

REPORT (1990) 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 1990 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:

23 April 1990	-	ADP/M/28
25 September 1990	-	ADP/M/29
29 October 1990	-	ADP/M/30

3. Twenty-three contracting parties and three non-contracting parties have observer status. 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 1990 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:

Australia: Customs Legislation (Anti-Dumping) Amendment Act 1989 and Customs Tariff (Anti-Dumping) Amendment Act 1989 (ADP/1/Add.18/Rev.1/Suppl.3).

Trade Practices (Misuse of Trans-Tasman Market Power) Act 1990 (ADP/1/Add.18/Rev.1/Suppl.4 and Corr.1).

- Canada: Special Import Measures Act and Regulations implementing that Act, as amended (ADP/1/Add.6/Rev.3).
- New Zealand: Dumping and Countervailing Duties Amendment Act 1990 (ADP/1/Add.15/Rev.1/Add.1).
- United States: Interim-final rules implementing certain provisions of the Omnibus Trade and Competitiveness Act of 1988 (ADP/1/Add.3/Rev.4/Suppl.2).

6. The Committee began its examination of the legislative amendments mentioned in the preceding paragraph and continued its discussion of the following notifications of (amendments to) anti-dumping legislation of the Parties to the Agreement:

- Australia: Anti-Dumping Authority Act 1988, Customs Legislation (Anti-Dumping Amendments) Act 1988, Customs Tariff (Anti-Dumping) Amendments Act 1988 (ADP/1/Add.18/Rev.1/Suppl.2)
- Brazil: Customs Policy Resolution No. 00-1582 (ADP/1/Add.26/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)
- 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)
- 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)
- Revised anti-dumping duty regulations (Department of Commerce) (ADP/1/Add.3/Rev.4/Suppl.1)

The Committee concluded its examination of the Mexican 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) and the Decree Amending and Supplementing the Regulations Against Unfair International Trade Practices (ADP/1/Add.27/Suppl.1).

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 rights 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 item "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 actions 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 1989 have been circulated in addenda to document ADP/46. The following Parties notified the Committee that during this period they had not taken any anti-dumping actions: Austria, Brazil, Egypt, Finland, Hong Kong, Hungary, India, Norway, Pakistan, Poland, Romania, Singapore and Yugoslavia. Anti-dumping actions taken during this period have been notified by Australia (Add.5), Canada (Add.2), the EEC (Add.4), Korea (Add.6), Mexico (Add.9), New Zealand (Add.3), Sweden (Add.7) and the United States (Add.8). No semi-annual reports for this period have been received from Czechoslovakia and Japan.
- (b) reports for the period 1 January-30 June 1990 have been circulated in addenda to ADP/48. The following Parties notified the Committee that during this period they had not taken any anti-dumping actions: Brazil, Egypt, Hong Kong, Hungary, Norway, Poland, Romania, Singapore, Switzerland and Yugoslavia. Anti-dumping actions taken during this period have been notified by Australia (Add.9), Canada (Add.7), the EEC (Add.8), Finland (Add.4), Korea (Add.3), Mexico (Add.5), New Zealand (Add.2) and the United States (Add.6). No reports for this period have been received from Austria, Czechoslovakia, India, Japan, Pakistan and Sweden.

A table summarizing anti-dumping actions taken by Parties to the Agreement during the period 1 July 1989-30 June 1990 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, Canada, the EEC, New Zealand and the United States (documents ADP/W/254, 256, 261, 266, 274, 275, 278 and 279).

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

10. No meetings of the Ad-Hoc Group were held during the period under review.

VI. Dispute Settlement Proceedings

11. At a special meeting held on 25 September 1990, the Committee discussed the Report of the Panel established in January 1989 (see document L/6609, paragraph 11) in a dispute between Sweden and the United States regarding the imposition by the United States of definitive anti-dumping duties on imports of seamless stainless steel hollow products from Sweden (document ADP/47).

12. At the special meeting held on 25 September, the Committee established a Panel under Article 15:5 of the Agreement in a dispute between Finland and Australia regarding anti-dumping duties applied by Australia to imports or power transformers from Finland (see also document L/6609, paragraph 12).

13. At its meeting in October 1990, the Committee was informed of requests by Canada and Mexico for consultations with the United States under Article 15:2 of the Agreement regarding an anti-circumvention inquiry conducted by the United States with respect to colour television picture tubes (documents ADP/50 and 52). The Committee was also informed of a request by Mexico for consultations with the United States under Article 15:2 of the Agreement regarding the imposition of definitive anti-dumping duties by the United States on imports of cement and cement clinker from Mexico (document ADP/51).

VII. Other Activities of the Committee

14. The Committee discussed the imposition of anti-dumping duties by the United States on imports of anti-friction bearings from Sweden, the imposition of anti-dumping duties by the EEC on imports of compact disc players from Japan and Korea, procedures for the conduct of administrative reviews of anti-dumping duties in the United States, anti-dumping proceedings by the EEC regarding halogen lamps and audio cassettes and tapes from Japan and an anti-dumping proceeding by Korea on imports of polyacrylamide from France, United Kingdom and Germany.

ANNEX

Summary of Anti-Dumping Actions - 1 July 1989-30 June 1990

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				
<u>AUSTRALIA</u>																	
23	CN	CO	DK	FR	10	AT	FR	IT	-	-	4	BE	BR	JP	20		
	GB(2)	IE(2)	IT	KR(2)		MX	KR(2)	TH				US					
	MX	NL	SA	TH		TW(2)	TH										
	TW(3)	US(4)	ZA														

<u>CANADA</u>																	
15	BR(2)	CN	DE	IN	7	BR(2)	CN	PL	6	BR	CN	IT	-		103		
	ID	MX	PL	RO		RO	TW	YU		PL	RO	YU					
	TW	US(4)	YU														

<u>EEC²</u>																	
15	BR(2)	CS	EG	IN(2)	8	JP(3)	KR(3)	RO	7	JP	KR(3)	RO	10	CS	FI	HK	151 ³
	JP(2)	KR(4)	NO	RO		YU				YU(2)				JP	KR(2)	RO(2)	
	US													SW	YU		

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			
<u>FINLAND</u>																
-				-				-				1	DD		n.a.	
<u>KOREA</u>																
3	FR	DE	GB	-				-				1	FR		n.a.	
<u>MEXICO</u>																
11	BR(2)	ES	HK	3	FR	US(2)		2	BR	DE		3	JP(3)		n.a.	
	JP(2)	US(5)														
<u>NEW ZEALAND</u>																
1				-				1	TH			-			11	
<u>SWEDEN</u>																
4	CS	PL	RO	DD	2	PL	SU	-				-			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	

UNITED STATES

24	BR(2) CA FR GB KR(3) MX YU	CN(2) DE(4) HK JP(4) NO TW(2)	20	BR CA CN DE GB HK JP(4) KR(3) MX(2) TW(3) VE YU	17	BR CA(2) CN DE GB JP(4) KR(3) MX TW(2) VE	-				196
----	-------------------------------------	-------------------------------------	----	---	----	--	---	--	--	--	-----

¹Countries or customs territories. The abbreviations used are those adopted by the ISO. AR=Argentina, 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=Equador, EG=Egypt, 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, SA=Saudi Arabia, SW=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.

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

³Anti-dumping measures in force on 1 September 1990. This figure includes measures applicable to imports from countries not Parties to the Agreement.

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