The following communication, dated 26 August 1976, has been received from the Permanent Mission of Greece.

The Permanent Delegation of Greece presents its compliments to the GATT secretariat and, further to document COM.AD/38 of 12 March 1976, concerning its communication on action taken with a view to harmonization of Greek anti-dumping legislation with the provisions of the Code, has the honour to forward herewith, for the information of the CONTRACTING PARTIES, the text of the Anti-Dumping Act No. 338/1976 as ratified and brought into force upon its publication in Official Gazette No. A 194/76.
GREECE

Anti-Dumping and Countervailing Duties Act No. 338/1976

ARTICLE 1

Anti-Dumping Duty

1. Anti-dumping duty is imposed on any product of foreign origin, which is the subject of import at an abnormally low price, as specified under Article 2 hereof (dumping price), as a result of which the introduction of the product into the country causes, or threatens to cause, significant injury to the existing national production, or to retard substantially its establishment or development.

2. Where in the provisions of this Act the term "injury" is used without further qualification, it shall be interpreted as covering the three cases of injury referred to in the preceding paragraph.

ARTICLE 2

Subject of Import at an Abnormally Low Price

1. A product is considered to be subject of import at an abnormally low price (dumping) when its export price to Greece is comparatively lower than the price made in the ordinary course of trade and at the same time for a like product destined for consumption in the exporting country of origin.

For the purposes of this Act, the term "like product" shall be interpreted to mean a product which is identical in all respects to the product under consideration, or, in the absence of such a product, another product having characteristics closely resembling those of the product under consideration.

2. In the case where a product is not imported directly from the country of origin, but is imported through another country, to determine whether dumping exists, a comparison shall be made, subject to the provisions of the following paragraph, between the price at which this product is exported to Greece and the price of the like product on the market of the exporting country.

3. Exceptionally, in cases where the product is in transit through the country of export, or such product is not produced in the country of export, or there is no comparable price for such a product in the country of export, comparison may be made with the price of the like product in the country of origin.
4. When there are no sales of like products in the ordinary course of trade in the domestic market of the exporting country or when, because of the particular market conditions, such sales do not permit a proper comparison, a product shall be considered to have been dumped if the price of the product when exported to Greece is less than:

(a) the comparable price of a like product exported to a third country. This price may be the highest export price, provided it is a representative price; or

(b) the cost of production in the country of origin plus an amount for selling, administration and any other costs and for profits. The addition for profit may not exceed the profit normally realized on sales of products of the same general category in the domestic market of the country of origin.

5. In cases where there is no export price or where the existing export price is not comparable because of association or compensatory arrangement between the exporter and the importer or a third party, the export price may, for the purposes of the preceding paragraphs, be determined on the basis of the price at which the imported product is first resold to an independent buyer, or, if it is not resold to an independent buyer, or not resold in the condition as imported, on any other reasonable basis.

6. Price comparison provided for in the preceding paragraphs of this Article shall be effected on transactions at the same level of trade, at the ex-factory stage and in respect of the most recent sales made. In effecting this comparison, due allowance shall be made in each case for the differences in conditions and terms of sale, for the differences in taxation, and for other differences affecting price comparability. In the cases referred to in the preceding paragraph 5, allowance for costs incurred between importation and resale and for profits accruing shall also be made.

7. A product shall not be considered to have been dumped by reason of the exemption of such product from duties and other taxes borne by a like product when destined for consumption in the country of origin or exportation.

8. In the case of imports from a country where trade is subject to a complete or nearly complete monopoly and where domestic prices are fixed by the State, an exact comparison between the price made for export of a certain product to the country and the domestic prices in the exporting country may, in the judgement of the Committee provided for in Article 5 of this Act, not be made if the Committee considers that determination of price comparability in that country presents special difficulties. In such cases, in order to determine comparable price, the provisions of paragraphs 4(a) or 5 of this Article shall be applied accordingly.
9. The price difference determined in accordance with the preceding paragraphs constitutes the margin of dumping.

ARTICLE 3

Determination of Injury

1. For the purposes of this Act, an injury is considered to exist in cases where dumped imports are demonstrably the principal cause of such injury.

2. For the purpose of establishing whether injury exists, the consequences of the dumping shall be weighed against all other factors, which, individually or in combination, may be adversely affecting production, such as the volume and prices of undumped imports of the like product, competition between domestic producers, contraction in demand due to substitution of other products for the product or to changes in consumer tastes.

3. The determination of threat of injury shall be based on facts and not on mere allegations, conjectures or hypothetical possibilities. The change in circumstances which would create a situation in which dumping would cause injury must be foreseen as certain and imminent.

4. In evaluating injury, account must be taken of all factors having a bearing on the state of the domestic production affected by the dumping, such as: development and prospects of such production with regard to turnover, market share, profits, prices (including the extent to which the duty-paid price of the product on delivery is lower than that of the like product prevailing in the ordinary course of trade within the internal market), export performance, employment, volume of dumped and other imports, full utilization of capacity, productivity, and existing restrictive measures on trade. No one or several of the above factors can necessarily provide a basis for decisive judgement.

