COMMISSION DECISION

of 26 July 2000

amending Decision 97/634/EC accepting undertakings offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of farmed Atlantic salmon originating in Norway

(notified under document number C(2000) 2299)

(2000/522/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 last amended by Regulation (EC) No 905/98 [2], and in particular Article 8 thereof,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community [3], and in particular Article 13 thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

(1) On 31 August 1996, the Commission announced, by two separate notices published in the *Official Journal of the European Communities*, the initiation of an anti-dumping proceeding [4] as well as an anti-subsidy proceeding [5] in respect of imports of farmed Atlantic salmon originating in Norway.

(2) The Commission sought and verified all informaton that it deemed necessary for the purpose of its definitive findings. As a result of this examination, it was established that definitive anti-dumping and countervailing measures should be adopted in order to eliminate the injurious effects of dumping and subsidisation. All interested parties were informed of the results of the investigation and were given the opportunity to comment thereon.

(3) On 26 September 1997, the Commission adopted Decision 97/634/EC [6], accepting undertakings offered in connection with the two above-mentioned proceedings from the exporters listed in the Annex to the Decision and terminating the investigations in their respect.

(4) On the same day, the Council, by Regulations (EC) No 1890/97 [7] and (EC) No 1891/97 [8] imposed anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway. Imports of farmed Atlantic salmon exported by companies from which an undertaking had been accepted were exempted from that duty pursuant to Article 1(2) of those Regulations.

(5) The above-mentioned Regulations set out the definitive findings and conclusions on all aspects of the investigations. The form of the duties having been reviewed, Regulations (EC) No 1890/97 were replaced by Council Regulation (EC) No 772/1999 [9].

B. OBLIGATIONS OF EXPORTERS WITH UNDERTAKINGS

(6) The text of the undertakings provides that failure to submit a quarterly report of all sales transactions to the first unrelated customer in the Community within a prescribed time-limit would, except in case of *force majeure*, be construed as a violation of the undertaking.

(7) For the fourth quarter of 1999, one Norwegian company, Fryseriet AS, failed to present such a sales report within the prescribed time limit, despite a reminder sent to it 24 hours before the quaterly deadline. The company was subsequently given an opportunity to inform the Commission of any reasons which may have prevented its report from being received within the time limit, however, no reply was received.

(8) Fryseriet AS was then sent disclosure in writing concerning the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties against it. The company was also given an opportunity to submit comments and request a hearing, however, as before, it did not react.

(9) In view of the above, it is considered necessary to withdraw acceptance of the undertaking offered by Fryseriet AS and to impose definitive anti-dumping and countervailing duties against it. Accordingly, the name of this company should be deleted from the Annex to Decision 97/634/EC which lists the companies from which undertakings are accepted.

[1] OJ L 56, 6.3.1996, p. 1.
[2] OJ L 128, 30.4.1998, p. 18.
[3] OJ L 288, 21.10.1997, p. 1.
[4] OJ C 253, 31.8.1996, p. 18.
[5] OJ C 253, 31.8.1996, p. 20.
[6] OJ L 267, 30.9.1997, p. 81. Decision as last amended by Regulation (EC) No 2592/1999, (OJ L 315, 9.12.1999, p. 17).
[7] OJ L 267, 30.9.1997, p. 1.
[8] OJ L 267, 30.9.1997, p. 19.
[9] OJ L 101, 16.4.1999, p. 1. Regulation as last amended by Regulation (EC) No 2652/1999, (OJ L 325, 17.12.1999, p. 1).

(10) In parallel to this Decision, the Council, by Regulation (EC) No 1783/2000 [1], has also withdrawn the exemption from the anti-dumping and countervailing duties granted to this company.

C. **NEW EXPORTERS**

(11) Following the original imposition of definitive anti-dumping and countervailing duties, several Norwegian companies have made themselves known to the Commission claiming to be new exporters and requested, in accordance with Article 2 of Regulation (EC) No 772/1999 in conjuction with Article 11(4) of Regulation (EC) No 2026/97 that the exemption to the duties be extended to them.

(12) In this regard, five such exporters, Emborg Foods Norge AS, Helle Mat AS, Norsea Food AS, Salmon Company Fjord Norway AS and Stella Polaris AS demonstrated that they had not exported the product concerned to the Community during the investigation period which led to the current anti-dumping and countervailing duties ('the original investigation period').

(13) These companies also showed that they are not related to any of the companies in Norway which are subject to anti-dumping and countervailing duties. In addition, they provided evidence of exports of the product concerned to the Community after the original investigation period, or proof that they had entered into an irrevocable contractual obligation to export a significant amount of the product concerned to the Community.

(14) The companies concerned have offered undertakings which are identical to those previously offered by other Norwegian companies exporting farmed Atlantic salmon originating in Norway. By doing so, they have all agreed to provide the Commission with regular and detailed information concerning their exports to the Community.

(15) Since undertakings on such terms can be monitored effectively by the Commission, and their acceptance would eliminate the injurious effects of dumping and subsidisation, the offers are considered acceptable.

(16) The companies concerned have been informed of the essential facts, considerations and obligations upon which acceptance of the undertakings given by them are based.

