

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Committee on Anti-Dumping Practices

## MINUTES OF THE MEETING HELD ON 30-31 OCTOBER 1984

Chairman: Mr. P. Robertson (Australia)

1. The Committee met on 30-31 October 1984.
2. The Committee adopted the following agenda:
  - A. Adherence of further countries to the Agreement.
  - B. Examination of national legislation and implementing regulations (ADP/1 and addenda).
    - (a) Australia (ADP/1/Add.18/Rev.1, ADP/W/84, 87, 89, 91 and 92).
    - (b) Japan (ADP/M/12, paragraphs 30-31).
    - (c) EEC (ADP/1/Add.1/Suppl.3).
    - (d) Other legislations
  - C. Semi-annual reports of anti-dumping actions taken within the period 1 January-30 June 1984 (ADP/22 and addenda).
  - D. Reports on all preliminary or final anti-dumping actions (ADP/W/80, 81, 85, 86, 88 and 93).
  - E. Report of the Ad-Hoc Group on the implementation of the Anti-Dumping Code.
  - F. Annual review and report to the CONTRACTING PARTIES.
  - G. Other business:
    - (a) The United States Trade and Tariff Act of 1984
    - (b) The Gillmore steel case
- A. Adherence of further countries to the Agreement
3. The Chairman informed the Committee that on 20 June 1984 Singapore had accepted the Agreement, thus becoming the twenty-second party to the Anti-Dumping Code.

B. Examination of national legislation and implementing regulations (ADP/1 and addenda)

(a) Legislation of Australia (ADP/1/Add.18/Rev.1, ADP/W/84, 87, 89, 91 and 92)

4. The Chairman recalled that at its previous meeting the Committee had had a detailed discussion of the Australian legislation. Following the Chairman's proposal, several delegations had submitted, through the secretariat, written questions concerning the anti-dumping legislation of Australia (ADP/W/84 and 89), and Australia had submitted written responses to these questions (ADP/W/87 and 91). Furthermore, the representative of Australia had advised the Committee that the administrative procedures required to be notified under Article 16:6 were as yet only in draft form and would be published in their final form subsequent to the receipt of comments from the Australian Law Council (ADP/M/12, page 6). In the meantime, the Government of Australia had provided a copy of these draft procedures to the GATT secretariat where they could be examined by parties to the Code (ADP/W/92).

5. The representative of the EEC referred to the Draft Administrative Procedures submitted by Australia which contained the response to many questions raised by his delegation. Since these procedures not only dealt with matters of procedure but also of substance, he indicated his wish to return to them at a later date for a more careful examination. In the context of extensive bilateral consultations with Australia on the new Australian legislation his delegation had been informed of the Administrative Judicial Review Act, whereby Ministerial anti-dumping decisions could be appealed to the Australian courts and the provisions on which they were based could be examined to see whether they were in conformity with the Code. In his view this possibility seemed to meet his earlier concern about the deletion of Article 14 of the Australian Anti-Dumping Act.

6. The representative of the EEC reiterated his concern with regard to the forty-five day period for reaching a preliminary determination. This period was too short, particularly in view of the fact that the Committee had adopted a recommendation concerning the time period allowed for replies to questionnaires. Other parties to the Code required between ninety and 120 days in their own legislations for a preliminary determination. Moreover, section 5:8:1 of the Draft Administrative Procedures relating to import source switching was unclear; contrary to the Australian provisions, anti-dumping duties against large quantities of the same goods imported from sources not subject to anti-dumping measures could only be levied after a complaint had been lodged, and dumping and injury had been found. He looked forward to continuing bilateral consultations on remaining issues, if any, before the final Administrative Procedures were made available.

7. The representative of Australia said that bilateral consultations with the EEC had indeed taken place and proved very fruitful. He confirmed that the repeal of Article 14 of the Australian Anti-Dumping legislation had in no way removed appropriate avenues of appeal against administrative actions or decisions in relation to dumping investigations, and that the dumping legislation was certainly subject to review under the Administrative Judicial Review Act. Regarding the forty-five day period he made it clear that this

period could be extended if the subject matter proved complex or if special submissions were made by any interested party. As to the EEC criticism of this time frame on grounds of the number of days required to reach a preliminary determination in other countries, he pointed to the special characteristics of the Australian system, such as the number of staff, speedier performance, larger data banks, one-producer industries, and computer facilities. Experience in the period 1 January-15 September 1984 had proved that among the twenty-three preliminary determinations and fifteen terminations for lack of evidence, not one single preliminary determination had been subject to challenge. He finally said that in the case of import source switching, the Australian authorities would only take action after a complaint had been lodged, as required by the Code.

