BACKGROUND INFORMATION FOR ANNUAL REVIEW
OF THE OPERATION OF THE AGREEMENT

Note by the Secretariat

In order to facilitate the conduct of the annual review the secretariat has prepared a short report setting out information available on actions taken by Parties under the Agreement since the previous annual review in October 1980.

I. Organization of the work of the Committee

1. The Agreement on Implementation of Article VI of the General Agreement entered into force on 1 January 1980. On 15 October 1981 the following were the Parties to the Agreement: Austria, Brazil, Canada, Czechoslovakia, Finland, Hungary, India, Japan, Norway, Pakistan, Poland, Romania, Spain, Sweden, Switzerland, United Kingdom on behalf of Hong Kong, United States, Yugoslavia and the European Communities.

2. The Parties to the Agreement are ipso facto members of the Committee on Anti-Dumping Practices established under the Agreement. During the period under review the Committee has held three meetings:

   2-3 February 1981  - (ADP/M/4 and L/5107)
   27-28 April 1981  - (ADP/M/5 and L/5143)
   26 October 1981   -

   Twenty-four contracting parties and four non-contracting parties have observer status. Furthermore two international organizations (IMF and UNCTAD) have attended meetings of the Committee in an observer capacity.

3. The Group of Experts on the Definition of the Word "Related" established jointly by this Committee and the Committee on Subsidies and Countervailing Measures in May 1980 (ADP/M/2, paragraphs 37-38 and SCM/M/3, paragraphs 33-45) completed its work and submitted a report to the Committee in April 1981 (ADP/M/5, Annex II).

II. National legislation and implementing regulations (Article 19:5)

4. During the period under review the Committee took note of communications submitted on the implementation of the Agreement by Czechoslovakia
(ADP/1/Add.11), Hong Kong (ADP/1/Add.12) and Hungary (ADP/1/Add.14). As of 15 October 1981 the following Parties submitted their legislation or made communications with this respect to the Committee:

- European Communities - ADP/1/Add.1
- Sweden - ADP/1/Add.2
- United States - ADP/1/Add.3
- Norway - ADP/1/Add.4
- Finland - ADP/1/Add.5
- Canada - ADP/1/Add.6
- Switzerland - ADP/1/Add.7
- Japan - ADP/1/Add.8
- Romania - ADP/1/Add.9
- Austria - ADP/1/Add.10
- Czechoslovakia - ADP/1/Add.11
- Hong Kong - ADP/1/Add.12
- Hungary - ADP/1/Add.14

5. The representative of India made an oral statement to the effect that the present Indian Customs Tariffs Act did not envisage application of anti-dumping duties and consequently such duties had never been applied (ADP/M/5, paragraph 5).

6. The delegation of Canada has submitted its draft legislation to the Committee for discussion and comments (ADP/M/3, paragraphs 36-61).

7. At its October 1980 meeting the Committee took a decision with respect to the action by Brazil under Article 16:6 of the Agreement (ADP/M/3, Annex I).

8. The following Parties have not, as yet, informed the Committee of their actions under Article 16:6 of the Agreement: Pakistan, Poland, Spain and Yugoslavia.

9. It was agreed that the Parties to which comments concerning their legislation were addressed would consider them. Some Parties reserved their rights to revert to particular aspects of the national legislations at a later stage or in the light of their practical implications. The Committee agreed to maintain on its agenda the examination of national legislations already submitted and those which will be submitted in future.

III. Semi-Annual reports on anti-dumping actions

10. Article 14:4 of the Agreement provides that the Parties shall submit, on a semi-annual basis, reports of any anti-dumping action taken within the preceding six months. In this relation a standard form for such reports has been worked out (ADP/3). During the period under review the following reports have been submitted and circulated to the Committee:

(a) reports for the period 1 July 1980-31 December 1980 has been circulated in addenda to ADP/7. The following Parties had notified the Committee that they had not taken any anti-dumping action during that period: Spain (Add.2); Norway (Add.3); Switzerland (Add.3); Hong Kong (Add.3); Japan (Add.3); Romania (Add.4); Austria (Add.5); Czechoslovakia (Add.5); Yugoslavia (Add.5); Brazil (Add.5); Sweden (Add.6); Hungary (Add.8);
India (Add.10). Anti-dumping actions had been notified by the United States (Add.1); Finland (Add.5); the EEC (Add.7) and Canada (Add.8).

