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Appendix

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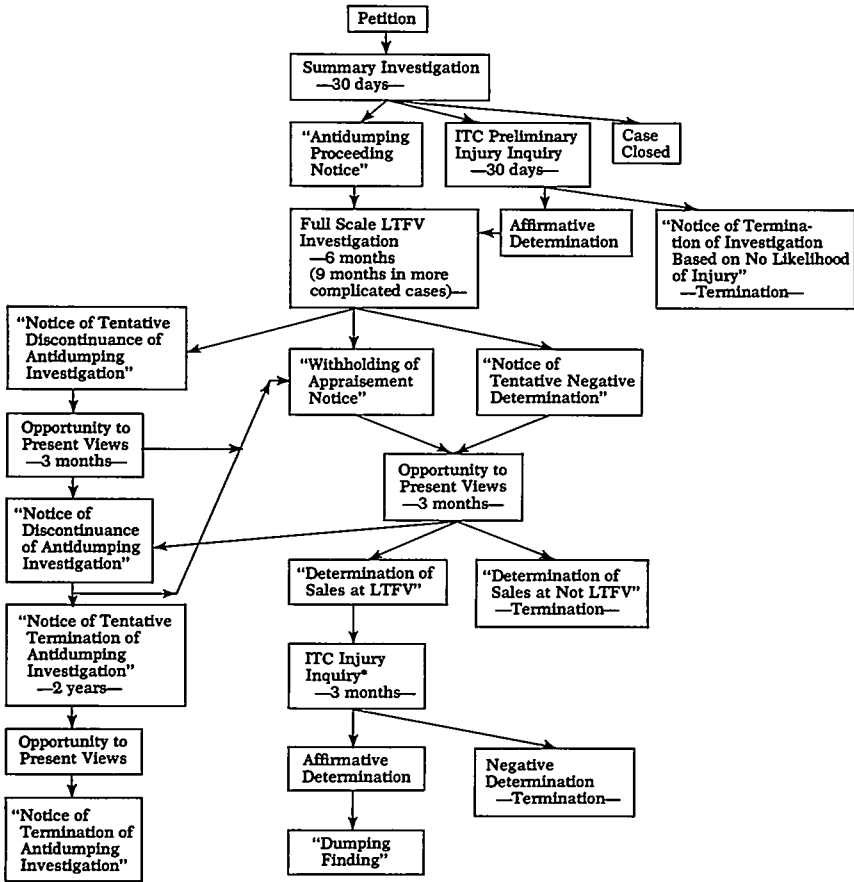
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Appendix

Flow Diagram of an Antidumping Proceeding



*After a determination of sales at LTFV but prior to an ITC determination, the Secretary can terminate an investigation by issuing a notice, "Revocation of Determination of Sales at LTFV and Determination of Sales at NLTFV," or he can modify his carrier determination of sales at LTFV by issuing a notice, "Modification of Determination of Sales at LTFV."

Source: *Oversight of the Antidumping Act of 1921: Hearings before the Subcomm. on Trade of the House Comm. on Ways and Means, 95th Cong., 1st Sess. 176 (1977).*

Summary of Treasury's Procedures under the Antidumping Act

Investigation Procedures	Hypothetical Case Based on Average Days Required		Days Required to Complete Segment ¹		19 C.F.R. §
			Average	Range	
A. Preliminary investigation (maximum duration thirty days)					
1. A preliminary investigation is initiated when the Department accepts a petition in its proper form.	Jan.	1	—	—	153.29
2. Upon acceptance of the petition. Customs performs a preliminary investigation to determine whether a full investigation is warranted. During this period they attempt to verify from readily available information, the adequacy and accuracy of the petition; gather background information on the product and the effected industry; and prepare its recommendation to Treasury on whether further investigation is warranted.	Jan.	24	24 ²	20-30	153.29
3. Treasury reviews the petition and Customs recommendations, prepares the necessary notices, and has the Antidumping Proceeding Notice signed by the Secretary.	Jan.	31	7 ²	4-12	153.29
B. Full investigation (six months)³					
1. Publication of the antidumping proceeding notice in the Federal Register. The publication date starts the full investigatory period. ⁴	Feb.	5	5	4-7	153.30
2. Customs' foreign attachés arrange meetings with foreign manufacturers to provide them with information concerning the act and questionnaires which they are requested to complete.	Mar.	2	25	15-33	153.31
3. During the period, the foreign manufacturers are assembling the information requested in the questionnaires. They are given thirty days in which to assemble the information, but are granted extensions when requested. This date represents the day the manufacturers response is received by the attaché.	Apr.	23	52	28-70	153.31
4. The attaché arranges meetings with the manufacturers for the purpose of verifying their responses. The actual verification generally requires one day per manufacturer.	Apr.	30	7	4-10	153.31
5. The attaché prepares his verification reports and forwards them along with supporting documentation to Customs headquarters. This date represents the day the reports are received by the Duty Assessment Division.	May	17	17	10-24	153.31
6. Customs' analytical work primarily concerns reviewing verification reports; analyzing sales data representing, as a minimum, 60 percent of sales of the	July	15	59	48-71	153.31

Source: SUBCOMM. ON TRADE OF THE HOUSE COMM. ON WAYS AND MEANS, UNFAIR TRADE PRACTICES, H.R. DOC. NO. WMCP:95-99, 95th Cong., 2d Sess. 27 (1978).

Note: If the determination is that sales at less than fair value have occurred the case is referred to ITC for its injury investigation. If no sales at less than fair value are found, the case is terminated. ITC's investigatory time frame is three months with Treasury generally requiring about one additional month in time to have the antidumping notice published in the Federal Register if ITC's determination is positive. (19 C.F.R. § 153.43)

Investigation Procedures	Hypo- thetical Case Based on Average Days Re- quired	Days Required to Complete Segment ¹		19 C.F.R. §
		Average	Range	
commodity during a six-month period; determining the propriety of adjustments to sales data; and calculating weighed average margins for each manufacturer covered in the investigation. When the analysis is completed, Customs holds disclosure conferences with interested parties and prepares letters to Treasury detailing their conclusions and recommendations.				
7. Treasury's review of Customs recommendation which primarily addresses the adequacy of support for adjustments, allowances, and conclusions, as well as their legal standpoint. Based on this analysis it makes its decision, prepares the necessary notices, and signs the withholding of appraisal notice which includes a tentative determination. The signing date represents the end of the full investigatory period. ³	July 31	16	4-33	153.31
C. Six-month withholding (Treasury, three months) ⁵				153.31
1. The withholding of appraisal notice is published in the Federal Register. This date starts Treasury's part of this period which lasts three months.	Aug. 5	5	3-6	153.35(b)
2. Treasury receives written legal briefs from interested parties. The briefs are required to be received in Treasury within thirty days from the date of publication of the withholding of appraisal notice.	Aug. 28	23	12-33	153.40
3. After receipt of the briefs, Treasury arranges a confrontation meeting at which the interested parties may discuss those points mentioned in the briefs. This date represents the date of the meeting.	Sept. 17	20 ⁶	6-31	153.40
4. Rebuttal briefs are received from the interested parties. The briefs are based on the issues discussed at the confrontation meeting. Two weeks are allowed for receipt of the briefs.	Oct. 2	15 ⁶	14-17	153.40
5. Customs analyzes any new information it may have received and prepares its final recommendation to Treasury.	Oct. 24	22 ⁶	18-25	153.40
6. Treasury's analysis of Customs recommendation and signing of the final determination. The signing date ends Treasury's time period under the six-month withholding.	Nov. 9	16	3-21	153.37
7. Publication of the final determination in the Federal Register.	Nov. 15	6	5-6	153.37

¹Based on five cases.

²Based on four cases.

³Treasury may extend the full investigatory period by 3 months if additional time is needed to analyze complex cases. Since January 1975, sixteen cases have been extended. (19 C.F.R. § 153.32)

⁴If Treasury believes that there may be questionable injury to U.S. industry, it may request a preliminary determination by ITC. Since January 1975, fourteen cases have been referred for preliminary review with two of the cases being terminated because of insufficient injury. (19 C.F.R. § 153.29(b))

⁵Unless both a foreign manufacturer and American importer request a six-month withholding period, a final determination will be issued rather than a tentative determination. The case would then be referred to ITC. (19 C.F.R. § 153.35(a))

⁶Based on three cases.

