

# GENERAL AGREEMENT ON

## TARIFFS AND TRADE

RESTRICTED

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### REPORT (1992) OF THE COMMITTEE ON ANTI-DUMPING PRACTICES

#### 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 1992 the Parties to this Agreement were: Australia, Austria, Brazil, Canada, the Czech and Slovak Federal Republic, 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. The Parties to the Agreement are ipso facto members of the Committee on Anti-Dumping Practices established under Article 14 of the Agreement.

2. During the period under review (November 1991-October 1992) the Committee held four meetings. Regular meetings were held on 27 April and 26-27 and 30 October 1992 (ADP/M/37 and ADP/M/39, respectively). Special meetings took place on 17 February and 9 July 1992 (ADP/M/36 and ADP/M/38, respectively).

3. Twenty-four contracting parties and three non-contracting parties have observer status in the Committee. Representatives of the IMF and 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

4. As of 15 October 1992 twenty-two Parties to the Agreement have notified the Committee of their domestic anti-dumping legislation or made communications in this respect to the Committee. Three Parties have not, as yet, made notifications under Article 16:6 of the Agreement. One of those three Parties has informed the Committee that it is revising its anti-dumping legislation.

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

Australia: Customs Tariff (Anti-Dumping) Amendment Act 1992 and Customs Legislation (Tariff Concessions and Anti-Dumping) Amendment Act 1992 (ADP/1/Add.18/Rev.1/Suppl.6).

- Brazil: Ministerial order No. 444 of 17 October 1991 and Ministerial Order No. 132 of 18 February 1992 (ADP/1/Add.26/Suppl.3).
- Korea: Amendments to Article 10 of the Korean Customs Act and to Article 4 of the Presidential Decree implementing the anti-dumping duty provisions of the Customs Act (ADP/1/add.13/Rev.1/Suppl.2).

6. The Committee began its examination of the above-mentioned amendments to the Korean anti-dumping legislation and concluded its examination of the following laws and regulations:

- Australia: Trade Practices (Misuse of Trans-Tasman Market Power) Act 1990 (ADP/1/Add.18/Rev.1/Suppl.4 and Corr.1).
- Statutory Rules 1991 No. 139 amending the Customs Regulations and Customs Amendment Act (No. 82 of 1991) (ADP/1/Add.18/Rev.1/Suppl.5).
- Customs Legislation (Anti-Dumping) Amendments Act 1989 and the Customs Tariff (Anti-Dumping) Amendments Act 1989 (ADP/1/Add.18/Rev.1/Suppl.3).
- EEC: Council Regulation (EEC) No. 2423/88 (ADP/1/Add.1/Rev.1).
- Korea: Amendments to the Presidential Decree implementing the anti-dumping duty provisions of the Korean Customs Act (ADP/1/Add.13/Rev.1/Suppl.1).
- Poland: Articles 91-105 of the Customs Law of 29 December 1989 (ADP/1/Add.20/Rev.1/Suppl.1).
- United States: Anti-dumping duty provisions of the United States Omnibus Trade and Competitiveness Act of 1988 and of the United States-Canada Free Trade Agreement Implementation Act of 1988 (ADP/1/Add.3/Rev.4).

Revised regulations of the USITC (ADP/1/Add.3/Rev.4/Suppl.3)

7. Some Parties drew the attention of the Committee to certain provisions of the anti-dumping laws and/or regulations of other Parties which in their view were not consistent 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 these comments. Some Parties reserved their rights to revert to particular aspects of anti-dumping legislation of other Parties at a later stage, in the light of the application of that legislation in particular cases. The Committee therefore agreed to maintain on its agenda the item "examination of national anti-dumping laws and/or regulations of Parties to the Agreement".

III. Semi-annual reports on anti-dumping actions taken by Parties to the Agreement

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

- (a) reports for the period 1 July-31 December 1991 have been circulated in addenda to document ADP/70. The following Parties informed the Committee that during this period they had not taken any anti-dumping actions: Austria, the Czech and Slovak Federal Republic, Egypt, Finland, Hong Kong, Hungary, India, Norway, Pakistan, Poland, Romania, Singapore, Switzerland and Yugoslavia (Add.1). Anti-dumping actions taken during this period were notified by Australia (Add.11), Brazil (Add.5), Canada (Add.10), the EEC (Add.8), Japan (Add.3), Korea (Add.7), Mexico (Add.6), New Zealand (Add.2), Sweden (Add.4) and the United States (Add.9).
- (b) reports for the period 1 January-30 June 1992 have been circulated in addenda to document ADP/81. The following Parties informed the Committee that during this period they had not taken any anti-dumping actions: the Czech and Slovak Federal Republic, Egypt, Hong Kong, Hungary, Norway, Pakistan, Poland, Romania, Singapore, Sweden, Switzerland and Yugoslavia. Anti-dumping actions taken during this period were notified by Australia (Add.10), Austria (Add.11), Brazil (Add.8), Canada (Add.5), Colombia (Add.4) the EEC (Add.7), Finland (Add.6), Mexico (Add.2), New Zealand (Add.3) and the United States (Add.9). No reports for this period were received from India, Japan and Korea.<sup>1</sup>

A table summarizing anti-dumping actions taken by Parties to the Agreement during the period 1 July 1991-30 June 1992 is reproduced in the annex to this Report.

