

**Notice regarding the anti-dumping measures in force following a ruling of the Dispute Settlement
Body of the World Trade Organisation adopted on 12 March 2001**

(2002/C 111/04)

On 23 July 2001 the Council adopted Regulation (EC) No 1515/2001 on the measures that may be taken by the Community following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters ⁽¹⁾ ('the WTO enabling Regulation'). Pursuant to Article 2 of that Regulation, the Commission may initiate a review of existing measures in order to take account of legal interpretations contained in a report adopted by the Dispute Settlement Body (DSB) of the World Trade Organisation (WTO).

On 12 March 2001, the Dispute Settlement Body of the WTO released an Appellate Body Report and a panel report as modified by the Appellate Body Report on the case 'European Communities — anti-dumping duties on imports of cotton-type bed linen from India' ('Reports') ⁽²⁾.

By this notice, the European Commission invites any exporting producer whose exports to the European Community are subject to existing anti-dumping measures and which considers that the measures should be reviewed in the light of the legal interpretations regarding the determination of dumping margins contained in the reports, to request a review on the basis of Article 2 of the WTO enabling Regulation.

1. Potential for review of existing anti-dumping measures under the WTO enabling Regulation

Following the Reports, the Commission is prepared to consider applications for reviews pursuant to the WTO enabling Regulation regarding the level of dumping where the existing measures are based on either:

- (i) a weighted average dumping margin established on the basis of a methodology which included zeroing negative dumping margins for certain models/types of product (see in particular paragraphs 46 to 66 of the Appellate Body Report); or
- (ii) selling, general and administrative expenses and profit which were determined pursuant to Article 2(6)(a) of

Council Regulation (EC) No 384/96 ⁽³⁾ ('the Basic Regulation') or Article 2(6)(a) of Commission Decision No 2277/96/ECSC ⁽⁴⁾ and sales not made in the ordinary course of trade were excluded from the calculation or data for only one exporter were included in the calculation (see in particular paragraphs 67 to 85 of the Appellate Body Report).

The relevant Community institution may repeal, amend or maintain the measures reviewed in order to reflect the review findings. Where measures are repealed for individual exporters, but not for the country as a whole, such exporters shall remain subject to the proceeding and may, automatically, be reinvestigated in any subsequent review carried out for that country.

2. Procedure

Any exporting producer may lodge a written application for a review. In order to facilitate the lodging of such application, interested parties may request an application form from:

European Commission
Directorate-General for Trade
Directorates B and C
TERV — 0/13
B-1049 Brussels
Fax (32-2) 295 65 05
Telex: COMEU B 21877.

Any application shall:

- (i) show that the anti-dumping measure in question is based on one or both of the methodologies for the calculation of the level of dumping mentioned in section 1(i) and (ii) above; and
- (ii) contain information relevant for the determination of dumping including information on normal values, export prices and comparison within the meaning of Article 2 of the Basic Regulation, and such information should normally cover the last six months prior to the publication of the present notice.

⁽¹⁾ OJ L 201, 26.7.2001, p. 10.

⁽²⁾ WTO, Report of the Appellate Body, AB-2000-13, WT/DS141/AB/R, 1 March 2001. WTO, Report of the Panel, WT/DS141/R, 30 October 2000. The reports can be downloaded from the WTO's website (http://www.wto.org/english/tratop_e/dispu_e/distab_e.htm).

⁽³⁾ 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).

⁽⁴⁾ OJ L 308, 29.11.1996, p. 11. Decision, as last amended by Decision No 435/2001/ECSC (OJ L 63, 3.3.2001, p. 14).

Any requests for further information as well as any application for such a review must also be sent to the aforementioned address.

The Commission will process the applications for reviews based on the WTO enabling Regulation within a reasonable period of time, and will publish a notice of initiation of such reviews for those exporting producers which have submitted a duly substantiated application.

In line with Article 3 of the WTO enabling Regulation any measures adopted pursuant to that Regulation following a review will not have retroactive effect.

The right to submit a request for an interim review in accordance with Article 11(3) of the Basic Regulation remains unaffected.

Notice of initiation of an anti-dumping proceeding concerning imports of certain grain oriented electrical sheets and strips (flat-rolled products) of a width not exceeding 500 mm originating in Poland and Russia

(2002/C 111/05)

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 384/96 ⁽¹⁾, as last amended by Council Regulation (EC) No 2238/2000 ⁽²⁾ ('the Basic Regulation'), alleging that imports of certain grain oriented electrical sheets and strips, originating in Poland and Russia ('countries concerned'), are being dumped and are thereby causing material injury to the Community industry.

1. Complaint

The complaint was lodged on 26 March 2002 by the European Confederation of Iron and Steel Industries (Eurofer) (the complainant) on behalf of producers representing 100 % of the Community production of certain grain oriented electrical sheets and strips.

2. Product

The product allegedly being dumped is grain oriented sheets and strips of silicon-electrical steel with a width not exceeding 500 mm originating in Poland and Russia ('the product concerned'), currently classifiable within CN code 7226 11 90. This CN code is only given for information.

3. Allegation of dumping

The allegation of dumping in respect of Poland is based on a comparison of normal value established on the basis of domestic prices, with the export prices of the product concerned to the Community.

In view of provisions of Article 2(7) of the Basic Regulation, the complainant established normal value for Russia on the

basis of the price in a market economy country, which is mentioned in paragraph 5.1(c) of this notice. The allegation of dumping is based on a comparison of normal value, as set out in the preceding sentence, with the export prices of the product concerned when sold for export to the Community.

On this basis, the dumping margins calculated are significant.

4. Allegation of injury

The complainant has provided evidence that imports of the product concerned from Poland and Russia have increased overall in absolute terms and in terms of market share.

It is alleged that the volumes and the prices of the imported product concerned have, among other consequences, had a negative impact on the market share held, the quantities sold and the level of prices charged by the Community industry, resulting in substantial adverse effects on the overall performance, the financial situation and the employment situation of the Community industry.

5. Procedure

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Community industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the Basic Regulation.

5.1. Procedure for the determination of dumping and injury

The investigation will determine whether the product concerned originating in Poland and Russia is being dumped and whether this dumping has caused injury.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 257, 11.10.2000, p. 2.