8. The representative of Hungary referred to certain changes in the Australian legislation which were related to the Second Supplementary Note to paragraph 1 of Article VI of the GATT. He was pleased that the preconditions referred to in this footnote had been taken into account in the Australian legislation. Nevertheless, his delegation was against the notion that the special methods used when difficulties existed in determining price comparability had the connotation of an obligation. In fact, the legislation used the term "shall use", whereas the Code used "may", which of course was the correct expression. He asked the Australian authorities to rectify this. The representative of Czechoslovakia indicated that his delegation also had some difficulties with these provisions and that perhaps bilateral consultations could be held between the delegations concerned. The representative of Australia, while taking note of these interventions, said that the legislation was in conformity with the Code, and that in section 6 of the Draft Administrative Procedures the term used was "may". He was open to holding consultations at any time.

9. The representatives of the United States and Japan indicated their wish to revert to this matter at a future date if the need arose. The representative of Canada expressed concern about the forty-five day period but he would wait until he could examine the actual implementation of this provision. The representative of Czechoslovakia wished that the important issue of delays be included in the forthcoming bilateral consultations. The representative of Poland echoed the views of holding bilateral consultations to resolve certain remaining difficulties. The representative of Hungary reiterated that his previous comments and reservation referred not only to the Draft Administrative Procedures but to the legislation itself.

10. The Chairman invited the Committee to take note of the fact that a number of delegations had expressed their appreciation for the changes introduced in the Australian Anti-Dumping legislation, and that the Australian Government had entered into bilateral consultations to explain these changes. However, some delegations remained concerned about certain points in the legislation and the Draft Administrative Procedures and consequently had sought to enter into further bilateral consultations; they reserved their right to revert to these matters if necessary. The Committee had thus concluded the examination of the Australian legislation.

(b) Legislation of Japan (ADP/M/12, paragraphs 30-31)

11. The Chairman recalled that the delegations of the United States and Canada had invited the delegation of Japan to provide an answer to certain points raised at the previous meeting of the Committee.

12. The representative of Japan explained that the special committee recently set up by the Ministry of International Trade and Industry (MITI) was composed of high level officials of the MITI and aimed at giving counselling services to the Minister. Its ultimate purpose was to help to clarify certain matters in the investigation of cases. He stressed that the setting up of the Committee was a purely internal affair and that it had in no way affected the Japanese legislation nor its obligations under the Code. He indicated that a communication on this point would be circulated shortly.

(c) Legislation of the EEC (ADP/1/Add.1/Suppl.3)

13. The Chairman informed the Committee that the EEC had submitted an amended version of its Anti-Dumping legislation which had been circulated as ADP/1/Add.1/Suppl.3.

14. The representative of the EEC indicated that although the amended legislation appeared as completely new legislation, it only incorporated approximately forty changes most of which were of a purely technical nature e.g. adapting the terminology of the anti-dumping legislation to the new terminology of the customs legislation. As for the other changes, he mentioned the introduction of new rules for remission of indirect taxes or customs duties on raw materials incorporated in products subject to an anti-dumping investigation, as suggested by Article VI:4 of the GATT; the establishment of time-limits within which undertakings could be offered, which would expire not earlier than ten days after the disclosure conference which precedes the final determination; and the inclusion of a sunset provision for anti-dumping duties and price undertakings which provided that these would automatically expire after five years, with allowance for an earlier review if needed. He encouraged other delegations to incorporate such a provision in their legislations. The representative of Canada shared the view of the EEC spokesman as to the desirability of incorporating sunset provisions in legislations.

15. The representative of Australia said that his authorities would like to consider further certain points in the EEC legislation and therefore would like to revert to it at the next meeting.

16. The representative of Hungary reiterated his concern with Article 2:5 of the EEC Council Regulation, which he had raised four years ago and which was still valid today. In his delegation's view, in order to make this provision compatible with the second supplementary note to Article VI:1 of the GATT, it was necessary to abolish the exclusive character of the criteria to determine normal value as listed in Article 2:5, and permit the possibility of using other methods such as the ones described in Article VI:1 of the GATT. The representative of Czechoslovakia shared the views of the previous speaker and reserved his position on the matter.