BICYCLE TIRES AND TUBES*	19	1/13/78	0	6/2/65	2	0	0	0	0	0	0	0	0	0
BICYCLES	25	1/8/65	5	9/29/71	0	0	0	0	0	0	0	0	0	0
BICYCLES	36	4/16/70	6	2/5/71	0	0	0	0	0	0	0	0	0	0
BITUMINOUS PAVING EQUIP PARTS	5	7/18/69	6	4/24/72	0	0	0	0	0	0	0	0	0	0
BRASS KEY BLANKS	5	1/27/71	6	9/10/73	0	0	0	0	0	0	0	0	0	0
CADIUM	18	10/20/72	6	12/9/70	0	0	0	0	0	0	0	0	0	0
CALCIUM PANTOTHENATE	18	3/22/68	6	7/27/75	0	2	0	0	0	0	0	0	0	0
CAPACITORS, TANTALUM ELECTROLYTIC	35	12/5/77	0*	10/12/78	2	2	0	0	0	0	0	0	0	0
CARBON STEEL BARS	18	9/20/77	0*	3/6/78	2	2	0	0	0	0	0	0	0	0
CARBON STEEL PIPES AND TUBES	30	0/0/0	4*	11/21/78	2	2	0	0	0	0	0	0	0	0
CARBON STEEL PLATE	18	9/20/77	0*	3/6/78	2	2	0	0	0	0	0	0	0	0
CARBON STEEL PLATE	35	12/5/77	0*	10/12/78	2	2	0	0	0	0	0	0	0	0
CARBON STEEL PLATE	18	3/8/77	0	1/13/78	0	2	0	0	0	0	0	0	0	0
CARBON STEEL PLATES*	33	0/0/0	4*		0	0	0	0	0	0	0	0	0	0
CARBON STEEL SHEETS	25	0/0/0	4*		0	0	0	0	0	0	0	0	0	0
CARBON STEEL STRIP	18	9/20/77	0*	3/6/78	2	2	0	0	0	0	0	0	0	0
CARBON STEEL STRUCTURAL PRODUCTS	35	12/5/77	0*	10/12/78	2	2	0	0	0	0	0	0	0	0
CARBON STEEL STRUCTURAL SHAPES	8	9/20/77	0*	3/6/78	2	2	0	0	0	0	0	0	0	0
CARBON STEEL WIRE ROD	35	12/5/77	0*	16/12/78	2	2	0	0	0	0	0	0	0	0
CARBON STEEL WIRE ROD	11	9/12/77	0*	7/18/78	2	2	0	0	0	0	0	0	0	0
CARBON STEEL WIRE ROD	35	11/17/77	0*	7/18/78	2	2	0	0	0	0	0	0	0	0
CARBON STEEL, COLD ROLLED & GAL SHEET*	11	10/25/77	0		0	0	0	0	0	0	0	0	0	0
CARBON STEEL, COLD ROLLED & GAL SHEET*	3	10/25/77	0		0	0	0	0	0	0	0	0	0	0
CARBON STEEL, COLD ROLLED & GAL SHEET*	22	10/25/77	0		0	0	0	0	0	0	0	0	0	0
CARBON STEEL, COLD ROLLED & GAL SHEET*	17	10/25/77	0		0	0	0	0	0	0	0	0	0	0
CARBON STEEL, COLD ROLLED & GAL SHEET*	36	10/25/77	0		0	0	0	0	0	0	0	0	0	0
CARBON STEEL, COLD ROLLED & GAL SHEET*	36	10/25/77	0		0	0	0	0	0	0	0	0	0	0
CARD CLOTHING	35	1/24/72	6	1/18/73	1	1	0	0	0	0	0	0	0	0
CAST IRON SOIL PIPE	25	11/3/65	6	6/8/67	0	0	0	0	0	0	0	0	0	0
CAST IRON SOIL PIPE FITTINGS	25	1/14/71	6	6/30/72	0	0	0	0	0	0	0	0	0	0
CERAMIC BRICK AND TILE	5	6/24/75	5	5/5/76	0	0	0	0	0	0	0	0	0	0
CERAMIC WALL TILE	35	2/27/69	5	1/9/71	0	0	0	0	0	0	0	0	0	0
CERAMIC WALL TILE, GLAZED	18	12/9/65	6	11/23/67	1	0	0	0	0	0	0	0	0	0
CERAMIC WALL TILE, GLAZED	24	6/28/72	6	5/15/73	0	0	0	0	0	0	0	0	0	0
COAXIAL CABLE, ALUMINUM SHEATHED	5	8/1/66	6	6/22/67	1	0	0	0	0	0	0	0	0	0
CONCORD GRAPES	5	9/18/67	6	5/8/69	0	0	0	0	0	0	0	0	0	0
CUMENE	17	1/17/77	0	12/7/78	2	2	0	0	0	0	0	0	0	0
CUMENE	22	1/17/77	0	12/7/78	1	1	1	1	0	0	0	0	0	0
DARTBOARDS AND DARTGAMES	35	6/30/66	6	2/3/68	1	2	0	0	0	0	0	0	0	0
DEFLECTION YOKES	18	9/22/71	6	11/8/72	2	0	0	0	0	0	0	0	0	0
DIAMOND TIPS, PHONOGRAPH NEEDLE	35	11/24/70	6	11/20/71	0	0	0	0	0	0	0	0	0	0
DICHLOROBENZIDINE	18	6/26/68	6	8/23/69	1	0	0	0	0	0	0	0	0	0
DISC BRAKE PADS	5	6/13/66	6	8/24/67	1	0	0	0	0	0	0	0	0	0
DOOR LOCKS AND LATCHES	18	5/25/70	6	9/29/71	1	0	0	0	0	0	0	0	0	0
DOOR SKINS, BIRCH 3-PLY	18	12/12/74	6	10/15/75	0	2	0	0	0	0	0	0	0	0
DRILLS, HIGH SPEED STEEL TWIST	18	6/8/67	6	12/11/68	1	0	0	0	0	0	0	0	0	0

a. Voss International Corp. v. United States, 432 F. Supp. 205 (Cust. Ct. 1977).

DUMPING FINDING

ITC

TREASURY

Country

Product Name*

Date of Complaint

Complaint

Date of Decision†

U.S. Price

Foreign Country Price

ITC Investigation Number (AA1921-)

U.S. Market

T.D. Number

Status

Modification

Country	Product Name*	Date of Complaint	Complaint	Date of Decision†	U.S. Price	Foreign Country Price	ITC Investigation Number (AA1921-)	U.S. Market	T.D. Number	Status	Modification	
18	DRUM PLUGS, ROUNDHEAD STEEL	5/ 5/76	0	3/17/77	0	0	164	1	0	72-311	0	1
36	DRYCLEANING MACHINERY	2/12/71	6	6/30/72	0	0	99	0	0			
5	EGGS, CHICKEN, IN SHELL	6/11/74	6	4/14/75	1	0	0	0	0			
21	EGGS, CHICKEN, IN SHELL	3/11/71	6	3/20/71	1	0	0	0	0			
22	EGGS, WHOLE DRIED	2/10/69	6	4/30/70	0	0	75	1	0	70-198	1	1
35	EGGS, WHOLE FROZEN	6/11/66	6	6/ 1/66	2	0	63	0	0			
35	ELECTRONIC CERAMIC PKG & PARTS	8/16/72	6	1/31/73	2	0	0	0	0			
35	ELECTRONIC COLOR SEPARATING MACH	5/14/72	6	6/ 7/73	1	0	123	1	0			
18	ELECTRONIC RECEIVING TUBES	7/21/67	6	9/11/69	0	0	0	0	0			
18	EXPANDED METAL, BASE METAL	1/12/73	6	9/15/73	0	0	130	0	1	74- 29	0	1
18	FERRITE CORES, BASE METAL	3/22/68	2	10/29/70	0	0	65	0	0	71- 84	0	1
18	FISH NETTING, MANMADE FIBER	9/ 2/70	6	1/19/72	0	0	85	0	0	72-158	0	1
34	FISHERY PRODUCTS	3/ 9/66	6	3/30/67	1	0	2	0	0			
18	FIXED RESISTORS OF CARBON CORP	8/10/67	6	4/ 7/70	1	2	0	0	0			
18	GERMANIUM POINT CONTACT DIODES	8/21/72	6	6/28/73	0	0	125	1	0			
18	GLASS, CAST OR ROLLED	1/ 6/69	5	4/39/71	1	0	0	0	0			
18	GLASS, CLEAR PLATE AND FLOAT	5/16/69	5	1/ 9/71	0	0	69	0	1	71-130	1	1
18	GLASS, CLEAR SHEET	2/11/69	5	1/ 9/71	0	0	70	0	1	71-131	1	1
28	GLASS, CLEAR SHEET	3/ 9/76	6	1/17/77	0	0	2	163	1	0		
3	GLASS, SHEET	9/23/68	5	4/ 9/71	1	0	0	1	0			
33	GLASS, SHEET	6/20/69	5	4/22/71	0	0	76	0	1	71-226	0	1
11	GLASS, SHEET OVER 28 OZ/SQ FT	1/ 8/70	6	8/ 4/71	0	0	80	0	0	71-293	1	0
17	GLASS, SHEET OVER 28 OZ/SQ FT	12/29/69	6	8/ 4/71	0	0	79	0	0	71-294	0	1
36	GLASS, SHEET OVER 28 OZ/SQ FT	1/14/70	6	8/ 4/71	0	0	78	0	0	71-295	2	1
18	GLASS, TEMPERED SHEET	6/20/69	5	5/ 5/71	0	0	71	0	0	71-247	0	1
11	GLYCINE	3/ 1/68	6	3/24/70	0	0	61	0	0	70- 71	1	1
18	GLYCINE	0/ 0/ 0	6	12/ 4/69	1	2	0	0	0			
36	GLYCINE	0/ 0/ 0	6	4/12/69	2	0	0	0	0			
22	GOLF CARTS, ELECTRIC	3/ 1/68	6	7/10/69	1	0	147	0	0	75-288	0	1
25	HADDOCK, FROZEN FILLETS	6/ 7/74	6	6/16/75	0	0	2	0	0			
5	HAND TOOLS, CERTAIN NON-POWERED	10/31/67	6	3/13/69	1	2	0	149	1	0		
18	HAND TOOLS, NON-POWERED	8/ 5/74	0	9/ 5/75	0	0	3	141	1	0		
18	HAT BODIES OF FUR, NOT ON SKIN	6/20/73	6	6/21/74	0	2	0	141	1	0		
6	HAT BODIES, FUR FELT	6/24/70	6	6/ 9/72	2	0	0	0	0			
11	HD PALLET TRUCKS	5/24/65	1	3/11/67	2	0	0	0	0			
11	ICE CREAM SANDWICH WAFERS	3/22/71	6	4/19/72	0	0	95	1	0			
5	ICE HOCKEY STICKS	10/19/70	6	11/ 3/71	0	0	83	0	0	72- 77	0	1
10	ICE SKATE BLADES	3/ 2/77	6	12/30/78	0	0	177	1	0			
18	IMPRESSION FABRIC OF MAN-MADE FIBER	3/22/66	6	5/ 6/67	1	0	2	0	0			
18		2/ 7/77	0	12/30/77	0	0	0	0	0	78-143	0	1

18	IMPRESSION FABRIC, MAN MADE FIBER	1/ 5/72	6	2/15/73	0	0	3	116	1	0		
18	INSULATORS, HIGH VOLTAGE PORCELAIN	6/21/68	6	6/30/71	2	0	0	0	0	0		
15	IRON AND SPONGE IRON POWDERS	12/ 7/72	6	10/19/73	0	0	0	136	1	0		
17	KNITTING MACHINERY FOR HOSIERY	7/15/75	0	8/30/76	0	0	3	160	1	0		
5	KRAFT PULP, N BLEACHED HARDWOOD	9/10/71	6	9/30/72	0	0	0	105	0	0	73-28	2b 1
1	LEAD METAL, PRIMARY	2/ 4/75	6	10/12/73	0	0	0	134	0	0	74-128	2c 1
5	LEAD METAL, PRIMARY	6/ 2/75	8	10/15/73	0	0	0	135	0	0	74-127	2c 1
13	LIGHTBULBS	6/21/78	0	11/ 8/78	2							
19	LIQUID SPRAYERS	1/23/73	6	12/17/73	2							
18	LIQUID SPRAYERS	1/23/73	6	1/15/74	0	2	0	138	1	0		
21	LITHOGRAPHIC PLATES, MULTIMETAL	3/24/76	6	8/28/76	2							
18	LOUD SPEAKERS	3/22/68	6	10/29/70	1	2	0					
18	MAGNETS, PERMANENT ALNICO CERAMIC	5/ 9/72	6	3/21/73	1	2	0					
35	MANDELIC ACID	1/ 9/73	6	1/16/74	2							
18	MANDELIC ACID	2/14/73	6	1/16/74	2							
21	MANUAL HOISTS	2/ 2/72	6	12/30/72	0	1	1	113	1	0		
35	MARINE RADAR SYSTEMS*	10/12/78	0									
18	MELANINE, CRYSTAL	11/14/75	0	9/23/76	0	0	0	162	0	1	77-54	0 1
18	METAL PUNCHING MACHINES	1/23/73	6	10/12/73	0	0	0	133	1	0		
18	METHIONINE, SYNTHETIC	7/27/72	6	2/15/73	0	0	0	115	0	0	73-188	0 1
5	METHYL ALCOHOL*	5/ 2/78	0					113				
4	METHYL ALCOHOL	8/11/77	0	11/ 1/77	2			1 7				
18	MICROANALYZERS	1/27/69	6	4/ 9/71	2							
18	MICROWAVE OVENS	8/11/72	6	5/22/73	1	2	0					
19	MONOSODIUM GLUTAMATE	4/12/76	6	2/18/77	1	1	0					
18	MOTORCYCLES	6/ 8/77	0	8/ 8/78	0	1	3	187	1	0		
18	NEOPENTYL GLYCOL	1/25/72	6	8/31/72	2							
11	NYLON YARN	12/15/77	0	7/20/78	0	0	0	185	1	0		
18	NYLON YARN	2/ 3/78	0	5/25/78	2							
36	OFFICE MACHINE SPOOLS	2/15/65	6	11/12/65	1	0	1					
11	PAPER, CONDENSER*	6/27/78	0									
10	PAPER, CONDENSER*	6/ 3/71	6	9/20/72	0	0	0	103	1	0		
5	PAPER, KRAFT WRAPPING	6/ 3/71	6	6/19/78	2			110	2			
5	PAPER, OFFSET	1/12/78	0	6/23/78	2			112	2			
36	PAPER, PHOTOGRAPHIC COLOR	3/ 6/78	0	6/23/78	2			111	2			
18	PAPER, PHOTOGRAPHIC COLOR	3/ 6/78	0	5/17/74	1	0	0	126	1	0		
5	PAPERMAKING MACHINERY AND PARTS	3/ 5/73	6	7/25/73	0	0	0					
31	PAPERMAKING MACHINERY AND PARTS	6/ 6/71	6	7/25/73	1	0	0	110	0	1	73-84	1 1
10	PAPERMAKING MACHINERY AND PARTS	8/ 6/71	6	12/ 6/72	0	0	0	96	1	0		
1	PEARS, CANNED BARTLETT	12/ 2/71	6	11/ 3/71	2							
18	PENTAERYTHRITOL	2/19/71	6	9/28/72	0	0	0	106	1	0		
17	PENTAERYTHRITOL	2/19/71	6					114				
17	PERCHLOROETHYLENE	5/21/71	6					115				
3	PERCHLOROETHYLENE*	6/16/78	0									
11	PERCHLOROETHYLENE*	6/16/78	0									