5. The effect of the dumped imports shall be assessed in relation to the domestic production of a like product when available data permit the separate identification of production on the basis of the criteria of production process, producers' realizations and profits. When national production of a like product has not separate identity in terms of these criteria, the effect of the dumped imports shall be assessed by examining the production of the nearest group or range of products which includes the like product for which the necessary information can be obtained.
ARTICLE 4

Definition of National Production

1. For the purposes of this Act, "national production" means national producers of like products as a whole, or producers whose collective output represents the largest proportion of the total domestic production of these products. When some producers are also importers of the dumped product, the term "national production" shall be interpreted to mean the rest of the producers as a whole.

2. In exceptional circumstances, the domestic market may be divided into two or more competitive markets and the producers within each market regarded as representing one production in the sense of the preceding paragraph, if, because of transport costs, all the producers within such a market sell all or nearly all their production of the product in question in that market and no or nearly no quantity of the product in question is sold in another region of the country, or if there exist special market conditions which result in an equal degree of isolation of the producers of such a market from the rest of the production, provided that injury may be found in such cases only if it harms all or nearly all of the production of the product in the market thus defined.

3. The provisions of Article 5, paragraph 3 shall also be applicable to the cases provided for in this Article.

ARTICLE 5

Consultative Committee - Initiation of Proceedings for the Imposition of Anti-Dumping Duties

1. In order to ascertain whether the conditions prescribed by this Act for the imposition of anti-dumping duty are fulfilled, a Consultative Committee is set up in the Ministry of Finance, composed of: (a) two senior officials of the Ministry of Finance holding at least the third grade, the senior of them acting as Chairman; (b) a senior official from each of the Ministries of Commerce and Industry, appointed together with his alternate, by the competent Minister; (c) a common representative of the Traders' Associations of Athens and Piraeus, proposed, together with his alternate, by the Managements of these Associations; (d) a representative of the Association of Greek Industrialists, proposed, together with his alternate, by the Management of the Association; and (e) a common representative of Athens and Piraeus Chambers of Commerce and Industry, proposed, together with his alternate, by these Chambers. An employee of the Tariff Division of the Ministry of Finance holding at least the fifth grade participates in the Committee as Rapporteur, without vote. An employee of the same Division acts as Secretary to the Committee.
2. Matters regarding the establishment, function and indemnity of the members, the Rapporteur and the Secretary of the Committee shall be regulated by decision of the Minister of Finance.

3. Also, by similar decision of the Minister of Finance shall be regulated matters covering: initiation of proceedings for imposition of anti-dumping duties, data required to be submitted each time by the interested parties in support or refutation of dumping, and evidence-producing procedures to be followed by the Committee at the stage of investigation.

4. The Committee renders opinions on the existence of dumping and its margin, on the injury caused or threatened and its extent, and on the measures that should be taken to counteract dumping. The opinions expressed by the Committee are submitted to the Minister of Finance, who, in case he accepts them in all or in part, issues the respective decision.

ARTICLE 6

Undertaking to Readjust Prices

1. Initiated proceeding for the imposition of anti-dumping duties shall be terminated without imposition of anti-dumping duties or provisional measures when, from the investigation made, the Committee finds that none of these measures is required to protect national production.

2. At the Committee's discretion, the provisions of the preceding paragraph may also be applied when the exporters of a product to the country voluntarily undertake the obligation to revise their prices so that the margin of dumping is eliminated or to cease to export to Greece the dumped product.

3. If these exporters undertake the commitments set forth in the preceding paragraph, and the Committee accepts the undertaking, the investigation as to the injury caused may be completed if so decided by the Committee or so requested by the exporters. If, from the investigation thus completed, it is determined by the Committee that there is no injury, then the obligation undertaken by the exporters ceases to exist, unless the exporters offer to adhere to it.

4. The fact that exporters do not offer to give the undertakings set forth in paragraph 2 of this Article or do not accept, following an invitation made by the Committee, to do so upon a relevant suggestion by the Committee, shall not be prejudicial to the consideration of the case. However, the Committee shall in this case be free to determine that a threat of injury is more likely to be realized if the dumped imports continue.
ARTICLE 7

Provisional Measures

1. Whenever, from the preliminary investigation of the data available, it appears that dumping is applied and there are sufficient indications that injury is caused and the interest of the national production requires immediate action, provisional anti-dumping measures may be taken prior to the completion of the investigation, carried out in accordance with Article 5, paragraph 4 above, at the request of domestic producers affected or by the Minister of Finance acting *ex officio* and following an opinion of the Committee.

