

GENERAL AGREEMENT ON

TARIFFS AND TRADE

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Committee on Anti-Dumping Practices

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QUESTIONS SUBMITTED BY ROMANIA ON MEASURES TAKEN
BY THE EEC IN THE CONTEXT OF ANTI-DUMPING DUTY
INVESTIGATIONS OF IMPORTS OF UREA

Reproduced herewith are questions which have been received from the Permanent Mission of Romania on measures applied by the EEC in the context of anti-dumping duty investigations of imports of urea from various countries.

1. The European Communities have a common regulation concerning anti-dumping and countervailing measures. In some cases, it is hard to delimit the merits specific to each procedure.

Thus, Article 10 of Council Regulation (EEC) No. 2176/84 on protection against dumped or subsidized imports from countries not members of the EEC considers undertakings to be a constructive solution in the case both of an anti-dumping procedure and of a subsidy.

We should be grateful if the Community would specify whether, under its legislation, a quantitative voluntary restraint undertaking, without any obligation as regards dumping prices, may be considered acceptable for terminating an anti-dumping investigation.

If so, we should like to have details, in particular concerning the grounds whereby such provisions are compatible with those of the Anti-Dumping Code.

2. Experience has shown that price undertakings may be a constructive and mutually advantageous solution for suspending or terminating an anti-dumping procedure, in particular for exporters from developing countries. Article 13 of the Anti-Dumping Code ("Developing Countries") provides that possibilities of constructive remedies provided for by the Code shall be explored before applying anti-dumping duties. Among such possibilities, the Code provides for the offer of undertakings, but only as regards prices (Article 7 of the Anti-Dumping Code, "Price Undertakings").

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Could the Community explain the legal basis for the statement made in its Council Regulation No. 3339/87 imposing a definitive anti-dumping duty on imports of urea originating in Libya and Saudi Arabia and accepting undertakings given in connection with imports of urea originating in Czechoslovakia, the German Democratic Republic, Kuwait, the USSR, Trinidad and Tobago and Yugoslavia and terminating these investigations (of 4 November 1987, Official Journal of the European Communities, No. L/317, pages 10 and 11, Chapter (F) - Undertakings) to the effect that the acceptance of undertakings (on quantitative voluntary restraint) would represent a solution in conformity with Article 13 of the Anti-Dumping Code.

3. At the same time as an anti-dumping procedure opened by the Community with regard to imports of urea originating in and coming from Romania, France has unilaterally suspended imports of that product originating in and coming from Romania (see the Journal officiel de la République française of 7 April 1988).

We consider that this is a domestic measure constituting double protection, which is not justified under the provisions of the General Agreement and of the Anti-Dumping Code.

We should be obliged if the Community would present its views on this point.