17. The representative of Romania associated himself with those speakers who were in favour of the introduction of a sunset clause in the national legislations. He requested the EEC delegation to elaborate on the following points of its legislation: (a) the possibility of a definitive collection of provisional duties even if the imposition of a definitive anti-dumping duty was not decided on whereas Article 10:3 of the Code said that provisional measures should not exceed four months; (b) the scope and meaning of "special measures"; (c) the distinction between "investigation" and "proceeding"; and (d) the meaning of "special rules" in Article 17.

18. The representative of Brazil explained that his delegation was concerned with certain provisions in the EEC amended legislation. Articles 12 and 7:1(c) permitted the imposition of anti-dumping duties on dumping which no longer existed; this resulted from the fact that the duration of the period of investigation could be extended into the past for many years. He reserved his right to return to this point and other related matters.

19. The representative of the United States referred to Article 11:3 of the EEC amended legislation on provisional duties whereby five working days after the receipt of a request the Commission shall decide whether a provisional anti-dumping or countervailing duty should be imposed, and to Article 14:1 whereby certain regulations were subject to review "where warranted". He requested a clarification as to the circumstances under which these provisional measures might be taken and on the procedures which would "warrant" an Article 14:1 review.

20. The representative of the EEC replied to the interventions of the previous speakers: (a) it was the standard practice of the EEC and of other parties to compare the export prices of non-market-economy countries with the domestic prices in market-economy countries if, as suggested by the Second Supplementary Note to Article 6:1, a comparison with the prices in the exporting country was not appropriate; (b) under the new rules on refund, every exporter was entitled to claim a refund after the final determination if, for a particular shipment, the dumping margin was less than otherwise calculated, and review procedures were allowed after the preliminary determination; (c) special measures, such as quantitative restrictions, were allowed in the EEC legislation against a country which was not a signatory to the GATT but such measures were rare and had only been applied once; (d) in the previous legislation the terms "investigation" and "proceeding" had been used as synonyms; for the purpose of clarity these terms had now been defined more precisely; (e) the special rules mentioned in Article 17 of the amended legislation referred to the obligation to hold consultations provided for in the agreements with EFTA countries which had to be observed before the imposition of anti-dumping duties; (f) the five day delay after receipt of a request for the Commission to decide on the imposition of provisional duties was not a new rule and any decision would be taken in the strictest conformity with the Code after the case had been judged on its merits; (g) a review was "warranted" upon receipt of a request including prima facie evidence of changed circumstances sufficient to justify the need to conduct a review.

21. The representative of Romania recalled his delegation's reservation on the EEC legislation concerning the Second Supplementary Note to Article VI:1 of the GATT as set out in ADP/M/3. As it had been stated in the meeting of 20-22 October 1980, he underlined the need that EEC provisions regarding this

supplementary note should not have a substituting but a complementary character to the provisions of Article VI of the GATT. He would also expect that the document presented by Romania to the Group of Experts be carefully analyzed. Referring to Article 10 of the EEC legislation whereby undertakings might not be offered later than the end of the period during which representations might be made, he indicated that the introduction of this delay posed certain problems regarding the possibility of clarifying certain elements such as injury, margin of dumping and causal link. The representative of Hungary was of the same view.

22. The representative of Switzerland requested the EEC delegation to elaborate on Article 4:5 (second paragraph) of the amended legislation, as in his view the concepts "competitive" and "exceptional circumstances" mentioned therein were not totally clear. The representative of the EEC agreed that these terms were not clear although they were taken from Article 4:1(ii) of the Code.

23. The representative of Finland, referring to the Swiss intervention asked the EEC to comment on his understanding that if, for example, Finland exported to country A in the EEC, and country B in the EEC also exported to country A, then the market in A could not be regarded as an isolated market in the sense of Article 4:1(ii) of the Code because there were also exports supplied by producers located elsewhere in the EEC. Consequently, the producers in country A could not be regarded as a separate industry. He specifically wanted a clarification on the definition of the EEC industry as suggested in Article 4:5 of the amended legislation.

24. The representative of Czechoslovakia said that his delegation was not fully satisfied with the EEC reply to his question on Article 2:5 of the amended legislation. Furthermore, this provision was not in full conformity with the Code nor with the Second Supplementary Note to Article VI:1 of the GATT. He reserved his position on this matter. The representative of Poland said that the issues raised by the representative of Hungary and other delegations were not fully exhausted and consequently she had to reserve her right to raise these matters again at the next meeting.

