

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/409
22 September 1955
Limited Distribution

Original: English

ANTI-DUMPING AND COUNTERVAILING DUTIES

Proposed Standardization of Rules for the Imposition of Duties

(Proposal by the Government of Norway)

During the review of the General Agreement the Norwegian Government proposed the following new paragraphs to be added to Article VI regarding anti-dumping and countervailing duties:

- (a) The Organization shall work towards standardization as far as practical of rules for the investigation of dumping and subsidization as well as procedures for the determining and levying of anti-dumping and countervailing duties.
- (b) The members shall inform the Organization of any national laws and regulations regarding anti-dumping and countervailing duties and of any change in such laws and regulations. They shall report annually to the Organization on any measure or action taken under this Article.

When introducing this amendment the leader of the Norwegian Delegation to the Ninth Session of the CONTRACTING PARTIES stated:

"The provisions of the present Agreement regarding anti-dumping and countervailing duties do not prevent the contracting parties from imposing such duties according to very different rules. The Norwegian Government have, therefore, put forward proposals to the effect that the new Organization shall work towards the standardization of these rules. To facilitate this task we have proposed that the contracting parties shall be obliged to submit information concerning national laws and regulations in respect of such duties, and also concerning measures taken in accordance with these laws and regulations".

The proposed amendment was not incorporated in the General Agreement, but when discussing the functions of the Organization for Trade Cooperation the Review Working Party on Organizational and Functional Questions stated in paragraph 9(c) of its report¹:

¹ BISD, Third Session, p. 23

"The Working Party considered that sub-paragraph b (iv) of this Article (Article 3 of the OTC-Agreement) would cover the proposals of the Scandinavian delegations and of the German delegation for the insertion of paragraphs or articles authorizing the undertaking of studies, collections, statistics etc. It was also considered that sub-paragraph b (iii) of this Article and Article 12 would permit the Organization to undertake the study of definitions of value, procedures for determining value, standardization of rules and procedures relating to dumping, subsidization and anti-dumping and countervailing duties and the making of recommendations to members thereon. The Working Party suggests that the CONTRACTING PARTIES specifically endorse this interpretation and agree that the Organization should, in accordance with these provisions, consider studying such questions when appropriate".

This part of the Working Party's report was adopted unanimously.

As a result of increasing international competition the question of levying anti-dumping and countervailing duties has become more and more pressing, and, as the Organization for Trade Cooperation will not be established during the Tenth Session, the Norwegian Government suggest that the CONTRACTING PARTIES take the first steps for instituting a survey of these problems. Accordingly, the Norwegian Government propose that the CONTRACTING PARTIES adopt a resolution during the contracting parties to submit in due time before the Eleventh Session the national laws and regulations regarding anti-dumping and countervailing duties. An appropriately appointed panel could then go through the material so collected and make recommendations at the Eleventh Session for the further conduct of a study.

