COMMISSION

COMMISSION DECISION

of 22 May 2002

accepting and withdrawing undertakings in connection with the anti-dumping proceeding concerning imports of flat pallets of wood originating in the Republic of Poland

(notified under document number C(2002) 1911)

(2002/380/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,

Having regard to Council Regulation (EC) No 2334/97 of 24 November 1997 imposing a definitive anti-dumping duty on certain imports of flat pallets of wood originating in Poland [3], as last amended by Regulation (EC) No 1678/2001 [4], and in particular Article 4(1) and (2) thereof,

After consulting the Advisory Committee,

Whereas:

A. **PREVIOUS PROCEDURE**

(1) The Commission, by Regulation (EC) No 1023/97 [5] (hereinafter referred to as 'the provisional Regulation'), imposed provisional anti-dumping duties on certain imports of flat pallets of wood falling within CN code ex 4415 20 20 originating in the Republic of Poland and accepted undertakings offered by certain exporting producers. These undertakings concerned only one pallet type, i.e. the EUR-pallet.

(2) Since sampling was used in the investigation, requests for reviews under Article 11(4) of Regulation (EC) No 384/96 could not be accepted. However, in order to ensure equal treatment for both new exporters and the cooperating companies not included in the sample during the original investigation, the provisional Regulation was amended. Article 2 of Commission Regulation (EC) No 1632/97 [6] stipulated that new Polish exporting producers could have undertakings accepted with regard to exports of EUR-pallets, provided they satisfied the criteria set out therein. This was confirmed by Article 4 of Council Regulation (EC) No 2334/97, which imposed a definitive anti-dumping duty on certain imports of flat pallets of wood originating in the Republic of Poland.

B. **REQUEST FOR AN UNDERTAKING**

(3) Following the adoption of Regulation (EC) No 2334/97, the Polish exporting producer P.P.H. 'Astra' Sp. z o. o., Nawojowa has requested that Article 4(2) of Regulation (EC) No 2334/97 be applied to it and has offered an undertaking with regard to EUR-pallets. The price undertaking offered is considered acceptable as it removes the injurious dumping found and meets the criteria of Article 4(2).

C. **WITHDRAWAL OF UNDERTAKING**

(4) The following six Polish exporting producers from which the Commission accepted undertakings have violated the undertaking by not complying with the minimum selling price obligation laid down in the undertaking:

— P.W. 'Intur-kfs' Sp. z o.o., Inowroclaw (TARIC additional code 8662),

— Z.P.H.U. 'Miroslaw Przybylek', Klonowa (TARIC additional code 8574),

— Import-Export 'Elko' Sp. z o.o., Kalisz (TARIC additional code 8532),

— 'Drewpal' sp. j., Blizanow (TARIC additional code 8534),

— 'D&M&D' Sp. z o.o., Blizanow (TARIC additional code 8566),

— 'CMC' Sp. z o. o., Andrychow, Inwald (TARIC additional code 8528).

[1] OJ L 56, 6.3.1996, p. 1.
[2] OJ L 257, 11.10.2000, p. 2.
[3] OJ L 324, 27.11.1997, p. 1.
[4] OJ L 227, 23.8.2001, p. 22.
[5] OJ L 150, 7.6.1997, p. 4.
[6] OJ L 225, 15.8.1997, p. 11.

(5) In order to prevent CMC Sp. z o. o.-Andrychow continuing to benefit from an exemption from the anti-dumping duties by simply channelling its exports through its related company, P.P.H.U. 'Zbigniew Marek', Andrychow (TARIC additional code A113), it is considered appropriate to withdraw the undertaking of that exporter/producer as well and to impose definitive anti-dumping duties.

(6) The Commission therefore informed these companies that it is intended to remove their names from the list of companies from which an undertaking was accepted and to impose anti-dumping duties instead. One of the companies did not object to this course of action. The other companies commented on the breaches pointed out by the Commission and were granted a hearing where requested. However, none of these exporting producers put forward any arguments which put into question the finding of a violation of the undertaking.

D. **COMPANIES SUBJECT TO THE UNDERTAKING**

(7) For the sake of clarity all the companies subject to the undertaking are listed in the Annex to this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The undertaking offered with regard to EUR-pallets by P.P.H. 'Astra' Sp. z o. o., Nawojowa in connection with the anti-dumping proceeding concerning imports of flat pallets of wood originating in Poland and falling within CN code ex 4415 20 20 is hereby accepted.

Article 2

The acceptance of undertakings offered by:

— P.W. 'Intur-kfs' Sp. z o.o., Inowroclaw (TARIC additional code 8662),

— Z.P.H.U. 'Miroslaw Przybylek', Klonowa (TARIC additional code 8574),

— Import-Export 'Elko' Sp. z o.o., Kalisz (TARIC additional code 8532),

— 'Drewpal' sp. j., Blizanow (TARIC additional code 8534),

— 'D&M&D' Sp. z o.o., Blizanow (TARIC additional code 8566),

— 'CMC' Sp. z o. o., Andrychow, Inwald (TARIC additional code 8528),

— P.P.H.U. 'Zbigniew Marek', Andrychow (TARIC additional code A113),

for the export of EUR-pallets in connection with the anti-dumping proceeding concerning imports of flat pallets of wood originating in the Republic of Poland and falling within CN code ex 4415 20 20 is hereby withdrawn.

