II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 October 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) 3150)

(2000/744/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, by means of two separate notices published in the *Official Journal of the European Communities*, the Commission announced the initiation of an anti-dumping proceeding [4] and an anti-subsidy proceeding [5] in respect of imports of farmed Atlantic salmon originating in Norway.

(2) These proceedings resulted in anti-dumping and countervailing duties being imposed in September 1997 in order to eliminate the injurious effects of dumping and subsidisation (see Council Regulations (EC) No 1890/97 [6] and 1891/97 [7].

(3) However, at the same time, the Commission accepted undertakings from 190 Norwegian exporters, which meant that farmed Atlantic salmon originating in Norway exported by these companies was exempted from the anti-dumping and countervailing duties (see Decision 97/634/EC [8] as last amended by Decision 2000/522/EC [9]).

(4) Whilst Regulations (EC) No 1890/97 and 1891/97 set out the definitive findings and conclusions on all aspects of the investigations, the form of the duties was later reviewed and replaced by Regulation (EC) No 772/1999 [10], as last amended by Regulation (EC) No 1783/2000 [11].

B. NEW EXPORTERS

(5) Subsequent to the imposition of definitive anti-dumping and countervailing duties, two 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 conjunction with Article 11(4) of Regulation (EC) No 384/96 and Article 20 of Regulation (EC) No 2026/97, that the exemption to the duties be extended to them.

[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. 1.
[7] OJ L 267, 30.9.1997, p. 19.
[8] OJ L 267, 30.9.1997, p. 81.
[9] OJ L 208, 18.8.2000, p. 47.
[10] OJ L 101, 16.4.1999, p. 1.
[11] OJ L 208, 18.8.2000, p. 1.

(6) In this regard, First Salmon AS and Norlaks A/S demonstrated that they did not export the product concerned to the Community during the investigation period which led to imposition of the current anti-dumping and countervailing duties.

(7) 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 and provided evidence of having entered into an irrevocable contractual obligation to export a significant amount of the product concerned to the Community.

(8) The two companies have offered undertakings which are identical to those previously offered by other Norwegian companies exporting to the Community farmed Atlantic salmon originating in Norway. By doing so, they have both agreed to sell the product concerned at or above price levels which eliminate the injurious effects of dumping and subsidisation. The companies will also provide the Commission with regular and detailed information concerning their exports to the Community, meaning that the undertakings can be monitored effectively by the Commission.

(9) The offers of undertakings are therefore considered acceptable and, in this regard, the companies concerned have been informed of the essential facts, considerations and obligations upon which acceptance is based.

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

C. **TRANSFER OF UNDERTAKINGS AND CHANGES OF NAME**

(11) Certain Norwegian exporters with undertakings have advised the Commission that the groups of companies to which they belong have been re-organised, or that their names have changed. Accordingly, they have either requested that their undertakings be transferred to other companies within the relevant group, or that their name is amended on the list of companies from which undertakings are accepted.

(12) Having verified the nature of the requests, the Commission considers that they are acceptable since the modifications do not entail any substantive changes which would require re-assessment of dumping.

(13) Accordingly, the rights and obligations of the undertakings accepted from Atlantis Filtfabrikk A/S, Domstein Salmon A/S, Eurolaks A/S, Fjord Seafood Leines A/S and Namdal Salmon A/S are transferred herewith to Fjord Seafood Måløy, Domstein Fish A/S, Fjord Seafood ASA, Fjord Domstein A/S, Fjord Seafood Midt-Norge A/S respectively.

(14) As concerns, A/S Austevoll Fiskeindustri, Nor-Fa Food A/S and Ryfisk AS, it should be noted that these companies have changed their names to Austevoll Eiendom AS, Nor-Fa Fish A/S and Hydro Seafood Rogaland AS respectively.

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

(15) In view of the above, the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC should be amended accordingly.

(16) The Advisory Committee has been consulted on all of the above changes and has raised no objections.

(17) For the sake of clarity, however, an updated version of the Annex to that Decision is published herewith, showing all the exporters whose undertakings are currently in force,

HAS DECIDED AS FOLLOWS:

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, 30 October 2000.

For the Commission

Pascal LAMY

Member of the Commission

ANNEX

LIST OF COMPANIES FROM WHICH UNDERTAKINGS ARE ACCEPTED

Undertaking No	Company name	TARIC additional code
3	Rosfjord Seafood AS	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	Austevoll Eiendom AS	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 Fish A/S	8136
41	Ecco Fisk & Delikatesse	8138
42	Edvard Johnsen A/S	8139
43	Fjord Seafood ASA	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

Undertaking No	Company name	TARIC additional code
51	Fresh Atlantic AS	8148
52	Fresh Marine Company AS	8149
58	Grieg Seafood AS	8300
60	Haafa fisk AS	8302
61	Hallvard Lerøy AS	8303
62	Fjord Seafood Måløy A/S	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
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	Misundfisk AS	8202
100	Naco Trading AS	8206
101	Fjord Seafood Midt-Norge A/S	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

Undertaking No	Company name	TARIC additional code
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	Frionor AS	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	Hydro Seafood Rogaland 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
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

Undertaking No	Company name	TARIC additional code
167	Fjord Domstein A/S	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
188	Vikenco AS	8322
189	Wannebo International AS	8323
190	West Fish Norwegian Salmon AS	8324
191	Nor-Fa Fish AS	8102
192	Westmarine AS	8625
193	F. Uhrenholt Seafood Norway AS	A033
194	Mesan Seafood AS	A034
195	Polaris Seafood AS	A035
196	Scanfish AS	A036
197	Normarine AS	A049
198	Oskar Einar Rydbeck	A050
199	Emborg Foods Norge AS	A157
200	Helle Mat AS	A158
201	Norsea Food AS	A159
202	Salmon Company Fjord Norway AS	A160
203	Stella Polaris AS	A161
204	First Salmon AS	A205
205	Norlaks A/S	A206