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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
►**M7**	Commission Regulation (EC) No 82/1999 of 13 January 1999	L 8	8	14.1.1999
►**M8**	Commission Regulation (EC) No 131/1999 of 21 January 1999	L 17	12	22.1.1999
►**M9**	Commission Regulation (EC) No 929/1999 of 29 April 1999	L 115	13	4.5.1999

Corrected by:

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

►**C2** Corrigendum, OJ L 72, 18.3.1999, p. 41 (131/1999/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*.

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ANNEX

▼M9

List of the 110 companies from which undertakings are accepted, as updated on 5 May 1999

UT No	Company name	TARIC additional code
3	Agnefest Seafood	8325
7	Aqua Export A/S	8100
8	Aqua Partner A/S	8101
11	Arctic Group International	8109
13	Artic Superior A/S	8111
15	A/S Aalesundfisk	8113
16	A/S Austevoll Fiskeindustri	8114
17	A/S Keco	8115
20	A/S Refsnes Fiskeindustri	8118
21	A/S West Fish Ltd	8119
22	Astor A/S	8120
23	Atlantic King Stranda A/S	8121
26	Borkowski & Rosnes A/S	8124
27	Brødrene Aasjord A/S	8125
31	Christiansen Partner A/S	8129
32	Clipper Seafood A/S	8130
33	Coast Seafood A/S	8131
35	Dafjord Laks A/S	8133
36	Delfa Norge A/S	8134
39	Domstein Salmon A/S	8136
41	Ecco Fisk & Delikatesse	8138
42	Edvard Johnsen A/S	8139
43	Eurolaks AS	8140
44	Euronor AS	8141
46	Fiskeforsyningen AS	8143
47	Fjord Aqua Group AS	8144
48	Fjord Trading Ltd. AS	8145
50	Fossen AS	8147
51	Fresh Atlantic AS	8148
52	Fresh Marine Company AS	8149
53	Fryseriet AS	8150
58	Grieg Seafood AS	8300
60	Haafa fisk AS	8302
61	Hallvard Lerøy AS	8303
62	Herøy Filetfabrikk AS	8304
66	Hydro Seafood Norway AS	8159
67	Hydrotech-gruppen AS	8428
72	Inter Sea AS	8174
75	Janas AS	8177
76	Joh. H. Pettersen AS	8178
77	Johan J. Helland AS	8179
79	Karsten J. Ellingsen AS	8181

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UT No	Company name	TARIC additional code
80	Kr Kleiven & Co. AS	8182
82	Labeyrie Norge AS	8184
83	Lafjord Group AS	8185
85	Leica Fiskeprodukter	8187
87	Lofoten Seafood Export AS	8188
92	Marine Seafood AS	8196
93	Marstein Seafood AS	8197
96	Memo Food AS	8200
98	Midsundfisk AS	8202
100	Naco Trading AS	8206
101	Namdal Salmon AS	8207
104	Nergård AS	8210
105	Nils Williksen AS	8211
107	Nisja Trading AS	8213
108	Nor-Food AS	8214
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
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
126	Norway Seafoods ASA	8314
128	Norwell AS	8316
130	Nova Sea AS	8235
134	Ok-Fish Kvalheim AS	8239
137	Pan Fish Sales AS	8242
140	Polar Seafood Norway AS	8247
141	Prilam Norvège AS	8248
142	Pundslett Fisk	8251
144	Rolf Olsen Seafood AS	8254
145	Ryfisk AS	8256
146	Rørvik Fisk- og fiskematforretning AS	8257
147	Saga Lax Norge AS	8258
148	Prima Nor AS	8259
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

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UT No	Company name	TARIC additional code
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
167	SL Fjordgruppen AS	8278
168	SMP Marine Produkter AS	8279
172	Stjernelaks AS	8283
174	Stolt Sea Farm AS	8285
175	Storm Company AS	8286
176	Superior AS	8287
178	Terra Seafood AS	8289
180	Timar Seafood AS	8294
182	Torris Products Ltd. AS	8298
183	Troll Salmon AS	8317
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
192	Westmarine AS	8625