2. The provisional measures referred to in the preceding paragraph consist either in the imposition on the dumped products of a deposit of duty, equal to the amount of the margin of dumping provisionally assessed by the Committee, or the collection of a cash or bank security, equal to the amount of the margin of dumping.

3. The provisional anti-dumping measures referred to in the preceding paragraph shall not be applied for a period exceeding three months, or, if the respective investigation has not yet been completed and it is so requested by the importers or the exporters, for a period exceeding six months.

4. Provisions of paragraphs 1 to 12 of the following Article 8 are applied accordingly on provisional measures taken under this Article.

5. The deposited amount of the provisional anti-dumping duty is settled either by entering it as public revenue or by its reimbursement, in all or in part, to the importer who has deposited it, depending on the contents of the final decision of the Minister of Finance, issued upon completion of the investigation regarding the imposition or not of anti-dumping duty. The entry of the provisional duty as public revenue may only be decided by such decision of the Minister of Finance if it has been found in the Committee's opinion that material injury was caused to the existing national production.

6. The provisions of the preceding paragraph are applicable accordingly for the settlement of the security provided where provisional measures consist in a bank or cash security.

ARTICLE 8

Imposition of Anti-Dumping Duties

1. Anti-dumping duty is imposed following a decision by the Minister of Finance, issued upon a prior opinion of the Consultative Committee provided for in Article 5 hereof, regarding the concurrence of conditions specified in Article 1 of this Act.
2. The anti-dumping duty may be equal to the margin of dumping specified in paragraph 9 of Article 2 hereof, or less if, in the judgement of the above Committee, this lower duty is sufficient to eliminate the injury caused or the threat of such injury to the national production.

3. When imports of a product to Greece are made from more than one country, anti-dumping duty is imposed, without discrimination and at the appropriate level each time, on the imports of this product from all countries if such a product has been found to be dumped and such imports cause or threaten to cause injury to the national production.

4. Description of the product, on which anti-dumping duty is imposed, includes the following indications:

   (a) tariff description,
   (b) commercial name,
   (c) name of the country of origin or of export,
   (d) supplier.

5. If more than one supplier from the same country offers the dumped product and it is not practically possible to name all of them, the product shall be described by the indications specified under items (a), (b) and (c) of the preceding paragraph.

6. If more than one supplier from more than one country offers the dumped product and it is not practically possible to name all the suppliers, the product is described by the indications specified under items (a) and (b) of the above paragraph 4 and the names of all the supplier countries.

7. The collected anti-dumping duty is reimbursed, in all or in part, to the importer who paid it, upon a prior opinion by the Consultative Committee of Article 5 of this Act, if, from the data produced by the importer, it is ascertained by the Committee that the products introduced by him in the consumption have not been the subject of dumping or that the margin of dumping is lower than that specified in the decision of the Minister of Finance under paragraph 1 of this Article.

8. Reimbursement of anti-dumping duties, as provided for in the preceding paragraph, is effected following a decision of the Minister of Finance, issued within a month after submission to him of the respective opinion of the Committee.
Submission of respective evidence by the importer to the Consultative Committee shall be made within a period of one month, at the latest, after clearance of the product through customs, and the Committee shall submit its findings within fifteen days after receipt of such evidence.

9. The anti-dumping duty remains in force until the dumping causing injury has been removed.

10. The Consultative Committee re-examines the necessity of continuing the imposition of anti-dumping duty either on its own initiative or at the request of the interested parties, if, from the data available with the Committee or the data produced by the interested parties, the need arises for an appropriate revision.

11. The anti-dumping duty is imposed as of the date of publication of the respective decision of the Minister of Finance in the Official Gazette.

12. Imposition of anti-dumping duty in no circumstances can constitute a ground for increasing the prices of domestically-produced products, as for the foreign products subjected to such duty. Any such increase, certified by joint decision of the Ministers of Finance, Commerce and Industry, entails removal of the imposed anti-dumping duty.

**ARTICLE 9**

**Countervailing Duties**

1. A countervailing duty may be levied on any product of foreign origin, if it is ascertained that a subsidy or bounty for the production, manufacture, or export of this product in the country of manufacture or export, inclusive of any other special subsidy for its transport, is granted in any manner, directly or indirectly, and this subsidy or bounty causes or threatens to cause serious injury to the existing national production or retards its creation or development. The countervailing duties may not exceed the amount of such subsidies or bounties.

2. The provisions of Articles 3 to 8 hereof are accordingly applicable to the imposition of countervailing duties.

**ARTICLE 10**

**Nature of this Act**

The provisions of the present Act constitute a "law frame" in accordance with the provisions of Article 78, paragraph 5 of the Constitution.
ARTICLE 11
Superseded Provisions

Law 4056/1960 concerning imposition of anti-dumping and countervailing duties, as amended and completed by Legislative Decree 4418/64, is hereby superseded.

ARTICLE 12

The present Act shall enter into force upon its publication in the Official Gazette.