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GENERAL AGREEMENT ON TARIFFS AND TRADE

L/3075
16 October 1968

Limited Distribution

Original: English

FINNISH ACT ON THE PREVENTION OF DUMPING

The Permanent Mission of Finland has transmitted to the secretariat the following text of the Act on the Prevention of Dumping, given on 28 June 1968.

ACT ON THE PREVENTION OF DUMPING

Given at Naantali on 28 June 1968

In accordance with the decision of the Diet made in the order stipulated by Article 67 of the Parliament Act, it is prescribed that:

Article 1

The term dumping is used of an import of goods by subsidy or under normal value so that the import causes or threatens to cause material injury to a domestic industry or material retardation of the establishment of a new domestic industry.

The Ministry of Finance is empowered to impose, in order to prevent dumping, a special duty in addition to that which is possibly levied on the import of the goods in form of customs duty, other tax, or charge. The special duty must not exceed the subsidy or the difference between normal value of the goods and their export price.

A special duty can be imposed on the goods of one or several suppliers and on goods imported from one or several countries.

Article 2

By export price is understood the purchase price of the imported goods not including the costs of selling the goods or those incurred in connexion with delivering the goods to the place of import. If the goods are imported from other country than that of their origin, export price is taken to be the same as the purchase price to which the goods could have been bought in the country of origin, if the price in the domestic consumption market of the export country cannot be settled or if it is not comparable with the export price.

If export price cannot be settled or if the settled export price cannot be regarded as real price owing to particular conditions between seller and buyer, export price is determined by estimation based on the price to which the goods in question are sold to an independent buyer in Finland, or if such a price does not exist, by other reliable and reasonable method.

Article 3

By normal value is meant the price of goods similar to the imported goods that is comparable to an export price and to which price the said goods are sold to domestic consumption in the exporting country.

If normal value cannot be settled, it is determined by estimating the export price to which goods similar to the imported goods are exported to a third country, or on the basis of the real or estimated costs of production, administration and sale of the goods added with a reasonable sales profit.

Article 4

By subsidy is meant any support measure or premium to the production or export of the imported goods, including any premium paid for the transportation of a specified product.

Article 5

Material injury is considered to be caused by dumping to a domestic industry when the injury is substantially affecting producers whose production makes the largest part of the production of such an industry.

In estimating the injury the extent of dumping must be taken into account. Particularly its effect on turnover, share of market, productivity and employment in the field of the domestic industry concerned, together with other factors affecting the said industry must be considered.

Article 6

An application for a special duty for the prevention of dumping shall be addressed to the Ministry of Finance, appended with a detailed account of the case of dumping and its harmful effects which are being referred to.

The Ministry of Finance is empowered also to take measures for the imposition of a special duty on its own initiative.

Article 7

If the National Board of Customs has just cause to suspect that the import of certain goods involves dumping, it has the right to claim full security for covering an eventual special duty.

What is prescribed in this law about special duty shall, where applicable, be observed in connexion with the said security.

Article 8

Special duty shall be charged per unit of goods or in such a way that the normal value of the goods mentioned in Chapter 1 of Article 3 is taken as basic price of the goods as it is in a supplier country with normal competitive conditions of market economy and that the special duty is set at most to equal the difference between basic price and export price.

A special duty must not be effected retroactively except for the time during which the security referred to in Chapter 1 of Article 7 has been in force.

If dumping of the goods has been happening earlier, or if the importer of the goods has been aware or should have been aware that dumping is involved, special duty may be imposed on goods which have been given out from customs supervision within ninety days before the special duty was set, if the goods are imported in large quantities and in the course of a relatively short time.

Article 9

If it can be proven that conditions providing for the imposition of a special duty have changed or ceased to exist, the Ministry of Finance shall alter the special duty accordingly or abolish it.

If, when a special duty is imposed on the goods of several suppliers or on goods imported from several countries, the importer later can prove that the special duty collected from him exceeds the subsidy or the difference between normal value and export price, the Ministry of Finance shall upon application order the excess repaid to the importer. Application concerning this must be left not later than one year from the customs inspection of the goods.

Article 10

The Ministry of Finance is empowered to impose a special duty similar to the special duty mentioned in Chapter 2 of Article 1 above in order to prevent dumping which materially injures or threatens to injure an industry of a member country of the General Agreement on Tariffs and Trade (Agreement series 14/1961).

The country concerned has the right to make an application for the imposition of a special duty of the kind referred to in Chapter 1 above.

This law shall where applicable be observed in the treatment of the said question.

Article 11

Any fact or information in a matter of dumping concerning a private business or industry shall be kept secret ten years from the delivery of such information unless the party concerned grants a permission to make it known. The obligation of secrecy also applies to giving out facts or information to the opposing party.

Article 12

The Council of Ministers appoints a consulting committee to follow and preliminarily discuss questions of dumping. This committee shall include representatives of the authorities, commerce, industry, and agriculture. The committee discusses these questions upon commission by the Ministry of Finance.

The committee shall also preparatorily discuss matters referred to in Article 10 above and give statements in question where goods exported from Finland are in the importing country being subjected to measures aimed at the prevention of dumping.

Article 13

What is prescribed about customs otherwise is also valid in applicable points about giving information to the Ministry of Finance and customs authorities in questions of dumping and about the imposition, payment and security of a special duty.

Article 14

More detailed instructions on the execution and application of this law will, if required, be issued by decree.

Article 15

This law comes into force on 1 July 1968, repealing the law on the prevention of dumping (279/58) given on 28 June 1958.

Naantali, 28 June 1968.

President of the Republic URHO KEKKONEN

Minister of Finance Eino Raunio