b. Revoked after ITC AA1921-105A determining no injury.
c. Revoked after ITC AA1921-134A determining no injury.

Product Name*	Country	Date of Complaint†		Complaint	TREASURY		ITC		Status Modification		
		Date of Complaint†	Decision		U.S. Price	Foreign Country Price	ITC Investigation Number (AA1921)-\$	U.S. Market		T.D. Number	
PERCHLORETHYLENE		5/17/71	6	9/28/72	0	0	0	108	1	0	
PERCHLORETHYLENE		5/17/71	6	9/28/72	0	0	0	107	1	0	
PERCHLORETHYLENE*		6/16/78	0					116			
PHOTO ALBUMS		9/10/73	6	9/28/77	2	1	0	139	0	0	74-166
PICKER STICKS		3/28/73	6	2/ 7/74	0	1	0				
PIG IRON		3/ 6/72	6	3/ 7/73	1	2	0				
PIG IRON		2/ 3/69	3	5/ 9/70	2						
PIG IRON		2/ 3/69	3	1/ 6/70	2						
PIG IRON		3/ 3/69	3	3/17/71	0	0	0	73	0	0	71-194
PIG IRON		6/ 6/66	3	6/26/68	0	0	2	52	0	0	68-263
PIG IRON		3/ 3/69	3	3/17/71	0	0	0	74	0	0	71-192
PIG IRON		1/31/67	2	6/26/68	0	0	2	53	0	0	68-262
PIG IRON		3/ 3/69	3	1/ 6/70	2						
PIG IRON		5/ 3/69	3	3/17/71	0	0	0	72	0	0	71-193
PIG IRON		9/ 1/66	3	6/26/68	0	0	2	55	0	0	68-261
PIG IRON		2/ 2/69	3	1/ 6/70	2						
PIR IRON		4/ 1/19/67	3	6/26/68	0	0	2	54	0	0	68-264
PIR IRON		12/ 5/66	0	6/ 7/67	2						
PLASTIC CONTAINERS		3/21/68	3	7/24/69	0	0	0	57	1	0	
PLASTIC TAPES, PRESSURE SENSITIVE		4/ 8/76	0	5/31/77	0	2	0	167	0	0	77-258
PLASTIC TAPES, PRESSURE SENSITIVE		0/ 0/ 0	0	6/ 9/77	0	2	0	168	1	0	
PNEUMATIC MARINE FENDERS*		1/23/77	0	9/29/78	0	0	0	153	1	0	
POLYMETHYL METHACRYLATE		5/16/75	6	3/24/76	0	0	0				
POLYPROPYLENE FILM		1/ 8/69	6	3/ 5/70	1	0	0				
POLYPROPYLENE STRAPPING		12/20/72	6	9/13/73	1	0	0	178	0	0	78-219
POLYVINYL CHLORIDE SHEET AND FILM		2/24/77	0	1/16/78	0	0	0				
PORTLAND CEMENT, WHITE		8/27/65	6	10/22/66	1	0	0	184	1	0	
PORTLAND HYDRAULIC CEMENT		5/ 2/77	0	6/28/78	0	2	0	(t-3)161	0	0	
POTASSIUM CHLORIDE		10/16/75	0	9/ 7/76	0	0	0	60	0	0	6-264
POTASSIUM CHLORIDE		8/ 3/67	7	8/23/69	0	0	0	58	0	0	6-265
POTASSIUM CHLORIDE		8/ 3/67	6	8/23/69	0	2	0	59	0	0	6-263
POTASSIUM CHLORIDE		10/19/67	6	6/ 7/72	0	0	0	97	0	0	72-263
POTATO GRANULES, INSTANT		6/27/71	6	1/29/71	1	0	0				
POTATOES, FROZEN, FRENCH FRY		5/29/69	6								
PRINTER'S RUBBERIZED BLANKETS		11/23/71	6	11/29/72	1	0	0	140	1	0	
PUMPS, REGENERATIVE BLOWER		4/16/73	6	2/25/74	0	1	0				
PUMPS, WATER CIRCULATING		2/25/75	6	1/ 5/76	2						
PUMPS, WATER CIRCULATING		4/25/75	0	3/ 3/78	0	1	0	152	0	0	76-190
RACING PLATES		3/ 8/73	6	10/26/73	0	0	0	137	1	0	74- 77
RAILROAD PASSENGER VEHICLES		9/18/70	6	5/ 2/72	1	0	0				

RAILWAY TRACK MAINTENANCE EQUIP	2	11/20/70 ^d	6	9/16/78	0	1	3	173	0	0	78-61	0	1
RAYON STAPLE FIBER, VISCOSE*	17	3/28/78	0	5/ 1/78	0	0	2	186	0	0			
RAYON STAPLE FIBER, VISCOSE*	3	6/17/77	0	12/11/78	2								
RAYON STAPLE FIBER, VISCOSE*	2	3/ 3/77	0										
RAYON STAPLE FIBER, VISCOSE*	31	3/28/78	0	11/16/78	0	0	0	190					
RAYON STAPLE FIBER, VISCOSE*	11	3/28/78	0	11/15/78	0	0	0	191					
RAYON STAPLE FIBER, VISCOSE*	10	3/28/78	0	1/12/73	1	1	0						
RECORD CHANGERS	35	5/31/72	6	11/ 5/67	1	1	1						
REFRIGERATION COMPRESSORS	7	6/20/76	6	10/ 4/78	2	0	0						
REPAIR MANUALS, AUTO & CYCLE	35	2/ 1/67	6	12/ 6/67	1	0	0						
REPRODUCTION CLOTH	35	8/26/69	0	1/ 9/71	1	0	0						
ROLLER BEARINGS, TAPERED	18	10/31/73	6	9/ 6/74	0	1	0	143	0	0	76-227	0	1
ROLLER BEARINGS, TAPERED AND PARTS ⁶	18	12/27/71	6	12/ 5/72	0	2	0	111	0	0	73-100	0	1
ROLLER CHAIN	17	1/22/73	6	11/21/73	2	0	0						
RUBBER THREAD	18	9/29/75	1	1/ 5/76	0	0	0	151	1	0			
RUBBER, BUTADIENE ACRYLONITRILE	18	11/14/72	6	8/ 2/73	0	0	0	129	0	0	73-333	0	1
RUBBER, POLYCHLOROPRENE	17	5/ 8/69	6	7/23/70	2	0	0						
RUBBER, STYRENE-BUTADIENE TYPE SYN	19	10/20/76	0	9/14/77	0	0	0	174	1	1			
SACCHARIN	19	10/20/76	0	9/14/77	0	0	0	175	1	1			
SACCHARIN	18	2/ 8/76	0	1/ 5/77	1	0	0						
SCALES, FULLY AUTOMATIC DIGITAL	4	2/ 4/74	6	1/ 3/75	1	0	2						
SEATS, RAPID TRANSIT VEHICLE	35	11/19/70	6	3/24/72	2								
SHOE BOARD	28	10/15/65	3	3/14/67	2								
SHOES, MEN'S WELT	28	7/16/65	4	3/14/67	2								
SHOES, OTHER THAN MEN'S WELT	28	2/ 5/73	6	3/17/75	0	0	2	144	1	0			
SHOES, WELT WORK	5	1/ 4/78	0	12/ 7/78	0	0	0						
SILICON METAL*	32	6/24/75	0	6/ 4/76	0	0	0	157	1	0			
SKI BINDINGS AND PARTS	2	6/24/75	0	6/ 4/76	0	0	0	156	1	0			
SKI BINDINGS AND PARTS	36	6/24/75	0	6/ 4/76	0	0	0	158	1	0			
SLIDE FASTENERS AND PARTS	18	5/ 8/72	6	3/12/73	1	1	0						
SOLAR SALT, BULK, CRUDE, UNDRIED	21	8/17/65	0	8/ 9/66	1	2	0						
SORBATES	18	7/18/77	0	6/15/78	0	0	0	183	1	1			
STAINLESS STEEL PIPE AND TUBING	18	11/ 1/71	6	4/24/78	0 ^f	2	0	180	1	0			
STAINLESS STEEL PLATE	31	4/25/72	6	2/ 2/73	0	2	0	114	0	0	73-157	0	1
STAINLESS STEEL ROUND WIRE	18	7/14/78	0	7/ 5/73	0	0	0	117					
STAINLESS STEEL SHEET, COLD ROLLED	11	8/24/72	6	4/10/73	0	0	0	126	1	0			
STAINLESS STEEL SHEET, COLD ROLLED	11	12/ 9/71	6	9/21/72	2	0	0	119	0	0	73-143	0	1
STAINLESS STEEL WIRE RODS	18	2/ 9/71	6	11/27/69	0	0	0	62	0	1	70-81	0	1
STAINLESS STEEL, COLD ROLLED SHEET	1	5/ 3/68	0	5/24/66	0	0	0	49	0	0	66-191	0	1
STEEL BARS, REINFOR BARS & SHAPES	5	4/13/65	6	8/ 5/66	2	0	0						
STEEL JACKS ⁶	17	3/ 3/65	0	11/ 6/78	0	2	0	189					
STEEL WELDED WIRE MESH	5	11/21/77	0	11/27/78	1	0	0						
STEEL WIRE NAILS*	19	9/27/77	0	6/ 7/73	0	2	0	124	0	1	73-295	0	1
STEEL WIRE ROPE	18	10/11/72	6	8/28/78	0	2	3	188	0	0	78-487	0	1
STEEL WIRE ROPE	18	7/17/77	0										
STEEL WIRE STRAND FOR CONCRETE	14	10/17/77	0	5/31/78	0	0	0	182	1	0			
STEEL WIRE STRAND FOR CONCRETE	14	10/17/77	0										

d. Reopened 11/1/76.

e. Timken Co. v. Simon, 539 F. 2d 921 (D.C. Cir. 1976).

f. Case had been discontinued then reopened.

g. F. W. Meyers & Co. v. United States, 376 F. Supp. 860 (Cust. Ct. 1974).

