COUNCIL REGULATION (EC) No 951/2001

of 14 May 2001

amending the Annex to Regulation (EC) No 2042/2000 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan

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],

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

Whereas:

A. PREVIOUS PROCEDURE

(1) By Regulation (EC) No 1015/94 [2] the Council imposed a definitive anti-dumping duty on imports of television camera systems ('TCS') originating in Japan.

(2) In Article 1(3)(e) of Regulation (EC) No 1015/94 the Council specifically excluded from the scope of the anti-dumping duty professional camera systems listed in the Annex to that Regulation ('the Annex'), representing high-end professional cameras systems technically falling within the product definition under Article 1(2) of that Regulation, but which cannot be regarded as television camera systems.

(3) In October 1995 the Council amended Regulation (EC) No 1015/94 by Regulation (EC) No 2474/95 [3], in particular as regards the like product definition and as regards certain models of professional camera systems which were explicitly exempted from the definitive anti-dumping duty.

(4) In October 1997 the Council by Regulation (EC) No 1952/97 [4] amended the rates of the definitive anti-dumping duty for two companies concerned, namely for Sony Corporation and Ikegami Tsushinki in accordance with Article 12 of Regulation (EC) No 384/96 (hereafter referred to as the 'basic Regulation'). Furthermore, the Council specifically excluded from the scope of the anti-dumping duty certain new models of professional camera systems by adding them to the Annex.

(5) In September 2000 the Council by Regulation (EC) No 2042/2000 [5] confirmed the definitive anti-dumping duties imposed by Regulation (EC) No 1015/94 in accordance with Article 11(2) of the basic Regulation.

(6) In January 2001 the Council by Regulation (EC) No 198/2001 made the latest amendment to Regulation (EC) No 2042/2000 by adding certain successor models of professional camera systems to the Annex and thus excluding those from the application of the definitive anti-dumping duty.

B. INVESTIGATION CONCERNING NEW MODELS OF PROFESSIONAL CAMERA SYSTEMS

1. Request

(7) A Japanese exporting producer, namely Sony Corporation ('Sony'), informed the Commission that it intended to introduce new models of professional camera systems into the Community market and requested that these new models of professional camera systems including their accessories be added to the Annex and thus exempt them from the scope of the anti-dumping duties.

2. Models under investigation

(8) The application received concerned the following models, supplied with the relevant technical information:

— camera head DXC-D35PH

— camera head DXC-D35PL

— camera head DXC-D35PK

— camera head DXC-D35WSPL

— camera head DSR-135PL

— viewfinder DXF-801CE

— camera control unit CCU-M5AP.

All the above models were presented as being part of professional camera systems dedicated to the professional video market.

3. Investigation and findings

(9) The Commission informed the Community industry of the request introduced by Sony and invited them to comment.

[1] OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2238/2000 (OJ L 257, 11.10.2000, p. 2).
[2] OJ L 111, 30.4.1994, p. 106. Regulation as last amended by Regulation (EC) No 198/2001 (OJ L 30, 1.2.2001, p. 1).
[3] OJ L 255, 25.10.1995, p. 11.
[4] OJ L 276, 9.10.1997, p. 20.
[5] OJ L 244, 29.9.2000, p. 38. Regulation as last amended by Regulation (EC) No 198/2001 (OJ L 30, 1.2.2001, p. 1.)

(10) The Community industry claimed that the above mentioned models should not be exempted from the anti-dumping measures in force. In this regard, it was argued that the models under consideration could easily be connected to a triax unit or system and as such be used as broadcast cameras.

(11) The Commissions investigation revealed that the models under consideration could indeed be connected to a triax adaptor and could thus in principle be used for a number of broadcast applications. However, the supplementary information provided by Sony on the request of the Commission showed that the vast majority of the users of the models under investigation were in the professional sector and the main applications of these models were in the professional video sector.

(12) The Commission's investigation also confirmed that the models concerned were in fact up-dated models of predecessor models already listed in the Annex and found that they were largely identical.

