

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/3252

30 September 1969

Limited Distribution

Original: French

## GREECE -- ANTI-DUMPING LEGISLATION

The Permanent Mission of Greece has transmitted to the secretariat the following text of its anti-dumping legislation.

### ACT NO. 4056/1960

#### concerning the application of anti-dumping duties and compensatory duties<sup>1</sup>

WE PAUL

KING OF THE HELLENES

Having obtained the agreement of Parliament, decide and decree as follows:

#### Article 1

1. In order to overcome the possible unfavourable consequences for the national economy of importing a product which is being dumped or has been the object of a subsidy or premium, an anti-dumping or compensatory duty shall be applied as circumstances require.
2. For the purposes of the present Act a "product" shall as a general rule be deemed to be any industrial, handicrafts or agricultural commodity, any raw material, etc.

#### Article 2

1. An anti-dumping duty shall be applied according to the following procedure and in so far as the following conditions are fulfilled:
  - (a) the price at which the exported product is offered in Greece is less than the normal price;
  - (b) the importation of the product in question involves or is likely to involve serious damage to existing production in the country or to delay the creation or development of national production.

---

<sup>1</sup>As amended and supplemented by Legislative Decree No. 4418/1964.

2. The price of a product exported to Greece shall be deemed to be below the normal price in any of the following cases:

- (a) when the price is less than that obtainable under normal trading conditions during the same period of time for an identical or similar product intended to be consumed within the exporting or producing country, after deducting any customs duties, taxes or contributions which may be refunded in the event of exportation, calculated on the basis of the raw materials used for the manufacture of the product in question or, failing information on this subject, of the amount prescribed in respect of tariff protection and the amount of any general taxes affecting the consumption of the said product within the producing or exporting country;
- (b) when the price is less than the price obtained under normal trading conditions for an identical product exported to another country or less than the cost of production of the exported product together with the cost of sale and the usual profit margin;
- (c) when - in the case of products coming from countries in which prices are not determined in conditions of free competition - the price is lower than the average exporting price of a product of the same or similar quality coming from countries where free competition operates, excluding however those countries which export products at prices appreciably lower than the international level.

3. When, in the case of monopoly articles, tenders have been received internationally and it is considered impossible to accept offers at dumping prices within the meaning of the present Act.

### Article 3

A compensatory duty shall be applied to any product imported to Greece and coming from any given country if it can be shown, in accordance with the provisions of Article 6 and the following articles, that this product has in any direct or indirect way received a subsidy or a premium in the course of its manufacture, production or exportation in the country of origin or of exportation, including any other special subsidy during transport, in so far as the result of such a subsidy or premium is that home production is or is liable to be adversely affected or that the establishment of national production is thereby prevented.

### Article 4

1. The anti-dumping or compensatory duty may be imposed on one or more specified products or on a group of products coming from one or more countries, as well as on the products of one or more specifically named exporters.

2. The anti-dumping duty prescribed in terms of Article 2 which is applied to any product that is being dumped shall be equal to the dumping margin for that product - that is to say, the difference in price as determined under paragraph 2 of Article 2 of the present Act.
3. The compensatory duty provided for in Article 3 of the present Act shall not exceed the amount of the subsidies or premiums referred to in that Article.
4. In cases in which there are clear indications of dumping, subsidies or premiums, and until such time as a final decision is taken as to the application of the anti-dumping or compensatory duty, the Ministries of Finance and of Industry may, on the basis of an application from the Greek producers who are affected, in which mention must be made of all the elements on which they base their claim, or on their own initiative, take a joint decision as to any product or products which, in the light of the information available, are being dumped or are in receipt of a subsidy or premium.

The products covered by any such decision shall be released by the customs authorities when the importer submits a certificate from the Chamber of Commerce of the country of origin stating the price at which similar products intended for consumption in that country are being sold at the same period under normal trading conditions.

If the f.o.b. price shown in the invoice for the imported product is 5 per cent or more lower than the price shown in the certificate, customs clearance shall be granted only on the basis of a cash or banker's guarantee produced by the importer and equal to the difference between the invoice price and the certificate price, adjusted in accordance with the provisions of Article 2, paragraph (a).

In the case of products imported from countries where prices are not determined under conditions of free competition or when, at the time of customs clearance of a product, it is impossible to submit the above-mentioned certificate so as to determine the amount of the guarantee, the authorities concerned shall use as a basis the difference which, according to available indications, exists between the normal price and that shown in the invoice, according to whatever special methods may have been prescribed by decision of the Minister of Finance.

This guarantee shall be either collected or refunded in full or in part in the light of the final decision of the Minister of Finance as to the applicability or otherwise of an anti-dumping or compensatory duty on the product in question.

#### Article 5

The provisions of the present Act shall apply equally to concealed dumping, engaged in by foreign companies in collaboration with Greek companies, no matter in what manner, but particularly through the importer selling at a lower price than that shown on the invoice of the exporter with whom he is working and lower also than that current in the country of export. In this case the dumping margin shall be calculated on the basis of the price at which the imported product is resold by the importer.

