

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

COM.AD/W/31

29 September 1972

Special Distribution

Committee on Anti-Dumping Practices

DRAFT REPORT BY THE COMMITTEE

1. Previous reports to the CONTRACTING PARTIES on the work of the Committee on Anti-Dumping Practices have been circulated in documents L/3333, L/3521 and L/3612. The present report refers to the work of the Committee from the annual meeting of the Committee in September 1971 to the annual meeting held on 25-29 September 1972.
2. The parties to the Agreement on the Implementation of Article VI are: Austria (adhered on 1 January 1972), Belgium, Canada, Czechoslovakia, Denmark, European Economic Community, Finland, France, Federal Republic of Germany, Greece, Italy, Japan, Luxemburg, Malta, Netherlands, Norway, Portugal (adhered on 30 March 1972), Sweden, Switzerland, United Kingdom, United States and Yugoslavia. The Chairman of the Committee is Mr. A. Buxton (United Kingdom).
3. 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 and the legislation of Austria and Portugal, which adhered to the Code in 1972, were discussed in order to examine their conformity with the requirements of the Anti-Dumping Code.
4. The Committee examined the reports submitted in accordance with Article 16 of the Agreement on the administration of anti-dumping laws and regulations in the member countries. A table summarizing the cases where investigations have been opened, provisional or final action taken, etc., in the notifying countries in the year 1 July 1971-30 June 1972 is reproduced in the Annex.¹
5. Austria, [Czechoslovakia], Denmark, Japan, Malta, Norway, Portugal, Sweden, Switzerland and Yugoslavia have notified that no anti-dumping cases were pending or initiated in the period under review.

¹Not reproduced in this draft.

6. The Committee noted that the frank and open discussions that had taken place at its meetings had contributed considerably towards a full and uniform observance of the provisions of the Code in the signatory countries.
7. Members of the Committee expressed appreciation of the readiness declared by some signatories to review parts of their national legislation the compatibility of which with the Code had been called in question in the Committee. In this connexion, particular reference was made to the Canadian provisions relating to allowance for drawback and to the treatment of sales at a loss.
8. In the course of the examination of cases where findings of dumping had been made in the United States, members of the Committee reiterated the views they had expressed at earlier meetings of the Committee that determinations of injury had been made by the Tariff Commission although the injury caused to United States industry could not be qualified as material as required by the Code. They recognized that the United States had made it clear at the time of the drafting of the Code that it would not be possible to amend the American Anti-Dumping Act upon the acceptance by the United States of the Code but they recalled that the United States Government had at various occasions expressed the view that the present United States law was being applied in a manner consistent with the provisions of the Code. This, in their view, was certainly not the case with regard to the determination of injury.
9. The representative of the United States [recognized that the language used by the Tariff Commission was different from that of the Code but in his opinion the standards of the Code had been met.]
10. Members of the Committee pointed out that in some countries anti-dumping investigations had been opened at the request of a single firm. Provisional measures had, in some cases, been taken on the basis of the establishment of a margin of dumping without proper attention having been given to the injury requirement and had been in force during an unduly long period. Those practices were in their opinion contrary to the provisions of the Code.
11. [Paragraph on questionnaires for price investigations.]

12. As agreed at its meeting in 1971, the Committee discussed on an informal basis with developed countries not already adhering to the Code the particular problems relating to their adherence. These discussions will be continued at the next meeting of the Committee.

13-15: Paragraphs 1-3 of the text proposed by Switzerland in document COM.AD/W/30.