JAPAN'S ANTI-DUMPING LEGISLATION

Statement by the Representative of Japan in the Committee on 25 February 1969

I should like to refer to the measures that have been taken by the Japanese Government since the Code was opened for acceptance.

I. Firstly, my Government tabled before the Diet this Anti-Dumping Code as an international convention, for its approval. This approval by Diet was given on 17 May 1968. Subsequently, my Government accepted the Code on 21 May 1968, which was put into force on 1 July 1968 for my country, in accordance with the provisions of Article 13 of the Code.

As a result of this, my Government is now under the obligation not to take any anti-dumping measures which might be inconsistent with the relevant provisions of the Code. My delegation wishes to draw particular attention of the members of this Committee to this fact.

II. Secondly, our legal basis for anti-dumping actions, that is Article 9 of the Customs Tariff Law, was amended through the parliamentary approval. This amendment was put into force as from 1 July 1968, and the text of this Article 9, as amended, is now before you in document L/3182. The main points of this amendment are as follows:

1. The provisions regarding the provisional measures are newly introduced.
2. The provisions regarding retroactive application of anti-dumping duties are modified so that the conformity of these provisions with the Code might be secured.
3. The new provisions are introduced so that the Government is now in a position to be able to initiate an anti-dumping investigation on its own initiative, if it is deemed particularly necessary.
4. The authority is given to the Government to establish a Cabinet Order which may prescribe any necessary matters relating to domestic procedures for anti-dumping investigations, etc.

As you are probably aware, some important provisions of the Code relating to, for instance, a determination of dumping and injury and a definition of industry, do not appear in the text of our new provisions which is now before you. In this connexion, I should also like to draw your particular attention to the fact that the lack of some provisions of the Code in our legislation does not mean that my
Government would be free to take any action which is not consistent with the Code. On the contrary, my Government is required, even in such cases, to take measures in conformity with the relevant provisions of the Code, as an international obligation.

III. Thirdly, the Cabinet Order was promulgated and put into force on 4 July 1968. The main purpose of this Cabinet Order is to prescribe the domestic procedures for anti-dumping investigations, etc. This Cabinet Order was issued by the Government in accordance with the authority given by Article 9 of the Customs Tariff Law, as I have earlier mentioned. The text of this Cabinet Order is reproduced in document L/3182.

These are brief explanations of the measures taken by the Japanese Government.

Having said this I shall now repeat and make it clear that, as far as my Government is concerned, all the steps were in fact taken in order to ensure the conformity of our domestic legislation with the provisions of the Anti-Dumping Code.