

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

MTN/NTM/W/232/Rev.1/Add.1
19 October 1979

Special Distribution

Multilateral Trade Negotiations

Group "Non-Tariff Measures"

ANTI-DUMPING

Agreement on Implementation of Article VI
of the General Agreement on Tariffs and Trade

Addendum

The following statement is circulated at the request of the delegations of Austria, Brazil, Canada, Colombia, European Communities, Egypt, Finland, Japan, Norway, Romania, Sweden, Switzerland and United States.

It would be the understanding of the above-noted delegations, in view of what follows, that the proposal for an amendment to the text of the Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade as set out in document MTN/NTM/W/241/Rev.1 is no longer maintained.

With regard to the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (MTN/NTM/W/232/Rev.1), the above-noted delegations, cognizant of the commitment in Article 13 of the Agreement that special regard must be given by developed countries to the special situation of developing countries when considering the application of anti-dumping measures under this Code, agree that:

1. In developing countries, governments play a large rôle in promoting economic growth and development in accordance with their national priorities, and their economic régimes for the export sector can be different from those relating to their domestic sectors resulting inter alia in different cost structures. This Agreement is not intended to prevent developing countries from adopting measures in this context, including measures in the export sector, as long as they are used in a manner which is consistent with the provisions of the General Agreement on Tariffs and Trade, as applicable to these countries.

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2. In the case of imports from a developing country, the fact that the export price may be lower than the comparable price for the like product when destined for domestic consumption in the exporting country does not per se justify an investigation or the determination of dumping unless the other factors mentioned in Article 5:1 are also present. Due consideration should be given to all cases where, because special economic conditions affect prices in the home market, these prices do not provide a commercially realistic basis for dumping calculations. In such cases the normal value for the purposes of ascertaining whether the goods are being dumped shall be determined by methods such as a comparison of the export price with the comparable price of the like product when exported to any third country or with the cost of production of the exported goods in the country of origin plus a reasonable amount for administrative, selling and any other costs and for profits.