

**GENERAL AGREEMENT  
ON TARIFFS AND TRADE**

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REPORT (1994) 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 of Tariffs and Trade (hereinafter "the Agreement") entered into force on 1 January 1980. On 28 October 1994, the Parties to this Agreement were: Argentina, Australia, Austria, Brazil, Canada, Czech Republic, Egypt, the European Community, Finland, Hong Kong, Hungary, India, Japan, Korea, Mexico, New Zealand, Norway, Pakistan, Poland, Romania, Singapore, Slovak Republic, Sweden, Switzerland and the United States. For Argentina, the Agreement entered into force on 13 April 1994. The Parties to the Agreement are *ipso facto* members of the Committee on Anti-Dumping Practices established under the Agreement.

2. During the period under review (November 1993-October 1994) the Committee held five meetings. Regular meetings of the Committee were held on 26-27 April 1994 and 24 and 28 October 1994 (ADP/M/44 and 46 respectively). Special meetings of the Committee were held on 10 November 1993, 20 December 1993 and 28 July 1994 (ADP/M/42, 43 and 45 respectively).

3. Twenty-three contracting parties and five 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 28 October 1994, twenty Parties to the Agreement have notified the Committee of their domestic anti-dumping legislation or made communications in this respect to the Committee. Five Parties have not, as yet, made notifications under Article 16:6 of the Agreement.

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.

Hungary: Decree No. 69/1994 (V.4) of the Government on the rules relating to anti-dumping and countervailing duties (ADP/1/Add.14/Rev.1)

Mexico: Regulations Implementing the Foreign Trade Act (ADP/1/ADD.27/Rev.1/Suppl.1)

6. During the period under review the Committee received the following notifications of (amendments to) anti-dumping laws and/or regulations of Observers to the Committee.

Colombia: Decree Number 150 establishing provisions governing anti-dumping and countervailing duties (ADP/1/Add.29/Rev.2)

7. The Committee examined the abovementioned legislations/regulations of Hungary, Mexico and Colombia and continued its discussion of the following notifications of (amendments to) anti-dumping legislation of Parties to the Agreement:

Australia: Customs Legislation (Tariff Concessions and Anti-Dumping) Amendment Act 1992 (No. 89 of 1992) and the Customs Tariff (Anti-Dumping) Amendment Act 1992 (No. 90 of 1992) (ADP/1/Add.18/Rev.1/Suppl.6)

Mexico: Foreign Trade Act, July 1993 (ADP/1/Add.27/Rev.1)

Romania: Government Decision No. 228 of 7 May 1992, Order No. 127 of 20 August of the Minister of Trade and Tourism, and Joint Order No. 128 of 24 August 1992 of the Minister of Trade and Tourism and the Minister of Economy and Finance (ADP/1/Add.9/Rev.1)

8. The Committee also discussed certain recent changes in EC's legislation (Council Regulation No. 521/94 and 522/94) which were published in the EC's Official Journal. Brazil informed the Committee on 24 October 1994 about certain changes in its anti-dumping regulations, which are to be notified soon to the Committee.

9. 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 full conformity of their legislation with the Agreement. It was agreed that the Parties to which comments concerning their legislation were addressed would consider these comments.

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

10. 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. Some Observers to the Committee also submitted their semi-annual reports for this period. During the period under review, the following reports have been submitted to the Committee:

(a) reports for the period 1 July-31 December 1993 have been circulated in addenda to document ADP/114. The following Parties informed the Committee that during this period they had not taken any anti-dumping actions: Austria, Czech Republic, Egypt, Finland, Hong Kong, Hungary, India, Norway, Pakistan, Poland, Romania, Singapore, Slovak Republic, Sweden and Switzerland (Add.1 and ADP/M/44). Anti-dumping actions taken during this period were notified by Australia (Add.6), Brazil (Add.5), Canada (Add.9), European Community (Add.4), Japan (Add.7), Korea (Add.2), Mexico (Add.11), New Zealand (Add.3), and the United States (Add.8). Colombia (an Observer to the Committee) also provided a semi-annual report for this period (Add.10).

