

# Anti-Dumping Agreement: Overview

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# Trade Remedies

- Anti-dumping
- Countervailing
- Safeguards
- Detailed investigation required

# Requirements on a user of Anti-dumping

- Legal and institutional framework
- Notify and implement domestic laws in conformity with Article VI of GATT and the ADA
- Investigating authority
- Judicial review

# Anti-dumping action: Legal basis

- Specific action against dumping is required to be taken in accordance with Article VI of GATT 1994 and the Anti-Dumping Agreement

## GATT, Article VI

### *Anti-dumping and Countervailing Duties*

1. The contracting parties recognize that dumping, by which products of one country are introduced into the commerce of another country *at less than the normal value of the* products, is *to be condemned if it causes or threatens material injury to an established* industry in the territory of a contracting party or *materially retards the establishment of a* domestic industry. For the purposes of this Article, a product is to be considered as being introduced into the commerce of an importing country at less than its normal value, if the price of the product exported from one country to another
- (a) is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country, or,
  - (b) in the absence of such domestic price, is less than either
    - (i) the highest comparable price for the like product for export to any third country in the ordinary course of trade, or
    - (ii) the cost of production of the product in the country of origin plus a reasonable addition for selling cost and profit.

Due allowance shall be made in each case for differences in conditions and terms of sale, for differences in taxation, and for other differences affecting price comparability.

## Substantive requirements

- Dumping
- Injury
- Causal link

# Anti-dumping Agreement:

## Essential Features

- Deals with the price behaviour of exporters and not the exporting country as a whole
- Can have separate anti-dumping duty for each exporter

# What is dumping

- If the export price of the product from the country of export is less than its normal value in the ordinary course of trade
- Dumping per se is not objectionable
- Injurious dumping has been condemned
- Dumping Margin = (Normal Value – Export

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