(17) Their names should therefore be added to the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.

D. **CHANGE OF NAME**

(18) Two other Norwegian exporters with undertakings, Agnefest AS and Norway Seafoods ASA advised the Commission that the names of the companies have changed to Rosfjord Seafood AS and Frionor AS respectively. The Commission has therefore verified and confirmed that there were no changes to the corporate structure which warranted a more detailed examination of the appropriateness of the companies maintaining their undertakings.

(19) Accordingly, the names of these companies should be amended in the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.

E. **CESSATION OF TRADING BY A NORWEGIAN COMPANY**

(20) The Commission has also been advised that another Norwegian company from which an undertaking was accepted, Atlantic King Stranda A/S, has ceased to trade and has been wound up. Accordingly, the name of this company should be deleted from the list of companies in the Annex to Decision 97/634/EC.

F. **AMENDMENT OF THE ANNEX TO DECISION 97/634/EC**

(21) The Advisory Committee has been consulted on all of the above changes and amendments to Decision 97/634/EC and has raised no objections.

(22) For the sake of clarity, however, an updated version of Annex to Decision 97/634/EC should be published herewith, showing the exporters whose undertakings are currently in force.

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 97/634/EC is hereby replaced by the Annex hereto.

Article 2

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

Done at Brussels, 26 July 2000.

For the Commission

Pascal LAMY

Member of the Commission

[1] See page 1 of this Official Journal.

ANNEX

LIST OF COMPANIES FROM WHICH UNDERTAKINGS ARE ACCEPTED

UT No	Company name	TARIC additional code
3	Rosfjord Seafood A/S	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
24	Atlantic Seafood A/S	8122
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 A/S	8140
44	Euronor A/S	8141
46	Fiskeforsyningen A/S	8143
47	Fjord Aqua Group A/S	8144
48	Fjord Trading Ltd A/S	8145
50	Fossen A/S	8147

UT No	Company name	TARIC additional code
51	Fresh Atlantic A/S	8148
52	Fresh Marine Company A/S	8149
58	Grieg Seafood A/S	8300
60	Haafa fisk A/S	8302
61	Hallvard Lerøy A/S	8303
62	Atlantis Filetfabrikk A/S	8304
66	Hydro Seafood Norway A/S	8159
67	Hydrotech-gruppen A/S	8428
72	Inter Sea A/S	8174
75	Janas A/S	8177
76	Joh. H. Pettersen A/S	8178
77	Johan J. Helland A/S	8179
79	Karsten J. Ellingsen A/S	8181
80	Kr Kleiven & Co. A/S	8182
82	Labeyrie Norge A/S	8184
83	Lafjord Group A/S	8185
85	Leica Fiskeprodukter	8187
87	Lofoten Seafood Export A/S	8188
92	Marine Seafood A/S	8196
93	Marstein Seafood A/S	8197
96	Memo Food A/S	8200
98	Misundfisk A/S	8202
100	Naco Trading A/S	8206
101	Namdal Salmon A/S	8207
104	Nergård A/S	8210
105	Nils Williksen A/S	8211
107	Nisja Trading A/S	8213
108	Nor-Food A/S	8214
111	Nordic Group ASA	8217
112	Nordreisa Laks A/S	8218
113	Norexport A/S	8223
114	Norfi Produkter A/S	8227

UT No	Company name	TARIC additional code
115	Norfood Group A/S	8228
116	Norfra Eksport A/S	8229
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
126	Frionor A/S	8314
128	Norwell A/S	8316
130	Nova Sea A/S	8235
134	Ok-Fish Kvalheim A/S	8239
137	Pan Fish Sales A/S	8242
140	Polar Seafood Norway A/S	8247
141	Prilam Norvège A/S	8248
142	Pundslett Fisk	8251
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	Prima Nor A/S	8259
151	Sangoltgruppa A/S	8262
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
160	Seafood Farmers of Norway Ltd A/S	8271
161	Seanor A/S	8272
162	Sekkingstad A/S	8273
164	Sirena Norway A/S	8275
165	Kinn Salmon A/S	8276

UT No	Company name	TARIC additional code
167	Fjord Seafood Leines A/S	8278
168	SMP Marine Produkter A/S	8279
172	Stjernelaks A/S	8283
174	Stolt Sea Farm A/S	8285
175	Storm Company A/S	8286
176	Superior A/S	8287
178	Terra Seafood A/S	8289
180	Timar Seafood A/S	8294
182	Torris Products Ltd A/S	8298
183	Troll Salmon A/S	8317
188	Vikenco A/S	8322
189	Wannebo International A/S	8323
190	West Fish Norwegian Salmon A/S	8324
191	Nor-Fa Food A/S	8102
192	Westmarine A/S	8625
193	F. Uhrenholt Seafood Norway A/S	A033
194	Mesan Seafood A/S	A034
195	Polaris Seafood A/S	A035
196	Scanfish A/S	A036
197	Normarine A/S	A049
198	Oskar Einar Rydbeck	A050
199	Emborg Foods Norge A/S	A157
200	Helle Mat A/S	A158
201	Norsea Food A/S	A159
202	Salmon Company Fjord Norway A/S	A160
203	Stella Polaris A/S	A161