Council Regulation (EC) No 1454/2005 of 2 September 2005 amending the Annex to Regulation (EC) No 2042/2000 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan

COUNCIL REGULATION (EC) No 1454/2005

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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)] (the basic Regulation),

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

Whereas:

A. PREVIOUS PROCEDURES

(1) The Council, by Regulation (EC) No 1015/94[(2)], 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 camera systems listed in the Annex to that Regulation ('the Annex'), representing high-end professional camera systems technically falling within the product definition under Article 1(2) of Regulation (EC) No 1015/94, but which cannot be regarded as television camera systems.

(3) In October 1995, the Council, by Regulation (EC) No 2474/95[(3)], amended Regulation (EC) No 1015/94, in particular as regards the definition of the like product 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 Co. Ltd, pursuant to Article 12 of 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 January 1999 and January 2000, the Council, by Regulations (EC) No 193/1999[(5)] and (EC) No 176/2000[(6)], amended Regulation (EC) No 1015/94 by adding

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certain successor models of professional camera systems to the Annex and thus excluding those from the application of the definitive anti-dumping duty.

(6) In September 2000, the Council, by Regulation (EC) No 2042/2000[7], confirmed the definitive anti-dumping duties imposed by Regulation (EC) No 1015/94 pursuant to Article 11(2) of the basic Regulation.

(7) In January 2001 and in May 2001, the Council, by Regulations (EC) No 198/2001[8] and (EC) No 951/2001[9], amended Regulation (EC) No 2042/2000 by adding certain successor models of professional camera systems to the Annex to Regulation (EC) No 2042/2000 and thus excluding them from the application of the definitive anti-dumping duty.

(8) In September 2001, further to an interim review pursuant to Article 11(3) of the basic Regulation, the Council, by Regulation (EC) No 1900/2001[10] confirmed the level of the definitive anti-dumping duty imposed by Regulation (EC) No 2042/2000 on imports of TCS from the exporting producer Hitachi Denshi Ltd.

(9) In September 2002 and April 2004, the Council, by Regulations (EC) No 1696/2002[11] and (EC) No 825/2004[12], amended Regulation (EC) No 2042/2000 by adding certain successor models of professional camera systems to the Annex to Regulation (EC) No 2042/2000 and thus excluding them from the application of the definitive anti-dumping duty.

(10) In January 2005, the Council, by Regulation (EC) No 84/2005 amended Regulation (EC) No 2042/2000 by adding two models of professional camera systems to the Annex to Regulation (EC) No 2042/2000 and thus excluding them from the application of the definitive anti-dumping duty.

B. INVESTIGATION CONCERNING NEW MODELS OF PROFESSIONAL CAMERA SYSTEMS

1. Procedure

(11) Three Japanese exporting producers, namely Ikegami Tsushinki Co. Ltd ('Ikegami'), Hitachi Denshi (Europa) GmbH ('Hitachi') and Matsushita informed the Commission that they intended to introduce new models of professional camera systems into the Community market and requested the Commission to add these new models, including their accessories, to the Annex to Regulation (EC) No 2042/2000 and thus exempt them from the scope of the anti-dumping duties.

(12) The Commission informed the Community industry accordingly and began an investigation limited to the determination of whether the products under consideration fall within the scope of the anti-dumping duties and whether the operational part of Regulation (EC) No 2042/2000 should be amended accordingly.

2. Models under investigation

(13) The requests for exemption were received for the following models of camera systems, supplied with the relevant technical information:

(i) *Ikegami:*

— Camera heads HC-500 and HC-500W;

(ii) *Hitachi:*

— Camera head V-35;

— Camera control unit RU-Z35;

— Camera adaptor CA-Z35;

— Camera adaptor EA-Z35;

(iii) *Matsushita:*

— Camera head AW-E860L.

All models were presented as successors to models already excluded from the anti-dumping measures in force.

3. Findings

(i) Camera heads HC-500 and HC-500W

(14) It was found that camera heads HC-500 and HC-500W fall under the product description of Article 1(2)(a) of Regulation (EC) No 2042/2000. However, these models are mainly used for professional applications. The Community industry claimed that these camera heads could be used for broadcast purposes in connection with the correspondent triax system and/or triax adaptor. Nevertheless, on the basis of the information available and as for its predecessor models, it was found the camera heads HC-500 and HC-500W are not sold with the corresponding triax system or adaptor on the Community market. Consequently, on this market, these models were not used as broadcast cameras within the meaning of Regulation (EC) No 2042/2000. Therefore, in accordance with the Community institution's prior practice, it was concluded that these cameras should be regarded as professional camera systems falling within the definition of Article 1(3)(e) of Regulation (EC) No 2042/2000. As a result, these models should be excluded from the scope of the existing anti-dumping measures and added to the Annex to Regulation (EC) No 2042/2000.

(15) In accordance with the established Community institutions' practice, these models should be exempted from the anti-dumping duty from the date of receipt by the Commission services of the relevant request for exemption. Therefore, all imports of the following cameras imported on or after 28 October 2004 should be exempted from the anti-dumping duty from this date:

Ikegami — Camera heads HC-500 and HC-500W;

(ii) Camera head V-35, camera control unit RU-Z35 and camera adaptors CA-Z35 and EA-Z35

(16) It was found that camera head V-35, base station RU-Z35 and adaptors CA-Z35 and EA-Z35 fall within the product description of Article 1(2)(a) of Regulation (EC) No 2042/2000. However, they are mainly used for professional applications and

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are not sold with the corresponding triax system or adaptor on the Community market. Therefore, it was concluded that they should be regarded as a professional camera system falling within the definition of Article 1(3)(e) of Regulation (EC) No 2042/2000. As a result, this system (head, base station and adaptors) and its accessories should be excluded from the scope of the existing anti-dumping measures and added to the Annex to Regulation (EC) No 2042/2000.

(17) In accordance with the established Community institutions' practice, this television camera system should be exempted from the anti-dumping duty from the date of receipt by the Commission services of the relevant request for exemption. Therefore, all imports of the following camera and its accessories imported on or after 27 January 2005 should be exempted from the anti-dumping duty from this date:

Hitachi — colour camera head V-35,

Camera control unit RU-Z35,

Camera adaptors CA-Z35 and EA-Z35

(iii) Camera head AW-E860L

(18) It was found that camera head AW-E860L was almost identical to its predecessor models already listed in the Annex to Regulation (EC) No 2042/2000. The new model was merely a technical update with regard to new environmental requirements in the Community. Therefore, it was concluded that this model should be excluded from the scope of the existing anti-dumping measures.

(19) In accordance with the established Community institutions' practice, this television camera system should be exempted from the anti-dumping duty from the date of receipt by the Commission services of the relevant request for exemption. Therefore, all imports of the following camera imported on or after 10 May 2005 should be exempted from the anti-dumping duty from this date:

Matsushita — Camera head AW-E860L.

4. Information of the interested parties and conclusions

(20) The Commission informed the Community industry and the exporters of the TCS of its findings and provided them with an opportunity to present their views. None of the parties objected to the Commission's findings.

(21) On the basis of the foregoing, Regulation (EC) No 2042/2000 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2042/2000 shall be replaced by the text in the Annex hereto.