(b) reports for the period 1 January-30 June 1994 have been circulated in addenda to document ADP/127. The following Parties informed the Committee that during this period that they had not taken any anti-dumping actions: Czech Republic, Egypt, Finland, Hong Kong, Hungary, Norway, Pakistan, Poland, Romania, Singapore, Slovak Republic, Sweden and Switzerland (Add.1 and ADP/M/44). Anti-dumping actions taken during this period were notified by Austria (Add.2/Rev.1), Australia (Add.9/Rev.1), Brazil (Add.5), Canada (Add.6), European Community (Add.3), India (Add.11), Japan (Add.8), Korea (Add.14), Mexico (Add.13), New Zealand (Add.7),

and the United States (Add.12). Colombia and Turkey (Observers to the Committee) also provided their semi-annual reports for this period (Add.10 and Add.4, respectively). Argentina did not provide a semi-annual report for this period because the Agreement entered into force for it only on 13 April 1994.

11. A Table summarising anti-dumping actions taken by the Parties to the Agreement during the period 1 July 1993-30 June 1994 is reproduced in the annex to this report.

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

12. Copies of preliminary or final determinations made in the course of anti-dumping investigations have been received from Australia, Brazil, Canada, the European Community, Guatemala (Observer), Korea, Mexico, New Zealand, and the United States (ADP/W/350, 351, 353, 355, 360, 364, 367, 369, 370, 371 and Corr.2, and 373).

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

13. No meeting of the Ad-Hoc Group was held during the period under review.

VI. Dispute Settlement Proceedings

14. 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) United States - Anti-dumping duties on imports of stainless steel plate from Sweden

15. The Report of the Panel (ADP/117 and Corr.1) was circulated to the Committee in February 1994. The Committee discussed this Report at its regular meetings held on 26-27 April 1994 and 24-28 October 1994. The Report has not yet been adopted.

(ii) United States - Imposition of anti-dumping duties on imports of fresh and chilled Atlantic Salmon from Norway

16. The Report of this Panel (ADP/87) was circulated to the Committee in November 1992. The Committee adopted this Report at its regular meeting of 26-27 April 1994.

(iii) United States - Anti-dumping duties on imports of gray portland cement and cement clinker from Mexico

17. The Report of the Panel (ADP/82) was circulated to the Committee in September 1992. It has been discussed at every regular meeting of the Committee since October 1992 and at a special meeting of the Committee on 28 July 1994. At each of these meetings, the representative of Mexico has asked for the adoption of this Report. In the regular meetings of the Committee, the representative of the United States had mentioned that bilateral efforts to reach a mutually satisfactory solution were under way, and the representative of Mexico had agreed to postpone the consideration of the adoption of this Report. At the special meeting on 28 July 1994, Mexico had informed the Committee about the present situation facing the Mexican exporters and had again asked for the adoption of this Report. The United States was not in a position to adopt the Report at that meeting. The representative of the United States had also mentioned that bilateral efforts to reach a mutually satisfactory solution were still being made (ADP/M/45). The Report has not yet been adopted.

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

18. This Report of the Panel (ADP/47) was circulated to the Committee in August 1990, and was first discussed in a special meeting of the Committee held on 25 September 1990 (ADP/M/29). Since then, this Report has been discussed at one special meeting of the Committee (held on 19 November 1990), and at every regular meeting of the Committee. At the regular meetings of the Committee in 1994, while a number of delegations reiterated their support for the adoption of this Report, the Committee remained unable to adopt this Report.

(v) EC - Imposition of anti-dumping duties on cotton yarn from Brazil

19. The Committee considered Brazil's request for conciliation on this matter at its special meeting of 20 December 1993 (ADP/113 and ADP/M/43). At its regular meeting in April 1994, the Committee established a Panel on this matter under Article 15:5 (ADP/121 and ADP/M/44). The Committee was informed of the composition of this Panel in a communication from the Chairman in document ADP/125, dated 17 June 1994.

