II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 5 February 2002

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(2002) 389)

(2002/157/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 and Article 11(3) 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 and Article 19(1) thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

(1) Definitive anti-dumping and countervailing duties were imposed on farmed Atlantic salmon originating in Norway by Council Regulations (EC) No 1890/97 [4] and (EC) No 1891/97 [5]. The form of the duties set out in these two Regulations was, however, later reviewed, with both regulations being replaced by Council Regulation (EC) No 772/1999 [6], as last amended by Regulation (EC) No 1677/2001 [7].

(2) At the same time as definitive duties were imposed, individual price undertakings were also accepted from 190 Norwegian exporters by Commission Decision 97/634/EC [8], as last amended by Decision 2001/644/EC [9]. By offering undertakings, the companies all agreed to respect certain minimum import prices for their sales of farmed Atlantic salmon originating in Norway and to provide the Commission, within due deadlines, periodic reports of their sales to the Community.

(3) However, due to the late receipt by the Commission of one such sales report from the Norwegian exporter Gje-Vi AS, a breach of the terms of the company's undertaking was deemed to have occurred. Acceptance of this company's undertaking was withdrawn by the Commission by Regulation (EC) No 651/98 [10], with definitive anti-dumping and countervailing duties imposed in its place by Council Regulation (EC) No 772/98 [11].

B. REQUEST FOR A REVIEW

(4) Gje-Vi AS subsequently made a satisfactory request for a partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 and Article 19(1) of Regulation (EC) No 2026/97.

(5) The request contained sufficient evidence of a significant change in circumstances which had occurred since the imposition of duties against its exports to the Community. The company therefore wished to offer again a price undertaking and submitted that, in view of these changes, such an undertaking would be both effective and practicable.

[1] OJ L 56, 6.3.1996, p. 1.
[2] OJ L 257, 11.10.2000, p. 2.
[3] OJ L 288, 21.10.1997, p. 1.
[4] OJ L 267, 30.9.1997, p. 1.
[5] OJ L 267, 30.9.1997, p. 19.
[6] OJ L 101, 16.4.1999, p. 1.
[7] OJ L 227, 23.8.2001, p. 15.
[8] OJ L 267, 30.9.1997, p. 81.
[9] OJ L 227, 23.8.2001, p. 49.
[10] OJ L 88, 24.3.1998, p. 31.
[11] OJ L 111, 9.4.1998, p. 10.

(6) A Notice of initiation of a partial interim review was published accordingly [1]. It should be noted in this regard that the review was limited in scope to an examination of whether a new undertaking can be accepted from the company concerned.

C. **ACCEPTANCE OF THE UNDERTAKING**

(7) Details of the procedural aspects and findings of the review investigation are set out fully in Council Regulation (EC) No 322/2002 [2].

(8) It is the conclusion of the investigation that the circumstances of Gje-Vi AS have indeed changed since the imposition of anti-dumping and countervailing duties against it and that the new undertaking offered by the company can be accepted.

(9) In this regard, the undertaking now offered by Gje-Vi AS is identical to those previously accepted from Norwegian companies exporting farmed Atlantic salmon originating in Norway. The company has agreed to respect the minimum import prices laid down therein and to provide the Commission with regular and detailed information concerning its exports to the Community, within specified time limits.

(10) As the undertaking can be monitored effectively by the Commission, and it eliminates the injurious effects of dumping and subsidisation, the offer is considered acceptable. The company has been informed of the essential facts, considerations and obligations upon which this acceptance is based.

(11) The name of Gje-Vi AS should therefore be added to the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.

(12) The Advisory Committee has been consulted in this regard and has raised no objections.

D. **CORRIGENDUM TO DECISION 2001/644/EC**

(13) During publication of Commission Decision 2001/644/EC [3], the last amendment to Decision 97/634/EC, the name of the Norwegian company, Janas A/S (UT No 1/75, TARIC Additional Code 8177) was inadvertently omitted from the list of companies from which undertakings are accepted.

(14) Accordingly, the name of this company should be added back into the aforementioned list.

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

(15) In view of all the above and for the sake of clarity, an updated version of the Annex to Decision 97/634/EC is published herewith, showing all the exporters whose undertakings are currently in force.

(16) In parallel to this Decision, the Council, by Regulation (EC) No 322/2002 has extended the exemption to the anti-dumping and countervailing duties to Gje-Vi AS and corrected the error concerning Janas A/S by amending the Annex to Regulation (EC) No 772/1999,

HAS DECIDED AS FOLLOWS:

Article 1

The Annex to Decision 97/634/EC is 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*.

Article 3

The insertion of Janas A/S into the Annex to Decision 97/634/EC shall apply with effect from 24 August 2001.

Done at Brussels, 5 February 2002.

For the Commission

Pascal LAMY

Member of the Commission

[1] OJ C 188, 4.7.2001, p. 11.
[2] See page 1 of this Official Journal.
[3] OJ L 227, 23.8.2001, p. 49.

ANNEX

LIST OF COMPANIES FROM WHICH UNDERTAKINGS ARE ACCEPTED

UT 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
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
51	Fresh Atlantic AS	8148

UT No	Company name	TARIC additional code
52	Fresh Marine Company AS	8149
56	Gje-Vi AS	8153
58	Grieg Seafood AS	8300
61	Hallvard Lerøy AS	8303
62	Fjord Seafood Måløy A/S	8304
66	Marine Harvest Norway AS	8159
67	Hydrotech-gruppen AS	8428
72	Inter Sea AS	8174
75	Janas A/S	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
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
115	Norfood Group AS	8228

UT No	Company name	TARIC additional code
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
137	Pan Fish Sales AS	8242
140	Polar Salmon AS	8247
141	Prilam Norvège AS	8248
142	Pundslett Fisk	8251
144	Olsen Seafood AS	8254
145	Marine Harvest 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
167	Fjord Seafood Sales AS	8278

UT No	Company name	TARIC additional code
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
193	F. Uhrenholt Seafood Norway AS	A033
194	Mesan Holding 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
206	Atlantis AS	A257
207	Cape Fish AS	A258