COMMISSION DECISION

of 9 July 2001

amending Decision 97/167/EC accepting undertakings offered in connection with the review of Council Regulation (EEC) No 3433/91 and the anti-dumping proceeding concerning imports of gas-fuelled non-refillable pocket flint lighters, originating, *inter alia*, in Thailand

(notified under document number C(2001) 1766)

(2001/545/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 2238/2000 [2], and in particular Article 8 thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

(1) Anti-dumping measures were imposed on imports of gas-fuelled non-refillable pocket flint lighters originating, *inter alia*, in Thailand by Council Regulation (EC) No 423/97 [3]. Undertakings were accepted by Commission Decision 97/167/EC [4] in connection with the review of Council Regulation (EEC) No 3433/91 [5].

B. INTERIM REVIEW

(2) In April 2000, the Thai exporting producer, Thai Merry Co., Ltd (the 'applicant') lodged a request for an interim review of the anti-dumping measures applicable to it, limited to the aspects of dumping pursuant to Article 11(3) of Regulation (EC) No 384/96 (the 'basic Regulation'). Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of an interim review, the Commission published a notice (notice of initiation) [6] and commenced an investigation.

(3) The investigation did not show the existence of dumping for the applicant. In addition, evidence was found that it is unlikely that there will be a recurrence of dumped imports, in the foreseeable future. It was consequently concluded that the changed circumstances are of a lasting nature. In the absence of dumping it is therefore considered appropriate to repeal the measures in so far as they concern the applicant.

C. AMENDMENT OF DECISION 97/167/EC

(4) In view of the finding of non-existence of dumping for the applicant and as this situation is not considered to be of a short-term nature, Decision 97/167/EC should therefore be amended so as to repeal the undertaking offered by Thai Merry Co., Ltd.

(5) In parallel with this Decision, the Council is repealing the anti-dumping duty imposed by Council Regulation (EC) No 423/97 in so far as this company is concerned (see Regulation (EC) No 1471/2001 [7]),

HAS ADOPTED THIS DECISION:

Article 1

Article 1(a) of Decision 97/167/EC is hereby suppressed.

Article 2

This Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

Done at Brussels, 9 July 2001.

For the Commission

Pascal LAMY

Member of the Commission

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[1] OJ L 56, 6.3.1996, p. 1.
[2] OJ L 257, 11.10.2000, p. 2.
[3] OJ L 65, 6.3.1997, p. 1.
[4] OJ L 65, 6.3.1997, p. 54.
[5] OJ L 326, 28.11.1991, p. 1.
[6] OJ C 311, 31.10.2000, p. 5.

[7] See page 15 of this Official Journal.