Product Name*	Country	Date of Complaint		Complaint	TREASURY		ITC		DUMPING FINDING			
		Date of Complaint	Date of Decision†		Date of Decision	U.S. Price	Foreign Country Price	ITC Investigation Number (AA1921-)		U.S. Market	T.D. Number	Status
STEEL, HIGH-SPEED TOOL	31	10/12/71	6	4/19/73	2	0	122	1	0			
STEEL, NONALLOY REINFOR BARS FOR CONCR	21	6/ 8/72	6	5/23/73	0	2	0					
SUGAR*	36	7/10/78	2				120					
SUGAR*	3	7/10/78	2				121					
SUGAR*	11	7/10/78	2				121					
SULPHUR, ELEMENTAL ^h	21	3/ 2/71	6	2/ 5/72	0	0	0	0	1	72-179	0	0
SULPHUR, ELEMENTAL	5	1/21/72	6	7/24/73	0	2	0	127	0	74- 1	0	1
SURGICAL RUBBER GLOVES	2	7/28/72	6	6/ 6/73	1	0	1	165	0	77-223	0	1
SWIMMING POOLS	18	3/16/76	0	4/ 1/77	0	0	1	165	0			
TELEVISION PICTURE TUBES, COLOR	22	12/19/67	0	2/13/69	1	0	1	104	1			
TELEVISION PICTURE TUBES, COLOR	18	8/ 9/71	6	9/17/71	0	0	0	104	1			
TELEVISIONS SETS ¹	18	3/22/68	0	12/ 5/70	0	2	0	66	0	71- 76	0	0
TETRACYCLINE PRODUCTS	17	12/26/68	0	11/21/69	1	0	1					
THIOREA	36	5/11/66	0	9/ 6/67	2	0	0					
TIRE STUDS	18	5/11/66	0	8/29/67	1	0	0					
TIRE, INDUSTRIAL VEHICLE	31	8/19/68	0	7/21/69	1	1	0					
TIRES, INDUSTRIAL VEHICLE	5	11/13/75	6	8/18/76	1	0	0					
TITANIUM DIOXIDE	11	11/17/64	6	12/ 1/65	1	0	0					
TITANIUM DIOXIDE	36	11/17/64	0	1/21/68	0	0	0	46	1	0		
TITANIUM DIOXIDE	18	11/17/64	6	2/26/66	0	0	0	41	1	0		
TITANIUM DIOXIDE	3	9/18/78	0				123					
TITANIUM DIOXIDE*	36	9/18/78	0				123					
TITANIUM DIOXIDE*	35	9/18/78	0				123					
TITANIUM DIOXIDE*	5	9/18/78	0				123					
TITANIUM DIOXIDE*	34	9/ 7/67	3				51	0	0	68-212	0	1
TITANIUM SPONGE	18	3/22/68	2	4/26/68	0	0	2					
TRANSFORMERS, LARGE POWER	11	3/11/76	6	4/ 7/70	1	2	0	86	0	72-160	0	1
TRANSFORMERS, LARGE POWER	32	3/11/70	6	1/21/72	0	0	0	89	0	72-163	2	1
TRANSFORMERS, LARGE POWER	31	3/11/70	6	9/28/77	2	0	0					
TRANSFORMERS, LARGE POWER	18	4/11/70	6	1/21/72	0	0	0	88	0	72-162	0	1
TRANSFORMERS, LARGE POWER	17	4/11/70	6	1/21/72	0	0	0	87	0	72-161	0	1
TRANSFORMERS, LARGE POWER	35	4/11/70	6	1/21/72	0	0	0	90	0	72-164	0	0
TUBELESS TIRE VALVES	17	4/26/66	0	2/21/67	1	0	3					
TUBELESS TIRE VALVES, FINISHED	36	7/22/71	6	9/10/72	1	0	0	82	1	0		
TUBELESS TIRE VALVES, FINISHED	36	7/20/70	6	9/29/71	0	0	0					
TUBELESS TIRE VALVES, FINISHED	36	4/26/66	0	10/18/67	2	0	0	64	0	70-257	1	0
TUNERS	18	3/22/69	6	7/15/70	0	0	0					
TYPEWRITERS, PORTABLE ELECTRIC ^j	18	2/14/74	6	3/20/75	0	2	1	145	1			
UPHOLSTERY WIRE	21	3/12/73	6	10/26/73	2							
VEGETABLES, FRESH WINTER*	18	9/12/78	2									
VELVET FLOOR COVERINGS	35	2/18/65	6	4/12/65	1	0	0					

VINYL ASBESTOS TILE
 VINYL ASBESTOS TILE
 VINYL CLAD FENCE FABRIC
 VINYL FILM, PRINTED
 VINYL FILM, PRINTED
 WELDED WIRE MESH
 WIGS, KANEKALON
 WOOL AND POLYESTER/WOOL FABRICS

5 5/17/65 6
 5 9/15/71 6
 5 9/27/74 6
 0 4/18/72 6
 4 4/18/72 6
 3 10/23/70 6
 12 6/14/71 6
 18 3/31/71 6

5/21/66 1
 4/12/72 1
 7/24/75 0
 4/19/73 0
 4/19/73 0
 4/19/72 0
 9/29/72 0
 8/12/72 0

0 0
 0 0
 0 0
 0 0
 0 0
 0 0
 0 0
 0 0

148 1
 110 0
 117 0
 94 1
 109 1
 101 1

0 1
 1 1
 0 1
 0 1
 0 1
 0 1
 0 1
 0 1

- h. Pasco Terminals, Inc. v. United States, 567 F. 2d 979 (C.C.P.A. 1977).
 i. Matsushita Electric Industrial Co. v. United States Treasury Department, 485 F. 2d 1402 (C.C.P.A. 1973).
 j. SCM Corp. v. United States International Trade Commission, 549 F. 2d 812 (D.C. Cir. 1977); 450 F. Supp. 1178 (Cust. Ct. 1978).

Heading Notes and Codes

*The case was still being processed as of December 1, 1978.

Country
 0 Arg
 1 Aust
 2 Aus
 3 Bel
 4 Bra
 5 Can
 6 Czech
 7 Den
 8 Dom Rep
 9 GDR
 10 Fin
 11 Fra
 12 HK
 13 Hung
 14 India
 15 Ire
 16 Isr
 17 Italy
 18 Japan

†Date received by Treasury. Where date not known indicated by 0/0/0.

Complainant Asterisk indicates that the trigger price mechanism (TPM) was used.
 0 Industry
 1 Union
 2 Trade association
 3 Congressman or senator
 4 Customs service
 5 Counsel
 6 Complainant not given
 7 Private citizen

‡Date decision published in the Federal Register.

Decision

0 Less than fair value
 1 Not less than fair value
 2 No decision. Includes cases discontinued or terminated because of price assurances or for other reasons and not less than fair value cases where the decision was a result of price assurances.

U.S. Price

0 Purchase price
 1 Exporter's sale price
 2 Both or either

Foreign Country Price

0 Home market price
 1 Export price to third countries
 2 Constructed value
 3 Combination of the above

§A number preceded by I indicates that the fast track reference procedure of 19 U.S.C. §160(c)(2) was used. The number indicates the ITC inquiry number. See also footnotes in the column.

ITC Injury Decision

0 Injury
 1 No injury

U.S. Market

0 National
 1 Regional or local

T.D. Number

Status

0 In force
 1 In force, Treasury has published intent to modify or revoke
 2 Revoked

Modification (e.g., some companies excluded from finding of dumping)

0 Yes
 1 No

Statistical Summary of Antidumping Complaints Filed, and LTFV and Injury Determinations

Year	Complaints Filed	LTFV Determinations by Year of Complaint	Injury Determinations by Year of Complaint
1962	2	0	0
1963	5	1	1
1964	26	5	1
1965	12	2	2
1966	15	2	2
1967	16	7	6
1968	16	7	5
1969	23	11	10
1970	20	14	11
1971	34	23	9
1972	28	18	8
1973	17	10	3
1974	10	6	2
1975	26	14	4
1976	14	11	7
1977	35*	10	4

*Includes 12 uncompleted cases.

LTFV and Injury Determination according to Country

Country	LTFV	Injury
Australia	3	3
Canada	22	10
France	8	4
Italy	5	3
Japan	48	25
Mexico	5	3
United Kingdom	6	4
West Germany	9	5

Note: Only the eight countries whose exports were most frequently subject to an antidumping action are included.

Foreign Antidumping Law

AUSTRALIA

LAW

Customs Tariff (Anti-Dumping) Act 1975, No. 76 of 1975.

Synopsis

An antidumping duty may be imposed if the price of goods already imported or to be imported in the future is less than normal value, and by reason thereof

1. material injury to an Australian industry has been or is being caused or threatened,
2. material injury to an exporter of comparable goods which are also imported into Australia is being caused or threatened, or
3. the establishment of an Australian industry has been or may be materially hindered.

The amount of the duty is the difference between the export price and normal value. Export price is defined as the price paid in an arms-length transaction, other than that part of the price which represents transport or other charges in respect of matters arising after exportation. Normal value of the goods is the price paid in home market, arms-length transactions. In the absence of such transactions, normal value will be calculated on the basis of the cost of production, delivery charges and other necessary selling costs.

The Minister for Business and Consumer Affairs may exempt goods from the duty if, *inter alia*, like or directly competitive goods are not being offered for sale in Australia to all purchasers on equal terms under like conditions, or if the dumping margin does not exceed 10 percent of the normal value and the exemption would not cause injury to an Australian industry.

SECONDARY SOURCE

Gilbert, *Replacing Substance with Form: Australia's Adoption of the GATT Anti-Dumping Code of 1967*, 5 AUSTRALIAN BUS. L. REV. 1 (March 1977).

CANADA

LAW

Canada's Anti-dumping Act, R.S.C. 1970, c. A-15; amended R.S.C. 1970, c.c. 1, 10 (2d Supp.) (1970-71-72, c.c. 43, 63).

Synopsis

Section 3 sets a standard of material injury necessary for the imposition of anti-dumping duties, to be determined by the Anti-dumping Tribunal (established by § 21). Such injury must, according to §§ 3-5, occur to like goods, defined in § 2 to mean "goods that are identical in all respects to the said goods, or . . . in the absence of any goods described (above), goods the characteristics of which closely resemble those of the said goods." Section 8 defines margin of dumping as "the amount by which the normal value of the goods exceeds the export price of the goods"; normal value is defined in section 9, with a requirement that there be a sufficient number of sales of like goods to comply with the basic conditions of section 9. Sufficient number of sales is further defined by the regulations, as is normal value (Regs. 4-17).

Export price is dealt with chiefly in section 10, with a provision for ministerial discretion in the case of insufficient information provided by section 11. Sections 13-20 cover the procedure of the anti-dumping investigation. Under section 13, the Deputy Minister (of National Revenue for Customs and Excise) may initiate an investigation on his own initiative, or after receiving a complaint made on behalf of Canadian producers of like goods. The Anti-dumping Tribunal is responsible for the injury determination, without which the Deputy Minister may not begin his investigation. Notice is required for the investigation, as well as the results of his preliminary determination (§ 14(2)), and any final determination (Section 17(3)).

