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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1674/2003

of 22 September 2003

amending Regulation (EC) No 1796/1999 imposing a definitive anti-dumping duty, and collecting definitively the provisional duty imposed, on imports of steel ropes and cables originating, *inter alia*, in Poland and Ukraine

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], and in particular Articles 8 and 9 thereof,

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

Whereas:

A. PREVIOUS PROCEDURE

(1) On 20 May 1998, an anti-dumping proceeding was initiated by the Commission [2] on imports of steel ropes and cables (SWR) originating, *inter alia*, in Ukraine.

(2) On 30 July 1998, an anti-dumping proceeding was initiated by the Commission [3] on imports of SWR originating, *inter alia*, in Poland.

(3) Provisional measures were imposed by Commission Regulation (EC) No 362/1999 [4]. In parallel, the Commission accepted, *inter alia*, a price undertaking from the Polish exporting producer Drumet (Drumet) under Article 2(1) of the said Regulation. Imports of the products covered produced and directly exported to the Community by Drumet were exempted from the anti-dumping duty by Article 1(3) of the said Regulation.

(4) These proceedings were combined and ultimately resulted in a definitive anti-dumping duty being imposed by Council Regulation (EC) No 1796/1999 [5] in order to eliminate the injurious effects of dumping. Drumet continued to be exempted from the definitive duties by virtue of and subject to its undertaking.

(5) Furthermore, the Commission accepted a price undertaking from, *inter alia*, the Ukrainian exporting producer Joint Stock Company Silur (Silur) by Commission Decision 1999/572/EC [6].

B. FAILURE TO COMPLY WITH THE UNDERTAKING

1. Drumet (Poland)

(6) The undertaking accepted from Drumet only applied to imports into the Community of SWR which have been produced and sold directly (i.e. invoiced and shipped) by Drumet to its first unrelated customers in the Community (Clause 2 of the undertaking).

(7) Furthermore, Drumet undertook not to circumvent the provisions of the undertaking, *inter alia*, 'by any other means', according to Clause 6 of the undertaking.

(8) Following verifications by the Commission services in charge of the monitoring of the undertaking, it was established that Drumet had committed two types of breaches of the above obligations. Firstly, it had not sold all its exports of SWR to the Community directly to unrelated importers, but via a related importer in the Community. Secondly, it had repeatedly submitted misleading information about the relationship with this importer, thus not only breaching Clause 6 of the undertaking, but also the relationship of trust established with the Commission which was the basis for acceptance of any undertaking. Commission Regulation (EC) No 1678/2003 [7] sets out in detail the nature of the breaches found.

[1] OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 1972/2002 (OJ L 305, 7.11.2002, p. 1).
[2] OJ C 155, 20.5.1998, p. 11.
[3] OJ C 239, 30.7.1998, p. 3.
[4] OJ L 45, 19.2.1999, p. 8.
[5] OJ L 217, 17.8.1999, p. 1.
[6] OJ L 217, 17.8.1999, p. 63.
[7] See page 13 of this Official Journal.