MINUTES OF THE MEETING HELD ON
22 APRIL 1985

Chairman: Mr. P. Robertson (Australia)

1. The Committee held a special meeting on 22 April 1985 in pursuance of the decision of the CONTRACTING PARTIES (L/5756) to examine the adequacy and effectiveness of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, and the obstacles to acceptance of the Agreement which contracting parties may have faced, providing an opportunity to non-signatory contracting parties to express their views in the discussion.

2. The Chairman recalled that in order to respond to the invitation addressed to the Committee in sub-paragraph (a) of document L/5756, the Committee should focus on the question of adequacy and effectiveness of the Agreement as well as on the obstacles to acceptance which contracting parties may have faced. The Chairman further proposed that the observations made and any conclusions reached be recorded in the minutes of this meeting in accordance with normal practice, so that the secretariat could carry out its responsibilities and furnish a report to the Working Group on MTN Agreements and Arrangements which would meet at the end of May, as requested under sub-paragraph (b) of document L/5756.

3. The Chairman then drew the Committee's attention to the fact that in the second half of 1982 the Committee had examined some of these issues in the context of preparing a contribution for the Ministerial Meeting. On the basis of the discussion held in the Committee at that time, the then Chairman had prepared a note which the Committee had authorized him to submit to the Ministerial Meeting (document ADP/12). The Chairman also mentioned that in the context of the Committee's efforts to ensure that the practices of all parties in the anti-dumping field were in conformity with the provisions of the Agreement, the Committee had established an Ad-Hoc Group to examine problems related to the implementation of the Code. This Group had been examining certain issues and had produced four recommendations which dealt with transparency of anti-dumping procedures, procedures for an on-the-spot investigation, time-limits given to respondents to anti-dumping questionnaires, and best information available in terms of Article 6:8.

4. The Chairman proposed that the Committee use document ADP/12 as a reference point for the discussion and try to identify any new or additional elements concerning the effectiveness and adequacy of the Agreement. Observers who had faced obstacles to the acceptance of the Agreement were specifically invited to explain them to the Committee.
5. The Committee considered the different elements contained in document ADP/12 and in the absence of any comments by signatories or observers, the Chairman concluded that the views expressed in that document were still fully valid.

6. The representative of Romania proposed that the secretariat analyze the implementation and practical application of Article 13 of the Code. On the basis of such an examination the Committee could create better conditions for developing countries to accede to the Code. He noted that Article 13 provided that "possibilities of constructive remedies provided for by this Code shall be explored before applying anti-dumping duties where they would affect the essential interests of developing countries." In his view, one of these constructive remedies were price undertakings provided for by Article 7. As the legislation of certain contracting parties tended to limit the use of price undertakings, one could consider this situation as an obstacle for developing countries. The Committee or the Ad-Hoc Group could try to correct this situation by enticing the use of price undertakings as a constructive solution, because it was one of the tasks of the Committee to provide better conditions for developing countries.

8. The Chairman expressed doubt, whether the proposal made by Romania was covered by the decision of the CONTRACTING PARTIES and suggested that the Romanian delegation submit its proposal at a regular Committee meeting or in the Ad-Hoc Group.

9. The representative of the EEC noted that paragraph 3 of document ADP/12 which the Committee had just reaffirmed provided for the discussion of specific problems in the Committee with a view to resolving them in accordance with the letter and spirit of the Agreement. He consequently endorsed the view of the Chairman that the matter raised by Romania could be properly raised in the Committee.

10. The Chairman in his summation noted that the observations made would be recorded in the minutes of the meeting in accordance with normal practice and that these minutes would be made available to the Working Group on MTN Agreements and Arrangements.