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**Michigan Yearbook of
International Legal Studies**

Volume 1

1979

Antidumping Law

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**Michigan Yearbook of
International Legal Studies**

VOLUME I

**ANTIDUMPING LAW:
Policy and Implementation**

Ann Arbor The University of Michigan Press

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To William W. Bishop, Jr.,
professor emeritus, University of Michigan Law School

Preface

This is the initial volume in a series of publications to be entitled the *Michigan Yearbook of International Legal Studies*, published under the auspices of the University of Michigan Law School. The Law School has been honored to have both a distinguished faculty and an outstanding library collection in the area of international legal studies, and the students have felt for some time that greater use of the unique blend of these scholarly resources could be made.

The title of the series, focusing on “international legal studies,” was selected to avoid the artificial divisions inherent in the limited scope of “international law” or “comparative law.” As the first volume demonstrates, the profound effects which “municipal law” may have on international interactions of governmental and private entities cannot be excluded from examination. The international impact of law manifests itself in many ways. It is our intent that the broader scope encompassed within the concept of “international legal studies” will provide the comprehensiveness necessary in an era when international relations, and the role of law therein, are likely to undergo substantial change. Volumes in this series will treat all three of these subareas. However, whether one in particular is focused on, or aspects of each are considered together, is impossible to predict.

In order to understand the changing role of law in an evolving international arena, a coherent approach is necessary. Given the rapidity with which change occurs, it is all too easy to focus only on particular developments and to ignore the larger picture. The format of the *Yearbook*, a series of annual publications, each devoted to the systematic coverage of a single topic, will attempt to remedy that. Each volume will provide greater depth and breadth than would be possible in a single article while bringing to bear greater expertise in particular areas than would be possible in a work by a single author. The *Yearbook* will also serve as a forum for considered debate on the fundamental premises of the topic covered, as well as including discussions of how those premises are best implemented. Each volume will combine timeliness to ensure relevance and comprehensiveness to ensure general utility. We seek to provide in each volume a starting point for thought, discussion, research, and action—a tool for scholar, practitioner, and policy maker.

The selection of antidumping law as the initial topic is in keeping with these concerns. International trade is an ever-increasing aspect of both international relations and the domestic economy. Dumping presents a microcosm of the interactions of law, domestic politics, economic theory, and international relations. Moreover, antidumping law is an area in flux. The changes made or foregone in United States law in the Trade Act of 1974 are being reconsidered. Some discussions on the subject are taking place at the current Tokyo Round of multilateral trade negotiations in Geneva. There are indications that antidumping activity is increasing in states outside the United States. Trade with state-controlled economies presents new problems. Even the fundamental economic theory is still unsettled. This volume of the *Yearbook* is intended to provide a framework within which the various trends may be analyzed, and out of which a greater understanding of antidumping law, policy, and economics may be achieved.

To that end, this volume begins with an examination of the economic and policy bases of dumping and antidumping law. The procedures involved—in the Treasury Department and the International Trade Commission—are then explored from several perspectives, and changes are proposed and analyzed. Next, particular foreign and international aspects of antidumping are discussed. Finally, the Appendices summarize United States antidumping law and cases and foreign antidumping law. A comprehensive annotated bibliography facilitates access to the leading literature and aids research.

A project such as this would not have been possible without the support, assistance, and labor of many persons—more than can be noted here. This is particularly true when the publication of a book is preceded by a symposium. The planning for both began over a year ago. The symposium was held on November 3 and 4, 1978, at the University of Michigan Law School under the auspices of the International Law Society. The presentations made there were based on many of the papers in this volume.

Particular mention must be made of the work of Stuart Chemtob, past president of the International Law Society, and the support and advice of the members of the Faculty Advisory Committee. Finally, we must recognize the unique contributions of Professor John H. Jackson. Without his efforts in substance, organization, administration, and moral support, this venture would not have progressed very far. We are much in his debt.

The articles in this volume were prepared prior to the completion of the Tokyo Round of Multilateral Trade Negotiations and the subsequent implementing legislation enacted by the United States.

Contents

Abbreviations	xi
Introduction: Perspectives on Antidumping Law and Policy JOHN H. JACKSON	1
POLICY BASES	
Dumping: Confronting the Paradox of Internal Weakness and External Challenge BART S. FISHER	11
Import Restraints and Industrial Performance: The Dilemma of Protectionism WALTER ADAMS	34
The Antidumping Law: Repeal It or Revise It JOHN J. BARCELÓ III	53
THE ANTIDUMPING PROCESS: PROCEDURES AND PROPOSALS	
An Administrator's Look at Antidumping Duty Laws in United States Trade Policy PETER D. EHRENHAFT	97
The Antidumping Act: Comments for Business JOHN CUTLER	115
The Antidumping Act: Proposals for Change NOEL HEMMENDINGER	124
Proposals for Change in the Administration of the Antidumping Act STEPHEN L. GIBSON	137

The "Fast-Track" Procedure: Problems of Implementation DAVID N. WALL	154
The Standard of Injury in the Resolution of Antidumping Disputes EDWARD J. KRAULAND	164
<i>Gilmore</i> : An Antidumping Proceeding as Cost-Price Comparison FRED A. RODRIGUEZ	186
THE INTERNATIONAL PERSPECTIVE	
United States Compliance with the 1967 GATT Antidumping Code ROBERT E. HUDEC	205
European Antidumping Law and Procedure DIETER OLDEKOP and IVO VAN BAEL	230
Antidumping Law in Japan GARY SAXONHOUSE	245
The Treatment of Products from State-Controlled Economies under the United States Antidumping Law STEPHANIE M. SMITH	249
Appendix	259
Annotated Bibliography 1965-78	299
Citations to the Antidumping Act of 1921	313
Citations to Dumping Regulations (United States)	315
Index	317

Abbreviations

1974 Act	Trade Act of 1974, Pub. L. No. 93-618, 88 Stat. (1978), 19 U.S.C. §§ 2101-2487 (1976)
1921 Act	Antidumping Act of 1921, ch. 14, tit. II, 42 Stat. 11, (1921), <i>as amended</i> , 19 U.S.C. §§ 160-73 (1976) (also the Act)
1916 Act	Revenue Act of 1916, ch. 463, tit. VIII, 39 Stat. 798, 15 U.S.C. §§ 71-77 (1976)
Code	Agreement on the Implementation of Article VI of the General Agreement on Tariffs and Trade, June 30, 1967, 19 U.S.T. 4348, T.I.A.S. No. 6431 (effective July 1, 1968). See also 32 Fed. Reg. 14,962 (1967) (also the Antidumping Code)
GATT	General Agreement on Tariffs and Trade, October 30, 1947, 61 Stat. (5) (6), T.I.A.S. No. 1700, 55 U.N.T.S. 194 (effective Jan. 1, 1948), <i>as amended</i> , T.I.A.S. No. 1890
ITC	United States International Trade Commission (also USITC), formerly the United States Tariff Commission (herein USTC). See 19 U.S.C. § 2231 (1976) (effective Jan. 3, 1975)
LTFV	Less Than Fair Value

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