

Legislation and Practice on Anti-dumping of China

Ha Noi, Viet Nam
July 4, 2008

Liang Hao
MOFCOM, P.R. China

I .Administration Organs Involving in Anti-dumping

1.Competent Authority:

The Ministry of Commerce (MOFCOM)

2.Duty-related Organ:

Customs Tariff Commission of the State Council

3.Enforcing Organ:

The Customs

II .Legislation and Practices on Antidumping

1.Status of Legal Framework

2.Antidumping Practices of China

1. Status of Legal Framework

◆ Laws:

1994, the Foreign Trade Law, revised in 2004

◆ Regulations:

1997, the Antidumping Regulation

2001, the Antidumping Regulation, revised in 2004

◆ Rules:

24 Department Rules

1. Status of Legal Framework

Commentary:

- ◆ A complete and multi-layered framework
- ◆ Start late, but starting point is quite high
- ◆ Focus on the due procedural rights and transparency
- ◆ Provide both guidance to investigator's
Implementation and clarification on rights
and obligation of interested parties

2. Anti-dumping Practices of China

◆ Anti-dumping Investigation and cases

Since 1997: China has initiated 50 anti-dumping cases (153 according to WTO statistics)

The amount affected by the investigations is about 8.3 billion US dollars

Involve products imported from 24 countries (regions) in the world

2. Anti-dumping Practices of China

◆ Determinations:

39 Cases resulted in positive determinations

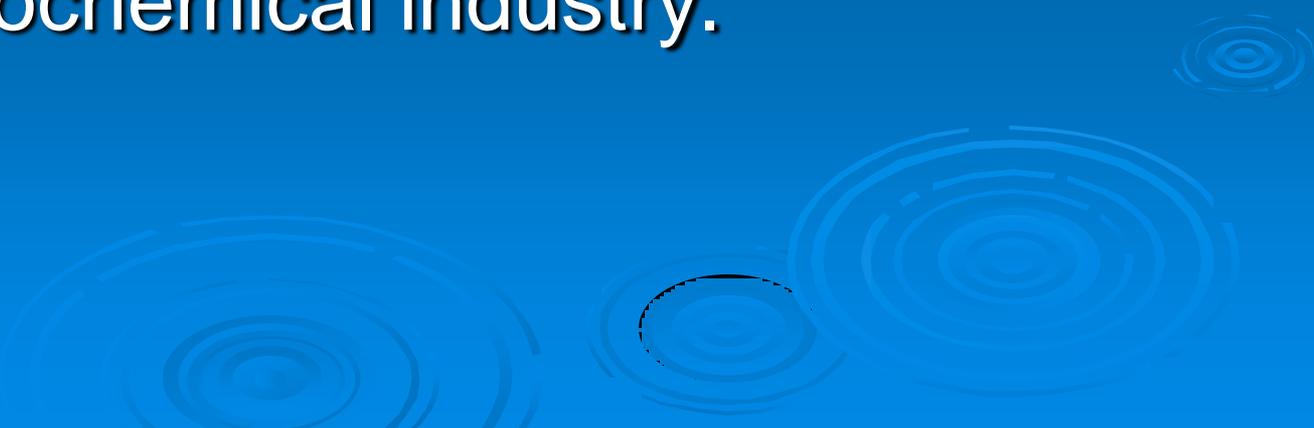
9 Cases resulted in negative determinations

2. Anti-dumping Practices of China

Basic Features of China's AD Practices

A. High Concentration of Industries

80% of China's anti-dumping cases are from petrochemical industry.

A decorative graphic consisting of several sets of concentric circles, resembling ripples in water, located in the bottom right corner of the slide.

2. Anti-dumping Practices of China

Basic Features of China's AD Practices

B. High Concentration of Exporting Countries

Japan, Korea, the United States, EU and Taiwan District of China

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2. Anti-dumping Practices of China

Basic Features of China's AD Practices

C. Reflect Fairness, Impartiality and Objectivity

9 cases which result in no anti-dumping measure imposed, accounting for 20% of all cases that are completed.

2. Anti-dumping Practices of China

Basic Features of China's AD Practices

D. Escalated awareness of Rights and Interests

Trade clashes can only be solved in accordance with prevailing international rules, not administrative measures

Thanks!





