

GENERAL AGREEMENT ON
TARIFFS AND TRADE

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ANTI-DUMPING AND COUNTERVAILING DUTIES

Submission of Laws and Regulations

The following statements have been received from the Governments of Greece and Sweden:

GREECE

"... submit texts of the following:

- I. Act N° 2775/1954 concerning the levying of anti-dumping and countervailing duties;
- II. Royal Decree of 6 April 1956 concerning the application of the above-mentioned act;
- III. Article 18 of the act concerning the Organization of the Cotton Institute.

There has so far been no case requiring recourse to the application of these laws and the decree."

I

Act N° 2775 of 1954 concerning the levying of anti-dumping
and countervailing duties

" ... (Preamble)

Article I

1. In order to prevent dumping carried out at the expense of a product of a branch of the domestic industry, by the importation of a like or similar product at less than its normal value, an anti-dumping duty may be imposed.

2. The anti-dumping duty is levied when it is established, in the opinion of the Committee provided for in Article 5, paragraph 1, that the following conditions are met:

- a) the price at which a product imported into Greece is offered is less than its normal value, and
- b) the importation of such a product causes or threatens material injury to an established domestic industry or retards the establishment or development of the same.

3. A product is deemed to be imported into Greece at less than its normal value:

- 1) If such value is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country.

From such price are deducted all duties and taxes refunded on exportation, and which are charged on the product when consumed within the producing or exporting country, and also the amounts corresponding to any exemptions from duties and taxes granted on exportation.

- 2) If, in the absence of such domestic price in the country of exportation, the price is less than either the highest comparable price for the like product for export to any country or the cost of production of the product in the country of origin, plus a reasonable addition for selling cost and profit.

Article 2

The anti-dumping duty on any dumped product may not be greater in amount than the margin of dumping in respect of such product, i.e. than the price difference determined in accordance with paragraph 3 of Article 1 hereof.

Article 3

1. A countervailing duty will be levied on a product of any country imported into Greece if, in the opinion of the Committee provided for in Article 5, paragraph 1, it is established that a bounty or subsidy is being granted in any way, directly or indirectly, on the manufacture, production or export of such product in the country of origin or exportation including any special subsidy on the transportation of such product, and if such bounty or subsidy is such as to cause or threaten material injury to an established domestic industry or is such as to retard materially the establishment of a domestic industry.

2. The countervailing duty levied in accordance with the preceding paragraph may not be in excess of the amount of the bounty or subsidy mentioned in the same paragraph.

Article 4

The provisions of the present Act are also applicable in the case of concealed dumping carried out by concerns cooperating with each other, that is in the case of a sale by an importer at a price which is less than that corresponding to the price shown on the invoice of the exporter and also less than the price prevailing in the exporting country. In such a case the margin of dumping is estimated on the basis of the price at which the imported products are sold by the importer.

Article 5

1. For ascertaining the conditions which must be met for the levy of anti-dumping or countervailing duties under this Act and for supervising the application of the present Act, an Advisory Committee has been set up in the Ministry of Finance. This Committee shall consist 1) of two officials of the Ministry of Finance and one official of each of the Ministries of Commerce, Industry and Agriculture and 2) of one official of the Athens Merchants Association, one official of the Greek Manufacturers' Association and one official of the Panhellenic Confederation of Farmers Cooperatives. The decisions of this Committee are subject to the approval of the Minister of Finance.

2. Royal Decrees issued on the recommendation of the Minister of Finance shall prescribe the manner of levying and collecting duties under this Act, shall determine, more specifically, the margin of dumping under this Act and also the amount which is estimated to be granted in the producing or exporting country as a bounty or subsidy on a product imported into Greece and also the furnishing of a guarantee by importers for the payment of anti-dumping or countervailing duties, in cases where there is evidence that dumping is being carried out or that bounties or subsidies are being granted.

Royal Decrees will also determine matters concerning the working of the Committee provided for in paragraph 1 of the present article and any other details regarding the application of the present Act. Duties under the present Act shall be applicable as of the date of the publication of the relevant decisions by the Minister of Finance.

... (Signatures, etc.)"

II

Royal Decree of 6 April 1955
concerning the manner of levying and collecting anti-dumping
and countervailing duties and the working of the relevant
Advisory Committee

"... (Preamble)

Article 1

1. For ascertaining the conditions which must be met for the levying of anti-dumping or countervailing duties and also for determining the margin of dumping or the amount of bounty or subsidy granted in the country of origin or the exporting country on a product imported into Greece, the Committee provided for in Article 5, paragraph 1, of Act 2775/54 gives an opinion only following the submission of applications and after checking the data mentioned therein.

