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Proposal for a

COUNCIL IMPLEMENTING REGULATION

amending Regulation (EC) No 192/2007 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate (PET) originating in India, Indonesia, Malaysia, the Republic of Korea, Thailand and Taiwan

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

This proposal concerns the application of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community¹ ('the basic Regulation'), in the proceeding concerning imports of certain polyethylene terephthalate (PET) originating India, Indonesia, Malaysia, the Republic of Korea, Thailand and Taiwan.

- **General context**

This proposal is made in the context of the implementation of the basic Regulation and concerns the withdrawal of two price undertakings previously accepted by the Commission (Decision 2000/745/EC², as amended by Decision 2002/232/EC³) in the framework of the anti-dumping proceeding referred to above.

- **Existing provisions in the area of the proposal**

By Regulation (EC) No 192/2007⁴ the Council imposed a definitive anti-dumping duty on imports of certain polyethylene terephthalate (PET) originating India, Indonesia, Malaysia, the Republic of Korea, Thailand and Taiwan. The Commission, by Decision 2000/745/EC⁵, as amended by Decision 2002/232/EC⁶ accepted five price undertakings from Indonesian and Indian companies.

- **Consistency with other policies and objectives of the Union**

Not applicable.

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Interested parties concerned by the proceeding have had the opportunity to comment, in line with Article 8 (9) of the basic Regulation.

- **Collection and use of expertise**

There was no need for external expertise.

- **Impact assessment**

This proposal is the result of the implementation of the basic Regulation.

The basic Regulation does not provide for a general impact assessment but contains an exhaustive list of conditions that have to be assessed.

¹ OJ L 343, 22.12.2009, p. 51.

² OJ L 301, 30.11.2000, p. 88.

³ OJ L 78, 21.3.2002, p. 12., OJ C 116, 15.5.2003, p. 2.

⁴ OJ L 59, 27.2.2007, p. 1.

⁵ OJ L 301, 30.11.2000, p. 88.

⁶ OJ L 78, 21.3.2002, p. 12., OJ C 116, 15.5.2003, p. 2.

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

The Commission is currently proceeding with the withdrawal of two price undertakings due to their repetitive breach by Commission decision. Hence, the underlying Council Regulation imposing the definitive anti-dumping duty should also be amended accordingly, i.e. by deleting the companies concerned from the list of companies with undertakings mentioned in Article 2 (3).

Therefore, it is proposed that the Council adopts the attached proposal for Regulation which should be published in the *Official Journal of the European Union*.

- **Legal basis**

Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community.

- **Subsidiarity principle**

The proposal falls under the exclusive competence of the Union. The subsidiarity principle therefore does not apply.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reasons:

The form of action is described in the above-mentioned basic Regulation and leaves no scope for national decision.

Indication of how financial and administrative burden falling upon the Union, national governments, regional and local authorities, economic operators and citizens is minimized and proportionate to the objective of the proposal is not applicable.

- **Choice of instruments**

Proposed instruments: regulation.

Other means would not be adequate for the following reason:

The above-mentioned basic Regulation does not provide for alternative options.

4) BUDGETARY IMPLICATION

The proposal has no implication for the Union budget.

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amending Regulation (EC) No 192/2007 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate (PET) originating in India, Indonesia, Malaysia, the Republic of Korea, Thailand and Taiwan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community⁷ (‘the basic Regulation’), and in particular Articles 8 and 9 thereof,

Having regard to the proposal submitted by the European Commission after having consulted the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) The Council, by Regulation (EC) No 192/2007⁸, imposed a definitive anti-dumping duty on imports of certain polyethylene terephthalate (‘PET’) originating in India, Indonesia, Malaysia, the Republic of Korea, Thailand and Taiwan following an expiry review and a partial interim review. The measures were originally imposed in August 2000⁹. Measures are currently subject to another expiry review¹⁰.
- (2) The Commission, by Decision 2000/745/EC¹¹ accepted a price undertaking, inter alia, from the Indonesian company P.T. Polypet Karyapersada (‘Polypet’). Following the findings and conclusions relating to a ‘new exporter’ review¹², the Commission, by Decision 2002/232/EC¹³ amending Decision 2000/745/EC, accepted an undertaking from the Indian company Futura Polymers Limited (‘Futura’).

B. WITHDRAWAL OF UNDERTAKINGS AND AMENDMENT OF REGULATION No (EC) 192/2007

- (3) The Commission, by Decision **XX**¹⁴, withdrew the acceptance of the undertakings in relation to the companies Polypet and Futura. Therefore, Article 2 (3) of Regulation (EC) 192/2007 should be amended accordingly.

⁷ OJ L 343, 22.12.2009, p. 51.

⁸ OJ L 59, 27.2.2007, p. 1.

⁹ OJ L 199, 5.8.2000, p. 48.

¹⁰ OJ C 55, 24.2.2012, p. 4.

¹¹ OJ L 301, 30.11.2000, p. 88.

¹² OJ L 78, 21.3.2002, p. 4.

¹³ OJ L 78, 21.3.2002, p. 12., OJ C 116, 16.5.2003, p. 2.

¹⁴ See page **XX** of this Official Journal.

HAS ADOPTED THIS REGULATION:

Article 1

The table in Article 2 (3) of Regulation (EC) No 192/2007 is replaced by the following table:

Country	Companies	TARIC additional code
India	Reliance Industries Limited	A181
India	Pearl Engineering Polymers Limited	A182
India	Dhunseri Petrochem & Tea Limited	A585

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

*For the Council
The President*