COMMISSION

COMMISSION DECISION

of 22 January 2003

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

(2003/119/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 1972/2002 [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], as last amended by Regulation (EC) No 1973/2002 [4], 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 [5] and an anti-subsidy proceeding [6] in respect of imports of farmed Atlantic salmon (the product concerned) originating in Norway.

(2) These proceedings resulted in anti-dumping and countervailing duties being imposed in September 1997 by Council Regulations (EC) No 1890/97 [7] and 1891/97 [8] in order to eliminate the injurious effects of dumping and subsidisation.

(3) In parallel to this, by Decision 97/634/EC [9], as last amended by Decision 2002/743/EC [10], the Commission accepted undertakings from 190 Norwegian exporters and imports of the product concerned to the Community by these companies were exempted from the said anti-dumping and countervailing duties.

(4) The form of the duties was later reviewed and Regulations (EC) No 1890/97 and 1891/97 were replaced by Council Regulation (EC) No 772/1999 [11], as last amended by Regulation (EC) No 1593/2002 [12].

B. NEW EXPORTERS, CHANGES OF NAME AND VOLUNTARY WITHDRAWAL OF AN UNDERTAKING

1. New exporter

(5) Since the original imposition of definitive anti-dumping and countervailing duties, certain 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.

(6) In this regard, three such exporters, Vestmar AS, Gaia Seafood AS and Polar Quality AS all 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.

[1] OJ L 56, 6.3.1996, p. 1.
[2] OJ L 305, 7.11.2002, p. 1.
[3] OJ L 288, 21.10.1997, p. 1.
[4] OJ L 305, 7.11.2002, p. 4.
[5] OJ C 253, 31.8.1996, p. 18.
[6] OJ C 253, 31.8.1996, p. 20.
[7] OJ L 267, 30.9.1997, p. 1.
[8] OJ L 267, 30.9.1997, p. 19.
[9] OJ L 267, 30.9.1997, p. 81.
[10] OJ L 240, 7.9.2002, p. 51.
[11] OJ L 101, 16.4.1999, p. 1.
[12] OJ L 240, 7.9.2002, p. 22.

(7) The 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 that they had entered into irrevocable contractual obligations to export a significant amount of the product concerned to the Community.

(8) The companies have offered undertakings which are identical to those previously accepted from other Norwegian companies exporting farmed Atlantic salmon originating in Norway and by doing so have agreed *inter alia* to respect the minimum import price levels (MIPs) laid down therein and to provide the Commission with regular and detailed information concerning their exports to the Community.

(9) Since the undertakings offered by the companies concerned can be monitored by the Commission in the same way as those already in place, and they eliminate the injurious effects of dumping and subsidisation, the offers are considered acceptable. The companies have been informed of the essential facts, considerations and obligations upon which this acceptance is based.

(10) Notwithstanding the fact that the anti-dumping and anti-subsidy measures are currently subject to an interim review, the names of Vestmar AS, Gaia Seafood AS and Polar Quality AS should nevertheless be added in the meantime to the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.

2. **Changes of name**

(11) One Norwegian exporter with an undertaking, Arctic Group International (UT No 1/11, TARIC additional code 8109) advised the Commission that the group of companies to which it belonged had been reorganised and that another company within the group was now responsible for exports of salmon to the Community. Arctic Group International therefore requested that its name be replaced by that of Arctic Group Maritime AS on the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.

(12) Another Norwegian company with an undertaking, Fjord Seafood Midt-Norge AS (UT No 1/101, TARIC Additional Code 8207) advised the Commission that its name had changed to Fjord Seafood Norway AS. It therefore requested that its name be amended on the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC. The company also advised the Commission that a related company, Fjord Seafood Måløy AS (UT No 1/62, TARIC additional code 8304), had merged with it and that the undertaking offered by Fjord Seafood Måløy AS was no longer appropriate and that this name should be deleted on the above mentioned list of companies from which undertakings are accepted.

(13) The Commission considers after verification that the requests are acceptable since the modifications do not entail any substantive changes which would affect the assessment of dumping or subsidisation, nor do they affect any of the considerations on which the acceptance of the undertakings was based.

(14) Consequently, the names of Arctic Group International and Fjord Seafood Midt-Norge AS should be changed to Arctic Group Maritime AS and Fjord Seafood Norway AS respectively on the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC and the name of Fjord Seafood Måløy AS deleted from that list.

3. **Voluntary withdrawal of an undertaking**

(15) Another Norwegian company, Timar Seafood AS (UT No 1/180, TARIC additional code 8294), advised the Commission that it wished to withdraw its undertaking. Accordingly, the name of this company should be deleted from the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.

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

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

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

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

(19) In parallel to this Decision, the Council, by Regulation (EC) No 321/2003 [1] has granted an exemption from the anti-dumping and anti-subsidy duties to Vestmar AS, Gaia Seafood AS and Polar Quality AS, changed the names of Arctic Group International and Fjord Seafood Midt-Norge AS to Arctic Group Maritime AS and Fjord Seafood Norway AS respectively, withdrawn exemption from the anti-dumping and anti-subsidy duties by deleting the names of Fjord Seafood Måløy AS and Timar Seafood AS, by amending the Annex to Regulation (EC) No 772/1999,

[1] See page 3 of this Official Journal.

HAS DECIDED AS FOLLOWS:

Article 1

The undertakings offered by Vestmar AS, Gaia Seafood AS and Polar Quality AS in connection with the anti-dumping and anti-subsidy proceedings concerning imports of farmed Atlantic salmon originating in Norway are hereby accepted.

Article 2

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

Article 3

This Decision shall be applicable from the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 22 January 2003.

For the Commission

Pascal LAMY

Member of the Commission

ANNEX

'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 Maritime AS	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	Midnor Processing AS	8120
24	Atlantic Seafood A/S	8122
26	Rossa Salmon AS	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 Marin Sales AS	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
52	Fresh Marine Company AS	8149
56	Gje-Vi AS	8153
58	Grieg Seafood AS	8300
61	Hallvard Lerøy AS	8303
66	Marine Harvest Norway AS	8159

UT No	Company name	TARIC Additional Code
67	Hydrotech-gruppen AS	8428
72	Inter Sea AS	8174
75	Janas A/S	8177
76	Joh. H. Pettersen	8178
79	Karsten J. Ellingsen AS	8181
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 Norway AS	8207
104	Nergård AS	8210
105	Nils Williksen AS	8211
107	Nisja Trading AS	8213
108	Nor-Food AS	8214
112	Nordreisa Laks AS	8218
114	Norfi Produkter AS	8227
115	Norfood Group AS	8228
119	Norsk Akvakultur AS	8232
120	Norsk Sjømat AS	8233
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

UT No	Company name	TARIC Additional Code
148	Prima Nor AS	8259
153	Scanfood AS	8264
154	Sea Eagle Group AS	8265
155	Sea Star International AS	8266
156	Sea Bell Salmon AS	8267
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
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
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
193	F. Uhrenholt Seafood Norway AS	A033
195	Polaris Seafood AS	A035
196	Scanfish AS	A036
197	Normarine AS	A049
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

UT No	Company name	TARIC Additional Code
208	Athena Seafoods AS	A379
209	Norsk Havfisk AS	A380
210	Rodé Vis International AS	A381
211	Seaborn AS	A382
212	Triton AS	A383
213	Nordlaks Produkter AS	A386
214	Codfarms AS	A400
215	Vestmar AS	A416
216	Gaia Seafood AS	A417
217	Polar Quality AS	A418'