ANTI-DUMPING AND COUNTERVAILING DUTIES

Submission of Laws and Regulations

The following Acts and Decrees have been submitted by the Government of Belgium:

I. Act No. 202, dealing with the importation, exportation and transit of products of 30 June 1931 (Moniteur Belge of 1 July 1931, No. 182). This Act is not reproduced due to the fact that the decisive parts of Articles 1 and 2 are replaced by the Act reproduced under II.

II. Act of 30 July 1934 modifying the above-mentioned Act:

"....."

Article 2. The first sub-paragraph of Article 1 and Article 2 of the Act of 30 June 1931 shall be amended as follows:

'Article 1. Under special abnormal circumstances, when the vital interests of the country are in danger, the King may regulate, by a decree passed in the Council of Ministers, the importation, exportation and transit of all products, and fix the special duties to be levied upon issue of the licences granted in application of the said regulations.'

'Article 2. Royal Decrees published in application of this Act shall be subject to ratification by the Legislative Chambers. To that effect, they shall be communicated within three months of their publication in the "Moniteur Belge"; if, at the expiry of that time-limit, the Chambers having failed to assemble, communication has not been made, it shall take place within the first month of the nearest following session.'

"....."

1 The text of all Acts and Decrees which are not reproduced in whole or in part in this document may be consulted in the office of the Secretariat.
III. Royal Decree of 17 January 1955 dealing with the importation, exportation and transit of products ("Moniteur Belge" of 20 January 1955):

....

Considering the Act of 30 June 1931 on importation, exportation and transit of products, amended by the Act of 30 July 1934:

....

Decree:

Article 1. Paragraph 1. The importation and exportation of all products shall be subject to licence.

The Ministers may, however, within the scope of their respective powers, suspend application of this measure in the case of products specified by them. They may restrict such suspension to the products from or for specific countries determined by them.

Paragraph 2. Transit shall be subject to licence only for products specified by the Ministry of Economic Affairs. The Minister may restrict that measure to products from or for countries he may determine.

Article 2. Licences shall bear the name of the physical person or legal entities who are their beneficiaries. The cession or acceptance of cession of such licences is prohibited.

Article 3. Licences bear a date; they shall give the time-limit during which they are valid.

Article 4. Applications for licences are receivable subject to attestation by the applicant that the statements contained in the application are true and genuine.

....

IV. Ministerial Decree of 17 January 1955 dealing with the transit of certain products ("Moniteur Belge" of 20 January 1955). This decree, which is not reproduced, creates the obligation that certain listed products (the list has not been transmitted) may be trans-shipped through the Belgium-Luxemburg Union only if accompanied by a special licence.

VI. Decrees providing for the levy of special duties on various products originating in certain countries.

1. Royal Decree of 19 August 1955 providing for the levy of special duties on various products originating in certain countries ("Moniteur Belge") of 1 September 1955, No. 244).

".....

Having regard to the Act of 30 June 1931 on importation, exportation and transit of products, amended by the Act of 30 July 1934, notably Articles 1 and 3;

Having regard to the Convention of 23 May 1935, approved by the Act of 26 July 1935, establishing a common régime between Belgium and the Grand-Duchy of Luxemburg in the field of regulations on imports, exports and transit of goods;

Having regard to the Royal Decree of 17 January 1955, on importation, exportation and transit of products;

Considering there is temporary need to apply, upon the issuing of import licences for various products originating in certain countries, the levying of a special countervailing duty, the rate of which may be progressively reduced, the measure to be introduced when there is evidence, as stipulated in the General Agreement on Tariffs and Trade, that the sale within the Belgian-Luxemburg Economic Union of foreign products benefits by artificial conditions bring about abnormal competition;

Having regard to the advice of the Joint Belgian-Luxemburg Administrative Commission;

Having regard to the advice of the Council of State;

On the proposal of our Minister for Foreign Affairs, our Minister of Finance, our Minister for Economic Affairs and our Minister of Foreign Trade, and on the advice of our Ministers who have considered the question in Council,

Decree:
Article 1. The issuing of import licences for goods referred to in the Annex to this Decree, originating in the countries specified beside each customs tariff item, gives rise to the levy of a special duty indicated thereunder, save in the instance of action taken jointly by our Ministers for Foreign Affairs, Finance, Economic Affairs and Foreign Trade to reduce the duties thus fixed to a lower rate.

Article 2. The licences issued before the coming into force of this Decree regulating importation of goods referred to under Article 1 shall cease to be valid. They shall be replaced by new licences on application by those concerned.

However, in deviation of the preceding sub-paragraph, former licences shall remain valid for customs clearance of goods in connexion with which the customs entry has been duly handed in to the Customs Office at latest on the day preceding the coming into force of this Decree.

Article 3. The quantity having served as a basis for the levying of the special duty shall be written out in full in the customs entry.

Article 4. When goods referred to under Article 1 are declared, without being accompanied by an import licence, for transit, for shipment to a warehouse or special storage, or for temporary or provisional importation in bond, a guarantee may be required by the Customs.

The special duty is due should the customs certificate fail to be produced at, or passed by the office of issue within the specified time-limit, or is produced thereat without bearing the requisite receipt or equivalent reference.

Article 5. Payment of the special duty is made upon the issuing of the import licence. Security may be offered for the amount due on the special duty.

Article 6. In specifically proven cases of re-exportation of goods referred to under Article 1, and of exportation of products obtained from the processing of imported products, the special duty levied in application of Article 1 of this Decree may be refunded, wholly or partially, to the beneficiary of the licences, on application by him. It may also be refunded when the intended importation has not taken place.

