

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/5901

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Limited Distribution

## REPORT (1985) 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 1 October 1985 the following were the Parties to the Agreement: Australia, Austria, Brazil, Canada, Czechoslovakia, Egypt, the European Communities, Finland, Hungary, India, Japan, Norway, Pakistan, Poland, Romania, Singapore, Spain, Sweden, Switzerland, United Kingdom on behalf of Hong Kong, the United States and Yugoslavia.

2. The Parties to the Agreement are ipso facto members of the Committee on Anti-Dumping Practices established under the Agreement. During the period under review, the Committee has held three meetings:

22 April 1985	-	ADP/M/14
24 April 1985	-	ADP/M/15
21 and 24 October 1985	-	ADP/M/16

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 and implementing regulations (Article 16:6)

4. As of 25 October 1985 sixteen Parties have submitted their legislation concerning anti-dumping procedures or made communications in this respect to the Committee (ADP/1/and addenda). Six Parties have not, as yet, made formal notifications to the Committee under Article 16:6 of the Agreement. Some of those Parties made oral statements to the effect that their national legislation did not contain any provisions on the imposition of anti-dumping duties which would be in conflict with the Agreement.

5. During the period under review the Committee has examined the anti-dumping legislation of Austria (ADP/1/Add.10/Rev.1), Canada (ADP/1/Add.6/Rev.1), the EEC (ADP/1/Add.1/Suppl.3), Poland (ADP/1/Add.20) and the United States (ADP/1/Add.3/Rev.2 and Corr.1). The Committee also discussed some points related to the legislation of Australia and Japan.

6. Some Parties drew the Committee's attention to certain provisions in the domestic legislation of some other Parties which they considered were inconsistent with the Agreement and urged those Parties to ensure the full conformity of their legislation with the Agreement. It was agreed that Parties to which comments concerning their legislation were addressed would consider them. One Party drew the Committee's attention to certain practices which, in its view, departed from the Agreement's definition of industry and of like product. 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 the future.

### III. Semi-annual reports on anti-dumping actions

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. During the period under review, the following reports have been submitted and circulated to the Committee:

- (a) reports for the period 1 July 1984-31 December 1984 have been circulated in addenda to ADP/23. The following Parties notified the Committee that they had not taken any anti-dumping action during that period: Austria, Brazil, Czechoslovakia, Egypt, Hungary, India, Japan, Norway, Pakistan, Poland, Romania, Singapore, Sweden, Switzerland, the United Kingdom on behalf of Hong Kong, and Yugoslavia (Add.1). Anti-dumping actions have been notified by Australia (Add.2); Canada (Add.6/Rev.1); the EEC (Add.7); Finland (Add.3), Spain (Add.4) and the United States (Add.5).
- (b) reports for the period 1 January 1985-30 June 1985 have been circulated in addenda to ADP/24. The following Parties notified the Committee that they had not taken any anti-dumping action during that period: Brazil, Czechoslovakia, Egypt, Finland, Hungary, India, Japan, Norway, Pakistan, Poland, Romania, Singapore, Sweden, Switzerland, the United Kingdom on behalf of Hong Kong and Yugoslavia. Anti-dumping actions have been notified by Australia (Add.2 and Corr.1); Canada (Add.6); the EEC (Add.3); Spain (Add.5) and the United States (Add.4). No report has been received from Austria.

The Committee has examined these reports. A number of comments on particular cases were made and explanations given. A table summarizing the cases where investigations have been opened and provisional or final actions taken during the period 1 July 1984-30 June 1985 is reproduced in the Annex.

### IV. Reports on all preliminary or final anti-dumping actions

8. Notifications under these procedures have been received from Australia, Austria, Canada, the EEC, Spain and the United States and circulated in documents ADP/W/94, 96, 97, 98, 99, 100, 101, 102 and 103.

### V. Ad-Hoc Group on the Implementation of the Anti-Dumping Code

9. At its April 1985 meeting the Ad-Hoc Group examined a list of outstanding issues which had been proposed for its consideration. Most of these issues had been the subject of preliminary discussion but no substantial progress had

been made on any of them. The Group agreed to revert to some of these issues on the basis of new submissions or written comments which some delegations had volunteered to make. At its meeting of 21 October 1985 the Group started examination of the following issues: constructed value, cumulation of injury, price undertakings, revision and/or renunciation of undertakings.

10. The Committee has considered "Draft Recommendation Concerning Determination of Threat of Material Injury (ADP/W/82/Rev.2). The Committee adopted this recommendation (ADP/25); three delegations made statements in respect of this recommendation.

11. At its meeting of 8 May 1984 the Committee requested the Ad-Hoc Group to examine the question of "Definition of Sale" and to submit a draft recommendation on this matter, at the latest by the end of 1984. In spite of continuous efforts the Group has been unable to fulfill the mandate given to it by the Committee. Informal consultations have revealed some of the complexities of this issue, so that a generally acceptable solution could be expected only after further and extended work.

12. The Ad-Hoc Group has also examined the question of input dumping. The discussion in the Group has been taken as far as possible and a text has been produced (ADP/W/83/Rev.2). However, the Group was unable to recommend its adoption to the Committee, the reason being that while there was substantial agreement in the Group, no consensus could be reached. The Committee will consider this matter at a later stage.

#### VI. Other matters

13. The Committee held a special meeting on 22 April 1985 in pursuance of the decision of the CONTRACTING PARTIES (L/5756) to examine the adequacy and effectiveness of the Agreement on Implementation of Article VI of the General Agreement and the obstacles to acceptance of the Agreement which contracting parties may have faced. The Committee used document ADP/12 as a reference point for the discussion and considered the different elements contained therein. In the absence of any further comments by signatories or observers, the Chairman concluded that the views expressed in that document were still fully valid.