Experiences from Anti-dumping cases and Trade disputes in Seafood Industry

Dr. Nguyen Thi Hong Minh

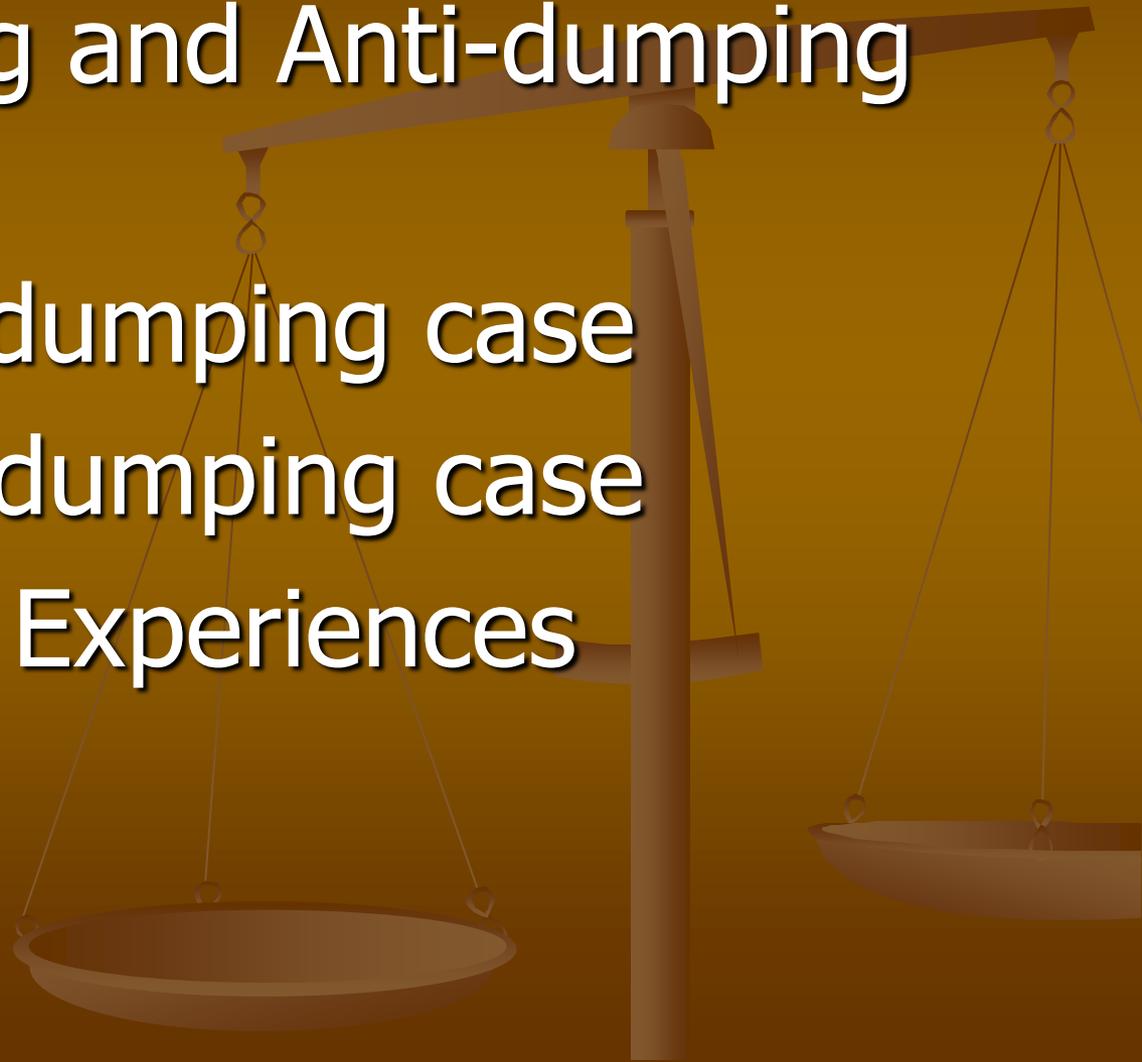
Former Vice-Minister of Fisheries

VASEP Chairman Emeritus

Nguyen Dieu Linh - MBA

Contents

- Anti-dumping and Anti-dumping cases
- Catfish Anti-dumping case
- Shrimp Anti-dumping case
- Lessons and Experiences



Anti-dumping

- Anti-dumping is a measure which is used by many governments, especially in the US to protect the domestic industries from the imported products selling at lower price than the price it normally charges on its own home market, threatens to dominate the market, causing or threatens to cause material injury to the domestic industries.
- Detailed procedures are set out on how anti-dumping cases are to be initiated, how the investigations are to be conducted, and the conditions for ensuring that all interested parties are given an opportunity to present evidence. The legal procedures is regulated by government Law may varies from one government to the others. Under the US Law, the procedures is as follow: filing of the petition, announces mandatory respondents, ITC and DOC investigation, cost of production calculation (applied method will be different between market and non-market economy), ITC hearing, AD duties order announced by DOC, ITC votes for final AD duties order.
- WTO will be involved when a member country does not concur with the final conclusion of the case. The agreement says member countries must inform the Committee on Anti-Dumping Practices about all preliminary and final anti-dumping actions, promptly and in detail. They must also report on all investigations twice a year. When differences arise, members are encouraged to consult each other. They can also use the WTO's dispute settlement procedure.
- Anti-dumping suits happen regularly in international trade. Canada is a country next to the US and its annually export value to the US is over 100 billion USD in which the expenses for AD cases is about 6-10 billion USD.

