II

(Acts whose publication is not obligatory)

COMMISSION

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.

[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.

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

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.*

Done at Brussels, 26 September 1997.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

ANNEX

	Company Name	Taric Code
1.	A. Øvreskotnes A/S	8095
2.	A.B.A. A/S	8096
3.	Agnefest Seafood	8325
4.	Alamar A/S	8097
5.	Alsvåg Fiskeprodukter A/S	8098
6.	Altafjord Oppdrett A/S	8099
7.	Aqua Export A/S	8100
8.	Aqua Partner A/S	8101
9.	Aqua Supply A/S	8107
10.	Aquatrade A/S	8108
11.	Arctic Group International A/S	8109
12.	Arctic Product A/S	8110
13.	Arctic Superior A/S	8111
14.	Arne Mathisen A/S	8112
15.	A/S Aalesundfisk	8113
16.	A/S Austevoll Fiskeindustri	8114
17.	A/S Keco	8115
18.	A/S Møre Codfish Company	8116
19.	A/S Nortraders Ltd	8117
20.	A/S Refsnes Fiskeindustri	8118
21.	A/S West Fish Sales Ltd	8119
22.	Astor A/S	8120
23.	Atlantic King Stranda A/S	8121
24.	Atlantic Seafood A/S	8122
25.	Atlantis A/S	8123
26.	Borkowski & Røsnes A/S	8124
27.	Brødrene Aasjord A/S	8125
28.	Brødrene Eilertsen A/S	8126
29.	Brødrene Karlsen A/S	8127
30.	Brødrene Remø A/S	8128
31.	Christiansen Partner A/S	8129
32.	Clipper Seafood A/S	8130
33.	Coast Seafood A/S	8131
34.	Companhia do Bacalhau Lda A/S	8132
35.	Dåfjord Laks A/S	8133
36.	Delfa Norge A/S	8134
37.	DM Direkte Markedsføringsbyrå	8135
38.	DNHS Fishing Company A/S	8399
39.	Domstein Salmon A/S	8136
40.	E. Slorer Jacobsen & Co. A/S	8137
41.	Ecco Fisk & Delikatesse	8138
42.	Edvard Johnsen A/S	8139
43.	Eurolaks A/S	8140
44.	Euronor A/S	8141
45.	Fader Martin A/S	8142
46.	Fiskeforsyningen A/S	8143
47.	Fjord Aqua Group A/S	8144
48.	Fjord Trading Ltd A/S	8145
49.	Fonn Egersund A/S	8146
50.	Fossen A/S	8147
51.	Fresh Atlantic A/S	8148
52.	Fresh Marine Company A/S	8149
53.	Fryseriet A/S	8150
54.	Frøya Fiskeindustri A/S	8151
55.	Gigante Fiskekroken A/S	8152
56.	Gje-vi A/S	8153
57.	Gjendemsjø Fisk A/S	8299
58.	Grieg Seafood A/S	8300
59.	Gunnar Klo A/S	8301
60.	Haafa fisk A/S	8302
61.	Hallvard Leroy A/S	8303
62.	Herøy Filetfabrikk A/S	8304
63.	Herøy Lakseoppdrett AL	8305
64.	Hirsholm Norge A/S	8306
65.	Hitramat & Delikatesse A/S	8154
66.	Hydro Seafood Sales A/S	8159
67.	Hydrotech-gruppen A/S	8161
68.	Icelandic Freezing Plants Norway A/S	8165
69.	Imperial Salmon Co. A/S	8171
70.	Incofood A/S	8172
71.	Inter Road A/S	8173
72.	Inter Sea A/S	8174
73.	J. Meinert A/S	8175
74.	Jan og Einar Martinussen A/S	8176
75.	Janas A/S	8177
76.	Joh. H. Pettersen A/S	8178
77.	Johan J. Helland A/S	8179
78.	Karl Storm Andersen Eft A/S	8180
79.	Karsten J. Ellingsen A/S	8181
80.	Kr. Kleiven & Co. A/S	8182
81.	Kurt F. Løseth & Co. A/S	8183
82.	Labeyrie Norge A/S	8184
83.	Lafjord Group A/S	8185
84.	Langfjord Laks A/S	8186
85.	Leica Fiskeprodukter	8187
86.	Leonhard Products A/S	8423
87.	Lofoten Seafood Export A/S	8188
88.	Lorentz A. Lossius A/S	8189
89.	Ma-vo Norge A/S	8190
90.	Marex A/S	8326
91.	Marinco A/S	8191
92.	Marine Seafood A/S	8196
93.	Marstein Seafood A/S	8197
94.	Master Seafood A/S	8198
95.	Melands Røkeri Eftf. A/S	8199
96.	Memo Food A/S	8200
97.	Midtco A/S	8201
98.	Misundfisk A/S	8202
99.	Myre Sjømat A/S	8203
100.	Naco Trading A/S	8206
101.	Namdal Salmon A/S	8207
102.	Nature Sea-lect Ltd	8208
103.	Neptun Stavanger A/S	8209
104.	Nergård A/S	8210
105.	Nils Williksen A/S	8211
106.	Niscan Corporation	8212
107.	Nisja Trading A/S	8213
108.	Nor-Food A/S	8214
109.	Nor-Trade International	8215
110.	Nordhav A/S	8216
111.	Nordic Group A/SA	8217
112.	Nordreisa Laks A/S	8218