#### Article 6

1. In order to determine the circumstances in which an anti-dumping or compensatory duty shall be applied in accordance with the provisions of the present Act and in order to achieve, in general, the enforcement of this Act, there shall be set up in the Ministry of Finance an advisory committee composed of: (a) one representative each of the Ministries of Co-ordination, of Finance, of Trade, of Industry and of Agriculture; (b) a representative of the Athens Chamber of Commerce and Industry; (c) one representative appointed annually in rotation by the traders' associations of Athens, Piraeus and Salonika; and (d) a representative of the Association of Greek Industrialists and the Pan-Hellenic Federation of the Union of Agricultural Co-operative Societies. This Committee shall be deemed to be legally constituted when the majority of its members have been appointed; the quorum shall consist of five of the members. The Committee shall be presided over by the representative of the Ministry of Finance.

2. The Committee provided for in the preceding paragraph shall give its opinion on every concrete case - after having considered the true circumstances as shown by definite information or other data - as to the normal price for a similar commodity or as to the amount of the subsidy or premium granted in respect of the imported commodity.

The Committee shall give its opinion within three months from the date at which the question was put to it by the Minister of Finance; its opinions are subject to the approval of the Minister of Industry and the Minister of Finance, the latter of whom issues the decision accepting the complaint in whole or in part.

#### Article 7

The procedure for the application of anti-dumping or compensatory duties on any product is instituted at the request of the local producers who are affected and who must submit their request to the Minister of Finance with a statement of all the circumstances and other factors which, in the opinion of the parties, prove that dumping exists or that a subsidy or premium has been granted. The procedure can also be opened on his own initiative by the Minister of Finance if the customs authorities have concluded that such circumstances exist. Any other factors which should be mentioned in the request or any other details concerning the putting into effect of the present provision shall be laid down by decree of the Minister of Finance.

The determination of the average price of products, as provided for in Article 2, paragraph 2(c), which are being dumped in Greece or which are in receipt of a subsidy or premium shall be made by a committee set up by decision of the Minister of Finance.

The fixing of the average price of these products in the light of their special characteristics and in accordance with their customs or commercial nomenclature shall be carried out on the basis of the prices obtained at the same period or, failing this, on the basis of the prices paid or offered during the preceding six months.

In determining the average price, consideration shall be given to the prices of commodities coming from countries in which prices are freely fixed by competition, provided that each of those countries provides Greece with at least 25 per cent of its imports of the product in question.

If there is no country from which the imports reach this percentage, the figure to be used shall be that of the prices of commodities imported from the three most important supplying countries.

If at the time the products are imported or during the preceding six months there have been no imports from the countries in question, the Committee shall fix the price of the imported commodities on the basis of the prices for similar commodities exported from the countries in question to third parties or on the basis of information from other sources.

#### Article 8

1. The duties provided for in the present Act shall apply as from the date of publication in the Official Journal of the corresponding decision of the Minister of Finance.
2. The application of anti-dumping or compensatory duties shall in no case justify an increase in the prices of goods produced in the country which are similar to the foreign products subject to such duties. Any increase in prices taking place up to the date of coming into force of the present Act as the result of the application of an anti-dumping duty on any product or in view of a future application of such a duty and which is not justified by a change in the cost of production as confirmed by a joint decision of the Ministers of Finance, Commerce and Industry shall involve the cancellation of the anti-dumping or compensatory duty which had been imposed.
3. The Minister of Finance may, by the decision provided for in paragraph 1 of the present article, determine the conditions for the application of the anti-dumping or compensatory duties provided for and the prices at which the goods subject to such a duty shall be sold.

#### Article 9

The detailed methods for fixing and collecting the customs duties provided for under the present Act, the precise determination of the dumping margin, the amount of the subsidy or bonus granted in the country of origin or of export of any product imported into Greece and of the deposit and handling of the guarantee provided for in paragraph 2 of Article 7 shall be laid down by Royal Decree issued on the proposal of the Minister of Finance.

The working methods of the Committee provided for in paragraph 1 of Article 6 and, more generally, all essential details for giving effect to the present Act, shall also be laid down by Royal Decrees issued in the same manner.

Until such time as those Royal Decrees are promulgated, the provisions of the Royal Decree of 6 May 1955 issued under Act No. 2775/1954 shall remain in force.

Article 10

1. Act No. 2775/1954 concerning the application of anti-dumping and compensatory duties is hereby repealed.
2. The present Act shall come into force as from the date of publication in the Official Journal.

The present Act, approved by the Chamber and ratified today by Us, shall be published in the Official Journal and applied as a law of the State.

Athens, 11 June 1960

PAUL II

The Ministers

of Finance  
C. Papaconstantinou

of Industry  
N. Martis