Protection against dumped imports from countries not members of the European Community, Uruguay Round

1994/0230(CNS) - 22/12/1994 - Final act

The Council of Ministers adopted Regulation (EC) No 3283/94, which seeks to implement the new anti-dumping agreement concluded as part of the negotiations of the Uruguay Round and to enable the Community to protect itself from imports which are subject to dumping by countries which are not members of the European Union. The present Regulation transposes into Community legislation the new agreement which contains new detailed rules on all aspects of anti-dumping. The main changes comprise clarifications and amendments to the following: - start-up costs (exporter undergoing production start-up); - the normal value to be taken into consideration for countries which have no market economy (exporters are given 10 days to submit comments on the choice of a similar country); - fair comparison; - the closing of investigations (if possible within 12 months and in any case 15 months after the investigation has opened); - the breach or termination of undertakings (institution of a definitive duty in case of breach of undertakings, though importers rights are preserved); - negligible import volumes (threshold below which the Community cannot take measures: proceedings cannot be initiated against countries whose imports represent a market share of less that 1%, unless these countries collectively account for 3% of Community consumption); - retroactivity (there is a need to provide for those cases where an importer would import a substantial quantity of products before duties are imposed); - the restoration of anti-dumping duties (application of the principle of "duty as a cost"); - the undertaking to accept responsibility for anti-dumping duties (new calculation of dumping margins); - the means of circumvention (conventional or not) are reappraised; - the suspension of anti-dumping measures; - the suspension of the customs assessment process for the registration of imports (mechanism by which imports are registered by customs up until the moment when a decision is taken concerning the suspension of measures relating to the said imports); - the Community interest (which is to be taken into account in a more structured context). The Regulation shall enter into force on 1.01.1995.