When, in the cases referred to above, the special duty has been guaranteed, the security may be refunded, or the guarantee released.
Article 7. Should goods be imported without producing the requisite licence, the special duty may be recovered, if need be, by the Customs and Excise administration, according to the regulations under Article 249 of the General Act of 26 August 1922 on levying of import, export and transit duties and excise. The same rule applies, should the duty be due under Article 4 of this Decree.

Article 8. Violations of this Decree and of the ministerial decrees taken in application thereof, shall be punishable, in accordance with Articles 1 and 4 of the Act of 20 December 1897 on repression of fraud in imports, exports and transit of prohibited products, amended by the Act of 30 June 1951 on Customs and Excise.

Article 9. Our Minister for Foreign Affairs, our Minister of Finance, our Minister of Economic Affairs and our Minister of Foreign Trade are each responsible for application of this Decree in their respective spheres.

Article 10. This Decree shall come into force on the date of its publication in the 'Moniteur Belge'.

"ANNEX"

<table>
<thead>
<tr>
<th>Tariff Item Number</th>
<th>Description of Products</th>
<th>Country</th>
<th>Rate of Duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>340</td>
<td>Matches</td>
<td>Democratic, Republic of Eastern Germany, Hungary, Poland, Czechoslovakia</td>
<td>70 F. per 50,000 units</td>
</tr>
<tr>
<td>752 b2a</td>
<td>Bathtubs</td>
<td>Hungary</td>
<td>250 F. per unit</td>
</tr>
</tbody>
</table>

"...."
2. Royal Decree of 10 December 1955 providing for the levy of a special import duty on various textile products originating in certain countries.

"....."

Decree:

Article 1. The Annex to the Royal Decree of 19 August 1955, subjecting imports of various products originating in certain countries to payment of a special duty is completed in the manner indicated in the Annex appended to this Decree.

Article 2. Our Minister for Foreign Affairs, our Minister of Finance, our Minister of Economic Affairs and our Minister of Foreign Trade are each responsible for application of this Decree in their respective spheres.

Article 3. This Decree shall come into force on the date of its publication in the 'Moniteur Belge'.

"ANNEX"

<table>
<thead>
<tr>
<th>Tariff Item Number</th>
<th>Description of Products</th>
<th>Country</th>
<th>Rate of Duty (net weight)</th>
</tr>
</thead>
<tbody>
<tr>
<td>471 a</td>
<td>Crêpe fabrics, pure artificial silk, printed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>472 a</td>
<td>Other pure artificial silk fabrics, not elsewhere specified, printed</td>
<td>Democratic Republic of Eastern Germany,</td>
<td>30 Francs per kilogramme</td>
</tr>
<tr>
<td>480 a</td>
<td>Other fabrics of artificial silk waste and pure artificial textile fibre, not elsewhere specified, printed</td>
<td>Hungary and Poland</td>
<td></td>
</tr>
<tr>
<td>527 d</td>
<td>Cotton fabrics, not figured, printed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3. Royal Decree of 20 January 1956 creating a special duty to be levied upon issue of the import licences for oxen ('Moniteur Belge' of 9 March 1956, No. 69).

"....."

Decree:

Article 1. The issuing of import licences for full-grown oxen and yearling bulls (Items 3 b 5 and ex 3 b 2 of the import tariff item numbers) gives rise to the levy of a special duty, which may not exceed 15 Francs per kilogramme for live cattle, the Minister of Agriculture having authority to fix that duty in proportion to the variations of the price differences for these animals on the external and the Belgian markets.

Payment of the special duty shall be made upon the issuing of the import licence. A time-limit may be granted the debtor of the duty, provided he offers a pledge or security.

Article 2. The quantity having served as a basis for the levying of the special duty shall be written out in full in the customs entry.

Article 3. In duly proven cases of re-exportation of imported animals or exportation of meat and meat preparations obtained by means of these imported animals, the special duty, levied in application of Article 1 may be refunded on their request, wholly or partially, to the beneficiaries of the licences or re-exporters. It may also be refunded in so far as the intended importation has not taken place.

If payment of the special duty has been guaranteed by a pledge or security, the pledge shall be refunded and the security released.

Article 4. The share of the proceeds of duty to which Belgium is entitled, shall be paid in to the Belgian Treasury, to be placed to the credit of the Agricultural Fund.

Article 5. Violations of the provisions of this Decree and of the ministerial decrees taken in application thereof, shall be punishable, in accordance with Article 1 and 4 of the Act of 20 December 1897 on repression of fraud in imports, exports and transit of prohibited goods, amended by the Act of 30 June 1951 on Customs and Excise.

Article 6. Our Minister of Agriculture, our Minister of Economic Affairs and our Minister of Finance are each responsible for application of this Decree in their respective spheres.

Article 7. This Decree shall come into force on the day following its publication in the 'Moniteur Belge'.

"....."
4. Ministerial Decree of 21 January 1956 fixing the special duty to be levied upon issue of the import licences for oxen ("Moniteur Belge" of 9 March 1956, No. 69).

".....

Article 1. The special duties levied on issuing of import licences for oxen shall be fixed as follows:

1. Oxen: 10 Francs per kilogramme for live animals;

2. Yearling bulls weighing 500 kilogrammes and over: 10 Francs for live animals;

3. Yearling bulls weighing over 350 kilogrammes and under 500 kilogrammes: 3 Francs per kilogramme for live animals.

Article 2. This Decree shall come into force on the day following its publication in the 'Moniteur Belge'.

....."

5. Ministerial Decree of 30 April 1956 fixing the special duty to be levied upon issue of the import licences for oxen ("Moniteur Belge" of 10 May 1956, No. 131).

".....

Article 1. The special duties levied upon issuing of the import licences for yearling bulls, weighing over 350 kilogrammes and under 500 kilogrammes are temporarily suspended.

Article 2. This decree shall come into force on the day following its publication in the 'Moniteur Belge'.

....."