport AS	8229

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Undertaking No	Company name	TARIC additional code
▼M6		
▼M5		
119	Norsk Akvakultur AS	8232
120	Norsk Sjømat AS	8233
121	Northern Seafood AS	8307
122	Nortrade AS	8308
123	Norway Royal Salmon Sales AS	8309
124	Norway Royal Salmon AS	8312
125	Norway Seafarms AS	8313
126	Norway Seafoods ASA	8314
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130	Nova Sea AS	8235
134	Ok-Fish Kvalheim AS	8239
136	Oster Sea Products AS	8241
137	Pan Fish Sales AS	8242
138	Pero Food AS	8243
140	Polar Seafood Norway AS	8247
141	Prilam Norvège AS	8248
142	Pundslett Fisk	8251
143	Roger AS	8253
144	Rolf Olsen Seafood AS	8254
145	Ryfisk AS	8256
146	Rørvik Fisk-og fiskematforretning AS	8257
147	Saga Lax Norge AS	8258
148	Sagalax Nord AS	8259
▼M6		
▼M5		
151	Sangoltgruppa AS	8262
153	Scanfood AS	8264
154	Sea Eagle Group AS	8265
155	Sea Star International AS	8266
156	Sea-Bell AS	8267
157	Seaco AS	8268
158	Seacom AS	8269
159	Seacom Nord AS	8270
160	Seafood Farmers of Norway Ltd AS	8271
161	Seanor AS	8272
162	Sekkingstad AS	8273
164	Sirena Norway AS	8275
165	Kinn Salmon AS	8276
▼M6		
▼M5		
167	SL Fjordgruppen AS	8278
168	SMP Marine Produkter AS	8279
171	Stavanger Røkeri AS	8282
172	Stjernelaks AS	8283
174	Stolt Sea Farm AS	8285

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Undertaking No	Company name	TARIC additional code
175	Storm Company AS	8286
176	Superior AS	8287

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178	Terra Seafood AS	8289
180	Timar Seafood AS	8294
182	Torris Products Ltd AS	8298
183	Troll Salmon AS	8317
186	Vest Agentur AS	8320
187	Vie de France Norway AS	8321
188	Vikenco AS	8322
189	Wannebo International AS	8323
190	West Fish Norwegian Salmon AS	8324
191	Nor-Fa Food AS	8102