

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/552

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Limited Distribution

ANTI-DUMPING AND COUNTERVAILING DUTIES

Note by the Executive Secretary

In accordance with the decision of the CONTRACTING PARTIES at their Tenth Session, governments were asked to submit extracts from their national customs legislation and administrative regulations which provide for the levy of anti-dumping and countervailing duties and other supplementary duties and charges intended to protect domestic production against the competition of low-priced imports. The extracts submitted to the secretariat have been distributed in the addenda to L/479.

With a view to facilitating the discussion of this question at the Eleventh Session the following brief summary of the laws and regulations has been prepared.

AUSTRALIA - Add.4

The Customs Tariff (Industries Preservation) Act provides for the levy of four types of anti-dumping duties: "dumping", "dumping below cost", "dumping consignment" and "dumping freight" duties. There is no specific legislative provision for the levy of countervailing duties.

AUSTRIA - Add.3/Corr.1

Under the Second Amendment to the Tariff Act, 1954, the Government is empowered to impose anti-dumping and countervailing duties and also an increase of one-third of the customs tariff on manufactured items "imported from countries which have not ratified the 1919 Washington Convention on Working Hours and whose laws on working hours remain substantially behind the provisions of that Convention". These provisions have never been applied.

BELGIUM/LUXEMBURG - Add.11

An Act of 1934 provides for the licensing of imports and for the levy of "special duties" in "abnormal circumstances". Add.11 contains the texts of several decrees issued under this authority.

CANADA - Add.12

The Customs Tariff Act provides for the levy of anti-dumping and countervailing duties.

FINLAND - Add.4

There is no anti-dumping law nor any regulations explicitly providing for the levy of anti-dumping or countervailing duties. However, under the Customs Law of 1939 importation may be made subject to special provisions or be prohibited by decree whenever this is found necessary for various reasons including "countervailing manifest dumping".

FRANCE - Add.10

The Customs Law provides for the levy of countervailing duties on subsidized goods and on goods imported at prices "at least 20 per cent lower than the import prices which served as a basis for the establishment of the minimum rates of duty applicable". These provisions have not been applied since the Second World War.

GERMANY - Add.8

The Tariff Law of 1951 provides for the levy of anti-dumping and countervailing duties.

GREECE - Add.13

An Act of 1954 provides for the levy of anti-dumping and countervailing duties. There has been no recourse to this law.

INDIA - Add.2

Countervailing duties can be imposed under the Tariff Act of 1934. There is no express provision for the levy of anti-dumping duties, but the Act enables the Government to vary a protective import duty "in a manner which will include the element of anti-dumping duty required to meet competition from low-priced products".

ITALY - Add.4

There is no law or regulation empowering the Government to apply anti-dumping duties, but countervailing duties may be imposed to offset the effect of export subsidies. A bill has been submitted to Parliament which would make it possible to take sanctions against dumping.

JAPAN - Add.3

The Customs Tariff Law, 1910, authorizes the levy of anti-dumping and countervailing duties. These provisions have never been acted upon.

NEW ZEALAND - Add.5

The Customs Amendment Act, 1921, provides for special anti-dumping and countervailing duties.

NORWAY - Add.6

The Introductory Provisions of the Customs Tariff provide for the levy of anti-dumping duties and countervailing duties.

PAKISTAN - Add.16

There is no special anti-dumping or countervailing legislation, but the Tariff Act of 1934 provides for the imposition of duties on goods the import of which is likely to result in injury to a Pakistan industry and for additional duties on bounty-fed articles.

RHODESIA AND NYASALAND - Add.1

The Customs and Excise Act, 1955, provides for the levy of six types of anti-dumping and countervailing duties: "ordinary", "sales", "bounty", "freight", "exchange", and "surcharge" dumping duties. No such duties have been imposed.

SWEDEN - Add.13

The Government has been given authority to introduce anti-dumping and countervailing duties "in accordance with the provisions of GATT". The present authority expires on 30 June 1957.

TURKEY - Add.15

The new Customs Code provides for the imposition of "higher duties" to offset "dumping, export subsidies and other similar measures". No such duties have been levied.

SOUTH AFRICA - Add. 7 and Corr.1

The Customs Act of 1955 provides for five types of anti-dumping duties: "ordinary", "sales", "bounty", "freight" and "exchange" (Sections 83 and 84). The Act also provides for special duties on wheat imported at less than prescribed prices (Section 87), special duties, based on c.i.f. prices, on iron and steel products and agricultural implements (Section 88), "temporary special duties" (Section 89), and "special duties" (Section 90).

UNITED STATES - Add.9

A Countervailing Duty Law provides for the levy of countervailing duties and an Anti-dumping Act provides for the levy of special dumping duties. Addendum 9 includes the text of extensive definitions and regulations.

The following contracting parties have advised that they have no laws or regulations providing for the levy of anti-dumping or countervailing duties:

Brazil - Add.10	Haiti - Add.8
Ceylon - Add.14	Indonesia - Add.8
Czechoslovakia - Add.14	The Netherlands - Add.6
Denmark - Add.7	United Kingdom - Add.5 (intends to introduce legislation "as soon as possible")

No statement has been received from the Governments of:

Burma	Nicaragua
Chile	Pakistan
Cuba	Peru
Dominican Republic	Uruguay