

GENERAL AGREEMENT ON TARIFFS AND TRADE

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ANTI-DUMPING CHECKLIST

Addendum

Comments by Finland

Article VI of the GATT governing anti-dumping and countervailing duties is subject to varying interpretations among the member countries. In these circumstances, the adoption of an international code on anti-dumping procedure and practice would be of great importance. A uniform procedure and practice would conform to the main objectives of the GATT, which are liberalization and development of international trade.

Anti-dumping powers should never be used as a means of protection. They should be limited to such exceptional situations where they are absolutely necessary to prevent injurious dumping. Experience shows that even a threat of investigation in respect of suspected dumping may have an injurious effect on international trade.

The Finnish delegation wishes to make the following comments on the anti-dumping checklist prepared by the secretariat. They are given without prejudice to the final position to be taken by the Finnish Government.

VI. Anti-dumping duties

A. Imposition

1. Obligatory

2. Permissive

The application of anti-dumping measures should depend on the judgment of the importing country concerned. On the other hand, initiation of investigations should not be made obligatory nor should the imposition of anti-dumping duties be compulsory, even if the criteria for this are at hand.

B. Applicability

1. All imports from all sources
2. Imports from country of origin of dumped goods
3. Individual exporter only

Anti-dumping duties should be applied on a non-discriminatory basis to dumped imports from all sources and may subsequently be imposed on imports of the goods in question supplied at dumped prices by the countries of origin.

C. Amount of duty

The amount of anti-dumping duties should correspond to the established injury. They need not be equal to the margin of dumping but should never exceed it.

D. Retroactive application of duties

Anti-dumping duties should not be retroactive except in cases where provisional measures have been applied. In such cases the final duties may be collected on the imports covered by the provisional measures up to the amount provided for by these measures.

E. Duration

There is hardly any reason to limit the duration of anti-dumping duties in the international code. They should remain in force only as long as they are necessary in order to prevent dumping.

The parties concerned should have the right to request at any time a review of the situation.

VII. Provisional duties

The purpose of provisional duties should be to cope with emergency cases and they should be used sparingly.

The duration of provisional duties should not be expressed in specific calendar units, unless there is a possibility to renew the time-limit.

VIII. Investigation procedures and procedural fairness

- A. Initiation of investigations and consequences thereof
 - 1. Publicity of investigation
 - 2. Confidential treatment of information

The primary rule concerning the initiation of an anti-dumping investigation should be initiation by the domestic producers concerned. There may, however, be cases where the initiation of an investigation procedure by government authorities should be maintained.

The authorities should respect the requests of the parties concerning the confidential nature of the material submitted to the authorities. During the investigation all information should be made available, within these limits, to the parties concerned. Decisions on anti-dumping cases should always be made public.

In order to prevent, as far as possible, harmful effects on trade, unnecessary publicity regarding the cases should, however, be avoided.

- B. Finding of dumping and material injury

Opportunities given exporters; public hearings

It is natural that the parties concerned should be allowed to express their views on the anti-dumping case at any stage of the investigation.

- C. Information gathering in country of export

In gathering information from the exporting country the authorities of the importing country should get in touch with the authorities of the exporting country.