Committee on Anti-Dumping Practices

MINUTES OF THE MEETING OF THE COMMITTEE
ON 22 JANUARY 1980

Chairman: Mr. M. Lemmel (Sweden)

1. The Committee on Anti-Dumping Practices, established in terms of Article 14 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade which entered into force on 1 January 1980, held its first meeting on 22 January 1980. Governments having signed the Agreement were invited to participate in the meeting. The Committee elected Mr. M. Lemmel (Sweden) as its Chairman and Mr. V. Segalla (Austria) as its Vice-Chairman.

Subjects discussed:
A. Procedures for the participation of interested non-signatories in an observer capacity
B. Date and draft agenda for the next meeting
C. Other business

A. Procedures for the participation of interested non-signatories in an observer capacity

2. The representative of the United Kingdom speaking on behalf of Hong Kong called to the attention of the members of the Committee the great concern expressed by developing countries on the question of observers. His delegation had no objections to allow observers to attend the meeting from the very beginning. The objective of the Committee should be to get as many countries as possible to join the Agreement and their participation in the Committee's proceedings as observers could facilitate their accession. He also said that the decision by the CONTRACTING PARTIES (L/4905, paragraph 5) called for satisfactory procedures to be worked out, and it did not mean satisfactory to the Committee only. For this reason and for allowing the smooth introduction of bodies set up under the MTN agreements into the GATT framework, further consultations were required.
3. The representative of the European Economic Community said that he had taken into account the statement by the Hong Kong representative. He recalled that the decision of the CONTRACTING PARTIES left it to the Committee to work out satisfactory procedures for the participation of observers. He agreed that consultations should continue but he wanted to make the Community's position clear.

4. The representative of the United States shared the view expressed by the representative of the Community. The proposed procedures for observers were the same as those followed in most of the international organizations and were in conformity with the decision of the CONTRACTING PARTIES. He expressed the hope that the interested parties would continue the consultation and would arrive at a satisfactory decision as soon as possible.

5. The representative of Canada supported the two previous speakers. He regretted that consultations had not brought about any decision but he agreed that the discussion of this item of the agenda should be continued at the next meeting of the Committee.

6. The Chairman expressed his hope that satisfactory procedures would be worked out and proposed that the Committee put this item on the agenda for its next meeting.

B. Date and draft agenda for the next meeting

7. The Chairman proposed that the next meeting of the Committee be held in the week of 14 April 1980, preceding that of the Subsidies/Countervailing Measures Committee. The exact date would be fixed by the Chairman in consultation with delegations and the draft agenda would be circulated to members of the Committee around mid-March 1980. As to the items which could be put on the agenda for the next meeting, he suggested that one of them should be information on implementation and administration of the Agreement. In this connexion he invited the signatories to submit to the GATT secretariat, as soon as possible and not later than 15 February 1980, their national anti-dumping legislations as adopted or amended consequent to the new Agreement. These texts, as well as any subsequent changes therein would be circulated in GATT documents as soon as received. The Committee endorsed this invitation. The Chairman also referred to another item which, he considered, should be put on the agenda, namely reports by Parties on all preliminary or final anti-dumping actions taken and semi-annual reports of anti-dumping actions taken within the preceding six months. He said that in this respect there were two possibilities: either the members submitted reports according to the old format (or a new format if they agree on any such format), prior to the next
meeting of the Committee, or the Committee agrees not to submit these reports before its next meeting but to discuss at that meeting guidelines as to the format and content of the reports. The substantial discussion on semi-annual reports would then take place at the autumn meeting of the Committee.

8. The representative of Finland said that the discussion of notifications of national anti-dumping legislations would certainly take some time at the April meeting and therefore the Committee should postpone its discussion on the substance of reports on anti-dumping actions until its autumn meeting. This would not, of course, preclude any member from taking up specific issues already at the April meeting if he considered it necessary.

9. The representative of Canada also considered that some time was needed to reflect on a possible new format for reports.

10. The representative of Japan shared the view expressed by the representative of Finland. However his understanding was that this deferral was exceptional and that the normal practice of the Committee would be to review reports on a semi-annual basis.

11. The Chairman confirmed this understanding.

12. The representative of the European Economic Community said that he did not believe it would be useful to discuss national legislations before all Parties had submitted their legislations.

13. The representative of Sweden shared this view and urged Parties to submit their legislations well before the April meeting.

14. The representative of the United States expressed his hope that at least a majority of Parties would submit their legislation and implementing regulations in time to discuss them at the next meeting. He also proposed that the first item on the agenda be procedures for participation of observers followed by "general policy statements". As to the format for reports on anti-dumping activities he recalled the United States proposal circulated in COM.AD/W/86. Other items to be put on the agenda concerned questionnaires used in anti-dumping investigations and procedures for accession of non-contracting parties.

15. The Chairman proposed that further items could be adherence of other countries to the Code and the definition of the word "related". (Note 7 to Article 4:1(i) of the Agreement.)
16. The representative of the European Economic Community proposed that the Committee should discuss how to organize the annual review of the implementation and operation of the Agreement which would take place at the autumn meeting.

17. The Chairman concluded that, as it resulted from the discussion, the provisional agenda for the April meeting was the following:

- (a) Procedures for the participation of observers
- (b) General policy statements
- (c) Information on implementation and administration of the Agreement
- (d) Format and content of reports by Parties on all preliminary or final anti-dumping actions taken and of semi-annual reports of anti-dumping actions taken within the preceding six months
- (e) Questionnaires used in anti-dumping investigations
- (f) Procedures for accession of non-contracting parties to the GATT
- (g) Adherence of further countries to the Agreement
- (h) Procedures for the annual review
- (i) Other business, including definition of the word "related".

The Chairman said that an agenda drawn up along these lines would be circulated to the members of the Committee around mid-March.

C. Other business

18. The representative of the United States said that in the former Anti-Dumping Committee there were certain procedures for derestricting documents of the Committee and he thought it would be useful to follow the same procedures. In particular, minutes of meetings and working papers should not be derestricted. However, as far as panel reports and Committee's decisions pursuant to these reports were concerned the United States delegation would like to have them immediately derestricted. The reason was that such decisions had an impact on trade, and people concerned should have access to them as soon as possible.
19. The representative of Japan said that he agreed that the existing GATT procedures on derestricion should be followed. As to the immediate derestriction of panel reports and consequent Committee's decisions he considered that such reports or decisions should remain restricted at the request of a Party to the Agreement, as in line with the current GATT procedures for derestricion of documents.

20. The representative of Canada agreed that the existing GATT procedures should be followed and shared the view of the representative of Japan that parties concerned should have an opportunity to oppose a proposed immediate derestricion. He suggested that the Committee should revert to this question after further consultations.

21. The representative of the European Economic Community considered that existing GATT procedures should apply to all Committee documents, including panel reports. He shared the view that no immediate decision should be taken but that the Committee should revert to this question at its next meeting.

22. The Chairman proposed that each Party to the Agreement should be invited to indicate to him by 15 February 1980 the name(s) of the one or two experts whom it would be willing to make available to serve on a panel.

23. The representative of the United States said that he was instructed by his Government to notify Mr. W. Levorel and Mr. T. Hume as being available for serving on panels. The official notification would shortly be sent to the Chairman.