

GENERAL AGREEMENT ON

RESTRICTED

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4 December 1989

TARIFFS AND TRADE

Limited Distribution

Committee on Anti-Dumping Practices

REPORT (1989) 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 on Tariffs and Trade entered into force on 1 January 1980. On 15 October 1989 the Parties to this Agreement were: Australia, Austria, Brazil, Canada, Czechoslovakia, Egypt, the EEC, Finland, Hong Kong, Hungary, India, Japan, Korea, Mexico, New Zealand, Norway, Pakistan, Poland, Romania, Singapore, Spain, Sweden, Switzerland, the United States and Yugoslavia. The Parties to the Agreement are ipso facto members of the Committee on Anti-Dumping Practices established under the Agreement.

2. During the period under review, the Committee has held three meetings:

16 January 1989	-	ADP/M/25
25 and 28 April 1989	-	ADP/M/26
24 and 25 October 1989	-	ADP/M/27

3. Twenty-three contracting parties and three non-contracting parties have observer status. Furthermore, representatives of the IMF and 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 1989 twenty-two Parties have notified the Committee of their domestic anti-dumping legislation or made communications in this respect to the Committee. Three Parties have not, as yet, made notifications 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 following Parties notified the Committee of (amendments to) their anti-dumping laws and/or regulations:

Brazil: Customs Policy Resolution No. 00-1582.

Korea: Amendments to the Presidential Decree implementing the anti-dumping duty provisions of the Korean Customs Act (ADP/1/Add.13/Rev.1/Suppl.1)

New Zealand: Dumping and Countervailing Duties Act 1988
(ADP/1/Add.15/Rev.1)

United States: Anti-Dumping duty provisions of the Omnibus Trade and
Competitiveness Act of 1988 and of the United States-Canada
Free-Trade Agreement Implementation Act of 1988
(ADP/1/Add.3/Rev.4/Suppl.1)

Revised anti-dumping duty regulations (Department of
Commerce) (ADP/1/Add.3/Rev.4/Suppl.1)

6. The Committee concluded its discussion of the anti-dumping legislation
of Pakistan (Ordinance No. III of 1983, document ADP/1/Add.24) and of the
anti-dumping duty provisions of the New Zealand Customs Act of 1966, as
amended, and continued its discussion of the legislation of the following
Parties:

Australia: Anti-Dumping Authority Act 1988 (ADP/1/Add.18/Rev.1/Suppl.2)

Customs Legislation (Anti-Dumping) Amendment Act 1988
(ADP/1/Add.18/Rev.1/Suppl.2)

Customs Tariff (Anti-Dumping) Amendment Act 1988
(ADP/1/Add.18/Rev.1/Suppl.2)

EEC: Council Regulation (EEC) No. 2423/88 of 11 July 1988 on
protection against dumped or subsidized imports from
countries not members of the European Economic Community
(ADP/1/Add.1/Rev.1)

Commission Decision No. 2424/88 ECSC of 29 July 1988 on
protection against dumped or subsidized imports from
countries not members of the European Coal and Steel
Community (ADP/1/Add.1/Rev.1)

Mexico: Foreign Trade Regulatory Act Implementing Article 131 of the
Constitution of the United Mexican States (ADP/1/Add.27 and
Corr.1)

Regulations Against Unfair International Trade Practices
(ADP/1/Add.27 and Corr.1)

Decree Amending and Supplementing the Regulations Against
Unfair International Trade Practices (ADP/1/Add.2/Suppl.1)

The Committee also began its examination of the laws and regulations
listed in paragraph 5. It concluded its discussion of the Dumping and
Countervailing Duties Act 1988 of New Zealand.

7. Some Parties drew the attention of the Committee to certain provisions of the anti-dumping laws and/or regulations of other Parties which in their view were not consistent 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 these comments. Some Parties reserved their right to revert to particular aspects of anti-dumping legislation of other Parties at a later stage, in the light of the application of that legislation in particular cases. The Committee therefore agreed to maintain on its agenda the examination of national anti-dumping laws and/or regulations of Parties to the Agreement.

III. Semi-annual reports on anti-dumping actions

8. Article 14:4 of the Agreement provides that 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 to the Committee:

- (a) reports for the period 1 July-31 December 1988 have been circulated in addenda to ADP/41. The following Parties notified the Committee that they had not taken any anti-dumping actions during this period: Brazil, Czechoslovakia, Egypt, Hong Kong, Hungary, India, Japan, Norway, Pakistan, Poland, Romania, Singapore, Sweden, Switzerland and Yugoslavia. Anti-dumping actions taken during this period have been reported by Australia (Add.5), Canada (Add.7), the EEC (Add.4), Finland (Add.3), Korea (Add.2), Mexico (Add.6), New Zealand (Add.9) and the United States (Add.8). No report for this period has been received from Austria.
- (b) reports for the period 1 January-30 June 1989 have been circulated in addenda to ADP/45. The following Parties notified the Committee that during this period they had not taken any anti-dumping actions: Austria, Czechoslovakia, Egypt, Hong Kong, Hungary, India, Japan, Korea, Norway, Poland, Romania, Singapore and Yugoslavia. Anti-dumping actions taken during this period have been notified by Australia (Add.9), Brazil (Add.6), Canada (Add.3), the EEC (Add.8), Finland (Add.5), New Zealand (Add.2), Sweden (Add.4) and the United States (Add.7). No reports for this period have been received from Mexico, Pakistan and Switzerland.

A table summarizing anti-dumping actions taken by Parties to the Agreement during the period 1 July 1988-30 June 1989 is reproduced in the annex to this Report.

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

9. Notifications under these procedures have been received from Australia, Brazil, Canada, the EEC, Finland, Mexico, New Zealand, Sweden and the United States (ADP/W/194, 203, 205, 218, 231, 232 and 238).