Appeal to the Tariff Board from the Deputy Minister's decision is permitted by section 19; in such a case notice is also required to be published.

Sections 21-32 establish the Anti-dumping Tribunal, describing how the members are to be appointed, the powers and responsibilities of the Tribunal, and, under section 29, providing for preserving the confidentiality of evidence of information received by the Tribunal. The Governor in Council is authorized by section 35 to prescribe regulations to implement the general provisions of the Act.

REGULATIONS

Anti-dumping Regulations made under the Anti-dumping Act: SOR/69-18, SOR/69-123, SOR/69-126, and SOR/72-191.

Synopsis

The Anti-dumping Regulations were first published in the Canada Gazette on January 22, 1969. Under Regulation 3 the sales of like goods used to compute the normal value of goods are those sales made to purchasers who are at the same trade level as the importer. Such sales must also be in substantially the same quantities as the goods sold to the importer. Regulation 3(c) and (d) provide for an alternative normal value determination when the above conditions are not satisfied. Regulations 4–17 deal with the normal value of goods under investigation, including allowance for cash discounts, qualitative differences between the imported goods and like goods, and taxes and transportation charges.

RULES OF PROCEDURE

SOR/74–581 (October 8, 1974)

Synopsis

Establishes rules for making representations to the Anti-dumping Tribunal and inquiries by the Tribunal under the Anti-dumping Act. Rules cover briefs and written submissions, confidentiality, hearings, subpoenas, witnesses, and evidence.

ADJUDICATED CASES

Re Anti-Dumping Act and Sabre International Ltd., 52 D.L.R.3d 156 (1974). Preliminary determination of dumping made under § 14(1) is an administrative decision and need not be made on a judicial or quasi-judicial basis; therefore, such a determination is not subject to review under § 28 of the Federal Court Act.

M.N.R. and The Queen v. Creative Shoes Ltd., Danmor Shoe Co., and Creations Marie-Claude, Inc., 29 D.L.R.3d 89 (1972); *leave to amend refused* 31 D.L.R.3d 330 (1973); *motion to quash granted* 38 D.L.R.3d 318 (1973).

Re Magnosonic Canada Ltd. and Anti-Dumping Tribunal, 30 D.L.R.3d 118 (1972). Applicant contended and court held the Anti-Dumping Tribunal had not made the inquiry required by statute.

Mitsui and Co. Ltd. v. Anti-Dumping Tribunal of Canada, 28 D.L.R.3d 619 (1972).

ADMINISTRATIVE CASES

Decisions of the Anti-Dumping Tribunal

The Tribunal makes inquiry as to whether there has been injury or

retardation. (Note: Tribunal decisions are not reported. Reference number is to the ADT's own files.)

- a. Tetanus immune globulin—ADT made clear the potential use of capacity information is related to the requirements of the Canadian market and not to total capacity. (ADT 3-74, decided December 2, 1974).
- b. Hair accessories—Question of assessing profitability where the Canadian producer is also an importer and these imports make up a significant part of the importers sales. (decided June 20, 1974).
- c. Colour television—Held that assemblers were producers in light of the numerous steps required in sending to market a functioning receiver. (ADT 4-75, decided October 29, 1975).
- d. Monochrome and colour television—(decided Sept. 27, 1971).
- e. Polyester yarn case—(ADT 13-76, decided March 2, 1977).
- f. Ladies handbags—(ADT 10-77, decided Oct. 21, 1977).
- g. Hydraulic turbines—(ADT 4-76, decided July 27, 1976).
- h. Frozen, prepared, pre-cooked dinners—Held a group of producers can represent less than 50 percent of the total and yet constitute a major portion of the whole.
- i. Masking tape—Made same point as in frozen, precooked, prepared dinners.
- j. Footwear—(decided April, 1973) and preserved mushrooms (November 27, 1973). Dealt with the question "what are like goods."
- k. Metal storage or parts cabinets—(ADT 8-77, decided Sept. 7, 1977).
- l. Steam traps—(ADT 10-76, decided December 31, 1976).
- m. Zipper case—Dealt with the question of whether component articles should be separately considered from the finished product. Cf. also *Re Anti-dumping Act and Re YKK Zipper Co. of Canada Ltd.* (1975) F.C. 68, 7 N.R. 146 (C.A.).
- n. Photo albums—(ADT 4-74, decided January 24, 1975). Dealt with component part issue.
- o. Bicycles—Dealt with the component part issue. (ADT 11-77, decided November 8, 1977).

SECONDARY SOURCES

Slayton, *The Canadian Anti-dumping System*, 2 CAN. BUS. L.J. 437 (1978).

Mackenzie, *Anti-dumping Duties in Canada*, 4 CAN. Y.B. INT'L L. 131 (1966).

Corlett, *Importation of Goods and Dumping*, SPECIAL LECTURES OF

THE LAW SOCIETY OF UPPER CANADA 103 (1963). CAPE, CANADA'S ROLE IN BRITAIN'S TRADE (1965).

Trebilcock & Quinn, *The Canadian Anti-dumping Act: A Reaction to Professor Slayton*, to be published in CANADIAN-U.S. L. J., Spring, 1979 (paper given at Canada-U.S. Law Institute Conference on Steel Dumping, London, Ontario, Sept. 30, 1978).

EUROPEAN COMMUNITIES

LAW:

The European Economic Community (hereinafter EEC) and the European Coal and Steel Community (hereinafter ECSC) have enacted antidumping legislation with respect to goods originating in nonmember countries. This legislation supersedes the national laws of member states. Council Regulation (EEC) No. 459/68, 11 J. O. COMM. EUR. (No. L 93) 1 (1968), as amended by Council Regulation (EEC) No. 2011/73, 16 O.J. EUR. COMM. (No. L 206) 3 (1973), and Council Regulation (EEC) No. 1411/77, 20 O.J. EUR. COMM. (No. L 160) 4 (1977); Commission Recommendation No. 77/329/ECSC, 20 O.J. EUR. COMM. (No. L 114) 6 (1977), as amended by Commission Recommendation No. 3004/77/ECSC, 20 O.J. EUR. COMM. (No. L 352) 13 (1977).

The Commission has established basic prices to be used in connection with ECSC antidumping procedures. Communication from the Commission, 20 O.J. EUR. COMM. (No. L 353) 1 (1977), as amended in 21 O.J. EUR. COMM. (No. L 87) 4 (1978), 21 O.J. EUR. COMM. (No. L 126) 5 (1978), and 21 O.J. EUR. COMM. (No. L 183) 3 (1978).

Bilateral treaties between the EEC and nonmember countries often contain provisions authorizing the parties to take appropriate antidumping measures in accordance with the GATT Antidumping Code.

Article 91 of the Treaty Establishing the European Economic Community governs dumping within the EEC. It was relevant only during the transitional period following the establishment of the EEC and during the accession period following the entry of new member states. Application of Article 91 was the subject of Commission Regulation (EEC) No. 8, 3 J.O. COMM. EUR. (No. 21) 597 (1960), as amended by Commission Regulation (EEC) No. 13, 4 J.O. COMM. EUR. (No. 25) 585 (1961).

Synopsis

The EEC regulation authorizes, but does not require, the imposition of an antidumping duty whenever dumping and injury exist. Dumping occurs when the price of a product when exported to the Community is

less than the comparable price of the like product when destined for consumption in the exporting country. If a proper comparison cannot be made with the exporter's domestic market price, the comparison is based on a representative price of the like product when exported to a third country or on the cost of production in the country of origin plus reasonable profit. Injury exists when the introduction of a product into the Community causes material injury to an established Community industry, threatens to cause such injury, or materially retards the setting up of an industry whose early establishment is envisaged. The dumped imports must be demonstrably the principal cause of such injury. Definitive collection of amounts secured by way of provisional duty, however, is authorized only when material injury has been caused or would have been caused if provisional action had not been taken.

A complaint on behalf of a Community industry may be filed with a member state. The member state forwards the complaint to the Commission along with an assessment of its sufficiency. The Commission investigates the matter, unless the member state has deemed the complaint insufficient and the Commission has not objected. A hearing is accorded to interested parties who may be directly affected and who file timely written requests therefor. Any information received on a confidential basis may not be revealed. Consultations within an advisory committee consisting of representatives of each member state and the Commission are held on the initiative of the Commission or a member state. Where it becomes apparent after consultation that protective measures are unnecessary, or where the exporters give a voluntary undertaking to revise prices or to cease exporting the product in question to the Community, the investigation is terminated, unless there is an objection within the advisory committee. If there is an objection, the matter is submitted to the Council. After a voluntary undertaking, the investigation is nevertheless completed if the exporters so desire or if the Commission so decides.

The Commission may impose a provisional duty where preliminary examination of the matter indicates that dumping and injury exist and that immediate intervention is appropriate. This involves requiring the exporters to provide security for the collection of the amount fixed. The provisional duty operates for a maximum of three months, unless extended by the Council for a period not exceeding three months. The Council may reverse the decision of the Commission to impose or not to impose a provisional duty. Provisional measures may be amended or revoked with or without retroactive effect by the Commission or Council, as the case may be, after consultation with the committee. The Council decides whether to impose a definitive duty and whether to definitively collect an amount secured by way of provisional duty.

Duties are collected by the member states. An importer who can show that his products were not dumped or that the margin of dumping was less than that upon which the duty is based is entitled to a refund in whole or in part. This question is decided by the member state involved unless the Commission objects, in which case the question is decided by the Commission.

The ECSC recommendation is very similar to the EEC regulation, except that the Council is not involved and that the basic prices are used in the preliminary examination. The basic prices are intended to represent the lowest normal prices or costs of production in supplying countries where normal conditions of competition prevail.

OTHER PRIMARY SOURCES:

Although both the substantive legislation and the decisions in particular cases are promulgated in the EEC by regulations, the Communities have nothing comparable to United States regulations interpreting the legislation and governing implementation.