25. The representative of the EEC, replying to the Finnish delegation, said that it was not possible, in such a case, to invoke the regional protection provisions of the legislation for there was no market isolation. He insisted that cases where market isolation was present were very rare.

26. The Chairman invited the Committee to take note of the statements made. He recalled that a number of delegations had joined the EEC representative in encouraging parties to include sunset provisions in their national legislations; that concern had also been expressed by many delegations regarding the second supplementary note to Article VI:1 of the GATT as this provision had not been appropriately incorporated in the legislation examined; and that other questions had been raised on the nature of review provisions, on the definition of industry and other related matters. It was agreed that the Committee would revert to the EEC legislation at the next meeting.

(d) Other legislations

27. The representative of Canada announced that the Import Measures Act of Canada had been passed by Parliament on 28 June 1984; the regulations were being approved by the Council and it was expected that the Act would be implemented by mid-November.

28. The representative of Poland informed the Committee that Polish anti-dumping regulations had recently been introduced into the legislation and the relevant text would be submitted for circulation very soon. She considered that the Polish anti-dumping legislation was in full conformity with the Code but her delegation was open to questions that might arise as a result of the Polish notification (ADP/1/Add.20).

29. The representative of the United States told the Committee that the Trade and Tariffs Act of 1984 had been sent to the President for his consideration and signature. His delegation would circulate the Act to the Committee in the near future.

30. The Chairman recalled that on 22 October 1980 the Committee had taken a decision in which it recognized, inter alia, that Brazil would require a period of three years to establish an administrative structure and to set up administrative procedures in order to implement its domestic legislation in conformity with the provisions of the Agreement. The Committee had agreed that this matter would be subject to review after three years from the date of Brazil's acceptance. It was his understanding that Brazil would require a further period to establish its anti-dumping system.

31. The representative of Brazil informed the Committee that his authorities had not concluded the process of setting up the administrative procedures in order to implement its domestic legislation in conformity with the provisions of the Code. Since his authorities could not at present foresee how long it would take to conclude this process, he suggested that the Committee agree to revert to this matter only when this process has been completed. It was understood that until then, paragraph (ii) of the 1980 Decision contained in document ADP/M/3, Annex 1 would apply, i.e. "the Committee notes that Brazil undertakes not to impose anti-dumping duties until it notifies the Committee that it is able to proceed with the full implementation of domestic regulations and administrative procedures deriving from the obligations of the Agreement which relate to the imposition of anti-dumping duties." It was so agreed.

32. The Chairman concluded by saying that the item on national legislation and implementing regulations should be maintained on the agenda in order to allow parties to revert to particular aspects of legislations at a later stage, or in the light of the actual implementation of legislations.

C. Semi-annual reports of anti-dumping actions taken within the period 1 January-30 June 1984 (ADP/22 and addenda)

33. The Chairman announced that an invitation to submit semi-annual reports under Article 14:4 of the Agreement had been circulated in ADP/22 of 2 August 1984. Responses to this request had been issued in addenda to this document. The following parties had notified the Committee that they had not

taken any anti-dumping action during the period 1 January-30 June 1984: Brazil, Czechoslovakia, Egypt, Hungary, India, Japan, Norway, Pakistan, Poland, Romania, Spain, Sweden, Switzerland, United Kingdom on behalf of Hong Kong and Yugoslavia (ADP/22/Add.1); Austria had also recently notified no anti-dumping action. Anti-dumping actions had been notified by Australia, Canada, the EEC, Finland and the United States. These reports would be discussed in the order in which they were submitted:

United States (ADP/22/Add.2)

34. The representative of the EEC drew the Committee's attention to a case concerning pads for instrument keys from Italy (page 6). A countervailing investigation had been carried out on this product, with a negative result. Subsequently, a dumping investigation had led to a margin of dumping determination of 1.09 per cent and the ITC had found injury. His delegation was astonished with the ITC finding, for Article 3:4 of the Code clearly said that it must be demonstrated that "the dumped imports are, through the effects of dumping, causing injury within the meaning of this Code". The ITC had found that the Italian product had undersold American products by 20-39 per cent, of which, however, only 1.09 per cent was due to dumping. The EEC representative expressed strong doubts that on the basis of a dumping margin of only 1.09 per cent, injury could be established.

35. The representative of the United States indicated that Article 3:4 of the Code was interpreted by the ITC as requiring the causal link to be drawn between the imports in question and the material injury, and not between the dumping margin and material injury.. The ITC did not therefore look at the size of the margin but at the list of factors in Articles 3:1, 3:2 and 3:3 of the Code. Furthermore, the volume of imports of the Italian product had increased considerably in the recent past, in a shrinking market, the product was found undersold in twenty-six out of twenty-seven instances and therefore injury had been found as a result of these imports.

