

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

ADP/W/161/Rev.3/Corr.1*

21 April 1989

Special Distribution

Committee on Anti-Dumping Practices

Ad-Hoc Group on the Implementation
of the Anti-Dumping Code

ACCEPTANCE, REVISION AND TERMINATION OF PRICE UNDERTAKINGS

Non-Paper by the Secretariat

Corrigendum

Page 5 of document ADP/W/161/Rev.3 should be replaced by the attached page.

* English and Spanish only.

be free to impose an anti-dumping duty instead, provided that such imposition is consistent with the provisions of the Code and that affirmative findings have been made of the existence of dumping and injury. [Where the denunciation takes place shortly after the conclusion of the initial investigating [and where circumstances of that investigation have not changed or where a party has not presented new information] it is considered that the duty may be based on the facts established during that investigation. In all other cases] the authorities of the importing country shall make every effort to ensure that definitive duties are based on as up-to-date information as possible, normally by carrying out a formal review of dumping and injury resulting therefrom. [No duties may be imposed on the import of goods for which binding contracts have been concluded during the period of validity of an undertaking which has been denounced by the importing country for reasons other than a violation of the undertaking] (ADP/W/140/Rev.2, paragraph 2).

3. Termination of price undertakings as a result of a review or as a result of a "sunset" clause

[Provision should be made for a review of the need for an undertaking after a reasonable period of time has lapsed since its acceptance.] [It is recognized that the need for an undertaking may lapse after a reasonable period of time. The undertaking should be terminated after the investigating authorities have determined that it is no longer necessary.] [Provision should be made for the termination of an undertaking when it is no longer necessary, e.g. after a reasonable period of time has lapsed since its acceptance.] However, where an interested party shows that there is a need to continue the undertaking the authorities of the importing country should carry out a review during which the undertaking shall remain in force (ADP/W/140/Rev.2, paragraph 3).