Basis for General Analysis of

ANTI-DUMPING LEGISLATION

in Force in the Territories of Various Contracting Parties

Part I - General

1. Do the provisions follow the wording of Article VI, or is a different terminology used?

2. If the terminology is different, what are the provisions used to arrive at the levy of duties on dumped (or subsidized) imports?

3. If the provisions are wider in scope than those of Article VI, how is it ensured that they are applied in conformity with Article VI in so far as contracting parties are concerned?

4. What problems of international trade are dealt with by recourse to these provisions (commercial dumping, state subsidies, differential exchange rates, imports from state trading countries, etc.)?

5. (a) What are the cases in which an anti-dumping (or countervailing) duty has been levied since 1948? Indicate the products and exporting countries involved and the period during which such duties were levied.

(b) How many requests for the application of anti-dumping duties have been received from domestic producers since 1948?

6. What are the special difficulties which have been encountered in applying the national anti-dumping legislation?

Part II - National Legislation and Regulations

7. How is the extent of dumping defined?

8. If the legislation provides for the determination of the dumping margin by the application of the undermentioned criteria, how are the criteria defined?

   (a) "Comparable price in the ordinary course of trade for the like product when distinct for consumption in the exporting country." (Article VI, paragraph 1(a)).

   (b) "The highest comparable price for the like products for export to any third country in the ordinary course of trade." (Article VI, paragraph 1(b)(i)).

   (c) "The cost of production of the product in the country of origin, plus a reasonable addition for selling cost and profit." (Article VI, paragraph 1(b)(ii)).
9. Does the legislation provide that criteria (b) above may be used only when (a) is not ascertainable and similarly that criteria (c) may be used only when (a) and (b) are not ascertainable?

10. In the price calculations is provision made:

(a) for differences in conditions and terms of sale;

(b) for differences in taxation; and

(c) for other differences affecting price comparability?

11. Are the calculations to be based on:

(a) the price of the same product from the same producers;

(b) the price of a similar product from the same producer;

(c) the price of a like product from other producers in the exporting country;

(d) average prices for like products in the exporting country; or

(e) prices for like products in a third country?

12. Is it laid down that anti-dumping duties should be limited to cases where "material injury" has been caused or threatened, or where the establishment of an industry is materially retarded? If so, what are the criteria?

13. Is there provision for the levy of anti-dumping duties on:

(a) products imported from a country other than the country of origin; or

(b) products which are not themselves dumped (or subsidized) but which are made from dumped or subsidized products?

14. Do the laws and regulations permit the levy of anti-dumping duties in the interest of another contracting party? (Article VI, paragraph 6(b)).

15. What relationship exists between the customs valuation system and the determination of prices for the application of anti-dumping duties?

16. Are anti-dumping duties applied only on selected products specified by law, decree, etc., or is the customs administration instructed to levy anti-dumping duties on all dumped imports?
Part III - The selection of items on which anti-dumping duties are to be levied

17. Are items placed on the list of products on which anti-dumping duties are to be levied only after investigation of a complaint by a domestic producer of injury caused by dumped imports?

18. (a) At what stage is a claim of injury investigated?
   (b) Do these investigations take account of the effects of dumping or subsidization on a single producer, a branch of an industry, or the whole industry?

19. How are the products on which anti-dumping duties are, or are liable to be levied, proclaimed? (By law for individual items or listed items etc.)?

20. Is the anti-dumping duty fixed in the proclamation, or has it only the effect of empowering the customs administration to levy an anti-dumping duty-leaving the final finding concerning the existence and extent of the dumping in the cases of the actual imports to the customs authorities?

21. Is the duty applied to all imports of the like product, or only to imports from specified countries, or only to purchases from specified exporters?

22. (a) Does such a proclamation lay down prices so as to permit the import of more expensive products without the application of anti-dumping duties?
   (b) Do the prices so laid down have the effect of limiting the extent of the anti-dumping duties which can be applied?

23. Is the validity of a proclamation limited in time or does it remain in force until repealed?

Part IV - The administration of anti-dumping duties by customs authorities in respect of each individual consignment

24. Where the item on which an anti-dumping duty is to be levied has not been pre-selected, does the customs administration take action?

25. If the normal value is to be determined by the administration, how is the necessary information obtained?

26. If the injury caused or threatened is to be determined by the administration, how is this done?

27. Are the findings on one occasion applied to further imports of like products (from the same country and the same exporter)?
28. When dumping is suspected does the burden of proof rest with the importer or with the customs administration?

29. When dumping is suspected can the goods be cleared against security? How is it ensured that the length of time involved in the procedure for determining whether an anti-dumping duty is to be levied is not unreasonably long?

30. Is the anti-dumping duty fixed at the full amount of the margin of dumping? If not, what criteria are taken into account in fixing a smaller duty?