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

10. At its meeting in April 1989 the Ad-Hoc Group agreed to submit to the Committee for adoption a draft recommendation on the use of price undertakings in anti-dumping proceedings involving imports from developing countries (ADP/W/138/Rev.5). At this meeting and at the meeting in October 1989 the Group continued its discussion of working papers on procedures for the revision and termination of price undertakings. The Ad-Hoc Group also discussed a communication from Finland regarding language and translation problems in anti-dumping duty investigations. Discussions took place in the Ad-Hoc Group and in the Committee on possible future activities of the Ad-Hoc Group.

VI. Dispute Settlement Proceedings

11. At a special meeting under Article 15:5 of the Agreement, held on 16 January 1989, the Committee established a panel in a dispute between Sweden and the United States regarding the imposition by the United States of definitive anti-dumping duties on seamless stainless steel hollow products from Sweden. In April 1989 the Chairman informed the members of the Committee of the composition and terms of reference of this Panel (ADP/43).

12. At its meeting on 24-25 April 1989 the Committee considered a request by Finland for conciliation under Article 15:3 of the Agreement with respect to anti-dumping duties applied by Australia on power transformers imported from Finland.

13. In June 1989, the Committee was informed of a request by Hong Kong for bilateral consultations with the EEC under Article 15:2 of the Agreement with respect to the imposition by the EEC of definitive anti-dumping duties on video cassettes originating in Hong Kong (ADP/44).

VII. Other Activities of the Committee

14. The Committee discussed anti-dumping measures taken by the EEC with regard to imports of urea from various countries, the application by the EEC of rules of origin in respect of certain photocopiers exported from the United States to the EEC, the imposition of anti-dumping duties by the United States on imports of anti-friction bearings, the opening of an anti-dumping duty investigation by the United States on imports of certain textile products from Hong Kong and procedures of the United States for administrative reviews of anti-dumping duty orders.

ANNEX

Summary of Anti-Dumping Actions - 1 July 1988-30 June 1989

Initiation		Provisional measures		Definitive duties		Price undertakings		Outstanding measures
No.	Countries ¹ involved	No.	Countries ¹ involved	No.	Countries ¹ involved	No.	Countries ¹ involved	
19	AT BE(2) BR CA CH CS(2) ID IL JP(2) KR PH SG TH TW US YU	9	BE BR CA CS HU JP KR PL US	8	CA CH CN CS DE HK KR SG	4	BE JP KR NL	19
2	CS IN	-				-		n.a.
14	BR FR IT JP KR PL SE TH(2) UK US(4)	13	BR FR IT JP PL SE TH(2) UK US(4)	4	JP PL US(2)	1	US	143
29	CS FI HK(6) HU JP(3) KR(7) PL(2) RO(3) SE YU(4)	9	AT HK HU JP(2) KR(2) RO YU	13	HK JP(3) KR(2) MX(3) RO US YU(2)	6	AT HK HU JP RO YU	170 ³

Initiation		Provisional measures		Definitive duties		Price undertakings		Outstanding measures
No.	Countries ¹ involved	No.	Countries ¹ involved	No.	Countries ¹ involved	No.	Countries ¹ involved	
2	DD HU	-		<u>FINLAND</u> 2	PL RO	1	DD	n.a.
-		2	JP TH	<u>KOREA</u> -		-		n.a.
12	EEC(6) JP(2) HY TH TW US(2)	8	EEC(6) ES TH	<u>MEXICO</u> ⁴ 2	US	-		n.a.
8	AU BE DE DK HY NL PG TH	3	BE DK NL	<u>NEW ZEALAND</u> 6	BE DE DK HY NL TH	-		12
2	PL SU	-		<u>SWEDEN</u> -		-		n.a.

Initiation		Provisional measures		Definitive duties		Price undertakings		Outstanding measures
No.	Countries ¹ involved	No.	Countries ¹ involved	No.	Countries ¹ involved	No.	Countries ¹ involved	
25	AR AU BR(2) CA(2) DE IL IT JP(5) KR(3) HX SE TW(5) VA	36	AR AU BR CA(3) CN DE(2) FR GR HK IE IL IT(2) JP(7) KR MY RO SG(2) SE TH TW(4) UK(2)	29	AR AU CA(2) DE(2) FR GR IT(3) JP(7) MY RO SG(2) SE TH TW(4) UK	-		198
			UNITED STATES					

¹ Countries or customs territories. The abbreviations used are those adopted by the ISO. AR-Argentina, AU-Australia, 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-German, Fed.Rep., D-Dominican Republic, EC-Ecuador, ES-Spain, FI-Finland, FR-France, GB-United Kingdom, GR-Greece, HK-Hong Kong, HU-Hungary, ID-Indonesia, IE-Ireland, IL-Israel, IN-India, IR-Iran, IT-Italy, JP-Japan, KE-Kenya, KR-Korea, LK-Sri Lanka, LU-Luxembourg, MY-Malaysia, MX-Mexico, NL-Netherlands, NO-Norway, NZ-New Zealand, PA-Panama, PE-Peru, PL-Poland, PT-Portugal, QA-Qatar, RO-Romania, SE-Sweden, SG-Singapore, SU-USSR, SV-El Salvador, TH-Thailand, TR-Turkey, TT-Trinidad & Tobago, TW-Taiwan, US-United States, VE-Venezuela, YU-Yugoslavia, ZA-South Africa.

² Actions taken with respect to the Parties to the Agreement.

³ Anti-dumping measures in force on 1 September 1989. This figure includes measures applicable to imports from countries not Parties to the Agreement.

⁴ Data for Mexico cover only the period 1 July 1988-31 December 1988.

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