



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.6.2007
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Proposal for a

COUNCIL REGULATION

terminating the interim review of anti-dumping measures imposed by Council Regulation (EC) No 1910/2006 on imports of television camera systems originating in Japan and repealing the anti-dumping measures imposed by Regulation (EC) No 1910/2006

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

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

This proposal concerns the application of Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community, as last amended by Council Regulation (EC) No 2117/2005 of 21 December 2005 ('the basic Regulation') in the proceedings concerning imports of "certain camera systems" and "television camera systems" originating in Japan.

- **General context**

This proposal is made in the context of the implementation of the basic Regulation and is the result of an investigation which was carried out in line with the substantive and procedural requirements laid out in the basic Regulation.

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

Council Regulation (EC) No 1910/2006 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan.

- **Consistency with the 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 already had the possibility to defend their interests during the investigation, in line with the provisions 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 foresee a general impact assessment but contains an exhaustive list of conditions that have to be assessed.

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

By Council Regulation (EC) No 2042/2000 definitive anti-dumping duties were imposed on imports of television camera systems originating in Japan. On 21 December 2006, these measures were extended further to an expiry review.

On 18 May 2006, the Commission opened a new anti-dumping investigation with regard to imports into the Community of certain camera systems originating in Japan. The product covered by the aforementioned measures entirely falls within the product scope of this new investigation. Therefore, an interim review as regards Council Regulation (EC) No 2042/2000 was initiated simultaneously with the new investigation.

Regulation (EC) No 2042/2000 was due to expire on 29 December 2006. Since measures on television camera systems were, however, extended by Council Regulation (EC) No 1910/2006 the interim review was automatically extended to the latter.

By a letter of 12 April 2007 to the Commission, the complainant formally withdrew its complaint regarding certain camera systems as well as its support for the continuation of the measures on television camera systems. Accordingly, the Commission intends to terminate the proceeding regarding certain camera systems and proposes to repeal the existing measures on television camera systems given that the investigation has not brought to light any considerations showing that such termination and repeal would not be in the Community interest. Furthermore, the Commission proposes to terminate the above mentioned interim review with regard to television camera systems initiated simultaneously with the new investigation concerning certain camera systems.

It is therefore proposed that the Council adopt the attached proposal for a Regulation which should be published simultaneously with the Commission Decision terminating the investigation.

- **Legal basis**

Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community, as last amended by Council Regulation (EC) No 2117/2005 of 21 December 2005.

- **Subsidiarity principle**

The proposal falls under the exclusive competence of the Community. 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 Community, 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(s).

The above-mentioned basic Regulation does not foresee alternative options.

4) BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

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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 Community¹ ('the basic Regulation'), and in particular 11(3) thereof,

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

Whereas:

A. MEASURES IN FORCE

- (1) By Council Regulation (EC) No 2042/2000² definitive anti-dumping duties were imposed on imports of television camera systems originating in Japan, currently falling within CN codes ex 8525 80 19, ex 8528 49 35, ex 8528 49 91, ex 8528 59 90, ex 8529 90 92, ex 8529 90 97, ex 8537 10 91, ex 8537 10 99 and 8543 70 90 (CN codes since 1 January 2007).
- (2) In December 2006, the Council, by Regulation (EC) No 1910/2006³ confirmed these measures further to an expiry review in accordance with Article 11(2) of the basic Regulation (the "original measures").

B. PROCEDURE

- (3) On 4 April 2006, the Commission received a complaint concerning the alleged injurious dumping by imports of certain camera systems originating in Japan.
- (4) The complaint was lodged by Grass Valley Nederland BV acting on behalf of Community producers representing a major proportion of the total Community

¹ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

² OJ L 244, 29.9.2000, p.38 as last amended by Regulation (EC) No 1909/2006 (OJ L 365, 21.12.2006, p.1)

³ OJ L 365, 21.12.2006, p.7

production of certain camera systems pursuant to Articles 4(1) and 5(4) of the basic Regulation.

- (5) The complaint contained *prima facie* evidence of the existence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of an anti-dumping proceeding.
- (6) The Commission, by a notice ('notice of initiation') published in the *Official Journal of the European Union*⁴, accordingly initiated an anti-dumping proceeding concerning imports into the Community of certain camera systems, currently falling within CN codes ex 8525 80 19, ex 8525 80 91, ex 8528 49 10, ex 8528 49 35, ex 8528 49 91, ex 8528 59 10, ex 8528 59 90, ex 8529 90 92, ex 8529 90 97, ex 8537 10 91, ex 8537 10 99, ex 8543 70 90 and ex 9002 90 00 (CN codes since 1 January 2007) and originating in Japan.
- (7) The notice of initiation defined the product as certain camera systems originating in Japan consisting of:
 - (a) a camera head:
 - (i) with integrated viewfinder, viewfinder connection or capability
 - (ii) with integrated optical block, front module or similar device (see description below), connection or capability
 - (iii) either in one piece with the camera head and the camera adaptor in one housing, or separate;
 - (b) a camera adaptor. This may or may not be integrated in the camera head;
 - (c) an optical block, front module or similar device with one or more image sensors where the effective diagonal size of the light sensitive scanning area is equal to or larger than 6 mm. This may or may not be integrated in the camera head;
 - (d) a camera viewfinder. This may or may not be integrated in the camera head;
 - (e) a Base station or Camera Control Unit ('CCU') connected to the camera by a cable or other means such as a wireless connection;
 - (f) an Operational Control Panel ('OCP') or equivalent device for camera control (i.e. for colour adjustment lens opening or iris) of single cameras;
 - (g) a Master Control Panel ('MCP') or Master set-up unit ('MSU') for the overview and for adjustment of several remote cameras;
 - (h) a box lens adaptation unit such as a Large Lens Adapter or SuperXpander that enables portable camera systems to be used with box-type lenses.