The following Communities materials involve dumping:

- Written Question No. 854/77, 21 O.J. EUR. COMM. (No. C 52) 27 (1978)
- Written Question No. 717/77, 21 O.J. EUR. COMM. (No. C 42) 27 (1978)
- Written Question No. 716/77, 21 O.J. EUR. COMM. (No. C 42) 27 (1978)
- Written Question No. 273/77, 20 O.J. EUR. COMM. (No. C259) 9 (1977)
- Written Question No. 302/77, 20 O.J. EUR. COMM. (No. C214) 13 (1977)
- Written Question No. 227/77, 20 O.J. EUR. COMM. (No. C214) 7 (1977)
- Written Question No. 759-76, 20 O.J. EUR. COMM. (No. C 94) 8 (1977)
- Written Question No. 344/76, 19 O.J. EUR. COMM. (No. C226) 38 (1976)
- Written Question No. 41/76, 19 O.J. EUR. COMM. (No. C158) 27 (1976)
- Written Question No. 810/75, 19 O.J. EUR. COMM. (No. C128) 12 (1976)
- Written Question No. 271/72, 16 O.J. EUR. COMM. (No. C 78) 4 (1973)
- Written Question No. 693/72, 16 O.J. EUR. COMM. (No. C 47) 30 (1973)
- Written Question No. 544/72, 16 O.J. EUR. COMM. (No. C 22) 4 (1973)

- Written Question No. 63/71, 14 J.O. COMM. EUR. (No. C 76) 1 (1971)
- Written Question No. 50/68, 11 J.O. COMM. EUR. (No. C 68) 8 (1968)
- Written Question No. 100, 10 J.O. COMM. EUR. (No. 270) 2 (1967)
- Written Question No. 68, 5 J.O. COMM. EUR. (No. 7) 135 (1962)
- Written Question No. 49, 2 J.O. COMM. EUR. (No. 67) 1318 (1959)
- Resolution of the European Parliament, 21 O.J. EUR. COMM. (No. C 108) 21 (1978)
- Consultation of the Economic and Social Committee, 9 J.O. COMM. EUR. (No. 68) 989 (1966)
- Resolution of the European Parliament, 8 J.O. COMM. EUR. (No. 187) 2875 (1965)
- Report of the External Commerce Commission, [1965-66] PARL. EUR. Doc. (Nos. 92 and 97) (1965)
- Commission Proposal to Council, [1965-66] PARL. EUR. Doc. (No. 78) (1965)

CASES

No court has yet spoken on a question arising under the EEC or ECSC legislation.

An antidumping case which arises under the legislation involves a series of decisions by Community authorities, each of which is reported separately in the *Official Journal of the European Communities*. Among the reported decisions are decisions to initiate or terminate an investigation, to impose a provisional or definitive duty, to extend provisional measures, and to suspend the collection of a provisional or definitive duty.

TABLE OF EEC AND ECSC ANTIDUMPING CASES THROUGH AUGUST 30, 1978

	Official Journal (number/page)
<i>Vinyl Acetate from the United States</i> (EEC) investigation initiated	C200/2 (1978)
<i>Viscose Rayon Yarn from Greece</i> (EEC) investigation initiated	C197/3 (1978)
<i>Poly-butadiene-styrene from the German Democratic Republic, Poland and Rumania</i> (EEC) investigation initiated	C196/3 (1978)

<i>Plywood, Blockboard, Laminboard, Battens-board and Similar Laminated Wood Products, Inlaid Wood and Wood Marquetry from the Republic of Korea</i> (EEC)		
investigation initiated	C129/2	(1978)
<i>Polyamide and Polyester High Tenacity Yarns for Tires from the United States</i> (EEC)		
investigation initiated	C114/5	(1978)
<i>Kraft Liner from the Soviet Union</i> (EEC)		
investigation initiated	C105/5	(1978)
procedure terminated because of undertaking	C174/2	(1978)
<i>Winding Wire from Spain</i> (EEC)		
investigation initiated	C100/3	(1978)
<i>Ferro-chromium from South Africa</i> (EEC)		
investigation initiated	C 90/3	(1978)
provisional duty imposed: Commission Reg. 1355/78	L165/20	(1978)
<i>Ferro-chromium from Sweden</i> (EEC)		
investigation initiated	C 90/3	(1978)
provisional duty imposed: Commission Reg. 1355/78	L165/20	(1978)
provisional duty extended: Commission Reg. 1682/78	L193/14	(1978)
<i>Chemical Wood Pulp from Canada, Finland, Sweden and the United States</i> (EEC)		
investigation initiated	C 89/2	(1978)
<i>Rosin from Sweden</i> (EEC)		
investigation initiated	C 62/2	(1978)
procedure terminated because of undertaking	C112/4	(1978)
<i>Bars and Rods of Alloy Steel from Spain</i> (ECSC)		
investigation initiated	C 58/2	(1978)
procedure terminated because of arrangement with government	C110/10	(1978)
<i>Bars and Rods of Alloy Steel from Japan</i> (ECSC)		
investigation initiated	C 58/2	(1978)
procedure terminated because of arrangement with government	C 97/8	(1978)
<i>Kraft Liner from Austria, Canada, Finland, Portugal and Sweden</i> (EEC)		
investigation initiated	C 54/2	(1978)

procedure terminated because of under- taking	C 61/2 (1978)
<i>Galvanized Steel Sheets and Plates from Austria</i> (ECSC)	
investigation initiated	C 41/2 (1978)
procedure terminated because of ar- rangement with government	C 97/7 (1978)
<i>U, I or H Angles, Shapes and Sections of Iron or Steel from Hungary</i> (ECSC)	
investigation initiated	C 33/3 (1978)
procedure terminated because of ar- rangement with government	C184/3 (1978)
<i>U, I or H Angles, Shapes and Sections of Iron or Steel from Czechoslovakia</i> (ECSC)	
investigation initiated	C 33/3 (1978)
procedure terminated because of ar- rangement with government	C110/9 (1978)
<i>U, I or H Angles, Shapes and Sections of Iron or Steel from South Africa</i> (ECSC)	
investigation initiated	C 33/3 (1978)
procedure terminated because of ar- rangement with government	C 97/7 (1978)
<i>U, I or H Angles, Shapes and Sections of Iron or Steel from Japan</i> (ECSC)	
investigation initiated	C 33/3 (1978)
provisional duty imposed: Commission Rec. 263/78	L 39/15 (1978)
further provisional duty suspended because of arrangement with government: Commission Rec. 714/78	L 94/21 (1978)
provisional duty extended: Commission Rec. 789/78	L106/20 (1978)
<i>U, I or H Angles, Shapes and Sections of Iron or Steel from Spain</i> (ECSC)	
investigation initiated	C 33/3 (1978)
provisional duty imposed: Commission Rec. 159/78	L 23/31 (1978)
provisional duty extended: Commission Rec. 843/78	L115/37 (1978)
further provisional duty suspended be- cause of arrangement with govern- ment: Commission Rec. 931/78	L120/21 (1978)
definitive duty imposed: Commission Rec. 1758/78	L203/28 (1978)

<i>Reconstituted Wood from Spain and Sweden</i> (EEC)		
investigation initiated	C 31/5	(1978)
procedure terminated because of under- taking	C 75/3	(1978)
<i>Galvanized Steel Sheets and Plates from Fin- land</i> (ECSC)		
investigation initiated	C 27/3	(1978)
procedure terminated because of ar- rangement with government	C 97/7	(1978)
<i>Wire Rod from Australia, Hungary and Po- land</i> (ECSC)		
investigation initiated	C 19/11	(1978)
procedure terminated because of ar- rangements with governments	C184/2	(1978)
<i>Wire Rod from Spain</i> (ECSC)		
investigation initiated	C 19/11	(1978)
procedure terminated because of ar- rangement with government	C110/9	(1978)
<i>Wire Rod from Japan</i> (ECSC)		
investigation initiated	C 19/11	(1978)
procedure terminated because of ar- rangement with government	C 97/7	(1978)
<i>Wire Rod from Czechoslovakia</i> (ECSC)		
investigation initiated	C 19/11	(1978)
provisional duty imposed: Commission Rec. 119/78	L 19/5	(1978)
provisional duty extended: Commission Rec. 788/78	L106/19	(1978)
further provisional duty suspended be- cause of arrangement with govern- ment: Commission Rec. 859/78	L116/20	(1978)
<i>Iron or Steel Coils for Re-rolling from the So- viet Union</i> (ECSC)		
investigation initiated	C 19/10	(1978)
<i>Iron or Steel Coils for Re-rolling from Hun- gary and Poland</i> (ECSC)		
investigation initiated	C 19/10	(1978)
procedure terminated because of ar- rangements with governments	C184/2	(1978)
<i>Iron or Steel Coils for Re-rolling from Spain</i> (ECSC)		
investigation initiated	C 19/10	(1978)
procedure terminated because of ar- rangement with government	C110/8	(1978)

<i>Iron or Steel Coils for Re-rolling from Australia</i> (ECSC)	
investigation initiated	C 19/10 (1978)
provisional duty imposed: Commission Rec. 307/78	L 45/17 (1978)
provisional duty extended: Commission Rec. 971/78	L125/20 (1978)
further provisional duty suspended because of arrangement with government: Commission Rec. 1716/78	L198/4 (1978)
<i>Iron or Steel Coils for Re-rolling from Bulgaria</i> (ECSC)	
investigation initiated	C 19/10 (1978)
provisional duty imposed: Commission Rec. 245/78	L 37/13 (1978)
definitive duty imposed: Commission Rec. 932/78	L120/22 (1978)
<i>Iron or Steel Coils for Re-rolling from Japan</i> (ECSC)	
investigation initiated	C 19/10 (1978)
provisional duty imposed: Commission Rec. 245/78	L 37/13 (1978)
further provisional duty suspended because of arrangement with government: Commission Rec. 714/78	L 94/21 (1978)
provisional duty extended: Commission Rec. 789/78	L106/20 (1978)
<i>Iron or Steel Coils for Re-rolling from the Republic of Korea</i> (ECSC)	
investigation initiated	C 19/10 (1978)
provisional duty imposed: Commission Rec. 112/78	L 17/27 (1978)
definitive duty imposed: Commission Rec. 790/78	L106/21 (1978)
<i>Iron or Steel Coils for Re-rolling from Czechoslovakia</i> (ECSC)	
investigation initiated	C 19/10 (1978)
provisional duty imposed: Commission Rec. 112/78	L 17/27 (1978)
provisional duty extended: Commission Rec. 788/78	L106/19 (1978)
further provisional duty suspended because of arrangement with government: Commission Rec. 859/78	L116/20 (1978)

<i>Sheets and Plates of Iron or Steel from the Republic of Korea</i> (ECSC)		
investigation initiated	C 19/9	(1978)
<i>Sheets and Plates of Iron or Steel from Spain</i> (ECSC)		
investigation initiated	C 19/9	(1978)
procedure terminated because of arrangement with government	C110/8	(1978)
<i>Sheets and Plates of Iron or Steel from Japan</i> (ECSC)		
investigation initiated	C 19/9	(1978)
provisional duty imposed: Commission Rec. 714/78	L 23/35	(1978)
further provisional duty suspended because of arrangement with government: Commission Rec. 714/78	L 94/21	(1978)
provisional duty extended: Commission Rec. 789/78	L106/20	(1978)
<i>Sheets and Plates of Iron or Steel from Czechoslovakia</i> (ECSC)		
investigation initiated	C 19/9	(1978)
provisional duty imposed: Commission Rec. 120/78	L 19/7	(1978)
provisional duty extended: Commission Rec. 788/78	L106/19	(1978)
further provisional duty suspended because of arrangement with government: Commission Rec. 859/78	L116/20	(1978)
<i>Haematite Pig Iron from Canada</i> (ECSC)		
investigation initiated	C 19/8	(1978)
provisional duty imposed: Commission Rec. 117/78	L 19/1	(1978)
procedure terminated because of undertaking	C100/3	(1978)
<i>Sheets and Plates of Iron or Steel from Australia and Hungary</i> (ECSC)		
investigation initiated	C 19/7	(1978)
procedure terminated because of arrangements with governments	C184/2	(1978)
<i>Sheets and Plates of Iron or Steel from Poland</i> (ECSC)		
investigation initiated	C 19/7	(1978)
provisional duty imposed: Commission Rec. 262/78	L 39/13	(1978)