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

9. Copies of notices of preliminary or final determinations made in the course of anti-dumping investigations have been received from Australia, Canada, the EEC, New Zealand and the United States (ADP/W/305, 314, 320, 321, 322 and 324).

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

10. No meetings of the Ad-Hoc Group were held during the period under review.

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<sup>1</sup>These countries submitted their reports subsequently.

VI. Dispute Settlement Proceedings

11. During the period under review, the following developments took place in disputes referred to the Committee under the dispute settlement provisions of Article 15 of the Agreement.

(i) Korea - Anti-dumping duties on imports of polyacetal resins from the United States

The Committee established a panel under Article 15:5 in this dispute at its regular meeting held on 17 February 1992 (ADP/M/36). The Committee was informed of the composition and terms of reference of this Panel in a communication from the Chairman in document ADP/76, dated 29 April 1992.

(ii) United States - Anti-dumping duties on imports of stainless steel plate from Sweden

The Committee established a panel under Article 15:5 in this dispute at its regular meeting held on 27 April 1992 (ADP/M/37). The Committee was informed of the composition and terms of reference of this Panel in a communication from the Chairman in document ADP/84, dated 7 September 1992.

(iii) Canada - Imposition of anti-dumping duties on imports of beer from the United States

The Committee met for the purpose of conciliation under Article 15:3 in this dispute on 17 February 1992 (ADP/M/36). The Committee established a panel under Article 15:5 in this matter at its special meeting on 9 July 1992 (ADP/M/38). The Committee was informed of the composition and terms of reference of this Panel in a communication from the Chairman in document ADP/83, dated 17 September 1992.

(iv) EEC - Anti-dumping duties on imports of audio-tapes in cassettes from Japan

The Committee met for the purpose of conciliation under Article 15:3 of the Agreement in this dispute on 9 July 1992 (ADP/M/38). The Committee established a panel under Article 15:5 in this matter at its regular meeting held on 26-27 and 30 October 1992 (ADP/M/39).

(v) United States - Imposition of definitive anti-dumping duties on imports of seamless stainless steel hollow products from Sweden

The Committee continued its discussion of the Report of the Panel in this dispute (ADP/47, 20 August 1990), at its regular meetings held on 27 April and 26-27 and 30 October 1992. While a number of delegations reiterated their support for the adoption of this Report, the Committee remained unable to adopt this Report.

(vi) United States - Anti-dumping duties on grey portland cement and cement clinker from Mexico

The Report of the Panel established by the Committee in October 1991 (ADP/M/35) was circulated to the Committee on 7 September 1992 in document ADP/82. The Committee considered this Report at its regular meeting on 26-27 and 30 October 1992 at which the representative of Mexico requested that the Committee adopt this Report. The Committee decided to revert to this Report at a later stage.

(vii) Mexico - Anti-dumping duty investigation of imports of fabric of cotton and cotton blends with man-made fibres

The Committee was informed of a request by Brazil for bilateral consultations on this matter with Mexico under Article 15:2 of the Agreement (ADP/86).

(viii) EEC - Treatment of anti-dumping duties as a cost in refund proceedings

The Committee was informed of a request made by Japan for bilateral consultations with the EEC on this matter under Article 15:2 of the Agreement (ADP/78).

VII. Other matters discussed by the Committee

12. The Committee discussed the following specific anti-dumping actions taken by the Parties to the Agreement:

- Australia: Anti-dumping investigations of imports of high density polyethylene from Sweden and of imports of frozen pork from Canada;
- Canada: Anti-dumping investigation of imports of carbon steel pipes from Brazil;
- EEC: Anti-dumping investigation of imports of cotton yarn from Brazil and of imports of 3.5" magnetic discs from Hong Kong and Japan;
- Mexico: Anti-dumping investigations of imports of electric power transformers from Brazil, regenerated cellulose casing from Spain, and fabric of cotton and cotton blends with man-made fibres and the like from Brazil, Pakistan and Hong Kong;
- United States: Anti-dumping investigations of imports of certain circular welded steel pipes and tubes from Mexico and Brazil, imports of steel wire rope from Mexico, imports of certain steel products from the EEC, Austria, Finland, Japan, Korea, Mexico and Sweden and imports of magnesium, brass sheet and

strip, and nepheline syenite from Canada. Definitive anti-dumping duties on imports of flat panel displays from Japan, anti-dumping proceedings on imports of portable electric typewriters from Japan.

13. The Committee was informed of anti-dumping legislation recently introduced by Romania and of a revision currently underway of the anti-dumping legislation of Hungary.

14. The Committee discussed the question of delays in the completion of administrative reviews of outstanding anti-dumping duty actions in the United States.