Article 3

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

Done at Brussels, 22 May 2002.

For the Commission

Pascal LAMY

Member of the Commission

ANNEX

Manufacturer	Additional TARIC code
1. 'Baumann Palety' Sp. zo.o., Barczewo	8570
2. E. Dziurny — C. Nowak S.C., Snietnica	8571
3. F.P.H. 'Tina' S.C., Katowice	8572
4. Firma 'Sabelmar' S.C., Konczyce Male	8573
5. 'Kross-Pol' Sp.zo.o., Kolobrzeg	8576
6. P.P.H. 'GKT' S.C., Bilgoraj	8584
7. P.P.H. 'Unikat', Aleksandrow IV 697	8586
8. P.P.H.U. 'Adapol' S.C., Wolomin	8587
9. P.P.H.U. 'Alpa' Sp.zo.o., Dobrzyca	8588
10. P.P.U.H. 'Alwa' Sp.zo.o., Slawno	8589
11. P.P.H.U. 'Palimex' Sp.zo.o., Wloszakowice	8590
12. P.P.U.H. 'SMS' — St. Mrozowicz, Suleczyno	8591
13. P.T.H. 'Mirex', Kolobrzeg	8597
14. P.W. 'Peteco' Sp.zo.o., Warszawa	8690
15. 'Paletex' Produkcja Palet, Roman Panasiuk, Warszawa	8691
16. Produkcja Palet 'A. Adamus', Kuznia Grabowska	8692
17. P.P.H. Zygmunt Skibinski, Kowal	8693
18. 'Scanproduct' S.A., Czarny Dujanec	8715
19. 'Transdrewneks' Sp.zo.o., Grudziadz-Owczarki	8716
20. W.Z.P.U.M. 'Euro-Tech', Rakszawa	8725
21. Z.P.H. 'Palettenwerk' — K. Kozik, Jordanow	8726
22. Zaklad Przerobu Drewna S.C., Drawsko Pomorskie	8745
23. Z.P.H.U. 'Sek-Pol' Sp.zo.o., Tarnobrzeg	8526
24. 'Euro-Mega-Plus' Sp.zo.o., Kielce	8527
25. Wyrob, Sprzedaz, Skup Palet, Josef Kolodziejczyk, Aleksandrow IV 704	8529
26. Firma Produkcyjno Transportowa Marian Gerka, Brodnica	8530
27. Z.P.H.U. 'Drewnex' Mamos, Luczak, Mamos s.j., Cekow	8531
28. P.P.H.U. 'Probox', Import-Export, Kalisz	8533
29. Zaman S.C., Radom	8535
30. 'Marimpex', Pulawy	8537
31. 'AVEN' Sp.zo.o., Kostrzyn	8558

Manufacturer	Additional TARIC code
32. P.P.H.U. 'Eurex' BIS, Godynice	8538
33. ENKEL S.C., Pulawy	8540
34. Produkcja Stolarska Posrednictwo Export-Import, W.i.T. HENSOLDT, Lebork	8541
35. P.P.U.H. 'DREWPOL', Braszewice	8834
36. PTN Kruklanki Sp.zo.o., Krulanki	8556
37. WEDAMS.C., Stezyca	8557
38. Import-Export Jan Sibinski, Czajkow	8559
39. P.P.H.U. 'Alk', Bierzwnik	8561
40. 'Empol' S.C., Jastrzebniki 37	8560
41. Euro-Handels Sp.zo.o., Szczecin	8440
42. P.P.H. 'Paletex' Sibinski Jaroslaw, Czajkow	8441
43. Firma 'KIKO' S.C., Poznan	8443
44. 'Enkel' Waldemar Wnuk, Pulawy	8444
45. Firma Borkowski S.C. Export-Import, Grabow n. Prosna	8446
46. 'Bilusa' Sp.zo.o., Klodawa	8484
47. P.P.U.H. PAL-POL S.C., Prabuty	8485
48. Firma 'A.C.S.' S.C., Kamien	8486
49. 'SMT' Sp.zo.o., Miastko	8562
50. Firma Transdrewneks Gadzala Antoni, Torun	8563
51. 'Palko' Sp.zo.o., Sedziszow	8565
52. P.P.H. 'Vector', Kalisz	8567
53. P.P.H.U. 'ELMA' S.C., Sobieseki	A109
54. P.P.H. SWENDEX S.C., Lublin	A110
55. Pomorski Serwis Paletowy Sp. zo.o., Kobylnica	A114
56. 'EMI' S.C., Bilgoraj	A124
57. P.P.H.U. ROMAX Import-Eksport, Wroclaw	A133
58. P.P.D.B. 'Lesnik' S.C., Krosno	A259
59. 'EUROPAL' S.C., Brzeziny	A260
60. P.P.U.H. 'CENTROPAL' EKSPORT-IMPORT, Czajkow	A261
61. Energomontaz Polnoc Serwis Sp.zo.o., Swierze Gorne	A262
62. P.P.H. 'BOM'S' S-ka zo.o., Suwalki	A263
63. P.P.H. 'Astra' Sp. zo.o., Nawojowa	