COMMISSION REGULATION (EEC) No 511/78

of 7 March 1978

imposing a provisional anti-dumping duty on kraft liner paper and board originating in the United States of America

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,

After hearing the opinions expressed in the Advisory Committee set up under the said Regulation,

Whereas the Commission has received a complaint submitted in the name of the Community linerboard industry setting out evidence as to the existence of dumping of like products originating in various countries 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 countries and the importers and exporters known to be concerned, published in the *Official Journal of the European Communities* of 17 December 1977 and 3 March 1978 notices of the initiation of enquiries concerning imports of kraft liner originating in the USA (3), and Sweden, Finland, Austria, Portugal and Canada (4) and commenced an examination of the facts for all the abovementioned countries, with the exception of Canada, in respect of which an examination will take place in the immediate future;

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

Whereas the Commission heard interested parties and gave to 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 prevailing on the domestic markets concerned;

Whereas these comparisons were made at the ex-factory level, and in respect of sales made at the same time, due allowance having been made, on their merits, for differences in transport and ancillary costs, in the conditions and terms of sale, in duties and taxation and for other differences affecting price comparability;

Whereas this preliminary examination of the matter shows that dumping has taken place, the margin of which varies considerably depending on the exporting firm, the country of importation and the date of the transaction;

Whereas, with regard to injury to the industry concerned, the evidence available to the Commission shows that imports into the Community of kraft liner originating in the countries in question have increased from a level of approximately 1·1 million tonnes in 1975 to 1·6 million tonnes in 1977;

Whereas the imports concerned represent a market share in the Community of 70 % in 1975 and 80 % in 1977 and consequently have a very considerable influence on the market;

Whereas the prices of these imports on the Community market have fallen considerably, particularly in recent months, thus exercising a depressive effect on the Community producers' prices;

Whereas this development has taken place to the detriment of the Community industry which is in a difficult situation, characterized by large unsold stocks, the complete cessation of production in one area of the Community with consequent loss of jobs, short-time working for the personnel of the enterprises concerned, and by a reduction in profits or the appearance of heavy losses;

(1) OJ No L 93, 17. 4. 1968, p. 1.
(2) OJ No L 160, 30. 6. 1977, p. 4.
(3) OJ No C 304, 17. 12. 1977, p. 3.
(4) OJ No C 54, 3. 3. 1978, p. 2.

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 rather limited imports from other sources and competition from substitutable products, the dumped imports are causing and threatening to cause material injury to the Community industry ;

Whereas, for these reasons, a Member State requested the Commission, during the meeting of the Advisory Committee on 27 February 1978, to take provisional measures immediately in accordance with Article 15 (1) (c) of Regulation (EEC) No 459/68 ;

Whereas in the meantime the Swedish, Finnish, Austrian and Portuguese exporters gave voluntary undertakings to revise their prices to levels which are considered satisfactory ; whereas those undertakings have been accepted by the Commission which, as a consequence, has decided to terminate the procedures in question ;

Whereas, in these circumstances, the interests of the Community call for immediate intervention against imports of kraft liner originating in the United States of America, consisting in the imposition of a provisional anti-dumping duty ;

Whereas, in order to ensure equitable treatment of imports at different prices, the amount of the duty should be the difference between the declared value of the goods and their fair market value in the United States of America brought up to a cif Community frontier basis,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on kraft liner paper and board, falling within Common Customs Tariff subheading ex 48.01 C II and corresponding to NIMEXE codes 48.01-15, 21, 27 and 31, originating in the United States of America. The provisions in force for the application of customs duties shall apply for the application of this duty.

2. The amount of such duty shall correspond to the difference between the fair market value as set out below and the value declared, per tonne net, in accordance with Commission Regulation (EEC) No 375/69 of 27 February 1969 on the declaration of particulars relating to the value of goods for customs purposes [1].

For the purpose of this Regulation the fair market values in the United States of America brought up to a cif Community frontier basis, duty unpaid, are as follows :

	per tonne
weight 175 grams or more per square metre :	US$ 255
weight 150 grams or more and less than 175 grams per square metre :	US$ 265
weight less than 150 grams per square metre :	US$ 275

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 Article 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, 7 March 1978.

For the Commission

Étienne DAVIGNON

Member of the Commission

(1) OJ No L 52, 3. 3. 1969, p. 1.