I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1783/2000

of 16 August 2000

amending Regulation (EC) No 772/1999 imposing definitive anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway

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 Articles 8(9) and 9 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 [2], and in particular Articles 13(9) and 15 thereof,

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

Whereas:

A. **Previous procedure**

(1) On 31 August 1996, the Commission announced, by two separate notices published in the Official Journal of the European Communities, the initiation of an anti-dumping proceeding [3] as well as an anti-subsidy proceeding [4], in respect of imports of farmed Atlantic salmon originating in Norway.

(2) The Commission sought and verified all information that it deemed necessary for the purpose of its definitive findings. As a result of this examination, it was established that definitive anti-dumping and countervailing measures should be adopted in order to eliminate the injurious effects of dumping and subsidisation. All interested parties were informed of the results of the investigation and were given the opportunity to comment thereon.

(3) On 26 September 1997, the Commission adopted Decision 97/634/EC [5], accepting undertakings offered in connection with the two abovementioned proceeding from the exporters listed in the Annex to the Decision and terminating the investigation in their respect.

(4) On the same day, the Council, by Regulations (EC) No 1890/97 [6] and 1891/97 [7] imposed anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway. Imports of farmed Atlantic salmon exported by companies from which an undertaking had been accepted were exempted from that duty pursuant to Article 1(2) of those Regulations.

(5) Regulations (EC) No 1890/97 and (EC) No 1891/97 set out the definitive findings and conclusions on all aspects of the investigations. The form of the duties having been reviewed, both Regulations were replaced by Regulation (EC) No 772/1999 [8].

B. **Obligations of exporters with undertakings**

(6) The text of the undertakings provides that failure to submit a quarterly report of all sales transactions to the first unrelated customer in the Community within a prescribed time-limit would, except in case of *force majeure*, be construed as a violation of the undertaking.

(7) For the fourth quarter of 1999, one Norwegian company, Fryseriet AS, failed to present such a sales report within the prescribed time limits, despite a reminder sent to it 24 hours before the quarterly deadline. In addition, the company was given an opportunity to advise the Commission of any reasons which may have prevented it from sending its reports within the time limits. However, no explanation has been received in this regard.

[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 288, 21.10.1997, p. 1.
[3] OJ C 253, 31.8.1996, p. 18.
[4] OJ C 253, 31.8.1996, p. 20.
[5] OJ L 267, 30.9.1997, p. 81. Decision as last amended by Regulation (EC) No 2592/1999 (OJ L 315, 9.12.1999, p. 17).
[6] OJ L 267, 30.9.1997, p. 1.
[7] OJ L 267, 30.9.1997, p. 19.
[8] OJ L 101, 16.4.1999, p. 1. Regulation as last amended by Regulation (EC) No 2652/1999 (OJ L 325, 17.12.1999, p. 1).

(8) Fryseriet AS received disclosure in writing concerning the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties against it. The company was also given an opportunity to submit comments and request a hearing. However, it did not react in this regard.

(9) In view of the above, the conclusion has been reached that definitive anti-dumping and countervailing duties should be imposed on imports of farmed Atlantic salmon originating in Norway and exported by Fryseriet AS.

C. **Definitive duties**

(10) The investigations which led to the undertakings were concluded by a final determination as to dumping and injury by Regulation (EC) No 1890/97 and a final determination as to subsidisation and injury by Regulation (EC) No 1891/97. While both these Regulations were repealed by Regulation (EC) No 772/1999, the facts and considerations established therein remain valid (recital 19 of Regulation (EC) No 772/1999 refers thereto).

(11) In accordance with Article 8(9) of Regulation (EC) No 384/96 and Article 13(9) of Regulation (EC) No 2026/97 respectively, the rate of the anti-dumping duty and the countervailing duty has to be established on the basis of the facts established within the context of the investigation which led to the undertaking.

(12) In this regard, and in view of recital 107 of Regulation (EC) No 1890/97 and recital 149 of Regulation (EC) No 1891/97, it is considered appropriate that the definitive anti-dumping and countervailing duty rates be set at the level and in the form imposed by Regulation (EC) No 772/1999.

D. **Amendment of the Annex to Regulation (EC) N° 772/1999**

(13) The Annex to Regulation (EC) No 772/1999 exempting the parties listed therein from the anti-dumping and countervailing duties should therefore be amended so as to remove the exemption from Fryseriet AS.

(14) In addition, by Commission Decision 2000/522/EC [1], the Commission accepted undertakings from five new exporters, namely Emborg Foods Norge AS, Helle Mat AS, Norsea Food AS, Salmon Company Fjord Norway AS and Stella Polaris AS and also announced that the names of two other Norwegian companies from which undertakings had been accepted had changed (namely Agnefest Seafood AS to Rosfjord Seafood AS and Norway Seafoods ASA to Frionor AS). The Decision also made it known that another Norwegian company, Atlantic King Stranda A/S, had ceased trading and that its undertaking was no longer needed.

(15) The Annex to Regulation (EC) No 772/1999 should, therefore, also be updated to take account of all these other changes,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 772/1999 is hereby replaced by the text in the Annex hereto.

Article 2

1. (a) Definitive countervailing and anti-dumping duties are hereby imposed on imports of farmed (other than wild) Atlantic salmon falling within CN codes ex 0302 12 00 (Taric codes: 0302 12 00 21, 0302 12 00 22, 0302 12 00 23 and 0302 12 00 29), ex 0303 22 00 (Taric codes: 0303 22 00 21, 0303 22 00 22, 0303 22 00 23 and 0303 22 00 29), ex 0304 10 13 (Taric codes: 0304 10 13 21 and 0304 10 13 29) and ex 0304 20 13 (Taric codes: 0304 20 13 21 and 0304 20 13 29) originating in Norway and exported by Fryseriet AS.