ANNEX

Summary of Anti-Dumping Actions - 1 July 1991-30 June 1992

Initiation		Provisional measures		Definitive duties		Price undertakings		Measures in force on	
No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved
30 June 1992 (definitive duties and price undertakings)									
<u>AUSTRALIA</u>									
76	AR AT BE(2) BR CN(5) DE(2) DK ES FR(5) GB(3) HK IL IN(2) IT(4) JP(4) KR(5) MY(2) NL(3) NO PH RO SA(3) SE(3) SG(2) SU TH(5) TW(5) US(5)	71	AR(2) BE CN(6) DE(2) DK FR(5) GB(3) GR ID(2) IE IL(2) IN IT(4) JP(3) KR(4) MX NL(2) NO PH RO SA(3) SE(2) SG(3) TH(4) TW(3) US(3)	34	CA ES(3) HU ID KR(2) PH	BE DK IE MX TW	BR(2) FR(2) IT(4) MY US(2)	CN(3) GB(3) JP(2) NL VE	1 CN 44
4	CS(4)	-	-	-	-	-	-	-	n.a.
<u>AUSTRIA</u>									
<u>BRAZIL</u>									
9	BD(2) CA IN(2) MX SU US(2)	8	BD(2) CA IN(2) MX US(2)	2	CA	US	-	-	n.a.

[illegible]



Initiation		Provisional measures		Definitive duties		Price undertakings		Measures in force on 30 June 1992 (definitive duties and price under-takings)	
No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved		
<u>KOREA</u>									
-	-	-	-	2	JP US	-	-	-	n.a.
<u>MEXICO</u> <sup>4</sup>									
25	AR BR(3) CN(4) CO(2) CN(4) CN(4) CO(2) 29 AR ES BR(4) CN(4) CN(2) 14 BR(3) CN ES HK - - 24 ES HK KR(3) NL ES HK(2) KR(3) NL IN NL US(5) VE PK TW US(6) VE PK TW US(8) VE								
<u>NEW ZEALAND</u>									
13	CN(2) HK ID JP 13 CN(2) ID(2) KR(3) MY 6 ID KR KR PH 1 KR 14 KR(4) TH TW(3) SG TH TW(3) SG TH								
<u>SWEDEN</u>									
1	JP	-	-	-	-	-	-	-	n.a.

Initiation		Provisional measures		Definitive duties		Price undertakings		Measures in force on 30 June 1992 (definitive duties and price under-takings)	
No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved		
<u>UNITED STATES</u>									
62	AM AR AZ BR(2) 37	AM BR BD CN(4) DE	AR BR 15	BD CA CN(4) 1	CA JP(4) NZ	VE			236
	BY CA(5) CN(3) DE(2)	BY CA(2) CN(4) DE	DE DE TW						
	FR GB(4) GE HU	ES GE IN JP(2)							
	IN(3) IT(2) JP(4) KG	KG KR(2) KZ MD							
	KR(5) KZ(2) LU ND	MX NL NO NZ							
	MX(3) MY NL NO	RU TH TJ							
	RO RU(2) SG TM	TH TW(2) UA UZ							
	TJ TW(3) UA(2) UZ	VE(2)							

<sup>1</sup> Countries or customs territories. The abbreviations used are those adopted by the ISO. AM-Armenia, AR-Argentina, AT-Austria, AZ-Azerbaijan, BD-Bangladesh, BE-Belgium, BR-Brazil, BY-Belarus, CA-Canada, CN-China, CO-Colombia, CS-Czechoslovakia, DE-Germany, DK-Denmark, EG-Egypt, ES-Spain, FR-France, GB-United Kingdom, GE-Georgia, GR-Greece, HK-Hong Kong, HU-Hungary, ID-Indonesia, IE-Ireland, IL-Israel, IN-India, IT-Italy, JP-Japan, KG-Kyrgyzstan, KR-Korea, KZ-Kazakhstan, LU-Luxembourg, MX-Mexico, MY-Malaysia, NL-Netherlands, NO-Norway, NZ-New Zealand, PH-Philippines, PK-Pakistan, PL-Poland, RO-Romania, RU-Russia, SA-Saudi Arabia, SE-Sweden, SG-Singapore, SU-USSR, TH-Thailand, TJ-Tajikistan, TN-Turkmenistan, TR-Turkey, TW-Taiwan, US-United States, UY-Uruguay, UZ-Uzbekistan, VE-Venezuela, YU-Yugoslavia, ZA-South Africa.

<sup>2</sup> See Footnote 6 of ADP/70/Add.10 for details on Canadian actions against Brazil, Luxembourg, Poland, Turkey and Yugoslavia.

<sup>3</sup> Unlike previous years, this data includes measures applicable to imports from countries not Parties to the Agreement.

<sup>4</sup> The definitive duty on China was imposed for trans-shipments through Hong Kong, the United States and other countries. See ADP/81/Add.2.

n.a. = not available

Note: Numbers in brackets indicate the number of products subject to anti-dumping actions.