⁴ OJ C 117, 18.5.2006, p. 8

imported either together or separately, and originating in Japan.

It is not always required that the camera systems consist of all the above components.

The above-mentioned different components (not camera head) of a camera system cannot function separately and cannot be used outside the camera system of a particular producer.

Lenses and recorders which are not in the same housing with a camera head are not covered by the product.

The product concerned is susceptible for use in broadcast, news gathering, digital cinematography or professional applications. Professional applications include (but are not limited to) the use of these systems for creating educational, entertainment, promotional and documentary video material, both for internal and external distribution.

- (8) The product covered by the original measures falls entirely within the above product definition.
- (9) Therefore, the Commission, by the same notice, also initiated in accordance to Article 11(3) of the basic Regulation an interim review of Regulation (EC) No 2042/2000. The purpose of this interim review was to amend or repeal Regulation (EC) No 2042/2000 should it be determined that measures are to be imposed on certain camera systems originating in Japan which would consequently also cover television camera systems subject to measures under Regulation (EC) No 2042/2000. In this case, the continued imposition of measures imposed by Regulation (EC) No 2042/2000 would not be appropriate anymore and Regulation (EC) No 2042/2000 would have to be amended accordingly.
- (10) Council Regulation (EC) No 2042/2000 was due to expire on 29 December 2006. Before this date and as mentioned in recital (2) above, the Council extended the definitive anti-dumping measures in force on imports of television camera systems by Regulation (EC) No 1910/2006 of 19 December 2006 which entered into force the 22 December 2006. The review initiated with regard to Council Regulation (EC) No 2042/2000 was therefore automatically extended to Council Regulation (EC) No 1910/2006.
- (11) The Commission officially advised the exporting producers, importers and associations of importers or exporters known to be concerned, the representatives of the exporting country, users, suppliers of raw materials, and the complainant Community producer of the initiation of the investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation and questionnaires were sent to all parties concerned.

**C. WITHDRAWAL OF THE COMPLAINT, TERMINATION OF THE
PROCEEDING AND REPEAL OF THE DEFINITIVE ANTI-DUMPING MEASURES
IN FORCE**

- (12) By a letter of 12 April 2007 to the Commission, Grass Valley Nederland B.V. formally withdrew its complaint. With the same letter, Grass Valley also withdrew its support of the original measures against imports of television camera systems originating in Japan imposed by Regulation (EC) No 1910/2006 further to an expiry review in accordance with Article 11(2) of the Basic Regulation.
- (13) In accordance with Article 9(1) of the basic Regulation, the proceeding may be terminated where the complaint is withdrawn, unless such termination would not be in the Community interest.
- (14) In this regard, the Commission by Decision (EC) XXX⁵ terminated the proceeding concerning imports into the Community of certain camera systems originating in Japan since the investigation had not brought to light any considerations showing that such termination would not be in the Community interest.
- (15) As mentioned above in recital (8), definitive anti-dumping duties are also in force on imports of television camera systems originating in Japan which form part of the product scope of the proceeding concerning certain camera systems.
- (16) As mentioned above in recital (12), the Community industry, by the above mentioned letter formally withdrew its support for these measures and requested their repeal.
- (17) It was therefore considered that the existing measures should be repealed, since the investigation had not brought to light any considerations showing that such repeal would not be in the Community interest.

D. CONCLUSION

- (18) Interested parties were informed accordingly and were given the opportunity to comment. No comments were received indicating that the termination of the interim review and the repeal of the anti-dumping measures in force would not be in the Community interest.
- (19) It is therefore concluded to terminate the present review and to repeal the definitive anti-dumping duties in force on imports of television camera systems in Japan.

HAS ADOPTED THIS REGULATION:

Article 1

The review of Council Regulation (EC) No 1910/2006 is hereby terminated and the definitive anti-dumping duties imposed on imports of television camera systems originating in Japan by Regulation (EC) No 1910/2006 are repealed.

⁵ OJ L XXX, xxxxx, xx

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council
The President*