COMMISSION REGULATION (EEC) No 261/77

of 4 February 1977

imposing a provisional anti-dumping duty on ball bearings, tapered roller bearings and parts thereof originating in Japan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 459/68 of 5 April 1968 on protection against dumping or the granting of bounties or subsidies by countries which are not members of the European Economic Community [1], as amended by Regulation (EEC) No 2011/73 [2], and in particular Article 15 thereof,

Having regard to the opinion of the Advisory Committee set up under the said Regulation,

Whereas the Commission has received a complaint submitted in the name of the Community roller bearing industry setting out evidence as to the existence of dumping of like products originating in Japan, as well as material injury resulting therefrom ;

Whereas, since the information received indicated that the complaint was admissible and that defensive measures against dumping might be necessary, the Commission officially notified the representatives of the exporting country and the importers and exporters known to be concerned, published in the *Official Journal of the European Communities* of 13 November 1976 a notice of the initiation of an enquiry concerning imports of ball bearings, tapered roller bearings and parts thereof originating in Japan [3] and commenced and examination of the facts in collaboration with the Member States ;

Whereas the Commission gave interested parties the opportunity to make known their views in writing ;

Whereas the Commission heard the interested parties and gave to the parties directly concerned the opportunity orally to develop their views and to meet and to present opposing views and rebuttal arguments ;

Whereas, in order to examine the existence of dumping, the Commission compared the export prices to the Community with those effectively prevailing on the Japanese market ; whereas, because of the multiplicity of types of the product concerned, this comparison was carried out for a certain number of types representative of the price-structure of the products concerned ;

Whereas, because of the association between the Japanese exporters and the majority of the importers in Europe, the export prices were constructed on the basis of the prices at which the imported products are first resold to an independent buyer, allowance being made for costs and profits between importation and resale ;

Whereas these comparisons were made at the ex-factory level, and in respect of sales made during a period which was generally the first half on 1976, due allowance having been made, on their merits, for differences affecting price comparability ;

Whereas this preliminary examination of the matter shows that dumping has taken place, the margin of which varies considerably from one transaction to another and in several cases exceeds 30 % ;

Whereas, with regard to injury to the industry concerned, the evidence available to the Commission shows that imports into the Community of the products concerned originating in Japan have considerably increased, since, from a level of approximately 5 500 tonnes in 1968 they increased to 15 600 tonnes in 1974 and 19 000 tonnes in 1975, this increase having continued in 1976 in most of the regions principally concerned ;

Whereas, moreover, these products are offered for sale on the Community market at prices which very often undercut the prices prevailing among Community producers of like products, and exercise a depressive effect on them ;

Whereas, as a result of this, the imports concerned have been able to acquire an average market share in the markets most particularly affected, that is, in Germany, France and the United Kingdom, of 15 % for ball bearings and of 5 % for tapered roller bearings ; whereas the market share is considerably higher in one of the markets, where it represents 22 and 8 % respectively ;

Whereas this development has taken place to the detriment of the Community industry which is in a difficult situation, characterized by a reduction of 10 % in production from 1974 to the first half of 1976 in the regions most affected, where the major part of the Community industry is established by redundancies and short-time working for the personnel of the enterprises concerned, and by a reduction in profits or the

(1) OJ No L 93, 17. 4. 1968, p. 1.
(2) OJ No L 206, 27. 7. 1973, p. 3.
(3) OJ No C 268, 13. 11. 1976, p. 2.

appearance of losses for several of the firms concerned ;

Whereas there is, therefore, sufficient evidence to show that, due consideration having been given to the other factors having a bearing on the situation of this industry, as for example, the very considerable decrease in Community exports, the dumped imports are causing material injury to the Community industry ;

Whereas, for these reasons, several Member States requested the Commission, during the meeting of the Advisory Committee on 28 January 1977, to take provisional measures immediately in accordance with Article 15 (1) (c) of Regulation (EEC) No 459/68 ;

Whereas, in the circumstances, the interests of the Community call for immediate intervention, consisting in the imposition of a provisional anti-dumping duty on imports of the products in question of Japanese origin ;

Whereas, for administrative reasons, it is not possible to fix different rates of duty for various types of bearings ; whereas, consequently, it is necessary to fix a single rate for all the products ;

Whereas, however, with regard to the margins of dumping provisionally determined for two of the exporting firms, it is appropriate to provide for a lower rate for products manufactured and exported by the said two firms,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty of 20 % is hereby imposed on the following goods, falling within Common Customs Tariff heading No ex 84.62 and originating in Japan, on the basis of the value declared in conformity with Regulation (EEC) No 375/69 [1] :

— ball bearings : NIMEXE code 84.62-11,

— tapered roller bearings : NIMEXE code 84.62-17,

— parts of ball bearings : NIMEXE codes ex 84.62-29 and ex 84.62-33,

— parts of tapered roller bearings : NIMEXE codes 84.62-27 and ex 84.62-33.

2. However, the rate of the said duty, shall be fixed at 10 % with regard to products manufactured and exported by :

— Nachi-Fujikoshi Corporation, Japan,
— Koyo Seiko Company Limited, Japan.

Article 2

The entry of the products described in Article 1 into free circulation shall be conditional upon the deposit of security for the amount of the provisional duty.

Article 3

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities.*

Without prejudice to the provisions of Articles 16 and 18 of Regulation (EEC) No 459/68, it shall apply until the entry into force of an Act of the Council either adopting definitive measures or extending the provisional duty, and in any event for a maximum period of three months.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 4 February 1977.

For the Commission

Wilhelm HAFERKAMP

Vice-President

[1] OJ No L 52, 3. 3. 1969, p. 1.