36. The representative of the EEC made it clear that his delegation had never contested the existence of injury, although the latter could be due to the volume of imports. The decisive question was whether the unfavourable evolution of the factors referred to in Article 3 of the Code was due to the dumping found or rather to the imports in general. In his view, in this particular case injury was due to the underselling regardless of dumping. The representative of the United States wondered why any one having a competitive edge which allowed such level of underselling as in this case, still needed to dump.

Australia (ADP/22/Add.3)

37. The representative of Japan requested the Australian delegation for some clarification concerning a case involving gas space heaters from Japan . An investigation had been initiated on 16 January 1984 and terminated three months later as no injury had been found; on 21 June 1984 another investigation had been initiated on the same product. The representative of Australia explained that the investigation had in effect been terminated because the administration had not been satisfied that a causal link existed between the dumped imports and the injury. However, as the domestic producer had lodged a new complaint and submitted new evidence supporting the causal link, a further enquiry had commenced.

Finland (ADP/22/Add.4)

38. The representative of Switzerland reserved the possibility of reverting to the case concerning his country.

EEC (ADP/22/Add.5)

39. The representative of Japan referred to a case concerning miniature ball bearings that had been subject to provisional measures on 23 March 1984 despite the fact that Japanese exporters had not only offered a price undertaking three years ago but had observed it ever since and submitted the relevant information to permit its monitoring. He requested the EEC to elaborate on this point. The EEC replied that in former investigations, price undertakings had been accepted but that in this particular case the EEC authority had decided not to follow the same approach. Difficulties to monitor observed price undertakings, the costs of doing so, and other reasons had led the EEC to reject the price undertakings and to impose definitive anti-dumping duties (Regulation (EEC) No. 2089/84). He stressed that it was not mandatory under the Code to accept price undertakings.

40. The representative of Czechoslovakia referred to a case concerning ice skates where the domestic producer was also one of the major importers of the product. In his view the domestic producer had misused the legislation to his own benefit. He wanted the EEC delegation to elaborate on this case. The representative of the EEC stated that domestic producers affected by dumped imports often became importers themselves before requesting an anti-dumping investigation. It was, nevertheless, clear that such a practice entailed a great cost to the domestic producer, job suppression and other problems.

Canada (ADP/22/Add.6)

41. The representative of Japan referred to a case concerning hydraulic turbines where a Japanese exporter participating in a call for tenders had not won the contract. Nevertheless, an investigation had been initiated and injury and dumping been determined. His delegation had strong doubts as to the existence of injury. Although the Ad-Hoc Group had been examining the question of dumping under tendering procedures, he still wanted to express his delegation's concern about this case. The representative of Canada said that more than one Japanese company and more than one project were involved in the case, that some Japanese companies had won contracts, and that the dumping margin, which was a composite margin, had been obtained after tender awards. The representative of the EEC reiterated that Community exporters also had been subject to similar procedures but that since the Ad-Hoc Group was examining the matter, he hoped it would arrive at a satisfactory solution.

D. Reports on all preliminary or final anti-dumping actions (ADP/W/80, 81, 85, 86, 88 and 93)

42. The Chairman recalled that notifications under these procedures had been received from Australia, Canada, the EEC, Spain and the United States.

43. The representative of Romania referred to ADP/22/Add.2 (notification by the United States) and said that the case concerning pig iron from Romania dated back to 29 October 1968 when his country had exported, for the first and last time, the above-mentioned product. As the exporter had maintained that no further exports would take place in the future, and the product was not included in the Romanian Export Nomenclature, he wondered what steps should be taken to end an action which was sixteen years old. The representative of the United States expressed his delegation's willingness to hold bilateral discussions to resolve this issue.

44. The representative of Romania referred to a wooden clothespins case in ADP/22/Add.6 which was wrongly included in the list of outstanding anti-dumping actions; the Canadian Tribunal had not found injury and the case had been terminated. The representative of Canada doubted whether this information was factual. He later said that the information contained in ADP/W/86, an action involving wooden clothespins from Czechoslovakia and China, confirmed that the finding had not been quashed by the Tribunal.

45. The representative of Canada referred to ADP/W/81 and 88 where the cases concerning canned pork-based luncheon meat from the EEC should be deleted as they were countervailing duty cases.