(b) reports for the period 1 January 1981-30 June 1981 has been circulated in addenda to ADP/10. The following Parties have notified the Committee that they had not taken any anti-dumping action during that period ADP/10/Add.6: Brazil, Czechoslovakia, Hungary, India, Japan, Norway, Poland, Romania, Spain, Sweden, Switzerland, Hong Kong and Yugoslavia. Anti-dumping actions have been notified by Finland (ADP/10/Add.1), the EEC (ADP/10/Add.2), the United States (ADP/10/Add.3) and by Austria (ADP/10/Add.4).

IV. Reports on all preliminary or final anti-dumping actions

11. Notifications under these procedures have been received from Austria, the European Communities, Canada and the United States and circulated in documents ADP/W/6, 8, 11, 15, 16, 17 18, 19, 20, 21, 22 and 23.

V. Questionnaire used in anti-dumping investigations

12. The following Parties have submitted their questionnaire to the secretariat: Canada, United States, the European Communities. Australia, which has observer status has also submitted its questionnaire. These questionnaires are available in the secretariat for inspection by interested delegations.

VI. -Understanding on Article 8:4 of the Agreement (basic prices)

13. In February 1981 the Committee had a meeting to discuss the question of basic prices systems. It agreed that the Draft Understanding on Article 8:4 of the Agreement (ADP/W/14) should be referred to respective governments for consideration with a view to taking a final decision on it at the following meeting of the Committee (ADP/M/4, paragraph 35). Following this consideration some delegations had submitted to the Chairman several amendments which had been incorporated in the revised text (ADP/M/5, Annex I). The special meeting convened for July 1981 to deal with this question was cancelled because the consultations with a view to elaborating an agreed text had not sufficiently progressed. The matter will again be submitted to the Committee at its October 1981 meeting.

VII. Conciliation and dispute settlement

14. No action has been initiated with respect to conciliation and dispute settlement procedures.

15. A limited number of changes was notified to the list of persons available for serving on panels. Consequently the present record in the possession of the Chairman is as follows:
Austria:
Mr. Peter Feith
Minister Counsellor
Federal Ministry for Trade, Commerce and Industry
Vienna

Mr. Ernst Kurmayer
Director
Federal Ministry for Finance
Vienna

Canada:
Mr. R. Hines
Assistant Director
International Economic Relations
Department of Finance
Ottawa

Mr. J. Weekes
Director
Department of External Affairs
Ottawa

EEC:
Denmark:
Miss Ulla Trolle

France:
Mr. A.M. Desseilligny
DREE

Germany:
Mr. G. Dommasch
Ministry of Commerce

Ireland:
Mr. S. Carney
Ministry of Industry
EEC (cont'd):

Italy:
Mr. G. Baronci
Ministry for External Trade

United Kingdom:
Mr. B.G. Rosser
Department of Trade

Mr. R. Gwen
Department of Trade

Finland:
Mr. Raimo Peltonen
Senior Governmental Counsellor
Ministry of Finance
Helsinki

Mr. Matti Pullinen
First Secretary
Permanent Mission of Finland
Geneva

Hungary:
Mr. Peter Naray
First Secretary
Permanent Mission of Hungary, Geneva

Japan:
Mr. Tomoya Kawamura
Minister
Permanent Mission of Japan, Geneva

Mr. Koichi Kujirai
Counsellor
Permanent Mission of Japan, Geneva

Norway:
Mr. Erik Selmer
Deputy Director-General
Ministry of Foreign Affairs

Mr. Harald Bøyum
Head of Division
Ministry of Commerce and Shipping

Mr. Knut Berger
Minister-Counsellor
Permanent Mission of Norway, Geneva
Department of Trade
Romania:
Mr. Victor Aldea
Counsellor
Ministry of Commerce

Mr. Aurel Ion
Counsellor
Ministry of Commerce

Spain:
Mr. Nicolás López
Mr. Miguel Angel Díaz Mier
Mr. José Carlos García Herrera

Sweden:
Mr. Åke Degerman
Head of Division to the Swedish Board of Commerce
Stockholm

Mr. Bengt Nyren
Head of Division to the Swedish Board of Customs
Stockholm

United States:
Mr. S. Bruce Wilson
First Secretary
Office of US Trade Representative
Geneva

Mr. Theodore Hume
Deputy General Counsel
Office of US Trade Representative
Washington, D.C.