(13) Given the above, the Commission established that on an overall basis, the above mentioned camera models should be excluded from the scope of the existing anti-dumping measures, except in those cases where the corresponding triax system or triax adaptor is sold on the Community market.

(14) The Commission informed the Community producers and the exporter of the TCS of its findings and provided them with an opportunity to present their views. One Community producer continued to object to the exclusion of the camera models concerned from the application of the anti-dumping duty but provided no new evidence in support of its claim that the camera series in question was sold on the Community market as a broadcast camera.

(15) On this basis, all models and related equipment listed in recital 8 should be exempted from the application of the anti-dumping duty imposed on TCS originating in Japan, and the Annex should be amended accordingly.

(16) Given the complexity of this case, the evidence and information submitted and continuous consultations of the parties concerned, necessary due to the mainly technical aspects of the case, the Commission was not able to conclude the present investigation at an earlier stage. Under these circumstances, it was considered appropriate that this Regulation should apply to the camera models listed in recital 8 with retroactive effect irrespective of the date of their importation,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2042/2000 shall be replaced by the Annex hereto. The following camera models shall be added to the Annex to Regulation (EC) No 2042/2000:

— camera head DXC-D35PH

— camera head DXC-D35PL

— camera head DXC-D35PK

— camera head DXC-D35WSPL

— camera head DSR-135PL

— viewfinder DXF-801CE

— camera control unit CCU-M5AP.

Article 2

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

It shall apply to the camera models listed in Article 1 irrespective of the date of their importation.

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

Done at Brussels, 14 May 2001.

For the Council

The President

A. LINDH

ANNEX

'*ANNEX*

List of professional camera systems not qualified as television camera systems (broadcast camera systems) which are exempted from the measures

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adapters
Sony	DXC-M7PK DXC-M7P DXC-M7PH DXC-M7PK/1 DXC-M7P/1 DXC-M7PH/1 DXC-327PK DXC-327PL DXC-327PH DXC-327APK DXC-327APL DXC-327AH DXC-537PK DXC-537PL DXC-537PH DXC-537APK DXC-537APL DXC-537APH EVW-537PK EVW-327PK DXC-637P DXC-637PK DXC-637PL DXC-637PH PVW-637PK PVW-637PL DXC-D30PF DXC-D30PK DXC-D30PL DXC-D30PH DSR-130PF DSR-130PK DSR-130PL PVW-D30PF PVW-D30PK PVW-D30PL DXC-327BPF DXC-327BPK DXC-327BPL DXC-327BPH DXC-D30WSP (1) DXC-D35PH (1) DXC-D35PL (1) DXC-D35PK (1) DXC-D35WSPL (1) DSR-135PL (1)	DXF-3000CE DXF-325CE DXF-501CE DXF-M3CE DXF-M7CE DXF-40CE DXF-40ACE DXF-50CE DXF-601CE DXF-40BCE DXF-50BCE DXF-701CE DXF-WSCE (1) DXF-801CE (1)	CCU-M3P CCU-M5P CCU-M7P CCU-M5AP (1)	RM-M7G	—	CA-325P CA-325AP CA-325B CA-327P CA-537P CA-511 CA-512P CA-513 VCT-U14 (1)