46. The Chairman recalled that it would be useful if delegations who intended to ask questions under this agenda item would give prior notice to the delegations concerned.

E. Report of the Ad-Hoc Group on the Implementation of the Anti-Dumping Code

47. The Chairman recalled that the Group had examined two draft recommendations: Recommendation Concerning Determination of Threat of Material Injury (ADP/W/82/Rev.1) and Recommendation Concerning the Treatment of Input Dumping (ADP/W/83/Rev.1). It was his impression that the Group would need some time to further discuss these subjects and consequently he could only hope to be able to submit to the Committee one or both recommendations for the next meeting of the Committee in 1985. He added that the Group had started discussing the question of "Definition of Sale" as mandated by the Committee. Apart from examining some working papers presented by delegations, a number of informal consultations had taken place. However, in view of the complexity of the problem and as delegations still needed some time to clarify their positions, the chair had suggested that the Group meet again on 7 December 1984 with the sole purpose of completing its work on this issue and reporting back to the Committee. He also drew the Committee's attention to a point raised in the last meeting of the Ad-Hoc Group, that participants in the Ad-Hoc Group might like to reflect on the purpose of the Group and to ask themselves whether or not it had fulfilled or exhausted its mandate. He put this view both to the Ad-Hoc Group and the Committee without prejudice as to what he thought might be achieved in the Ad-Hoc Group. However, he stressed that following his reflection on this matter, it might be useful for delegates who participate as experts in the Ad-Hoc Group to also reflect on their participation and on the purpose of the Group. He was not asking for any reaction at this meeting but it might be something that delegates may wish to take up in a further formal meeting of the Committee.

F. Annual review and report to the CONTRACTING PARTIES

48. The Committee adopted the report, the full text of which appears in document L/5724.

49. The following statements were made with respect to certain sections in the report.

- (a) The representative of Canada referring to section VII of the report, "Other matters", said that his delegation was also concerned about other aspects of the United States Trade and Tariff Act of 1984 but at the present time he would prefer to reserve his position. The representative of the EEC was of the same view and indicated that the Committee could address further points at the next regular meeting under the agenda item "Examination of national legislations and implementing regulations".
- (b) On the Annex to the report, the United States delegation enquired about the status of the EEC outstanding anti-dumping actions. The EEC delegation said that the sunset clause provision would limit the number of outstanding actions reported and that the relevant data would be published in the EEC's Official Gazette and notified to the secretariat in future reports.
- (c) The representative of Canada, also referring to the Annex to the report, noted that the figure for "initiations" had substantially decreased for Canada during the two reference periods.

G. Other business

- (a) The United States Trade and Tariff Act of 1984

50. The representative of the EEC referred to the efforts of the United States Administration in keeping the Trade and Tariff Act of 1984 in conformity with the Code. His delegation considered, however, that the definition of "industry" introduced by the so-called Wine Equity Act, clearly departed from Article 4:1 of the Code. The Code provided that the producers entitled to file a complaint were the producers of like product while in respect of wine, the new legislation extended the definition so as to include also producers of grapes. This was an unprecedented innovation as it implied an ex post facto rectification of an ITC determination and as it was limited to one single sector and designed to allow the filing of a new complaint against wine imports. In addition, the law had been adopted by Congress in full knowledge of the US international obligations and despite warnings on the possible implications. Actions of this nature raised serious questions about the value of international law. His delegation consequently reserved its right under the GATT and the Code and would, if the Act was signed, by the President, request formal consultations under Article 15 of the Code.

51. The representative of Canada shared the concern over the implications of the new provisions. The representatives of Japan, Finland, Austria and Hungary were of the same view and reserved their rights to revert to this matter subsequently. The representative of Australia, while associating himself with the previous statements, underlined that his authorities had to

date successfully resisted pressures to introduce similar provisions relating to the definition of industry but that the new US legislation may give rise to renewed pressure to follow the United States' example.

(b) The Gillmore steel case

52. The representative of the EEC referred to an anti-dumping investigation against the EEC, the so-called Gillmore steel case. Although the case was closed and no action had been taken, the US courts had requested the Government to reopen the investigation and to consider the rules of regional protection in order to verify injury to a regional industry. He expressed the hope that the United States would carefully consider this matter.

Date of next meeting

53. According to the decision taken by the Committee at its April 1981 meeting (ADP/M/5, paragraph 51), the next regular session of the Committee will take place in the week of 22 April 1985.