ANNEX

Summary of Anti-Dumping Actions

Reporting country	Reporting period	Initiation		Provisional measures		Definitive duties		Price undertaking		Outstanding anti-dumping actions
		No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved	
Australia	1.7.1983-30.6.1984	70	AT BE(3) CA(3) CN(5) CS(2) DE(8) ES(2) FR(3) GB(3) HK(2) IT(2) JP(6) KR(3) NL NZ(5) PH(2) SE(2) SG TH(5) TW US(8) SU ZA	22	BE CA DE FR IT(3) JP(4) KR(2) PH SE SG TW(4) US ZA	32	AT BE CN(2) DE(3) ES FR(3) GB(2) IL IT(3) JP(5) KR NZ SE TH TW(2) US(4)	7	GB JP KR NL NZ(3)	192
		63	BR(2) CN CS DK DE(7) DD FR GB(2) HU IE IS IT(3) JP(8) KR(6) MY NO NZ(3) PH PL QA SE SG(2) SU TH(2) TW(6) US(6) ZA	25	BR CA DL HU IS IT(2) JP(2) KR(3) MY NO PH SE SG TH(2) TW(2) US(3)	15	CA CN DE(2) FR HK IT JP(2) KR SE SG TW US ZA	3	CN US(2)	167
Austria	1.7.1983-30.6.1984	-		1	IT	-		-		-
Canada	1.7.1983-30.6.1984	26	CN(4) CS(2) DE DD ES(2) FR(2) GB IT(4) JP KR MX NL NO SE US(2) TW	40	BE(2) BR(2) CN(2) CS DE(4) DD ES(3) FR(2) GB(2) IE IT(3) JP(2) KR(4) NL NO RO SE TW US(5) ZA	13	BE(2) BR CN DD DE IT(2) KR NL US(3)			155
		35	AR AT BR(2) ES GB(3) HK(2) IT(2) JP(5) KR(3) MX PL(2) TW SE US(10)	31	AT BR CN(2) CS ES FR GB(3) HK(2) IT JP(5) KR(2) MX PL SE TW US(7)	16	AT CN(2) GB HK(2) JP(3) KR(2) SE US(4)	1	US	132

ANNEX (Cont'd)

Reporting country	Reporting period	Initiation		Provisional measures		Definitive duties		Price undertakings		Outstanding anti-dumping actions
		No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved	No.	Countries <sup>1</sup> involved	
CE <sup>2</sup>	1.7.1983-30.6.1984	33	BR(2) CA(2) CS(5) ES(8) HU(2) JP(4) NO PL(3) RO SE(2) US YU(2)	10	CA CS ES JP(3) PL RO SE SG	10	BR CA(2) CS(3) JP PL ES US	13	AU CS ES HU JP(3) RO(2) SE US(2) YU	124*
		34	AT BR(2) CH CS(2) ES(5) HU(2) JP(4) NO PL(4) RO(3) SE US YU(7)	11	BR(2) CA CS ES JP(4) PL US	7	BR CA JP(2) PL SG US	15	BR(2) CS(4) ES(3) HU(2) PL RO SE YU	146*
Finland	1.7.1983-30.6.1984	1	CH	-		-		-		-
		-		1	CH	-		1	CH	-
Spain	1.7.1984-30.6.1985	-		1	IT	1	IT	-		-
US	1.7.1983-30.6.1984	46	AR(2) AU BE(2) BR(4) CA CH CN(2) CO DD DE(3) ES(4) FI FR GB(2) IL IT(4) JP(6) KR(3) MX NZ PL SU TW ZA	36	AR BR(4) CA(2) CN(4) CO ES(3) GB(2) IT(2) JP(6) KR(6) MX TW(3)	33	AU BR(2) CA CN(4) DE(2) ES FR IT(2) JP(7) KR(6) SE TT TW(4)	-		104
		61	AR(2) AT(2) BR(7) CA(6) CS CN(2) DD(2) ES(2) FI FR(2) HK HU IN IT JP(3) KR(6) MX(1) NL NO NZ PL(4) PT RO(2) TW(3) VE(5) ZA	37	AR(3) AT AU BR(4) CA(3) DE DB(3) ES(4) FI IT(2) JP(4) MX NO PL(3) RO(2) SU VE(2)	28	AR(3) AU BR(3) CA(3) CN CO ES(4) FI GB IT(3) JP(5) PL SU	-		112

<sup>1</sup> 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, CO=Colombia, CN=China, CR=Costa Rica, CS=Czechoslovakia, DD=German, Dem.Rep., DE=Fed.Rep. of Germany, D=Dominican Republic, ES=Spain, FI=Finland, FR=France, GB=United Kingdom, GR=Greece, HK=Hong Kong, HU=Hungary, ID=Indonesia, IE=Ireland, IL=Israel, IN=India, IT=Italy, JP=Japan, KR=Korea, LK=Sri Lanka, LU=Luxembourg, MY=Malaysia, MX=Mexico, NL=Netherlands, NO=Norway, NZ=New Zealand, PA=Panama, PL=Poland, PH=Philippines, PT=Portugal, QA=Qatar, RO=Romania, SE=Sweden, SG=Singapore, SU=USSR, TH=Thailand, TR=Turkey, TT=Trinidad & Tobago, TW=Taiwan, US=United States, VE=Venezuela, YU=Yugoslavia, ZA=South Africa.

<sup>2</sup> Actions taken with respect to the Parties only.

\* Not including outstanding anti-dumping actions maintained by member States.

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