
Committee on Anti-Dumping Practices

DRAFT REPORT (1988) OF THE COMMITTEE ON
ANTI-DUMPING PRACTICES

Revision

I. Organization of the work of the Committee

1. The Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade entered into force on 1 January 1980. On 15 October 1988 the following were the Parties to the Agreement: Australia, Austria, Brazil, Canada, Czechoslovakia, Egypt, the EEC, Finland, Hong Kong, Hungary, India, Japan, Korea, Mexico, New Zealand, Norway, Pakistan, Poland, Romania, Singapore, Spain, Sweden, Switzerland, the United States and Yugoslavia. Mexico and New Zealand accepted the Agreement on 9 February and 6 May 1988, respectively.

2. The Parties to the Agreement are ipso facto members of the Committee on Anti-Dumping Practices established under the Agreement. During the period under review, the Committee has held four meetings:

6 May 1988	-	ADP/M/21
30 May and 1 June 1988	-	ADP/M/22
5 October 1988	-	ADP/M/23
24-25 October 1988	-	ADP/M/24

3. Twenty-three contracting parties and three non-contracting parties have observer status. Furthermore, representatives of the IMF and of UNCTAD have attended meetings of the Committee in an observer capacity.

II. Notification and examination of anti-dumping laws and/or regulations of Parties to the Agreement (Article 16:6)

4. As of 15 October 1988 twenty-two Parties have submitted their legislation concerning anti-dumping procedures or have made communications in this respect to the Committee. Three Parties have not, as yet, made formal notifications to the Committee under Article 16:6 of the Agreement. One of those Parties has informed the Committee that it is revising its anti-dumping law.

5. During the period under review the Committee received notifications regarding (amendments to) anti-dumping laws and/or regulations from the following Parties:

Australia: Anti-Dumping Authority Act 1988 (ADP/1/Add.18/Rev.1/Suppl.2, pp. 6-21)

- Australia: Customs Legislation (Anti-Dumping) Amendment Act 1988
(cont'd) (ADP/1/Add.18/Rev.1/Suppl.2, pp. 22-32)
- Customs Tariff (Anti-Dumping) Amendment Act 1988
(ADP/1/Add.18/Rev.1/Suppl.2, pp. 33-42)
- EEC: Council Regulation (EEC) No. 2423/88 of 11 July 1988 on
protection against dumped or subsidized imports from
countries not members of the European Economic Community
(ADP/1/Add.1/Rev.1, pp. 2-18)
- Commission Decision No. 2424/88/ECSC of 29 July 1988 on
protection against dumped or subsidized imports from
countries not members of the European Coal and Steel
Community (ADP/1/Add.1/Rev.1, pp. 19-34)
- Mexico: Foreign Trade Regulation Act Implementing Article 131 of the
Constitution of the United Mexican States
(ADP/1/Add.27 and Corr.1, pp. 2-13)
- Regulations Against Unfair International Trade Practices
(ADP/1/Add.27 and Corr.1, pp. 14-26)
- Decree Amending and Supplementing the Regulations Against
Unfair International Trade Practices (ADP/1/Add.27/Suppl.1)
- New Zealand: Customs Act of 1966, as amended, Part VA (ADP/1/Add.15)

6. During the period under review, the Committee concluded its discussion of Australian Customs Notice No. 87/169 (ADP/1/Add.1/Rev.1/Suppl.1), the Guidelines adopted by the Japanese Government for the conduct of anti-dumping and countervailing duty investigations (ADP/1/Add.8/Suppl.1), Article 10 of the Korean Customs Act and the related Presidential Decree (ADP/1/Add.13/Rev.1), the Indian Customs Tariff (Second Amendment) Act of 1982 and the Customs Tariff Rules of 1985 (ADP/1/Add.25 and Corr.1), Resolution No. 00-1227 of the Brazilian Customs Policy Commission (ADP/1/Add.26/Suppl.1 and Corr.1), and the EEC Commission Notice concerning the reimbursement of anti-dumping duties (ADP/1/Add.1/Suppl.4). The Committee continued its examination of Council Regulation (EEC) No. 1761/87 of 22 June 1987 amending Regulation (EEC) No. 2176/84 on protection against dumped or subsidized imports from countries not members of the European Economic Community (ADP/1/Add.1/Suppl.5) and the Pakistani Ordinance No. III of 1983 (ADP/1/Add.24). In addition, the Committee started its examination of the laws and regulations listed in the preceding paragraph.