(vi) United States - Dumping/Injury determinations against certain steel plate and flat products from various member States of the European Communities

20. The Committee considered the European Community's request for conciliation under Article 15:3 on this matter at its special meeting on 10 November 1993 (ADP/111 and Corr.1, and ADP/M/42). This meeting supplemented the conciliation meeting held earlier with regard to this case at the regular meeting of the Committee on 25-26 October 1993 (ADP/107 and ADP/M/41).

(vii) Other cases

21. At its regular meeting in April 1993, the Committee had considered Brazil's request for conciliation under Article 15:3 in the matter of Mexico's anti-dumping duties on electric power transformers from Brazil. Further information on this matter was provided to the Committee by Brazil at the regular meeting of the Committee in April 1994 (ADP/M/44).

22. The Committee was informed by a number of Parties about their requests for consultations under Article 15:2 of the Agreement. These were: European Community's request for consultations with Canada regarding Canada's anti-dumping investigation of imports of certain hot-rolled carbon steel plate and high strength low alloy plate, heat treated or not, originating in or exported from, *inter alia*, Italy and Spain (ADP/112); Singapore's request for consultations with the European Community regarding the European Community's refund of anti-dumping duties (ADP/115); the European Community's request for consultations with Brazil regarding Brazil's imposition of provisional anti-dumping duties on imports of certain peaches originating in Greece (ADP/118); Hong Kong's request for consultations with the United States regarding the United States' anti-dumping measure on man-made fibre sweaters originating in Hong Kong (ADP/119); the European Community's request for consultations with the United States regarding the United States' imposition of provisional anti-dumping duties on photographic paper from the Netherlands (ADP/129)

VII. Other matters discussed by the Committee

23. On 27 April 1994, the Committee decided regarding participation of Observers in the work of the Committee that Observer Governments should provide the Committee with information they consider relevant to matters within the purview of the Agreement, including texts of their laws and regulations regarding anti-dumping measures (ADP/128 and ADP/M/44)

24. The Committee adopted "Guidelines for Information Provided in the Semi-Annual Reports" (ADP/122 and ADP/M/44) and "Minimum Information to be Provided Under Article 14:4 of the Agreement in the Reports on all Preliminary or Final Anti-Dumping Actions" (ADP/124 and ADP/M/44).

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

Brazil: Anti-dumping investigation of vinyl acetate from Mexico

EC: Anti-dumping investigation of imports of 3.5 inch magnetic disks from Hong Kong

Mexico: Anti-dumping actions against certain products exported from Hong Kong

United States: Anti-dumping investigations of imports of certain circular welded steel pipes and tubes from Mexico and Brazil,

26. The Committee discussed the implementation of the Report of the panel on "United States - imposition of anti-dumping duties on imports of fresh and chilled Atlantic salmon from Norway", delay in administrative reviews by the United States, delay in anti-dumping investigations by the European Community, training workshops on anti-dumping run by the GATT Rules Division for developing countries and former state trading economies, outstanding dispute cases subsequent to the entry into force of the WTO, and status of Uruguay Round draft implementing legislation.

