I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2079/98

of 24 September 1998

amending Regulation (EC) No 2334/97 imposing a definitive anti-dumping duty on certain imports of flat pallets of wood originating in the Republic of Poland and collecting definitively the provisional duty imposed

THE COUNCIL OF THE EUROPEAN UNION,

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], and in particular Article 9(4) thereof,

Having regard to Regulation (EC) No 2334/97 [2], and in particular Article 4(1) and (2) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

(1) The Council, by Regulation (EC) No 2334/97, imposed definitive 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 from certain producers in connection with these imports. Sampling was applied to Polish producers/exporters and individual duties ranging from 4,0 % to 10,6 % were imposed on the companies in the sample, while other cooperating companies not included in the sample received a weighted average duty of 6,3 %. A duty of 10,6 % was imposed on companies which either did not make themselves known or did not cooperate in the investigation. The producers from which undertakings were accepted were exempted from anti-dumping duties with regard to imports of one specific pallet type, the EUR-pallet, which is the only pallet type covered by the undertakings.

(2) Article 4(1) of Regulation (EC) No 2334/97 stipulates that any party which provides sufficient evidence to the Commission that:

— it did not export to the Community or produce wooden pallets described in Article 1(1) of that Regulation during the investigation period,

— it is not related to any of the producers or exporters in Poland which are subject to the anti-dumping duties imposed by that Regulation,

— it has actually exported to the Community the goods concerned after the investigation period, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Community;

then that Regulation can be amended by granting that party the duty rate applicable to cooperating producers which were not in the sample, i.e. 6,3 %.

Article 4(2) of Regulation (EC) No 2334/97 provided that any party which met the criteria set out in Article 4(1) thereof can also be exempted from the payment of the anti-dumping duty if an undertaking with regard to the so-called EUR-pallet had been accepted from such party.

B. NEW EXPORTERS' REQUEST

(3) Eighteen new Polish exporting producers having requested the same treatment as the companies which cooperated in the original investigation but were not included in the sample, have provided, on request, evidence showing that they meet the requirements set out in Article 4(1) of Regulation (EC) No 2334/97. The evidence provided by these

[1] OJ L 56, 6. 3. 1996, p. 1, Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30. 4. 1998, p. 18).
[2] OJ L 324, 27. 11. 1997, p. 1.

applicant companies is considered sufficient to allow Regulation (EC) No 2334/97 to be amended by adding these eighteen exporting producers to Annex I of the said Regulation. Annex I specifies the exporting producers which are to be subject to the weighted average duty of 6,3 %.

(4) Ten of the eighteen Polish exporting producers which will receive the weighted average duty of 6,3 %, have also offered undertakings with regard to the EUR-pallet which were accepted by Commission Decision 98/554/EC [1]. Consequently, these ten companies should be added to Annex II of Regulation (EC) No 2334/97 which contains a list of companies from which the Commission has accepted undertakings with regard to imports of the EUR-pallet and to which the duty does not, therefore, apply in this respect,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 2334/97 is hereby replaced by Annex I to this Regulation.

Article 2

Annex II to Regulation (EC) No 2334/97 is hereby replaced by Annex II to this Regulation.

Article 3

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

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

Done at Brussels, 24 September 1998.

For the Council
The President
N. MICHALEK

[1] See page 82 of this Official Journal.