	Company Name	Taric Code
113.	Norexport A/S	8223
114.	Norfi Produkter A/S	8227
115.	Norfood Group A/S	8228
116.	Norfra Eksport A/S	8229
117.	NorMan Trading Ltd A/S	8230
118.	Nornir Group A/S	8231
119.	Norsk Akvakultur A/S	8232
120.	Norsk Sjømat A/S	8233
121.	Northern Seafood A/S	8307
122.	Nortrade A/S	8308
123.	Norway Royal Salmon Sales A/S	8309
124.	Norway Royal Salmon A/S	8312
125.	Norway Seafarms A/S	8313
126.	Norway Seafoods A/SA	8314
127.	Norwegian Salmon A/S	8315
128.	Norwell A/S	8316
129.	Notfisk Arctic A/S	8234
130.	Nova Sea A/S	8235
131.	NTC Norwegian Taste Company A/S	8236
132.	Ocean Superior Products A/S	8237
133.	Oddvin Bjørge A/S	8238
134.	Ok-Fish Kvalheim A/S	8239
135.	Omega Sea A/S	8240
136.	Oster Sea Products A/S	8241
137.	Pan Fish Sales A/S	8242
138.	Pero Food A/S	8243
139.	Polar Gigante A/S	8246
140.	Polar Seafood Norway A/S	8247
141.	Prilam Norvège A/S	8248
142.	Pundslett Fisk	8251
143.	Roger A/S	8253
144.	Rolf Olsen Seafood A/S	8254
145.	Ryfisk A/S	8256
146.	Rørvik Fisk-og fiskematforretning A/S	8257
147.	Saga Lax Norge A/S	8258
148.	Sagalax Nord A/S	8259
149.	Salomega A/S	8260
150.	Sandanger A/S	8261
151.	Sangoltgruppa A/S	8262
152.	Scan-Mar A/S	8263
153.	Scanfood A/S	8264
154.	Sea Eagle Group A/S	8265
155.	Sea Star International A/S	8266
156.	Sea-Bell A/S	8267
157.	Seaco A/S	8268
158.	Seacom A/S	8269
159.	Seacom Nord A/S	8270
160.	Seafood Farmers of Norway Ltd A/S	8271
161.	Seanor A/S	8272
162.	Sekkingstad A/S	8273
163.	Sigerfjord-Fisk A/S	8274
164.	Sirena Norway A/S	8275
165.	Skaarfish Group A/S	8276
166.	Skarpsno Mat	8277
167.	SL Fjordgruppen A/S	8278
168.	SMP Marine Produkter A/S	8279
169.	Sotra Fiskeindustri A/S	8280
170.	Starfish	8281
171.	Stavanger Røkeri A/S	8282
172.	Stjernelaks A/S	8283
173.	Stokfish Norway A/S	8284
174.	Stolt Sea Farm A/S	8285
175.	Storm Company A/S	8286
176.	Superior A/S	8287
177.	Svenodak A/S	8288
178.	Terra Seafood A/S	8289
179.	Thorleif E. Ellingsen A/S	8293
180.	Timar Seafood A/S	8294
181.	Torget International A/S	8297
182.	Torris Products Ltd A/S	8298
183.	Troll Salmon A/S	8317
184.	Uniprawns A/S	8318
185.	Vareberg's Røykeri	8319
186.	Vest Agentur A/S	8320
187.	Vie de France Norway A/S	8321
188.	Vikenco A/S	8322
189.	Wannebo International A/S	8323
190.	West Fish Norwegian Salmon A/S	8324