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adapters
Ikegami	HC-340 HC-300 HC-230 HC-240 HC-210 HC-390 LK-33 HDL-30MA HDL-37 HC-400 (1) HC-400W (1)	VF15-21/22 VF-4523 VF15-39 VF15-46 (1) VF5040 (1) VF5040W (1)	MA-200/230 MA-200A (1)	RCU-240 RCU-390 (1)	—	CA-340 CA-300 CA-230 CA-390 CA-400 (1)
Hitachi	SK-H5 SK-H501 DK-7700 DK-7700SX HV-C10 HV-C11 HV-C10F Z-ONE (L) Z-ONE (H) Z-ONE Z-ONE A (L) Z-ONE A (H) Z-ONE A (F) Z-ONE A Z-ONE B (L) Z-ONE B (H) Z-ONE B (F) Z-ONE B Z-ONE B (M) Z-ONE B (R) FP-C10 (B) FP-C10 (C) FP-C10 (D) FP-C10 (G) FP-C10 (L) FP-C10 (R) FP-C10 (S) FP-C10 (V) FP-C10 (F) FP-C10 FP-C10 A FP-C10 A (A) FP-C10 A (B)	GM-5 (A) GM-5-R2 (A) GM-5-R2 GM-50 GM-8A (1) GM-9 (1) GM-51 (1)	RU-C1 (B) RU-C1 (D) RU-C1 RU-C1-S5 RU-C10 (B) RU-C10 (C) RC-C1 RC-C10 RU-C10 RU-Z1 (B) RU-Z1 (C) RU-Z1 RC-C11 RU-Z2 RC-Z1 RC-Z11 RC-Z2 RC-Z21 RC-Z2A (1) RC-Z21A (1) RU-Z3 (1) RC-Z3 (1)	—	—	CA-Z1 CA-Z2 CA-Z1SJ CA-Z1SP CA-Z1M CA-Z1M2 CA-Z1HB CA-C10 CA-C10SP CA-C10SJA CA-C10M CA-C10B CA-Z1A (1) CA-Z31 (1) CA-Z32 (1) CA-ZD1 (1)

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adapters
Hitachi *(cont'd)*	FP-C10 A (C) FP-C10 A (D) FP-C10 A (F) FP-C10 A (G) FP-C10 A (H) FP-C10 A (L) FP-C10 A (R) FP-C10 A (S) FP-C10 A (T) FP-C10 A (V) FP-C10 A (W) Z-ONE C (M) Z-ONE C (R) Z-ONE C (F) Z-ONE C HV-C20 HV-C20M Z-ONE-D Z-ONE-D (A) Z-ONE-D (B) Z-ONE-D (C) Z-ONE.DA (1) V-21 (1) V-21W (1)					
Matsushita	WV-F700 WV-F700A WV-F700SHE WV-F700ASHE WV-F700BHE WV-F700ABHE WV-F700MHE WV-F350 WV-F350HE WV-F350E WV-F350AE WV-F350DE WV-F350ADE WV-F500HE (*) WV-F-565HE AW-F575HE AW-E600 AW-E800 AW-E800A	WV-VF65BE WV-VF40E WV-VF39E WV-VF65BE (*) WV-VF40E (*) WV-VF42E WV-VF65B AW-VF80	WV-RC700/B WV-RC700/G WV-RC700A/B WV-RC700A/G WV-RC36/B WV-RC36/G WV-RC37/B WV-RC37/G WV-CB700E WV-CB700AE WV-CB700E (*) WV-CB700AE (*) WV-RC700/B (*) WV-RC700/G (*) WV-RC700A/B (*) WV-RC700A/G (*) WV-RC550/G WV-RC550/B WV-RC700A WV-CB700A WV-RC550 WV-CB550 AW-RP501 AW-RP505	—	—	WV-AD700SE WV-AD700ASE WV-AD700ME WV-AD250E WV-AD500E (*) AW-AD500AE AW-AD700BSE

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adapters
JVC	KY-35E KY-27ECH KY-19ECH KY-17FITECH KY-17BECH KY-F30FITE KY-F30BE KY-27CECH KH-100U KY-D29ECH KY-D29WECH (1)	VF-P315E VF-P550E VF-P10E VP-P115E VF-P400E VP-P550BE VF-P116 VF-P116WE (1) VF-P550WE (1)	RM-P350EG RM-P200EG RM-P300EG RM-LP80E RM-LP821E RM-LP35U RM-LP37U RM-P270EG	—	—	KA-35E KA-B35U KA-M35U KA-P35U KA-27E KA-20E KA-P27U KA-P20U KA-B27E KA-B20E KA-M20E KA-M27E
Olympus	MAJ-387N MAJ-387I		OTV-SX2 OTV-S5 OTV-S6			
	Camera OTV-SX					

(*) Also called master set up unit (MSU) or master control panel (MCP).
(1) Models exempted under the condition that the corresponding triax system or triax-adapter is not sold on the EC market.'