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Directorate-General for Trade

Directorate H - Trade defence

Trade defence instruments: general policy, WTO relations

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**NOTE FOR THE ATTENTION OF ALL DELEGATIONS OF
THE ANTI-DUMPING AND ANTI-SUBSIDY COMMITTEE**

Subject: Anti-dumping proceeding concerning imports of certain footwear with uppers of leather originating in the People's Republic of China and Vietnam

Following the imposition of a definitive anti-dumping duty on imports into the EC of certain footwear with uppers of leather or composition leather originating in the People's Republic of China and Vietnam clarifications were requested on the production process that converts origin to leather footwear and the consequent implications of the origin of leather footwear in the application of the aforesaid anti-dumping duty. In more concrete terms it was requested whether leather shoes imported from Korea, having leather uppers originating in China with sole attached in Korea, are excluded from the definitive anti-dumping duty imposed with Council Regulation (EC) No 1472/2006¹ ("the definitive Regulation").

We have consulted our origin experts in DG TAXUD and we are happy to provide you with the following clarifications.

- (1) The aforesaid anti-dumping duty applies to certain footwear with uppers of leather originating exclusively in the PRC and Vietnam as set out in Article 1 of the definitive Regulation.
- (2) For the purposes of anti-dumping regulations the origin of a product is defined by the EC non-preferential rules of origin. In the case of footwear the relevant rule is stated under Annex 11 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code. This rule defines that imported materials of any heading can be used in manufacturing process with the exclusion for assemblies of uppers affixed to inner soles or to other sole components falling within CN code 6406.

¹ OJ L 275, 6.10.2006, p.1.

- (3) In cases where only leather uppers (without inner sole attached to them) originate in China and all the sole components are attached in Korea, the country of origin of the leather shoes is Korea and thus such footwear with uppers of leather will be excluded from the scope of the definitive Regulation.

(signed)
Peter Klein
Chairman
Anti-Dumping and Anti-subsidy
Committee

For: Ministry of Economic Affairs and Labour
AUSTRIA