

DRAFT REPORT TO THE CONTRACTING PARTIES

Attached hereto is a draft of the Second Report by the Committee to the CONTRACTING PARTIES. Delegations are invited to inform the secretariat (telephone 34.60.11, extension 4452) by 19 February 1971 of any comments they may have on the text.

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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## SECOND REPORT BY THE COMMITTEE ON ANTI-DUMPING PRACTICES

1. A report to the CONTRACTING PARTIES on the work of the Committee on Anti-Dumping Practices in the period 14 November 1968-31 December 1969 has been circulated in document L/3333 dated 4 February 1970. The present report refers to the work of the Committee in the year 1970.
2. The parties to the Agreement on the Implementation of Article VI were on 31 December 1970: Belgium, Canada, Czechoslovakia, Denmark, European Economic Community, Finland, France, Federal Republic of Germany, Greece, Italy, Japan, Luxembourg, Netherlands, Norway, Sweden, Switzerland, United Kingdom, United States and Yugoslavia.
3. The Committee met on 21-23 September 1970 under the chairmanship of Mr. A. Buxton (United Kingdom).
4. Some members of the Committee have submitted legal texts modifying their national provisions on anti-dumping measures already examined in the Committee. These new legal texts were examined in order to ensure their conformity with the requirements of the Anti-Dumping Code. In connexion with this examination some members of the Committee expressed concern with certain modifications in the United States regulations with respect to concluding investigations in which price revisions have been made or sales terminated and the explanations given for the amendment, which they interpreted as expressions of a punitive spirit; they considered that the aim of anti-dumping measures should be to neutralize the effects of dumping causing injury to national production but not to stigmatize dumping as such. The United States representative explained that the objective of the amendment was to enable his Government to take measures to stop dumping at an early stage but not to prohibit dumping as such.

5. Members of the Committee expressed the hope that the signatories to the Agreement would not only take into account the letter of the Agreement but also its spirit when implementing their national laws and regulations. They had in mind particularly the provisions relating to price investigations in other countries, findings in cases where necessary information was not available, the permissive nature of the imposition of anti-dumping duties and the duration of the duties.

6. Some members of the Committee expressed concern with the methods of calculation of margins of dumping in Canada in respect of products made to measure.

7. The Committee has examined reports submitted in accordance with Article 16 of the Agreement on the Implementation of Article VI on the administration of anti-dumping laws and regulations in the member countries. The following is a summary of investigations opened, cases on which action has been taken, etc. in the notifying countries in the year 1 July 1969-30 June 1970:

	<u>Canada</u>	<u>Denmark</u>	<u>EEC</u>	<u>Greece</u>	<u>Norway</u>	<u>UK</u>	<u>US</u>
1. Cases pending as of 1 July 1969:	5	-	1	2	2	5	30
2. Investigations opened:							
(a) cases where proceedings were initiated before 1 July 1969:	1	-	-	-	-	-	-
(b) cases where proceedings were initiated between 1 July 1969 and 30 June 1970:	4	1	1	-	1	3	27
3. Cases on which provisional action taken:							
(a) cases where proceedings were initiated before 1 July 1969:	3	-	-	2	-	-	4
(b) cases where proceedings were initiated between 1 July 1969 and 30 June 1970:	1	-	-	-	.	4	-

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4. Cases on which final decision reached:							
(i) anti-dumping duties imposed							
(a) cases where proceedings were initiated before 1 July 1969:	1	-	-	-	-	1	5
(b) cases where proceedings were initiated between 1 July 1969 and 30 June 1970:	-	-	-	-	-	-	-
(ii) cases settled through price undertakings:							
(a) cases where proceedings were initiated before 1 July 1969:	-	-	-	-	-	1	6
(b) cases where proceedings were initiated between 1 July 1969 and 30 June 1970:	-	-	1	-	-	1	-
(iii) Cases dismissed:							
(a) cases where proceedings were initiated before 1 July 1969:	3	-	-	-	2	4	8
(b) cases where proceedings were initiated between 1 July 1969 and 30 June 1970:	1	-	-	-	1	1	5
5. Revocation of anti-dumping duties:							
(a) cases where proceedings were initiated before 1 July 1969:	-	-	-	-	-	1	-
(b) cases where proceedings were initiated between 1 July 1969 and 30 June 1970:	-	-	-	-	-	-	-

Canada Denmark EEC Greece Norway UK US

6. Cases pending as of 30 June 1970:

(a) cases where proceedings were initiated before 1 July 1969:	1	-	1	-	-	-	11
(b) cases where proceedings were initiated between 1 July 1969 and 30 June 1970:	3	1	-	-	-	6	23

7. Czechoslovakia, Finland, Japan, Sweden, Switzerland and Yugoslavia have notified that no anti-dumping cases were pending or initiated in the period under review.

8. The Committee wishes to reiterate the importance it attaches to a wide and early acceptance of the Agreement on the Implementation of Article VI by contracting parties. The Committee discussed the particular problems of developing countries in adhering to the Agreement and made certain procedural suggestions for future discussions with these countries. These suggestions were considered by the Council at its meeting on 29 September 1970 (see document C/4/64).