

GENERAL AGREEMENT ON

RESTRICTED

TARIFFS AND TRADE

ADP/W/210

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Special Distribution

Committee on Anti-Dumping Practices

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REPLIED BY PAKISTAN TO QUESTIONS RAISED BY THE UNITED STATES¹ CONCERNING THE ANTI-DUMPING LEGISLATION OF PAKISTAN²

Question 1

Paragraph 2.7: Please explain how weighted averages would be established under this provision.

Answer

This is a matter of detail and will be taken care of in the rules to be framed under the legislation.

Question 2

Paragraph 2.10(1): Do the provisions of this paragraph apply only to non-market economy countries or do they apply also to a market economy with a government-owned or government-controlled sector?

Answer

The provision applies to all countries that are signatories to the Anti-Dumping Code.

Question 3

Paragraph 3(1): Please explain the meaning of "adversely affects local market conditions" in this context.

Answer

The meanings of terms will be explained in the rules to be framed under Section 11 of the legislation. It may be stated that the rules have not yet been framed and the legislation has not been used so far for levy of anti-dumping duties.

Question 4

Paragraph 3(1): How would this investigation be conducted if the country of export is not the country of origin of the product?

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¹See document ADP/W/11.7

²See document ADP/1/Add.24

Answer

The detailed provisions and procedures on the investigation will be provided in the rules to be framed under the legislation.

Question 5

Why does paragraph 2.10(i)(a) require use of the "higher" of the cost of production in the country of origin or export?

Answer

The definition of normal value in Section 2(10) is in accordance with the provisions of Article VI of the General Agreement and in accordance with the provisions of the Code. The concept of higher cost of production deals with the problem of fictitious or manipulated home consumption value.

Question 6

Why does paragraph 2.10(ii) require use of the "highest export price of the goods" for purposes of calculating normal value?

Answer

The provision is in accordance with Article VI:1(b)(i) of the General Agreement and Article 2.4 of the Anti-Dumping Code.

Question 7

What type of preliminary investigation is required before the imposition of provisional measures?

Answer

Here again the rules to be framed under the legislation will provide for detailed procedures for investigation.

Question 8

Why does the law refer to "injury" rather than "material injury" as required by Article 3, footnote 3, of the Code?

Answer

Pakistan legislation refers to 'injury'. The word injury has been used in the same sense as in the Code.