

GENERAL AGREEMENT ON TARIFFS AND TRADE

TN.64/NTB/W/5
23 February 1966

Special Distribution

Sub-Committee on Non-Tariff Barriers
Group on Anti-Dumping Policies

Original: English

ANTI-DUMPING CHECK LIST

The secretariat has drawn up the attached draft check list of items which have been the subject of some exchange of views in the Group's meetings in October 1965 and January 1966. The purpose of submitting such a list for consideration at this time is to contribute to the future work of the Committee by helping to clarify the issues and to determine more precisely where differences of opinion exist. It is hoped that the discussion stimulated by consideration of a list such as this would lead to a degree of consensus on principles and procedures as would facilitate the drafting of an international anti-dumping code.

If the members of the Group agree on the usefulness of this approach, the first order of business for the meeting scheduled for 3-4 March will be to agree on a check list and to discuss the methods and a time-table for obtaining the views of governments. It is assumed that there will also be time for a discussion of some of the items.

I. Definition of dumping

A. Limitations to price discrimination criterion

1. Percentage limit
2. Alignment of export prices

B. Price comparison

1. With average prices (home market and export)
2. With individual prices (home market and export)

II. Definition of material injury

A. Positive definition (common or national)

1. Profit criterion
2. Sales criterion
3. Market share criterion
4. Other criteria (e.g. employment)
5. Exceptions

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- B. Definition of "threat" of injury
- C. Definition of retardation of establishment
- D. Sporadic disposal of surplus goods

III. Definition of industry

- A. Geographic coverage
- B. Product coverage

IV. Third country dumping

V. Countervailing duties

VI. Fixing of anti-dumping duties

- A. Applicability
- B. Amount of duty
- C. Timing
- D. Duration

VII. National investigation procedure

- A. Initiation of investigations
- B. Determination of dumping
- C. Determination of injury
- D. Investigation of dumping and injury

VIII. International investigation procedure

- A. Examination by GATT or other body of anti-dumping cases
- B. Right of appeal to GATT or other body

IX. Form of an international agreement