provisional duty extended: Commission Rec. 933/78	L120/25 (1978)
provisional duty extended: Commission Rec. 1181/78	L145/45 (1978)
definitive duty imposed: Commission Rec. 1704/78	L195/17 (1978)
<i>Sheets and Plates of Iron or Steel from Spain</i> (ECSC)	
investigation initiated	C 19/7 (1978)
provisional duty imposed: Commission Rec. 160/78	L 23/33 (1978)
provisional duty extended: Commission Rec. 843/78	L115/37 (1978)
further provisional duty suspended because of arrangement with government: Commission Rec. 931/78	L120/21 (1978)
definitive duty imposed: Commission Rec. 1704/78	L195/17 (1978)
<i>Sheets and Plates of Iron or Steel from the German Democratic Republic</i> (ECSC)	
investigation initiated	C 19/7 (1978)
provisional duty imposed: Commission Rec. 160/78	L 23/33 (1978)
definitive duty imposed: Commission Rec. 811/78	L108/26 (1978)
<i>Sheets and Plates of Iron or Steel from Ruma- nia</i> (ECSC)	
investigation initiated	C 19/7 (1978)
provisional duty imposed: Commission Rec. 160/78	L 23/33 (1978)
definitive duty imposed: Commission Rec. 811/78	L108/26 (1978)
definitive duty suspended because of ar- rangement with government: Commis- sion Rec. 1235/78	L153/19 (1978)
<i>Sheets and Plates of Iron or Steel from Bul- garia</i> (ECSC)	
investigation initiated	C 19/7 (1978)
provisional duty imposed: Commission Rec. 121/78	L 19/9 (1978)
definitive duty imposed: Commission Rec. 811/78	L108/26 (1978)
<i>Sheets and Plates of Iron or Steel from Czech- oslovakia</i> (ECSC)	

investigation initiated	C 19/7 (1978)
provisional duty imposed: Commission Rec. 121/78	L 19/9 (1978)
provisional duty extended: Commission Rec. 788/78	L106/19 (1978)
further provisional duty suspended because of arrangement with government: Commission Rec. 859/78	L116/20 (1978)
definitive duty imposed: Commission Rec. 1704/78	L195/17 (1978)
<i>Sheets and Plates of Iron or Steel from Japan (ECSC)</i>	
investigation initiated	C 19/7 (1978)
provisional duty imposed: Commission Rec. 121/78	L 19/9 (1978)
further provisional duty suspended because of arrangement with government: Commission Rec. 714/78	L 94/21 (1978)
provisional duty extended: Commission Rec. 789/78	L106/20 (1978)
definitive duty imposed: Commission Rec. 1704/78	L195/17 (1978)
<i>Galvanized Steel Sheets and Plates from Bulgaria and Canada (ECSC)</i>	
investigation initiated	C 19/7 (1978)
<i>Galvanized Steel Sheets and Plates from Australia (ECSC)</i>	
investigation initiated	C 19/7 (1978)
procedure terminated because of arrangement with government	C184/3 (1978)
<i>Galvanized Steel Sheets and Plates from Czechoslovakia (ECSC)</i>	
investigation initiated	C 19/7 (1978)
procedure terminated because of arrangement with government	C110/9 (1978)
<i>Galvanized Steel Sheets and Plates from the German Democratic Republic (ECSC)</i>	
investigation initiated	C 19/7 (1978)
provisional duty imposed: Commission Rec. 359/78	L 50/13 (1978)
definitive duty imposed: Commission Rec. 1006/78	L131/8 (1978)
<i>Galvanized Steel Sheets and Plates from Japan (ECSC)</i>	
investigation initiated	C 19/7 (1978)

provisional duty imposed: Commission Rec. 359/78	L 50/13 (1978)
further provisional duty suspended because of arrangement with government: Commission Rec. 714/78	L 94/21 (1978)
provisional duty extended: Commission Rec. 789/78	L106/20 (1978)
definitive duty imposed: Commission Rec. 1715/78	L198/1 (1978)
<i>Galvanized Steel Sheets and Plates from Poland (ECSC)</i>	
investigation initiated	C 19/7 (1978)
provisional duty imposed: Commission Rec. 118/78	L 19/3 (1978)
provisional duty extended: Commission Rec. 812/78	L108/29 (1978)
<i>Galvanized Steel Sheets and Plates from Spain (ECSC)</i>	
investigation initiated	C 19/7 (1978)
provisional duty imposed: Commission Rec. 118/78	L 19/3 (1978)
provisional duty extended: Commission Rec. 812/78	L108/29 (1978)
further provisional duty suspended because of arrangement with government: Commission Rec. 931/78	L120/21 (1978)
<i>Heavy Steel Forgings from Japan (EEC)</i>	
investigation initiated	C316/1 (1977)
<i>Hole Punching Machines from Japan (EEC)</i>	
investigation initiated	C312/3 (1977)
procedure terminated because of undertaking	C112/4 (1978)
<i>Unalloyed Wrought Titanium from Japan (EEC)</i>	
investigation initiated	C304/3 (1977)
<i>Kraft Liner from the United States (EEC)</i>	
investigation initiated	C304/3 (1977)
provisional duty imposed: Commission Reg. 511/78	L 69/9 (1978)
provisional duty extended: Council Reg. 1226/78	L153/1 (1978)
<i>Tubes of Iron and Steel from Spain (EEC)</i>	
investigation initiated	C278/2 (1977)
<i>Quartz Crystal Units from Japan (EEC)</i>	
investigation initiated	C273/2 (1977)

procedure terminated because of under- taking	C 35/2	(1978)
<i>Housings for Ball, Roller or Needle Bearings from Japan</i> (EEC)		
investigation initiated	C257/2	(1977)
procedure terminated because of under- taking	C129/3	(1978)
<i>Haematite Pig Iron from Brazil</i> (ECSC)		
investigation initiated	C187/2	(1977)
procedure terminated because of under- taking	C315/7	(1977)
<i>Oil-cake of Soya Beans from Brazil</i> (EEC)		
investigation initiated	C 89/7	(1977)
procedure terminated because of under- taking	C298/2	(1977)
<i>Inner Tubes and New Tire Cases for Bicycles from Taiwan</i> (EEC)		
investigation initiated	C 89/6	(1977)
retrospective monitoring of imports ordered: Commission Dec. 77/710	L292/14	(1977)
<i>Inner Tubes and New Tire Cases for Bicycles from the Republic of Korea</i> (EEC)		
investigation initiated	C 89/5	(1977)
retrospective monitoring of imports ordered: Commission Dec. 77/710	L292/14	(1977)
<i>Binder and Baler Twine of Sisal and Other Fibers of the Agave Family from Brazil and Mexico</i> (EEC)		
investigation initiated	C 89/5	(1977)
procedure terminated because of under- taking	C216/2	(1977)
<i>Reinforcing Bars of Iron or Steel from South Africa</i> (EEC)		
investigation initiated	C 26/10	(1977)
procedure terminated because of under- taking	C 89/7	(1977)
<i>Ball Bearings, Tapered Roller Bearings and Parts Thereof from Japan</i> (EEC)		
investigation initiated	C268/2	(1976)
provisional duty imposed: Commission Reg. 261/77	L 34/60	(1977)
provisional duty extended: Council Reg. 944/77	L112/1	(1977)
definitive duty imposed: Council Reg. 1778/77	L196/1	(1977)

<i>Threaded Steel Nuts from Taiwan</i>	
(EEC)	
investigation initiated	C183/4 (1976)
retrospective monitoring of imports	
ordered: Commission Dec. 77/280	L 93/18 (1977)
special duty imposed because of evasion	
or breach of undertaking: Council Reg.	
2464/77	L286/7 (1977)
<i>Cycle Chains from Taiwan</i> (EEC)	
investigation initiated	C183/4 (1976)
provisional duty imposed: Commission	
Reg. 2757/76	L312/41 (1976)
unit of account defined: Commission	
Reg. 2888/76	L331/26 (1976)
definitive duty imposed: Council Reg.	
316/77	L 45/4 (1977)
amended to account for change in ex-	
change rate: Council Reg. 2571/77	L300/2 (1977)
<i>Ammonium Nitrate Fertilizer from Rumania</i>	
(EEC)	
investigation initiated	C183/2 (1976)
procedure terminated because of	
changed situation	C 4/2 (1977)
<i>Furazolidone from Hungary</i> (EEC)	
investigation initiated	C123/22 (1976)
procedure terminated because of under-	
taking	C183/3 (1976)
<i>Hard Building Board of Wood Pulp from Brazil</i>	
(EEC)	
investigation initiated	C 48/2 (1976)
notice corrected	C 55/23 (1976)
procedure terminated because defensive	
measures unnecessary	C138/3 (1976)
<i>Polyethylene Sacks and Bags from Hungary</i>	
(EEC)	
investigation initiated	C285/32 (1975)
procedure terminated because of	
changed situation	C183/3 (1976)
<i>Trichloroethylene from Poland and the Ger-</i>	
<i>man Democratic Republic</i> (EEC)	
investigation initiated	C285/32 (1975)
procedure terminated because of	
changed situation	C183/3 (1976)
<i>Synthetic Stockings from Taiwan</i> (EEC)	
investigation initiated	C 25/3 (1974)

procedure terminated because of under- taking	C 75/3 (1974)
<i>Synthetic Stockings from the Republic of Korea</i> (EEC)	
investigation initiated	C 25/2 (1974)
procedure terminated because of under- taking	C 73/3 (1974)
<i>Zip Fasteners from Japan</i> (EEC)	
investigation initiated	C 51/2 (1973)
procedure terminated because of changed situation	C 63/1 (1974)
<i>Acrylic Fiber Threads from Japan</i> (EEC)	
investigation initiated	C 79/1 (1972)
procedure terminated because of under- taking	C 63/1 (1973)
<i>Acrylic Fiber Threads from the Republic of Korea</i> (EEC)	
investigation initiated	C 79/1 (1972)
procedure terminated because of under- taking	C 33/2 (1973)
<i>Acrylic Fiber Threads from Taiwan</i> (EEC)	
investigation initiated	C 79/1 (1972)
procedure terminated because of under- taking	C 17/10 (1973)
<i>Urea from Poland</i> (EEC)	
investigation initiated	C 51/3 (1972)
procedure terminated because of changed situation	C 59/2 (1974)
<i>Ammonium Nitrate Fertilizers from Rumania</i> (EEC)	
investigation initiated	C 51/2 (1972)
procedure terminated because of changed situation	C123/2 (1972)
<i>Steel Pipes from Spain</i> (EEC)	
investigation initiated	C 48/1 (1972)
procedure terminated as to one exporter because of undertaking	C123/2 (1972)
procedure terminated as to the others be- cause of undertaking	C135/9 (1972)
<i>Rubber Boots from Czechoslovakia</i> (EEC)	
investigation initiated	C 30/9 (1972)
procedure terminated because of under- taking	C 79/2 (1972)
<i>Oxalic Acid from Japan</i> (EEC)	
investigation initiated	C 30/9 (1972)

procedure terminated because of under- taking	C 79/2 (1972)
<i>Ternary Complex Fertilizers from Yugoslavia</i> (EEC)	
investigation initiated	C103/6 (1971)
procedure terminated because of changed situation	C138/1 (1974)
<i>Urea from Yugoslavia</i> (EEC)	
investigation initiated	C103/6 (1971)
procedure terminated because of changed situation	C 51/2 (1973)
<i>Ammonium Nitrate Fertilizers from Yugosla- via</i> (EEC)	
investigation initiated	C103/6 (1971)
procedure terminated because defensive measures unnecessary	C 14/3 (1972)
<i>Gelatinous Explosives for Quarries and Pub- lic Works from Yugoslavia</i> (EEC)	
investigation initiated	C 8/1 (1971)
procedure terminated because of changed situation	C 77/2 (1971)
<i>Sisal Packing Twine from Cuba</i> (EEC)	
investigation initiated	C133/23 (1970)
procedure terminated because of under- taking	C 10/22 (1971)
<i>Ternary Complex Fertilizers from Greece</i> (EEC)	
investigation initiated	C 52/28 (1970)
procedure terminated because of under- taking	C123/13 (1970)