2. The opinion of the above Committee must state:

- a) that in the particular case the prerequisites for levying an anti-dumping or countervailing duty are met;
- b) the margin of dumping or the amount granted in the country of origin or the exporting country as bounty or subsidy;
- c) the proposed anti-dumping or countervailing duty, which is equal to the margin of dumping or to the amount of the bounty or subsidy granted;
- d) the country or countries of origin or exportation of the product on which it is proposed to levy an anti-dumping or countervailing duty.

3. In each particular case of dumping or of the grant, directly or indirectly, of a bounty or subsidy, the above Committee gives an opinion following an investigation and establishment of the real facts on the basis of evidence in writing from appropriate domestic or foreign Authorities or Chambers of Commerce, Merchandise Exchanges and similar Organizations.

Article 2

The anti-dumping or countervailing duties as per preceding article are levied by decision of the Minister of Finance published in the Government Gazette, being collected together with the other duties. The number of such

decision and also the number of the Government Gazette in which such decision has been published are entered in the relevant customs entry.

Article 3

1. In case there is clear evidence of dumping or that a bounty or subsidy has been granted and until the issue of the final decision of the Minister of Finance in accordance with the preceding article, the Minister may, following the opinion of the above Committee published in the Official Gazette, prescribe that the customs clearance of the dumped product or of the product for the production or exportation of which a bounty or subsidy is granted in the country of origin or exportation, may be effected on deposit by the exporter of an amount covering but not exceeding the margin of dumping, according to evidence available, or the bounty or subsidy granted.
2. The final decision of the Minister of Finance determining the anti-dumping or countervailing duty to be levied is issued and published within six months at the latest of the publication of the Ministerial Decision mentioned in the preceding paragraph. The duty determined by such decision is equal to the margin of dumping or to the amount of the bounty or subsidy granted.
3. On publication of said decision the competent Customs Authority charges against the deposit made the amount of the anti-dumping or countervailing duty imposed.

Article 4

The anti-dumping or countervailing duties levied under the provisions of Articles 1 and 2 hereof, are withdrawn by decisions of the Minister of Finance published in the Government Gazette and issued following the opinion of the Committee provided for in Article 5, paragraph 1, of Act 2775/54, provided the reasons which made the levying of the said duties necessary no longer exist.

Article 5

1. At least five members of the Committee of whom four must have the status of a civil servant, shall be necessary to form a quorum.
2. Minutes of the meetings will be kept by a secretary who is present at the meetings and who is appointed by the Minister of Finance.
3. The opinions of the Committee are taken by a majority of the members present the opinion, if any, of the minority being also mentioned.

... (Signatures.)"

III

Extract from Emergency Act of 20 November 1935, concerning
the "Organization of Cotton Institute"

"...

Article 18

By Decrees issued on the proposal of the Ministers of Finance, National Economy and Agriculture following a Decision of the Council of Ministers, protective measures may be taken in favour of the domestic textile industry to meet dumping."

SWEDEN

"In order to facilitate measures against exports in the nature of dumping to Sweden, the King-in-Council has received the authority of the Riksdag to introduce anti-dumping and countervailing duties in accordance with the provisions of GATT and the Havana Charter. This authority applies irrespective of whether the Riksdag is in session and does not require that the decision of the King-in-Council must later be submitted to the Riksdag for approval. The King-in-Council is thus solely competent to make decisions on questions of this nature. The authority, which at present remains in force until 30 June 1957, is worded as follows:

'If as regards an imported commodity such circumstances exist that, in accordance with the provisions of the Havana Charter or the General Agreement on Tariffs and Trade (GATT) justify the imposition of an anti-dumping or countervailing duty, the King-in-Council is entitled, where considered necessary, to order the imposition of such a duty in accordance with the provisions mentioned.'

When there is cause for doing so such orders may be issued provisionally pending further investigation. If investigation does not require a definite order, the provisional order shall be declared invalid and any anti-dumping or countervailing duties paid shall be refunded without delay.

The authority has hitherto been utilized on only two occasions. Thus the King-in-Council in September 1953 issued regulations regarding the imposition of an anti-dumping duty on imports to Sweden of peroxide of hydrogen. The following is a summary of the regulations:

'An anti-dumping duty shall be imposed on peroxide of hydrogen on import if the import price is below a base price indicated in the ordinance. The anti-dumping duty shall be the difference between the import price and the base price. The latter has been fixed at an amount corresponding to the lowest known domestic market price in the main producing countries. Besides this main rule it is also provided that an importer, who, in respect of an individual consignment can show that the import price is not below the domestic market price in the exporting country, will be refunded any anti-dumping duty paid. The question of a partial revision of these regulations is at present under consideration.'

In 1953 regulations were also issued in respect of an anti-dumping duty on nylon stockings. These regulations were revised several times, the latest occasion being in May 1955 and were rescinded in July of the same year. For further details of these regulations, which have been the subject of special consideration by GATT, please see BISD, 3rd Supplement, page 81 et seq."

