

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/5486

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Limited Distribution

REPORT 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 entered into force on 1 January 1980. On 25 April 1983 the following were the Parties to the Agreement: Australia, Austria, Brazil, Canada, Czechoslovakia, Egypt, Finland, Hungary, India, Japan, Norway, Pakistan, Poland, Romania, Spain, Sweden, Switzerland, United Kingdom on behalf of Hong Kong, United States, Yugoslavia and the European Communities. Egypt is still in the process of ratifying the Agreement.

2. The Parties to the Agreement are ipso facto members of the Committee on Anti-Dumping Practices established under the Agreement. Since 1 January 1980 the Committee has held ten meetings.

3. Twenty-seven contracting parties and five non-contracting parties have observer status. Furthermore two international organizations (IMF and UNCTAD) have attended meetings of the Committee in an observer capacity.

II. National legislation

4. As of 25 April 1983 fifteen Parties have submitted their legislation concerning anti-dumping procedures or made communications in this respect to the Committee. Four Parties have not, as yet, made formal notifications to the Committee as required under Article 16:6 of the Agreement.

5. At its October 1980 meeting the Committee took a decision with respect to the action by Brazil under Article 16:6 of the Agreement (ADP/M/3, Annex I). This decision recognized, inter alia, that Brazil would require a further period of three years to establish an administrative structure and to set up administrative procedures in order to implement its domestic legislation in conformity with the provisions of the Agreement.

6. One of the main tasks of the Committee has been to examine the texts of national legislations, especially with a view towards verifying their conformity with the provisions of the Agreement. Some Parties raised concrete implementation problems which, they considered, were of a general nature and deserved to be discussed in the Committee with a view to resolving them in accordance with the letter and spirit of the Agreement. Some Parties drew the Committee's attention to certain provisions in domestic legislations of some other Parties which they alleged were inconsistent with the Agreement and urged those Parties to ensure the full conformity of their legislations with the Agreement. It was agreed that the Parties to which comments concerning

their legislation were addressed would consider them. Some Parties reserved their right to revert to particular aspects of the national legislations at a later stage or in the light of their practical implications. The Committee therefore agreed to maintain on its agenda the examination of national legislations already submitted and those which will be submitted in future.

7. Article 14:4 of the Agreement provides that the Parties shall submit, on a semi-annual basis, reports of any anti-dumping action taken within the preceding six months. A table summarizing the cases where investigations have been opened and provisional or final actions taken during the period 1 July 1980-31 December 1982 is reproduced in the Annex. In addition, Parties report to the secretariat all preliminary or final actions taken with respect to anti-dumping duties.

III. Conciliation and dispute settlement

8. No action has been initiated with respect to conciliation and dispute settlement procedures.

IV. Other actions taken under the Agreement

9. The Group of Experts on the Definition of the Word "Related" established jointly by this Committee and the Committee on Subsidies and Countervailing Measures in May 1980 (ADP/M/2, paragraphs 37-38 and SCM/M/3, paragraphs 33-45) completed its work and submitted a report to the Committee in April 1981 (ADP/M/5, Annex II). The Committee adopted this report at its October 1981 meeting.

10. In February 1981 the Committee held a special meeting to discuss the question of basic price systems. The matter was again discussed by the Committee at its October 1981 meeting on the basis of a proposal circulated in ADP/W/27. The Committee adopted the text of the Understanding on Article 8:4 of the Agreement, took note of reservations and comments made by several members of the Committee and noted that the matter would be further discussed at future meetings of the Committee (ADP/M/6).

11. The Committee held a special meeting on 14 June 1982 to discuss a possible contribution to the Ministerial Meeting (ADP/M/8). The Committee considered that, in general, the Agreement continued to be perceived by Parties to be balanced between rights and obligations and provided a satisfactory framework for the implementation of Article VI of the General Agreement. In this context the Committee noted that no Party had expressed the wish to renegotiate or amend the provisions of the Agreement. The Committee reiterated the principles underlying the Agreement as set forth in its Preamble and in particular that anti-dumping practices should not constitute an unjustifiable impediment to international trade and that anti-dumping duties may be applied against dumping only if such dumping causes or threatens material injury to an established industry or materially retards the establishment of an industry. The Committee also noted that some specific problems had arisen in relation to the application of the Agreement and agreed that these problems should continue to be discussed in the Committee with a view to resolving them in accordance with the letter and spirit of the Agreement (ADP/12).