ANNEX I

Manufacturer

1. 'Baum-Holz' Sp.zo.o., Olsztyn
2. 'DAST' GmbH, Poznan
3. Drew-Pol Export-Import, Wodarz Norbert, Murow
4. E. Dziurny — C. Nowak S.C., Snietnica
5. F.P.H. 'Tina', Katowice
6. F.P.H. Tadeusz Fischer, Maly Gleboczek
7. F.P.U.H. 'Rol-Mar', Adam Piatek, Klodzko
8. Z.P.H.U. Miroslaw Przybyiek, Klonowa
9. Internationale Paletten Company Sp., Lebork
10. 'Kross-Pol' Sp.zo.o., Kolobrzeg
11. P.P.U.H. 'Drewmax' Sp.zo.o. (formerly P.P.H. 'Drewnex'), Krakow
12. P.P.H. 'GKT' S.C., Majdan Mowy
13. P.P.H. 'Pamadex', Ligota
14. P.P.H. 'Unikat', Aleksandrow IV 697
15. P.P.H.U. 'Adapol' S.C., Wolomin
16. P.P.U.H. 'Alwa' Sp.zo.o., Tychowo
17. P.P.U.H. 'SMS' — St. Mrozowicz, Suleczyno
18. P.T.H. 'Mirex', Kolobrzeg
19. P.W. 'Peteco' Sp.zo.o., Warszawa
20. Parafia Rzymsko-Katolicka, B. Niepokalaneg Dzialalnose Gospodaroza, Nowy Sacz
21. Produkcja Palet 'A. Adamus', Kuznia Grabowska
22. Produkcja Skup Palet Drewnanych, Stanislaw Lachowicz, Majdan Sieniawski 170
23. Przedsiebiorstwo 'Amesko', Andrzej Skora, Trzebnica
24. P.H.U. 'Justyna', Gubin
25. P.H.U. 'Akropol', Krakow
26. P.H.U. Produkcyjne 'Lech', Lech Szwez, Zary
27. Przedsiebiorstwo Obrobki Drewna 'Palet-Pol' Sp.zo.o., Dabrowka WLKP
28. P.P.H. Zygmunt Skibinski, Kowal
29. P.P.H.U. 'AWA' Sp.zo.o., Nowy Sacz
30. Przedsiebiorstwo Wielobranzowe, Zdziolaw Milocki, Ostroda
31. 'Scanproduct' SA., Czarny Dunajec
32. SC 'Bed', Dariusz Zuk, Krasienin
33. S.U.T.R. 'Rol Trak', Prochowice
34. Stolarstwo Export-Import, Tadeusz Swirski, Dlugopole Zdroj
35. Torunskie Przedsiebiorstwo Przemyslu Drzewnego w Toruniu, Adam Wisniewski, Torun
36. 'Transdrewneks' Sp.zo.o., Grudziadz-Owczarki
37. W.Z.P.U.M. 'Euro-Tech', Rakszawa
38. Wytwazanie Skrzyn i Opakowan Drewnianych, Malgorzata i Ryszard Nowak, Piaszyna
39. Zaklad Produkcyjno Bohuszko, Ryszard Bohuszko, Osno
40. Z.P.H. 'Maw' SC., Andrzej Kulej, Lubomierz
41. Zaklad Uslugowo-Handlowy 'Rolmex', E. Cackowski, Lipno
42. Zaklad Wielobranzowy Produkcyjno Uslugowy, Ryszard Potoniec, Muszyna
43. Zaklad Przerobu Drewna S.C., Drawsko Pomorskie
44. Z.P.H.U. 'Drewex' S.C., Asnieszka Pawlaczyk, Skwierzyna
45. Z.P.H.U. 'Sek-Pol' Sp.zo.o., Tarnobrzeg

46. 'Euro-Mega-Plus' Sp.zo.o., Kielce
47. 'C.M.C.', Sp.zo.o., Andrychow
48. Wyrob, Sprzedaz, Skup Palet, Josef Kolodziejczyk, Aleksandrow IV 704
49. Firma Produkcyjno Transportowa Marian Gierka, Brodnica
50. Z.P.H.U. 'Drewnex' S.C., Zelazkow 45 b
51. Import-Export 'Elko' Sp.zo.o., Kalisz
52. P.P.H.U. 'Probox', Import-Export, Kalisz
53. Drewpal S.C., Stawiszyn
54. Zaman S.C., Radom
55. 'Marimpex', Pulawy
56. 'AVEN' Sp.zo.o., Kostrzyn
57. P.P.H.U. 'Eurex' S.C., Godynice
58. P.H. 'Drewex' S.C., Lebork
59. MACED Sklad Palet, J. Macionga, Miastko
60. ENKEL S.C., Pulawy
61. PAL-PACK Sp.zo.o., Wierzchowo
62. Produkcja Stolarska Posrednictwo Export-Import, W.i.T. HENSOLDT, Lebork
63. Biuro Uslugowo-Handlowe, Wieslaw Rzezniczek, Lebork
64. P.P.U.H. 'DREWPOL', Braszewice
65. PTN Kruklanki Sp.zo.o., Kruklanki
66. WEDAM S.C., Stezyca
67. Import-Export Jan Sibinski, Czajkow
68. Zaklad Produkcyjny 'Tarta', Lubsko
69. Firma 'Krausdrew', Cewice
70. 'Lidal' S.C., Miastko
71. Zaklad Przerobu Drewna Import-Export, Stanislaw Kociolek, Ladek Zdroj
72. P.P.H.U. 'Alk', Bierzwnik
73. 'Empol' S.C., Jastrzebniki 37
74. Zaklad Producji Drzewnej Nr. 1, Export-Import, Julian Bartkowski, Sanok
75. P.P.H. 'Drewex', Czarnkow
76. 'ZAP' Przedsiebiorstwo Handlowe-Uslugowe Sp.C, Wschowa
77. P.P.H.U. 'Opal', Zygmunt Podgorski, Bukowsko 41
78. 'Algepa-Pol', Sp.zo.o., Lubsko
79. P.P.H. 'A-Produkt' S.C., Resko
80. PPH 'Paletex' Sibinski Jaroslaw, Klonowa
81. Euro-Handels Sp.zo.o., Szczecin
82. Firma 'KIKO' S.C., Poznan
83. 'Enkel' Waldemar Wnuk, Pulawy
84. Sliwka Lucyna, Klodzko
85. Firma Borkowski S.C. Export-Import, Grabow n. Prosna
86. Produkcja — Skup Elementow i Palet, Stanislaw Gorecki, Czajkow
87. 'Prodpalet' Handel, Boleslawiec
88. Z.P.H.U. 'Drexport' S.C., Olecko, Osiedle Lesk
89. 'Bilusa' Sp.zo.o, Klodawa
90. Pawel Bilko 'Pablo', Klodawa
91. ZPW 'Gober' Sp.zo.o., Gorzow Wlkp.
92. Kisiel Malgorzata 'Drew-Pal', Dobra Now
93. P.W. 'Remag', Zlocieniec
94. PPUH PAL-POL S.C., Prabuty
95. Firma 'A.C.S.' S.C., Kamien
96. Zaklad Produkcji Skrzyn i Opakowan Drewnianych Szuta Marian, Kawcze