7. Some Parties drew the Committee's attention to certain provisions in the anti-dumping laws and/or regulations of some other Parties which they considered were inconsistent with the Agreement and urged those Parties to ensure the full conformity of their legislation with the Agreement. It was agreed that Parties to which comments concerning their legislation were

addressed would consider them. Some Parties reserved their right to revert to particular aspects of the national anti-dumping laws and/or regulations at a later stage or in the light of the application of such laws and/or regulations in particular cases. The Committee therefore agreed to maintain on its agenda the examination of national anti-dumping laws and/or regulations already submitted and those which will be submitted in the future.

III. Semi-annual reports on anti-dumping actions

8. Article 14:4 of the Agreement provides that the Parties shall submit, on a semi-annual basis, reports of any anti-dumping action taken within the preceding six months. During the period under review, the following reports have been submitted and circulated to the Committee:

- (a) reports for the period 1 July-31 December 1987 have been circulated in addenda to ADP/35. The following Parties notified the Committee that they had not taken any anti-dumping action during that period: Austria, Brazil, Czechoslovakia, Egypt, Finland, Hong Kong, Hungary, India, Japan, Korea, Norway, Pakistan, Poland, Romania, Singapore, Sweden, Switzerland and Yugoslavia (Add.1/Rev.1). Anti-dumping actions have been notified by Australia (Add.5), Canada (Add.3), the EEC (Add.2) and the United States (Add.4).
- (b) reports for the period 1 January-30 June 1988 have been circulated in addenda to ADP/37. The following Parties notified the Committee that they had not taken any anti-dumping actions during this period: Austria, Czechoslovakia, Egypt, Hong Kong, Hungary, Japan, Norway, Pakistan, Poland, Romania, Singapore, Sweden, Switzerland and Yugoslavia (Add.1/Rev.1). Anti-dumping actions taken during this period have been notified by Australia (ADP/37/Add.4), Brazil (Add.8), Canada (Add.6), the EEC (Add.9), Finland (Add.3), Korea (Add.10), Mexico (Add.7), New Zealand (Add.2) and the United States (Add.5). No report for this period has been received from India.

The Committee has examined these reports. A number of comments on particular cases were made and explanations given. [A table summarizing the cases where investigations have been opened and provisional or final actions taken during the period 1 July 1986-30 June 1988 is reproduced in the Annex.]

IV. Reports on all preliminary or final anti-dumping actions

9. Notifications under these procedures have been received from Australia, Canada, Finland and the United States (ADP/W/176, 179, 184, 185 and 186).

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

10. At its meetings in May and October 1988 the Ad-Hoc Group continued its discussion of the following issues: the use of price undertakings in anti-dumping proceedings involving imports from the developing countries,

revision of price undertakings, and termination of price undertakings. The Committee received a communication from Finland on language and translation problems in anti-dumping duty investigations and referred this matter to the Ad-Hoc Group.

VI. Dispute Settlement Proceedings

11. On 5 October 1988 the Committee held a special meeting for the purpose of conciliation under Article 15:3 of the Agreement and reviewed the facts of the matter referred to the Committee by Sweden concerning an anti-dumping duty imposed by the United States on imports of seamless stainless steel pipes and tubes from Sweden (ADP/38 and ADP/M/23). At the meeting of 24-25 October 1988 the representative of Sweden requested that the Committee establish a panel in this dispute.

12. At its meeting on 24-25 October 1988 the Committee considered a request by Japan for conciliation under Article 15:3 of the Agreement regarding Council Regulation (EEC) No. 1761/87 of 22 June 1987 (ADP/39).

VII. Other Activities of the Committee

13. On 6 May 1988 the Committee held a special meeting at the request of Japan to afford the Parties to the Agreement the opportunity of consulting under Article 14:1 on Council Regulation (EEC) No. 1761/87 of 22 June 1987 (ADP/36 and ADP/M/21).

14. The Committee discussed the following anti-dumping actions:

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| Australia | - | Anti-dumping duties on imports of power transformers from Finland. |
| Canada | - | Review of anti-dumping duties on imports of carbon and alloy steel plate from Czechoslovakia and Romania. |
| EEC | - | Anti-dumping duty investigations of imports of urea from various countries. |
| Finland | - | Anti-dumping duty investigations of imports of ski boots from Czechoslovakia. |
| Mexico | - | Initiation of anti-dumping duty investigation and imposition of provisional measures regarding imports of steel from EEC member States. |