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Committee on Anti-Dumping Practices

DRAFT REPORT (1987) OF THE COMMITTEE ON  
ANTI-DUMPING PRACTICES

Revision

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 15 October 1987 the following were the Parties to the Agreement: Australia, Austria, Brazil, Canada, Czechoslovakia, Egypt, the EEC, Finland, Hong Kong, Hungary, India, Japan, Korea, Norway, Pakistan, Poland, Romania, Singapore, Spain, Sweden, Switzerland, the United States and Yugoslavia. On 24 July 1987 Mexico signed the Agreement ad referendum.

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 two meetings:

5 June 1987	-	ADP/M/19
26 October 1987	-	ADP/M/20

3. Twenty-six contracting parties and four non-contracting parties have observer status. Furthermore, representatives of the IMF and of UNCTAD have attended meetings of the Committee in an observer capacity.

II. Notification and examination of anti-dumping laws and/or regulations of Parties to the Agreement (Article 16:6)

4. As of 15 October 1987 twenty Parties have submitted their legislation concerning anti-dumping procedures or have made communications in this respect to the Committee. Three Parties have not, as yet, made formal notifications to the Committee under Article 16:6 of the Agreement. One of those Parties has informed the Committee that it is revising its anti-dumping law.

5. During the period under review the Committee received new notifications regarding (amendments to) anti-dumping laws and/or regulations from the following Parties:

Australia: Customs Notice No. 87/169 outlining new procedures for the processing of anti-dumping and countervailing duty petitions (ADP/1/Add.18/Rev.1/Suppl.1)

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\*English and French only

- Brazil: Decree No. 93.941 of 16 January 1987 promulgating the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (ADP/1/Add.26); Customs Policy Commission Resolution No. 00-1227 of 14 May 1987 (ADP/1/Add.26/Suppl.1).
- EEC: Council Regulation (EEC) No. 2336/86 clarifying the amount of anti-dumping duties to be collected upon imports from third countries into Spain and Portugal (ADP/1/Add.1/Suppl.4); Commission Notice concerning the procedures for the reimbursement of anti-dumping duties (ADP/1/Add.1/Suppl.4); Council Regulation (EEC) No. 1761/87 amending Regulation (EEC) No. 2176/84 on protection against dumped or subsidized imports from countries not members of the European Economic Community (ADP/1/Add.1/Suppl.5).
- Japan: Guidelines for the conduct of anti-dumping and countervailing duty investigations (ADP/1/Add.8/Suppl.1)

6. During the period under review the Committee reverted to, and concluded the examination of the anti-dumping legislation of Sweden (Ordinance on Dumping and Subsidy Investigations of 5 September 1985, document ADP/1/Add.2/Suppl.1). The Committee continued its examination of the anti-dumping legislation of India (the Customs Tariff (Second Amendment) Act of 1982 and the related Customs Tariff Rules of 1985, ADP/1/Add.25), Korea (Article 10 of the Customs Act and Article 4 of the Presidential Decree of the Customs Act, ADP/1/Add.13/Rev.1) and Pakistan (Ordinance No. III of 1983, ADP/1/Add.24). In addition, the Committee started its examination of the new notifications listed in the preceding paragraph.

7. Some Parties drew the Committee's attention to certain provisions in the anti-dumping laws and/or regulations 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. Some Parties reserved their right to revert to particular aspects of the national anti-dumping laws and/or regulations at a later stage or in the light of the application of such laws and/or regulations in particular cases. The Committee therefore agreed to maintain on its agenda the examination of national anti-dumping laws and/or regulations already submitted and those which will be submitted in the future.

8. A number of Parties expressed their concerns regarding possible amendments to the anti-dumping legislation of the United States.

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

9. 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-31 December 1986 have been circulated in addenda to ADP/32. The following Parties notified the Committee that they had not taken any anti-dumping action during that period: Austria, Brazil, Czechoslovakia, Egypt, Finland, Hong Kong, Hungary, India, Japan, Norway, Pakistan, Poland, Romania, Singapore, Switzerland and Yugoslavia (Add.1). Anti-dumping actions have been notified by Australia (Add.4), Canada (Add.5), the EEC (Add.2), Korea (Add.3), Sweden (Add.6) and the United States (Add.7).
- (b) reports for the period 1 January-30 June 1987 have been circulated in addenda to ADP/34. The following Parties notified the Committee that they had not taken any anti-dumping action during that period: Austria, Brazil, Czechoslovakia, Hong Kong, Hungary, India, Japan, Norway, Poland, Singapore, Sweden, Switzerland and Yugoslavia (Add.1/Rev.1). Anti-dumping actions taken during this period have been notified by Australia (Add.4), Canada (Add.2), the EEC (Add.5), Finland (Add.3), Korea (Add.7) and the United States (Add.6). No reports for this period have been received from Egypt, Pakistan and Romania.

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 1985-30 June 1987 is reproduced in the Annex.

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

10. Notifications under these procedures have been received from Australia, Canada, the EEC and the United States (ADP/W/132, 134, 136, 141, 142, 143, 144, 151, 154, 155 and 157).

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

11. At its meetings in June and October 1987 the Ad-Hoc Group continued its discussion of the following issues: the use of price undertakings in anti-dumping proceedings involving imports from developing countries revision of price undertakings and termination of price undertakings. Regarding the issue of definition of sale, the Group agreed that it would not be useful to continue its discussion of this issue at this point and it was agreed that the Group would revert to it at one of its future meetings. The Group terminated its discussion of the method for determining a constructed value and of the question of cumulative injury assessment but was not in a position to submit draft recommendations on these issues to the Committee.

12. The draft recommendation on "input dumping" which has been before the Committee for some time, has not yet been adopted.