

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

COM.AD/1

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COMMITTEE ON ANTI-DUMPING PRACTICES

Note on the Meeting of the Committee on 15 November 1968

1. The Committee elected as its Chairman Mr. A. Langeland (Norway).

Work programme

2. The Chairman pointed out that it was stipulated in Article 17 of the Agreement on the Implementation of Article VI of GATT that the Committee should normally meet once each year for the purpose of affording parties to the Agreement the opportunity of consulting on matters relating to the administration of anti-dumping systems in the participating countries as it might affect the operation of the Anti-Dumping Code or the furtherance of its objectives. He proposed that the annual meeting of the Committee should normally be held in the later part of September. The Committee agreed that its annual meeting should be held in September.
3. Some members suggested that it would be useful to hold an additional meeting in February 1969 in order to review action taken by the parties to the Agreement to ensure the conformity of their laws, regulations and administrative procedures with the provisions of the Anti-Dumping Code as foreseen in Article 14 of the Agreement. It was proposed that all new legal texts resulting from the adoption of the Anti-Dumping Code, to the extent that they had not already been notified, should be submitted to the secretariat in time for circulation not later than 1 February 1969. This was agreed and the Committee decided to hold a meeting beginning on or around 25 February 1969.
4. It was stressed by members of the Committee that the fact that the main aim of the February meeting would be to examine the implementation of new legal provisions should not exclude that other questions could also be taken up at that meeting. Reference was particularly made to the possibility of discussing the ways in which the participating governments dealt with anti-dumping cases, the investigation of which had begun but had not been terminated at the entry into force of the Anti-Dumping Code.
5. The Committee agreed that the Chairman could convene a meeting of the Committee at any time when an urgent matter came up the discussion of which could not be put off until a regular meeting.

Attendance of observers

6. The Chairman recalled that the representative of India had, at the meeting of the CONTRACTING PARTIES on 14 November, said that it would be useful if the Committee on Anti-Dumping Practices could find a solution that would enable governments which had not signed the Agreement to participate in its work (SR.25/3, page 28). The Chairman asked whether it was the opinion of the Committee that its meeting should be open for observers.

7. The Committee agreed that it would be undesirable to have observers - other than governments having signed but not ratified the Agreement - attending the meetings of the Committee in the early stages of its work. The Committee would revert to the question at a later occasion and review the decision in the light of the experiences of the first period. Any conclusions reached by the Committee which would be of interest to non-participating governments would be brought to the attention of such governments in an appropriate way.

8. It was pointed out that it was essential, in view of the confidential nature of some of the subjects to be dealt with, that the discussions in the Committee were kept confidential. The documents relating to the activities of the Committee should normally only be distributed to the members of the Committee.

Other business

9. Members of the Committee said that the Committee should be functioning as a governing body directing the implementation of the Anti-Dumping Code. They stressed the importance of examining in the Committee rather than bilaterally any questions that might arise concerning the failure by any party to implement fully the Code. The Committee agreed that the proper forum for such discussions would be the Committee itself.

10. The representative of the United States said, in reply to questions, that his Government believed that there was nothing in the Renegotiation Amendments Act of 1968, signed by the President, which impaired its ability to continue to adhere to the Anti-Dumping Code. In administering the United States Anti-Dumping Act, the two domestic agencies concerned - the Department of the Treasury and the Tariff Commission - were required by that legislation to take the Anti-Dumping Code into account, although the amendment also made clear that the law should take precedence if it were in conflict with the Anti-Dumping Code. The Executive Branch continued to hold the view that the Anti-Dumping Code was consistent with the present United States law. Determination by the Treasury Department and the Tariff Commission would be made on the basis of the facts and circumstances of concrete cases. When the Committee on Anti-Dumping Practices met to review the operation of the Anti-Dumping Code, it would be in a position to review actions taken by the United States as well as other countries in anti-dumping cases.

11. The representative of the European Communities referred to the request made by the representative of India (SR.25/3, page 28) for the Director-General's opinion on the legal position with regard to the application of the provisions of the Anti-Dumping Code to countries which had not subscribed to it. He wished to make it clear that the Communities maintained the position they had taken at the discussion of the same question in April 1967, i.e. that the parties were under no obligation to apply the provisions of the Code to non-signatories; it was his understanding that this view had been shared by the then Director-General.¹

¹Note by secretariat: Subsequently, on 29 November, the Director-General issued his reply to the question raised by the representative of India (see L/3149).