

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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ANTI-DUMPING AND COUNTERVAILING DUTIES

Submission of Laws and Regulations

The following statements have been received from the Governments of the Kingdom of the Netherlands and Norway.

KINGDOM OF THE NETHERLANDS

"Neither laws nor regulations concerning anti-dumping and counter-vailing duties are at present in force."

NORWAY

"Rules included in the introductory Provisions to the Customs Tariff:

- "I For the purposes of this paragraph dumping is understood to be the importation or introduction into commerce of a foreign product:
- (a) at a price which is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country; or,
 - (b) in the absence of such domestic price, is less than either
 - (i) the highest comparable price for the like product for export to any third country in the ordinary course of trade, or
 - (ii) the cost of production of the product in the country of origin plus a reasonable addition for selling cost and profit.

Due allowance shall be made in each case for differences in conditions and terms of sale, for differences in transportation costs and in taxation, and for other differences affecting price comparability.

"II If the King determines that dumping takes place and that it causes or threatens material injury to domestic industry or materially retards the establishment of such industry, he may provide for the levy of an anti-dumping duty on the product in question.

To counteract injury or retardation of the sort mentioned above, the King may provide for the levy of a countervailing duty on a foreign product on which, in the King's opinion, directly or indirectly, a bounty or subsidy has been granted for its manufacture, production or export, including any special subsidy for its transportation.

"III The anti-dumping duties levied shall not be greater in amount than what is considered to correspond to the margin of dumping, i.e. the difference between the dumping price and the comparable price, as defined in section I.

No countervailing duty shall be levied in an amount exceeding the bounty or subsidy supposed to have been granted.

"IV In so far as the King considers it useful, he may provide for the levy of duties in accordance with this paragraph on one or more specified products or kinds of products, on products from one or more specified exporters or on products from one or more specified countries.

Anti-dumping and countervailing duties may also be levied as a preliminary measure until further information is at hand.

"V The King may authorize the Ministry of Customs to establish administrative regulations to bring into effect the decisions relating to duties levied in accordance with this paragraph, as well as regulations dealing with the repayment of anti-dumping or countervailing duties.

"VI Any decisions to levy a duty provided for in this paragraph shall without delay be submitted to the Storting (Parliament) with full reasons for the action.

"Law on the Customs Administration, 22 June 1928

Paragraph 162a

"When a decision has been taken to levy an anti-dumping or countervailing duty on a product, the King or the person he authorizes, may decide that such products or similar products may pass the customs only if the importer gives the customs authorities a written declaration on the price and origin of the product and on other matters of interest for customs purposes.

"The Ministry of Customs establishes regulations regarding the form and content of such declarations and regarding the documents required to substantiate the information given.

Paragraph 162b

"When the levy of an anti-dumping or countervailing duty has been decided or is taken into consideration, the Ministry of Customs may seek further information on prices, production, sale profit and other matters concerning such products or similar products, foreign as well as national.

"Any person importing, producing, manufacturing or selling such products is bound by law to give such information. Regardless of the provisions ensuring secrecy the following authorities are equally bound in duty to give such information:

- (a) authorities responsible for controlling that the rules laid down in the law on prices, profits and competition of 26 June 1933 are observed;
- (b) authorities concerned with the regulation and control of imports and exports.

"The Ministry has the right to examine books of account, business documents, minutes of board meetings etc. If necessary the intervention of the police to ensure the surrender of such documents may be requested.

Paragraph 162c

"Any person who, in the course of his enquiries concerning anti-dumping or countervailing duties, receives information on production or business secrets or other matters not generally known shall, with the limitations which his handling of the case implies or which result from other regulations or laws, keep the information received secret. He may not use such information in his business.

Paragraph 165

"Any person who in conflict with the rules laid down in paragraphs 162a or b or with provisions based on these paragraphs makes an incorrect declaration, gives incorrect information or presents false proofs, may be fined or imprisoned for a period not exceeding three months."

