

WRITTEN QUESTION P-3228/06
by Andrea Losco (ALDE)
to the Commission

Subject: Unfair competition from Turkish television manufacturers

Europe's consumer electronics industry has all but disappeared as a result of unfair competition from Turkish manufacturers, which are violating public law.

Evidence of this behaviour is to be found in the Commission's own acts (Council Regulation (EC) No 1531/2002¹ of 14 August 2002), from which it emerges (Recital 40 of the aforementioned regulation) that the televisions were exported to Europe in free circulation accompanied by an ATR certificate, while they were in fact found not to be of Turkish origin on the basis of criteria laid down in Article 11 of the regulation implementing the Customs Code (Regulation (EC) No 2454/93²). The end result was that millions of televisions that the Commission deemed not to be of Turkish origin for dumping purposes remained in free circulation on the market without any customs duties or equivalent levies having been paid.

OLAF, to which the matter was referred (by an Italian special commissioner for big business in connection with the Formenti-Seleco-Brionvega SpA affair), merely stated that it had conducted an internal investigation, the results of which had been forwarded to the authorities of the Member States.

The French firm Thomson and the Turkish firm Vestel applied to the Court of Justice for a preliminary ruling on the primacy of the criteria laid down in Article 24 of the Customs Code (country of last processing) over those set out in Article 11 of the aforementioned implementing regulation (origin and value of components compared with the ex-works value of the television), with the clear intention of avoiding the consequences of a charge of customs fraud and possible demands for compensation (the legal proceedings taken by Formenti Seleco SpA under the Amministrazione Straordinario (bankruptcy protection) act were founded), after having avoided dumping charges.

Given the above, would the Commission not agree that it should become a party to the legal proceedings taken by Vestel and Thomson in order to uphold the interpretation used in the dumping proceedings and that it should give clear instructions to OLAF and the customs authorities correctly to apply the provisions of the Customs Union with Turkey, with particular reference to the penalties applicable for failure to pay customs duties or equivalent levies, with a view to protecting the Union's financial interests?

¹ OJ L 231, 29.8.2002, p. 1.

² OJ L 253, 11.10.1993, p. 1.