12. In the context of its efforts to ensure that the practices of all Parties in the anti-dumping field are in conformity with the provisions of the Agreement the Committee established an Ad-Hoc Working Party to examine problems related to the implementation of the Agreement. This Group met on 17 February, 25 and 27 April 1983 and examined in detail important implementation issues enumerated in ADP/W/48/Rev.2. The Committee attaches great importance to the work of this Group and expects that it will be in a position to submit its conclusions to the Committee in the relatively near future.

13. The Committee invited other contracting parties which had not, as yet, adhered to the Agreement to do so as soon as possible and to that end agreed to invite interested parties to discuss with it any obstacles that might exist to their adhering to the Agreement.

ANNEX (Cont'd)

Summary of Anti-Dumping Actions

Reporting country	Reporting period	Initiation		Provisional measures		Definitive duties		Price undertaking		Outstanding anti-dumping actions
		No.	Countries ³ involved	No.	Countries ³ involved	No.	Countries ³ involved	No.	Countries ³ involved	
US	1 July	19	AU BR(2) CA CN(3)	12	BE CL DE(2) FR(2)	2	GB VE	-	-	86
	31 December 1982		DE(3) FR(2) GB JP(2) KR(2) TT TW		GB(2) IT JP TW VE					
CE ²	1 July	18	BR(2) CA CS(5) ES	9	CS ES PL(3) RO	1	BR	CS(2) HU ES(2)	n.a.	
	31 December 1982		JP(3) NO PL RO SE US(2)		US(2) YU			PL RO(4) US(4)		
Canada	1 July	25	BE(2) BR CS DE(2)	32	BE(3) BR DE(4) ES	11	BR FR GB	-	145	
	31 December 1982		ES(3) FR GB IT KR(4) LU RO(2) SE US(3) ZA(2)		FI FR(6) GB(2) IT(4) JP(2) KR(3) LU RO SE US(2)		IN JP(3) KR LU SE US(2)			
Australia	1 July	33	BE BR(2) CN(2) DE(2)	18	BE BR CN(2) DE	18	BE CA CN(2)	CA CN(2) DE	139	
	31 December 1982		FR GB(4) HU IE(2) IL(2) IT JP(5) KR NL NZ(3) PT SE US(3)		FR HU IL(2) JP(4) KR(2) NL(2) US		FR HU IN IL IT JP(3) KR(2) NZ US(2)	US		

¹ Calculated for each exporting country and each product (country x product). Calculated on a basis of products only, irrespective of the number of exporting countries, these numbers would be considerably lower. The actions taken into account are only those reported in accordance with the footnote to the standard form (ADP/3).

² Actions taken with respect to the Parties only.

³ Countries or customs territories. The abbreviations used are those adopted by the ISO. AR=Argentina, AT=Austria, AU=Australia, BE=Belgium, BR=Brazil, CA=Canada, CH=Switzerland, CL=Chile, CN=China, CS=Czechoslovakia, DD=German, Dem. Rep., DE=Fed. Rep. of Germany, D=Dominican Republic, ES=Spain, FI=Finland, FR=France, GB=United Kingdom, HK=Hong Kong, HU=Hungary, IE=Ireland, IL=Israel, IN=India, IT=Italy, JP=Japan, KR=Korea, LU=Luxembourg, MY=Malaysia, NL=Netherlands, NO=Norway, NZ=New Zealand, PL=Poland, PT=Portugal, RO=Romania, SE=Sweden, SO=Singapore, SU=USSR, TT=Trinidad & Tobago, TW=Taiwan, US=United States, VE=Venezuela, YU=Yugoslavia, ZA=South Africa.

⁴ No action has been reported for the period 1 July 1981-30 June 1982.

⁵ No action has been reported for the period 1 July 1980-30 June 1981.

Note: The difference in the number of cases between this table and the table attached to L/5229 result mainly from the methods used in each calculation. The table in L/5229 includes all cases reported in semi-annual reports for a given period, irrespective of whether the reported action has indeed taken place within such a period. The above table includes only those actions which were reported and effectively have taken place within the reporting period.

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