

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

TN.64/NTB/W/10/Add.6  
5 May 1966

Special Distribution

Sub-Committee on Non-Tariff Barriers  
Group on Anti-Dumping Policies

Original: English

## ANTI-DUMPING CHECK LIST

### Addendum

#### Comments by Denmark

#### VI. Anti-dumping duties

##### A. Imposition: obligatory or permissive

According to the provisions of Article VI of the GATT a contracting party has the right to introduce an anti-dumping duty, when it is satisfied that the imports are dumped and are causing or threatening material injury to the domestic industry. However, in the view of the Danish Government recourse to this right is not and should not be made obligatory. It should be left to the discretion of the competent authorities of the country concerned to decide, whether they wish to take action against such dumping or not.

##### B. Applicability

In cases where the same product is imported from more than one foreign supplier anti-dumping duties should only be imposed on imports from those suppliers whose products have been found to be dumped and to cause or threaten material injury. In such cases the anti-dumping duties should be imposed at the appropriate levels on imports of the said product from all such suppliers.

##### C. Amount of duty

The anti-dumping duty must not be greater than the margin of dumping which has been established by the application of the provisions in Article VI:1 of the General Agreement, but may be less than this margin if the competent authorities of the importing country are satisfied that an anti-dumping duty lower than the established margin of dumping would be sufficient to counteract material injury.

D. Retroactive application of duties

Anti-dumping duties should not be applied retroactively, except in cases where provisional anti-dumping duties have been applied. It should be added that it would not be possible in other cases in Denmark to enact legislation according to which it would be possible by administrative means to impose duties with retroactive effect.

E. Duration

Anti-dumping duties should only remain in force as long as it is necessary to counteract dumping which is causing or threatening material injury.

In the view of the Danish Government an international code on anti-dumping procedure and practice should contain a provision to the effect that the application of anti-dumping duties should be periodically reviewed by the competent authorities of the importing country, especially because it may be difficult to the exporters and the importers of the dumped products to estimate whether material injury continues to exist. The Danish anti-dumping legislation contains a provision according to which an anti-dumping duty shall not be levied for a period of more than six months at a time.

VII. Provisional duties

In the view of the Danish Government provisional measures should only be used when the competent authorities consider that there is convincing evidence that the alleged dumped goods are in fact being dumped and that the risk is imminent that during the period of investigation these goods will cause material injury to the domestic industry. In the United Kingdom Draft Code it is suggested that provisional measures shall not be imposed for a period longer than three months. The Danish anti-dumping legislation, on the other hand, contains a provision according to which a provisional anti-dumping duty shall not be levied for periods exceeding one month. Naturally, the duration of the provisional measures will to some extent depend upon the length of the investigation period necessary in the different countries. However, an international code on anti-dumping procedure and practice should limit this period as much as possible, since a too long investigation period would tend to increase the suppliers' uncertainty and consequently tend to hamper imports of the products in question.

VIII. Investigation procedures and procedural fairness

The Danish Government can accept the provisions concerning the investigation procedures etc. contained in provisions 1 to 4 and 18(b) in the United Kingdom Draft Code.