

# **WORLD TRADE ORGANIZATION**

**G/ADP/N/1/MKD/2/Suppl.1**  
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**Committee on Anti-Dumping Practices**

Original: English

## **NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 18.5 OF THE AGREEMENT**

**THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

### **Supplement**

The following communication, dated 28 July 2008, is being circulated at the request of the Delegation of the Former Yugoslav Republic of Macedonia.

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With reference to Article 18.5 of the Agreement on Implementation of Article VI of the GATT 1994, the Government of the Republic of Macedonia submits an extract of the Law on Amending and Supplementing the Law on Trade, relevant to the Agreement. The Law was published in the Official Gazette No. 63/2007 of 22 May 2007. An unofficial translation of the Law on Amending and Supplementing the Law on Trade is enclosed.

**LAW ON AMENDING AND SUPPLEMENTING THE  
LAW ON TRADE<sup>1</sup>**

Article 45-a

When a product is imported into the Republic of Macedonia at a price less than its normal value (dumping) and pursuant to an investigation initiated and conducted by the Commission, shall be determined that such import causes or threatens to cause material injury to the domestic production or material retardation of the establishment of domestic production, the Government of the Republic of Macedonia, upon Commission proposal, may impose anti-dumping duty on the imported product.

A product is to be considered as being imported into the Republic of Macedonia at price less than its normal value (dumping) if the price of the product is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the domestic market of the exporting country.

When there are no data for the comparable price or when, because of the particular market situation or the low volume of the sales in the domestic market of the exporting country the available data do not permit a proper comparison, an anti-dumping duty shall be determined by comparison of the price of the imported product with:

- price of the like product when exported to an appropriate third country, provided that this price is representative, or
- the cost of production in the country of origin plus a reasonable amount for administrative, selling and general costs and for profits.

Article 45-b

A request for imposition of an anti-dumping duty may be submitted on behalf of the domestic producers as a whole of a like product or to those of them whose collective output of the products constitutes a major proportion of the total production of that product.

The request is to be submitted in a written form to the Commission.

The Commission shall, if determines that the request has been submitted by the producers under paragraph 1 of this Article or a person authorized by them for submitting the request, initiate a proceeding.

The request under paragraph 1 of this Article shall include:

- evidence of dumping upon imports of particular product,
- injury which dumping causes to the domestic production within the meaning of Article VI of GATT 1994 and
- a causal link between the dumped imports and the injury which such imports causes to the domestic production.

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<sup>1</sup> Extract of the Law on Amending and Supplementing the Law on Trade related to the Anti-dumping provisions. The Law is published in the Official Gazette No. 63/2007 of 22 May 2007. The Law on Trade was notified on 6 December 2004- G/SG/N/1/MKD/1.

The Commission shall initiate procedure without having received a written request by the producers concerned, if there is sufficient evidence of dumped imports, injury which such imports is causing to the domestic production and causal link to justify initiation of proceeding.

Pursuant to Article 45-a of this Law an anti-dumping duty shall not exceed the margin of dumping. An anti-dumping duty should be less than the margin of dumping if such lesser duty would be adequate to remove injury to the domestic production.

An anti-dumping duty shall remain in force only as long as, and to the extent that, it is necessary to counteract the dumping which is causing injury. The Commission shall review the need for the continued imposition of the duty, on its own initiative or upon request by any interested party, if it warrants the need for review of the anti-dumping duty.

The procedure and method of determining anti-dumping duty, upon Commission proposal, shall be prescribed by the Government of the Republic of Macedonia.

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