

GENERAL AGREEMENT ON TARIFFS AND TRADE

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New Anti-dumping provisions

The following new provisions (Dumping Prevention Act (No. 279) and Dumping Prevention Decree (No. 280), both of 28 June 1958) have been received from the Government of Finland. The Finnish authorities consider that these provisions are in conformity with the obligations of the General Agreement.

Dumping Prevention Act
28 June 1958
No. 279

Section 1.

In order to prevent imports at dumping prices which cause or threaten material injury to domestic production or employment, the Council of State may order that, in addition to normal customs duties, a special customs duty may be levied not greater in amount than the difference between the normal value of the product and its import price, or the subsidy (or bounty) granted on the production or the export of that product.

Section 2.

For the purposes of Section 1, the normal value of the product is considered to be the comparable price in the ordinary course of trade when destined for consumption in the exporting country, or, in the absence of such domestic price; either the highest comparable price for the like product for export to any third country in the ordinary course of trade, or the cost of production of the product in the country of origin plus a reasonable addition for selling cost and profit.

When the normal value is fixed, due allowance shall be made for differences in conditions and terms of sale and taxation as well as for other differences affecting price comparability.

If no reliable information is available on the facts determining the normal value, the price of another similar product, not cleared through customs, under Section 85 of the Customs Act (271/39), may be taken as the normal value of the product.

Section 3.

For the purpose of Section 1 subsidy (or bounty) is considered to be any subsidy or bounty granted, directly or indirectly, on the production or export of the imported product in the country of origin or exportation, including any special subsidy on the transportation of such a product.

Section 4.

If, in the case of the importation of a product, there are reasons to believe the existence of dumping, as defined in Section 1, the Ministry of Finance may, before a final decision is taken, order that security shall be given for the payment of the special duty. Thereafter, the Council of State shall make its decision on the matter within six months.

Section 5.

The general provisions on customs duties are, as far as practicable, to be applied to these special customs duties.

Section 6.

The decisions of the Council of State under this Act shall without delay be notified to the Speaker of Parliament, who shall notify them immediately to the Parliament if it is assembled, or if the Parliament is not assembled immediately following the opening of the next meeting. Such decisions shall be annulled if the Parliament so decides.

Section 7.

Further provisions on the execution and application of this Act may be given by decree.

Dumping Prevention Decree
28 June 1958
No. 280

Section 1.

The special customs duty provided under the Dumping Prevention Act, called hereinafter the Dumping Act (279/58), is determined by the Council of State based on the proposal of the Ministry of Finance.

Section 2.

Whoever considers that his interests require the imposition of a special customs duty under the Dumping Act shall make a proposal to that effect to the Ministry of Finance which, if they do not consider that the proposal should be rejected immediately as not justified, shall submit the question as to the fixing of the special customs duty to the Council of State for decision.

Such a proposal as mentioned in paragraph 1, shall be accompanied by all relevant information concerning the facts in support of the proposal.

Section 3.

If it is to be expected that such a product will be continuously imported at a price less than the normal value, as defined in Section 2 of the Dumping Act and in a manner likely to create a danger for domestic production or employment the Council of State shall fix for such a product, according to the conditions set forth in the said provision, a value. A special customs duty, amounting to the difference between this value and the import price shall be paid for the product until further notice. Under the same conditions, the Council of State shall fix for a product on the production or export of which a subsidy, as defined under Section 3 of the Dumping Act, has been granted, a special customs duty amounting to the value of this bounty which shall be paid until further notice.

Section 4.

Further provisions on the execution and application of this Decree may be given, if necessary, by the Ministry of Finance.

