COMMISSION RECOMMENDATION No 2086/82/ECSC

of 28 July 1982

amending recommendation No 1104/82/ECSC imposing a provisional anti-dumping duty on certain sheets and plates, of iron or steel, originating in Brazil and prolonging this provisional anti-dumping duty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission recommendation No 3018/79/ECSC of 21 December 1979 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community (1), as amended by recommendation No 1995/82/ECSC (2), and in particular Article 11 thereof,

After consultations within the Advisory Committee provided for in Article 6 of recommendation No 3018/79/ECSC,

Whereas the Commission, by recommendation No 1104/82/ECSC (3) imposed a variable provisional anti-dumping duty on imports of certain sheets and plates, of iron or steel, originating in Brazil;

Whereas, during its preliminary investigation, the Commission found that while all the products concerned originating in Brazil were shipped directly to the Community a significant proportion of them were sold to the Community by way of trading companies situated in non-member countries; whereas it was also found that these trading companies are related to the Community importers concerned; whereas under these circumstances it is appropriate to supplement the variable duty by a specific duty in order to prevent circumvention of the provisional measures in force; whereas the amount of the specific duty has been determined, using the information verified at the premises of German importers, by comparing the lowest, most recent effective price (basic price plus extras) published by the Commission for these products with the export price for the products originating in Brazil, adjusted to the level free-at-German frontier, duty paid;

Whereas in view of the complexity of the investigations necessary the Commission notified the exporters known to be concerned of its intention to extend the provisional duty for a further period of two months; whereas the exporters representing the whole trade did not object,

MAKES THE FOLLOWING RECOMMENDATION:

Article 1

Paragraphs 2 and 3 of Article 1 of recommendation No 1104/82/ECSC are hereby replaced by the following:

'2. The amount of the duty shall be equal to:

— 50 ECU per 1 000 kg net, or

— the amount by which the effective price (basic price plus extras) established by conract, free-at-frontier, duty-paid, is lower than the most recent effective price (basic price plus extras) published by the Commission for these products,

whichever amount is higher.

3. (a) Where the products defined in paragraph 1 are not put into free circulation on the basis of the price to the first purchaser in the Community, the amount of duty shall be equal to:

— 50 ECU per 1 000 kg net, or

— the amount by which the effective price (basic price plus extras) established by contract, free-at-frontier, duty-paid is lower than the most recent effective price (basic price plus extras), published by the Commission for these products and increased by 15 %,

whichever amount is higher.

(b) However, where the declarant is able to give proof to the satisfaction of the customs authorities of the price paid by the first purchaser, paragraph 2 shall apply.'

Article 2

The provisional anti-dumping duty on certain sheets and plates, of iron or steel, originating in Brazil, imposed by recommendation No 1104/82/ECSC, is hereby extended for a period not exceeding two months.

Article 3

Subject to Articles 12 and 14 of recommendation No 3018/79/ECSC, this recommendation shall be applicable until the adoption by the Commission of definitive measures or, at the latest, until the expiry of a

(1) OJ No L 339, 31. 12. 1979, p. 15.
(2) OJ No L 215, 23. 7. 1982, p. 28.
(3) OJ No L 128, 11. 5. 1982, p. 9.

period of two months beginning on 10 September 1982.

Article 4

This recommendation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

Done at Brussels, 28 July 1982.

For the Commission

Karl-Heinz NARJES

Member of the Commission