COMMISSION REGULATION (EEC) No 1682/78

of 17 July 1978

extending the provisional anti-dumping duty on ferrochromium originating in Sweden

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 last amended by Regulation (EEC) No 1411/77 (2), and in particular Article 15 thereof,

Whereas by Regulation (EEC) No 1355/78 (3) the Commission imposed a provisional anti-dumping duty on ferrochromium originating in the Republic of South Africa and Sweden ;

Whereas, however, the investigation relating to a Swedish exporter to the Community was not sufficiently advanced to enable preliminary conclusions to be drawn ; whereas it was consequently decided to exclude this exporter from the application of this provisional duty ;

Whereas, with a view to a preliminary determination of the dumping margin for the Swedish exporter in question the Commission has in the meantime carried out an on-the-spot inspection at the exporter's premises ;

Whereas during the investigation of the existence of dumping the Commission has examined the sales of the company in question on the domestic market to determine whether or not these were made in the ordinary course of trade and/or whether the selling prices reflected a particular market situation. As a result of this examination the Commission came to the conclusion that the domestic sales did not permit a valid comparison of prices ; consequently recourse was had to the criterion of cost of production ;

Whereas such cost of production has been calculated taking into consideration *inter alia* the following elements : raw materials (including the basic mineral which contains chrome oxide, bauxite, quartz and other materials for electrodes and fluxes), energy costs (coke, electricity), labour costs including social costs, other operating costs (including maintenance costs and transport costs), interest paid, to which was added a reasonable amount for administration, selling and other costs and for profits ;

Whereas these preliminary calculations have shown that the fair market price of ferrochromium on the Swedish market for the exporter in question brought up to a cif Community frontier basis, duty unpaid, is 36·05 US cents/lb, for 'charge chrome', 38·93 US cents/lb, for high carbon ferrochromium and 62·23 US cents/lb for low carbon ferrochromium ;

Whereas the exports of the producer in question, even if they had no major impact by themselves, when taken in conjunction with other exports by South African and Swedish producers have contributed to material injury as detailed in Regulation (EEC) No 1355/78 ;

Whereas, therefore, the interests of the Community and the principle of non-discrimination among exporters call for the extension of the provisional anti-dumping duty to ferrochromium manufactured by Ferrolegeringar Trollhätteverken AB,

HAS ADOPTED THIS REGULATION :

Article 1

The provisional anti-dumping duty on ferrochromium originating in the Republic of South Africa and Sweden, imposed by Regulation (EEC) No 1355/78, is hereby extended to ferrochromium manufactured by Ferrolegeringar Trollhätteverken AB, Sweden. Consequently, Article 1 (1) of Regulation (EEC) No 1355/78 shall be replaced by the following, all other provisions remaining unchanged :

'1. A provisional anti-dumping duty is hereby imposed on ferrochromium, falling within Common Customs Tariff subheading 73.02 E I and corresponding to NIMEXE code 73.02-51, originating in the Republic of South Africa and Sweden. The provisions in force for the application of customs duties shall apply for the application of this duty.'

Article 2

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

Without prejudice to Article 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 until the expiry of a maximum period of three months beginning on 22 June 1978.

(1) OJ No L 93, 17. 4. 1968, p. 1.
(2) OJ No L 160, 30. 6. 1977, p. 4.
(3) OJ No L 165, 22. 6. 1978, p. 20.

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

Done at Brussels, 17 July 1978.

For the Commission

Wilhelm HAFERKAMP

Vice-President