ANNEX II

Manufacturer	Taric additional code
1. 'Baum-Holz' Sp.zo.o., Olsztyn	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. Z.P.H.U. Miroslaw Przybyiek, Klonowa	8574
6. Internationale Paletten Company Sp., Lebork	8575
7. 'Kross-Pol' Sp.zo.o., Kolobrzeg	8576
8. P.P.U.H. 'Drewmax' Sp.zo.o. (formerly P.P.H. 'Drewnex'), Krakow	8577
9. P.P.H. 'GKT' SC., Majdan Nowy	8584
10. P.P.H. 'Pamadex', Ligota	8585
11. P.P.H. 'Unikat', Aleksandrow IV 697	8586
12. P.P.H.U. 'Adapol' SC., Wolomin	8587
13. P.P.H.U. 'Alpa' Sp.zo.o., Dobrzyca	8588
14. P.P.U.H. 'Alwa' Sp.zo.o., Tychowo	8589
15. P.P.H.U. 'Palimex' Sp.zo.o., Wloszakowice	8590
16. P.P.U.H. 'SMS' — St. Mrozowicz, Suleczyno	8591
17. P.T.H. 'Mirex', Kolobrzeg	8597
18. P.W. 'Intur-KFS' Sp.zo.o., Inowroclaw	8662
19. P.W. 'Peteco' Sp.zo.o., Warszawa	8690
20. 'Paletex' Produkcja Palet, Roman Panasiuk, Warszawa	8691
21. Produkcja Palet 'A. Adamus', Kuznia Grabowska	8692
22. P.H.U. 'Akropol', Krakow	8713
23. P.P.H. Zygmunt Skibinski, Kowal	8693
24. 'Scanproduct' SA., Czarny Dunajec	8715
25. S.U.T.R. 'Rol Trak', Prochowice	8714
26. 'Transdrewneks' Sp.zo.o., Grudziadz-Owczarki	8716
27. W.Z.P.U.M. 'Euro-Tech', Rakszawa	8725
28. Z.P.H. 'Palettenwerk' — K. Kozik, Bystra Podhalanska	8726
29. Zaklad Przerobu Drewna S.C., Drawsko Pomorskie	8745
30. Z.P.H.U. 'Sek-Pol' Sp.zo.o., Tarnobrzeg	8526

Manufacturer	Taric additional code
31. 'Euro-Mega-Plus' Sp.zo.o., Kielce	8527
32. 'C.M.C.' Sp.zo.o., Krakow	8528
33. Wyrob, Sprzedaz, Skup Palet, Josef Kolodziejczyk, Aleksandrow IV 704	8529
34. Firma Produkcyjno Transportowa Marian Gierka, Brodnica	8530
35. Z.P.H.U. 'Drewnex' S.C., Zelazkow 45 b	8531
36. Import-Export 'Elko' Sp.zo.o., Kalisz	8532
37. P.P.H.U. 'Probox', Import-Export, Kalisz	8533
38. Drewpal S.C., Stawiszyn	8534
39. Zaman S.C., Radom	8535
40. 'Marimpex', Pulawy	8537
41. 'AVEN' Sp.zo.o., Kostrzyn	8558
42. P.P.H.U. 'Eurex' S.C., Godynice	8538
43. MACED Sklad Palet, J. Macionga, Miastko	8539
44. ENKEL S.C., Pulawy	8540
45. Produkcja Stolarska Posrednictwo Export-Import, W.i.T. HENSOLDT, Lebork	8541
46. P.P.U.H. 'DREWPOL', Braszewice	8834
47. PTN Kruklanki Sp.zo.o., Kruklanki	8556
48. WEDAM S.C., Stezyca	8557
49. Import-Export Jan Sibinski, Czajkow	8559
50. P.P.H.U. 'Alk', Bierzwnik	8561
51. 'Empol' S.C., Jastrzebniki 37	8560
52. Euro-Handels Sp.zo.o., Szczecin	8440
53. PPH 'Paletex' Sibinski Jarosklaw, Klonowa	8441
54. Firma 'KIKO' S.C., Poznan	8443
55. 'Enkel' Waldemar Wnuk, Pulawy	8444
56. Sliwka Lucyna, Klodzko	8445
57. Firma Borkowski S.C. Export-Import, Grabow n. Prosna	8446
58. Produkcja — Skup Elementow i Palet, Stanislaw Gorecki, Czajkow	8483
59. 'Bilusa' Sp.zo.o., Klodawa	8484
60. PPUH PAL-POL C.S., Prabuty	8485
61. Firma 'A.C.S.' S.C., Kamien	8486