**ANNEX**

**Summary of Anti-Dumping Actions  
(1 July 1993-30 June 1994)**

Initiation		Provisional Measures		Definitive Duties		Price Undertakings		Measures in force on 30 June 1994 (definitive duties and price undertakings)
No.	Countries' involved	No.	Countries' involved	No.	Countries' involved	No.	Countries' involved	
45	AT (1)	22	AT(1)	15	BR(1)	5	FI(1)	85
	BR(1)		BE(1)		CN(1)		ID(2)	
	CN(2)		BR(1)		FI(1)		TH(1)	
	DE(1)		CN(1)		GB(1)			
	ES(1)		FR(1)		MY(1)			
	FR(1)		GB(1)		TW(1)			
	HK(2)		ID(1)		ZA(2)			
	ID(1)		IN(1)					
	JP(2)		KR(1)					
	IL(1)		US(2)					
0	KR(5)	0	TW(2)	0		0		0
	MY(2)		US(2)					
	NL(1)		VE(1)					
	TR(2)							
	SG(5)		ZA(2)					
0	TW(5)	0		0		0		0
	US(2)							
0	VE(1)	0		0		0		0
	ZA(4)							
AUSTRIA		0		0		0		0

Initiation		Provisional Measures		Definitive Duties		Price Undertakings		Measures in force on 30 June 1994 (definitive duties and price undertakings)
No.	Countries' involved	No.	Countries' involved	No.	Countries' involved	No.	Countries' involved	
30	BRAZIL		16	CL(1) FR(1) GR(1) ID(1) KR(2) KZ(1) LK(1) MY(1) PH(1) RU(1) UA(1) US(4)	3	KZ(1) RU(1) UA(1)	0	18
	BY(1) CI(2) CN(2)							
	CY(1) FI(1) GE(1)							
	GR(1) ID(2) IN(1)							
	KR(2) LK(2) MX(1)							
	MY(3) PH(2) PK(1)							
	RU(1) UA(1) US(4)							
	UZ(1)							
22	CANADA		20	AU(1) BR(1) CZ(1) DE(1) ES(2) FR(1) GB(1) HU(1) IN(1) IT(1) JP(1) KR(2) NZ(1) SE(1) UA(1) US(3)	15	CZ(1) DE(1) FR(1) ES(1) GB(1) HU(1) IT(2) KR(1) TW(1) UA(1) US(4)	1	83
	AU(1) BR(1) CZ(1)							
	DE(1) ES(2) FR(1)							
	GB(1) HU(1) IR(1)							
	IT(1) JP(1) KR(2)							
	NZ(1) PL(1) PT(1)							
	SE(1) UA(1) US(3)							

Initiation		Provisional Measures		Definitive Duties		Price Undertakings		Measures in force on 30 June 1994 (definitive duties and price undertakings)
No.	Countries' involved	No.	Countries' involved	No.	Countries' involved	No.	Countries' involved	
4	COLOMBIA (Observer) DE(1) GB(1) US(2)	3	BE(1) US(2)	2	BE(1) US(1)	0		3
47	EC BR(1) CN(7) CZ(2) HR(1) ID(3) IN(3) KR(1) KZ(1) LT(1) MY(3) PK(3) PL(1) RU(4) SK(2) TH(6) TR(3) TW(1) UA(2) US(1) ZA(1)	21	BG(1) BR(1) CN(4) HK(1) JP(1) KR(2) MY(1) PL(2) RU(3) TH(1) TW(1) UA(1) US(1) ZA(1)	18	CN(6) JP(2) KR(2) KZ(1) RU(2) SG(1) TW(1) UA(1) US(1) ZA(1)	1	CN(1)	157



Initiation			Provisional Measures			Definitive Duties			Price Undertakings		Measures in force on 30 June 1994 (definitive duties and price undertakings)
No.	Countries' involved		No.	Countries' involved		No.	Countries' involved		No.	Countries' involved	
1	CN(1)	INDIA	1	JP(1)		5	BR(1) JP(1) KR(1)		0		5
1	PK(1)	JAPAN	0			0	MX(1) US(1)		0		2
4	JP(1) RU(1) TW(1) US(1)	KOREA	4	JP(1) RU(1) US(1)	TW(1)	3	CN(1) JP(1)		1	CN(1)	4
23	BR(1) BY(1) CL(1) CN(5) EE(1) LT(1) RU(1) UA(1)	MEXICO'	51	BR(6) CE(1) CO(1) KR(4) RU(1) US(7) ZA(1)	CA(4) CN(11) EE(1) NL(1) UA(1) VE(3)	5	CN(3) KR(1) US(1)		0		27

