

**Notice regarding the application of anti-dumping and anti-subsidy measures in force in the Community following enlargement to include the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the possibility of review**

(2004/C 91/02)

When enlargement takes place on 1 May 2004, all anti-dumping and anti-subsidy measures in force will automatically apply to imports into the enlarged twenty-five Member State Community<sup>(1)</sup>. Accordingly, these measures will also apply to imports into the ten new Member States. On enlargement, there will be a number of pending investigations initiated before 1 May 2004. Should such investigations lead to measures, these will equally apply to imports into the twenty-five Member State Community.

The Commission has developed a two-pronged approach regarding potential reviews of measures in this context.

Firstly, the automatic application of these measures in the twenty-five Member State Community may cause undue economic hardship for some operators, in particular in the new Member States. Therefore, the Commission considered whether interim arrangements were necessary during a temporary period to alleviate any such difficulties.

All third countries subject to significant trade defence measures were informed about the Commission's intention to examine whether the automatic extension of the existing trade defence measures to the enlarged Community as from 1 May 2004 will

in individual cases cause an 'economic hardship'. Governments and exporters of the countries concerned were urged to identify any such cases of economic hardship and bring them to the Commission's attention. Following this, meetings were held with several third country governments and/or their exporters, around 50 of whom submitted information to the Commission. The Commission identified the problematic cases and a number of interim reviews were recently initiated as a result to provide transitional solutions to them.

Secondly, the Commission gives notice that it is prepared to review anti-dumping and anti-subsidy measures pursuant to Article 11(3) of Regulation (EC) No 384/96<sup>(2)</sup> and Article 19 of Regulation (EC) No 2096/97<sup>(2)</sup>, where any interested party so requests and submits evidence that the measures would have been significantly different if they were based on information including the new Member States. In this regard, it should be noted that enlargement *per se*, in the absence of such evidence, is not a sufficient basis for a review to be initiated. Interested parties are invited to visit the DG Trade trade defence enlargement website (under [http://europa.eu.int/comm/trade/issues/respectrules/tdi\\_enlarg/index\\_en.htm](http://europa.eu.int/comm/trade/issues/respectrules/tdi_enlarg/index_en.htm)) for further information and for details of a helpdesk facility.

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<sup>(1)</sup> The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

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<sup>(2)</sup> As last amended by Council Regulation (EC) No 461/2004 of 8.3.2004 (OJ L 77 of 13.3. 2004, p. 12).