SECONDARY SOURCES

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- Van Bael, *The EEC Antidumping Rules—A Practical Approach*, 12 INT'L LAW. 523 (1978). (English; good discussion of law and practical aspects)
- Ehle, *Basic Aspects of the Antidumping Regulations of the Common Market*, 3 INT'L LAW. 490 (1969). (English; summary and basic discussion of Reg. 459/68)
- A. CAMPBELL, COMMON MARKET LAW 683-92 (Supp. 1975). (English; good discussion of Art. 91; summary of Reg. 459/68)
- 3 H. SMIT & P. HERZOG, THE LAW OF THE EUROPEAN ECONOMIC COMMUNITY 368-80 (1976). (English; mostly bibliography)

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- Section Committee on Tariffs and the GATT, Division of International Trade and Investment, *Analyses of the Antidumping Laws of the Federal Republic of Germany, France, Italy, and the United Kingdom*, 10 A.B.A. SECTION OF INT'L and COMP. LAW BULL. 14 (1965). (English; prior law)
- W. MUELLER-THUNS & J. BESELER, *DAS ANTIDUMPINGRECHT DER EWG* (1971). (German; 161-page book containing general background and analysis of Reg. 459/68)
- R. REGUL, *STEUERN UND ZÖLLE IM GEMEINSAMEN MARKT* (1976). (German; vol. 2, part II, pages 31–33 on Art. 91; vol. 7, part IV G/15, pages 1–115 has comprehensive discussion)
- D. EHLE & G. MEIER, *EWG-WARENVERKEHR* 487–509 (1971). (German; discussion is brief but replete with citations)
- H. KUSCHEL, *DAS AUSSENWIRTSCHAFTSRECHT DER EWG* 28–40 (1971). (German; mostly an analysis of Reg. 459/68)
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JAPAN

LAW

Act for Prohibiting Private Monopolies and for Securing Fair Trade (1947), TOKYO YUKIKAKU 2437 (1978).

Export-Import Trade Act, TOKYO YUKIKAKU 2647 (1978).

Tariff Rate Act, TOKYO YUKIKAKU 751 (1978).

Synopsis

The Fair Trade Act was modeled after United States antitrust law. It is potentially applicable to dumping activity, but to date no such cases have been litigated. In addition, Article 30 of the Export-Import Trade Act authorizes the Ministry of International Trade and Industry to intervene in instances of “disruptive imports”, by limiting import quantities and by setting prices. Furthermore, the Tariff Rate Act authorizes the government to impose off-setting duties when imports are marketed at less than fair value. Private complainants may also bring an action under this statute. If dumping is found, a duty, equal to the difference between the dumped price and a “fair price” is imposed.

REGULATIONS

Foreign Exchange and Foreign Trade Control law, as amended, JAPAN: LAWS, ORDINANCES AND REGULATIONS CONCERNING FOREIGN EXCHANGE AND FOREIGN TRADE (1975).

Import Trade Control Trade Regulation, MITI Ordinance No. 77, Dec. 29, 1949, *as amended*, JAPAN: LAWS, ORDINANCES AND REGULATIONS CONCERNING FOREIGN EXCHANGE AND FOREIGN TRADE (1975).

Cabinet Order Relating to Antidumping Duty, in Japanese Tariff Association, JAPAN PUBLICATIONS 213 (1974).

Synopsis

The Ministry of International Trade and Industry is primarily responsible for regulation and oversight of import activity. It does so by requiring compliance with various Cabinet orders designed to prevent unfair trade practices. The Cabinet Order Relating to Antidumping Duty places responsibility for the initial investigation in the Ministry of Finance. Specific information that must be filed and forms to be used in order to comply with Cabinet orders are set out in the Import Trade Control Regulation.

SECONDARY SOURCES

Ariga, *Problems of Restrictions on Competition Arising from Liberalization and the GATT*, 290 JURISOTO 23 (1969) (japanese).

Iyori, *Article 6 of the Anti-Monopoly Law and International Transactions*, 496 JURISOTO 177 (1972) (japanese).

Kanaswa, et al., *Legal Problems Arising From the Liberalization of International Trade*, 32 HORITSU JIHO 604 (symposium) (1960) (japanese).

KERSHNER, *JAPANESE FOREIGN TRADE* (1975).

Kikukuchi, *Conflict and Harmony of Antitrust in International Trade*, 496 JURISOTO 167 (1972) (japanese).

Ohara, *Legal Aspects of Japan's Foreign Trade*, 1 J. WORLD TRADE L. 1 (1967).

Saxonhouse, *Antidumping Law in Japan*, *ante*.

Yazawa, et al., *Various Problems Arising from Domestic Law in Connection with Liberalization*, 290 JURISOTO 37 (1964) (japanese).

NEW ZEALAND

LAW

Customs Act § 129 (1966), *as amended*.

Synopsis

An antidumping duty may be imposed on any imported goods of a class or kind produced or intended to be produced in New Zealand or in any other GATT contracting party:

1. if those imports have or are likely to have any prejudicial effect on the operation or establishment of any such industry, and
2. if the selling price is less than the current home market value or cost of production, or if any special concession is granted.

The amount of the duty is the margin of dumping, as determined above. Provisional imposition of duties may be directed, if reasonable cause exists to believe that dumping has occurred. The determinations of the Minister of Customs are final.

SECONDARY SOURCE

New Zealand Customs Department, *DUMPING DUTY, A GUIDE FOR INDUSTRY*.

REPUBLIC OF SOUTH AFRICA

LAW

Customs and Excise Act, No. 91 of 1964, ch. VI, *Antidumping and Countervailing Duties*.

Synopsis

An antidumping duty may be imposed by the Minister of Trade upon the recommendation of the Board of Trade and Industries if the imposition of such a duty would be in the public interest. Duties may be imposed on goods which have been, are, or are likely to be dumped if the effect of such dumping would be to:

1. cause or threaten material injury to an established South African industry,
2. cause or threaten material injury to an established exporter of identical or comparable goods which are also imported into South Africa, or
3. materially retard the establishment of a South African industry.

The duty may not exceed the margin of dumping which is defined as the difference between the export price and the home market price.

Home market price is defined as the price of identical or comparable goods being sold in the ordinary course of trade in any market in

the country of origin. If that price is not available, then a third-country price or cost-of-production-based figure may be used.

STATE CONTROLLED ECONOMIES

INTERNATIONAL AGREEMENTS

Parties to GATT: Czechoslovakia, Poland, Hungary, Yugoslavia, Romania, Cuba.

Adherents to the Antidumping Code: Czechoslovakia, Hungary, Poland, Yugoslavia.

DOMESTIC LAW

Hungary: Incorporation of Antidumping Code, GATT, BISD, 22 Supp. 22a (1976).

COMMENT

The rationale for antidumping legislation is based on a concept of competition that has little meaning in a centrally-planned economy. It is in the best interests of a central planner to acquire imports at the lowest prices possible; foreign currency balances are the main concern. Thus, it is likely that adherence to GATT and the Antidumping Code are motivated by factors more political than economic.

SECONDARY SOURCE

Hudec, *United States Antidumping Law and the GATT Antidumping Code*, *ante*.

SWEDEN

LAW

Domestically, the only applicable statute is Article 3 of Sweden's "Custom's Ordinance"¹ which reads as follows:

. . . The Government may decree that antidumping and countervailing duties shall be levied on products imported from abroad to counteract injuries to Swedish industries caused by dumping

or subsidization from abroad. An ordinance may also be decreed to counteract dumping or subsidization injuries to the industries of another country.

An ordinance according to the first part may be issued for the time during which further investigations take place. If the investigation shows that there is no basis for an ordinance, the provisional decree shall be cancelled. The duty paid on account of that provisional decree shall then be repaid without delay.

Internationally, Sweden is both a signatory to the GATT Antidumping Code, and a member of the European Free Trade Association (hereinafter EFTA), and is thereby subject to the EFTA Convention's Article 17—"Dumped and Subsidised Imports". The pertinent part thereof reads as follows:

1. Nothing in this Convention shall prevent any Member State from taking action against dumped or subsidised imports consistently with its other international obligations . . .

3. If any industry in the territory of any Member State is suffering or is threatened with material injury as the result of the import of dumped or subsidised products into the territory of another Member State, the latter Member State shall, at the request of the former Member State, examine the possibility of taking such action as is consistent with its international obligations to remedy the injury or prevent the threatened injury.

Synopsis

In practice, an aggrieved Swedish industry makes a report of alleged or potential dumping with a request for investigation to the Director General of the *Kommerskollegium* (Board of Trade), who is directly responsible for Parliament and is generally responsive to commercial and industrial concerns. The Board of Trade then makes a preliminary decision to investigate or to drop the proceeding. Investigations are not formally constituted; adversary hearings are not held. Because no reports of these investigations are published, it is impossible to delineate the standard, if any, used by the Board in making a decree under the ordinance. It is important to note that the process is not predominantly legal, but rather primarily political and bureaucratic. The procedure is disfavored by Swedish industry as ineffective, expensive, time-consuming and often counterproductive. In summary, Sweden maintains a rather cautious attitude toward the phenomenon of antidumping law. This is reflected in its inelaborate positive law for the proclamation of dumping duties, and reinforced by its infrequent use of those mechanisms that are available.

CASES

No official report is made on Swedish Antidumping investigations or decrees, but there are two cases which give some insight into the process utilized. In both the *Italian Nylon Stockings* case and the *Hydrogen Peroxide* case, the mechanism proceeded full cycle and dumping duties were decreed.² The decrees in both cases were dissolved shortly after their proclamation, however, because the duties imposed thereby were widely viewed as insignificant and ineffective.

SECONDARY SOURCES

The interested reader is directed to *Marknadsrätt*, by Ulf Bernitz, and *Konkurrensbegränsningslagen och företaget*, by Nils Ringstad.

NOTES

1. *Sveriges Rikes Lag* (1977). The predecessor for this ordinance was the "Royal Ordinance No. 274 on Anti-dumping and Countervailing Duties", Royal Palace, 23 May 1969.
2. Information regarding these cases and other aspects of the practice of Swedish Antidumping law was obtained from Mr. Christer Manhusen, First Secretary, Embassy of Sweden, Washington, D.C.