Initiation		Provisional Measures		Definitive Duties		Price Undertakings		Measures in force on 30 June 1993 (definitive duties and price undertakings)
No.	Countries' involved	No.	Countries' involved	No.	Countries' involved	No.	Countries' involved	
	<b>NEW ZEALAND</b>							
2	CN(1) HK(1)	0		0		0		23
	<b>TURKEY** (Observer)</b>							
21	BY(1) CN(3) DE(1) FR(1) ID(2) (IN1) KR(1) MD(1) PK(1) PL(1) RO(1) RU(5) UA(2)	0		2	BY(1) RU(1)	0		27
	<b>UNITED STATES</b>							
47	BE(1) BR(2) CN(12) CO(1) DE(1) EC(1) ES(1) FR(2) GB(1) IN(2) IL(1) IT(2) JP(2) KR(2) MY(1) NL(2) RU(2) TH(4) TW(1) UA(2) VE(3) ZA(1)	32	BE(1) BR(4) CA(1) CN(8) FR(2) IN(2) IT(1) JP(4) KR(1) NL(2) TH(1) TW(2) UA(1) VE(2)	41	AU(1) BE(1) CN(5) CA(3) ES(1) FI(1) GB(1) IN(2) IT(1) JP(4) KR(2) MX(1) NL(2) PL(1) SE(1) SG(2) TW(1) UA(1)	0		306

<sup>1</sup>Countries or customs territories. The abbreviations used are those adopted by the ISO. AM = Armenia, AR = Argentina, AT = Austria, AU = Australia, AZ = Azerbaijan, BD = Bangladesh, BE = Belgium, BG = Bulgaria, BR = Brazil, BY = Belarus, CA = Canada, CE = European Community, CI = Côte d'Ivoire, CL = Chile, CN = China, CO = Colombia, CS = Czech and Slovak Federal Republic, CY = Cyprus, CZ = Czech Republic, DE = Germany, DK = Denmark, EC = Ecuador, EE = Estonia, EG = Egypt, ES = Spain, FI = Finland, FR = France, GB = United Kingdom, GE = Georgia, GR = Greece, HK = Hong Kong, HR = Croatia, HU = Hungary, ID = Indonesia, IE = Ireland, IL = Israel, IN = India, IT = Italy, JP = Japan, KG = Kyrgyzstan, KR = Korea, KZ = Kazakhstan, LK = Sri Lanka, LT = Lithuania, LU = Luxembourg, MD = Moldova, MX = Mexico, MY = Malaysia, NL = Netherlands, NO = Norway, NZ = New Zealand, PH = Philippines, PK = Pakistan, PL = Poland, PT = Portugal, RO = Romania, RU = Russia, SA = Saudi Arabia, SE = Sweden, SG = Singapore, SK = Slovak Republic, SU = USSR, TH = Thailand, TJ = Tajikistan, TM = Turkmenistan, TN = Tunisia, TR = Turkey, TT = Trinidad and Tobago, TW = Chinese Taipei, UA = Ukraine, US = United States, UY = Uruguay, UZ = Uzbekistan, VE = Venezuela, YU = Yugoslavia, ZA = South Africa.

<sup>2</sup>The Australian authorities made a negative preliminary finding for certain cases which are not included in the Table. These were AT(1), CN(1), DE(1), FR(1), GB(1), IL(1), IT(2), JP(1), KR(3), MY(2), NL(2), SG(2), TR(1), TW(3), US(1) AND ZA(1).

<sup>3</sup>In some cases, the data relates to cases where investigation was opened to without imposition of quota. These were: BR(5), CA(4), ES(1), NL(1), KR(3), US(1), VE(3) and ZA(1).

<sup>4</sup>Based only on the report for the period January to June 1994.

n.a. Not available

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