   (b) These duties shall not apply to wild Atlantic salmon (Taric codes: 0302 12 00 11, 0304 10 13 11, 0304 20 13 11). For the purpose of this Regulation, wild salmon shall be that in respect of which the competent authorities of the Member States of landing are satisfied, by means of all customs and transport documents to be provided by interested parties, that it was caught at sea.

2. (a) The rate of the countervailing duty applicable to the net free-at-Community frontier price, before duty, shall be 3,8 %.

   (b) The rate of the anti-dumping duty applicable to the net free-at-Community frontier price, before duty, shall be EUR 0,32 per kilogram net product weight. However, if the free-at-Community-frontier price, including the countervailing and anti-dumping duties, is less than the relevant minimum price set out in paragraph 3, the anti-dumping duty to be collected shall be the difference between that minimum price and the free-at-Community-frontier price, including the countervailing duty.

[1] See page 47 of this Official Journal.

3. For the purpose of paragraph 2, the following minimum prices shall apply per kilogram net product weight:

Presentation of salmon	Minimum price EUR/kg net product weight	Taric code
Whole fish, fresh or chilled	2,925	0302 12 00 21
Gutted, head-on, fresh or chilled	3,25	0302 12 00 22
Gutted, headless, fresh or chilled	3,65	0302 12 00 23
Other, fresh or chilled, including 'steaks'	3,65	0302 12 00 29
Whole fish, frozen	2,925	0303 22 00 21
Gutted, head-on, frozen	3,25	0303 22 00 22
Gutted, headless, frozen	3,65	0303 22 00 23
Other, frozen, including 'steaks'	3,65	0303 22 00 29
Whole fish fillets, more than 300 gr each, fresh or chilled	5,19	0304 10 13 21
Other fish fillets or fillet portions, 300 gr, fresh or chilled	6,55	0304 10 13 29
Whole fish fillets, more than 300 gr each, frozen	5,19	0304 20 13 21
Other fish fillets or fillet portions, weighing 300 gr or less each, frozen	6,55	0304 20 13 29

Article 3

This Regulation shall enter into force on the day following that of 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, 16 August 2000.

For the Council
The President
H. VÉDRINE

ANNEX

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List of companies from which undertakings are accepted and thus exempted from the definitive anti-dumping and contervailing duties

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 International	8109
13	Artic Superior A/S	8111
15	A/S Aalesundfisk	8113
16	A/S Austevoll Fiskeindustri	8114
17	A/S Keco	8115
20	A/S Refsnes Fiskeindustri	8118
21	A/S West Fish Ltd	8119
22	Astor A/S	8120
24	Atlantic Seafood A/S	8122
26	Borkowski & Rosnes A/S	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
36	Delfa Norge A/S	8134
39	Domstein Salmon A/S	8136
41	Ecco Fisk & Delikatesse	8138
42	Edvard Johnsen A/S	8139
43	Eurolaks 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

UT No	Company Name	Taric additional code
51	Fresh Atlantic AS	8148
52	Fresh Marine Company AS	8149
58	Grieg Seafood AS	8300
60	Haafa fisk AS	8302
61	Hallvard Lerøy AS	8303
62	Atlantis Filetfabrikk AS	8304
66	Hydro Seafood Norway AS	8159
67	Hydrotech-gruppen AS	8428
72	Inter Sea AS	8174
75	Janas AS	8177
76	Joh. H. Pettersen AS	8178
77	Johan J. Helland AS	8179
79	Karsten J. Ellingsen AS	8181
80	Kr Kleiven & Co. AS	8182
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
93	Marstein Seafood AS	8197
96	Memo Food AS	8200
98	Misundfisk AS	8202
100	Naco Trading AS	8206
101	Namdal Salmon AS	8207
104	Nergård AS	8210
105	Nils Williksen AS	8211
107	Nisja Trading AS	8213
108	Nor-Food AS	8214
111	Nordic Group ASA	8217
112	Nordreisa Laks AS	8218
113	Norexport AS	8223
114	Norfi Produkter AS	8227

UT No	Company Name	Taric additional code
115	Norfood Group AS	8228
116	Norfra Eksport AS	8229
119	Norsk Akvakultur AS	8232
120	Norsk Sjømat AS	8233
121	Northern Seafood AS	8307
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
130	Nova Sea AS	8235
134	Ok-Fish Kvalheim AS	8239
137	Pan Fish Sales AS	8242
140	Polar Seafood Norway AS	8247
141	Prilam Norvège AS	8248
142	Pundslett Fisk	8251
144	Rolf Olsen Seafood AS	8254
145	Ryfisk AS	8256
146	Rørvik Fisk-og fiskematforretning AS	8257
147	Saga Lax Norge AS	8258
148	Prima Nor AS	8259
151	Sangoltgruppa AS	8262
153	Scanfood AS	8264
154	Sea Eagle Group AS	8265
155	Sea Star International AS	8266
156	Sea-Bell AS	8267
157	Seaco AS	8268
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

UT No	Company Name	Taric additional code
167	Fjord Seafood Leines 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
180	Timar Seafood AS	8294
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
191	Nor-Fa Food AS	8102
192	Westmarine AS	8625
193	F. Uhrenholt Seafood Norway AS	A033
194	Mesan Seafood AS	A034
195	Polaris Seafood AS	A035
196	Scanfish AS	A036
197	Normarine AS	A049
198	Oskar Einar Rydbeck	A050
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’