Catfish Anti-dumping case

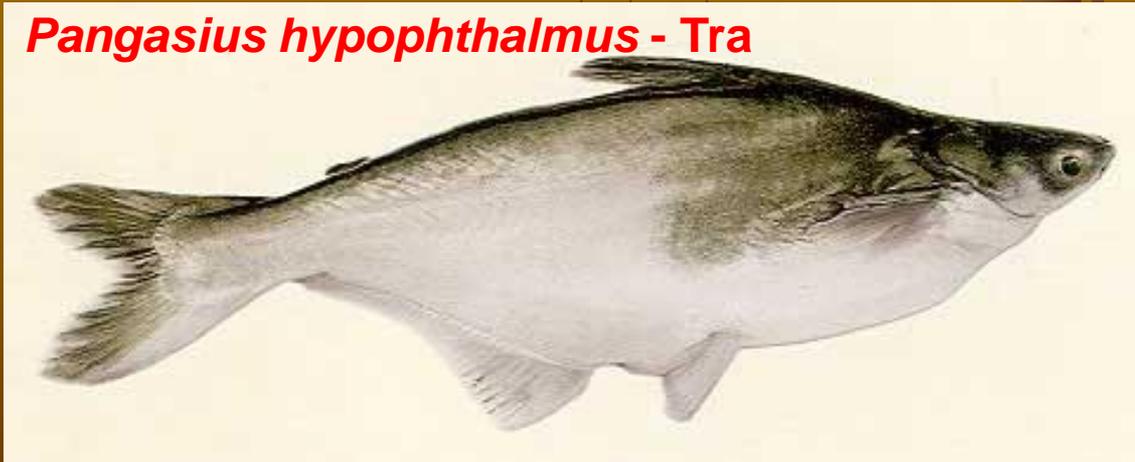
- During 1999 and 2000, the volume of Vietnamese tra and basa catfish imported to the US market increased considerably, which angered American catfish farmers. The Catfish Farmers of America (CFA) plotted a campaign to lobby and pressure Congressmen of the states that raise catfish and drummed up support from legislature and law enforcement agencies to back up their retaliation against imports of Vietnamese catfish:
 - Cut off the budget allocating for FDA to carry out the quality examination on imported tra and basa fish
 - In Nov 2001 US Congress passed Agriculture legislation that limited the definition of catfish only to members of the Ictarulidae family of fish. This decision effectively prohibits US importers, restaurants and supermarkets from labeling fish from Vietnam as Catfish. This is unusual and contradictory scientific decision of US Congress.
 - Some Southern catfish raising states used the US media to provide misinformation to distort the image of Vietnamese tra and basa catfish, told embellished stories about the quality of the fish from Vietnam
- According to the US Custom, in 2001 total value of tra imported from Vietnam to the US was 1.7 million USD, 10 months of 2002 was 12 million USD while total value of the world import in fish category was only 21 million USD.
- In 2002, CFA filed a AD petition against Vietnamese producers of frozen tra and basa fillets, the case ended in 2003 with the high AD duties were imposed.

Species of farmed *Pangasius*

Pangasius bocourti - Basa



Pangasius hypophthalmus - Tra



Shrimp Anti-dumping case

- In 2004, the US Southern Shrimp Alliance (SSA) filed an AD petition against 6 countries export shrimp to the US including Vietnam
- Vietnam Association of Seafood Exporters and Producers (VASEP) established VASEP Shrimp Committee - an organization conducted and coordinated in dealing with the case.
- VASEP Shrimp Committee called upon the companies have operations in seafood business to contribute money for the case.
- Respondents hired different law firms helping them to deal with the case
- Select a third country is considered a market economy in order to use its cost of production to calculate the dumping duty/ In this case Bangladesh was selected.
- On-site investigation was carried out at mandatory respondents.
- In 2006 ITC concluded that the AD duties of Vietnam is lowest among 6 countries respondents and was considered as a success. The most important reason led to the success is business administration and management.
- If companies want to reduce the imposed AD duties they should apply for annual administrative review.

Vietnam Seafood Export

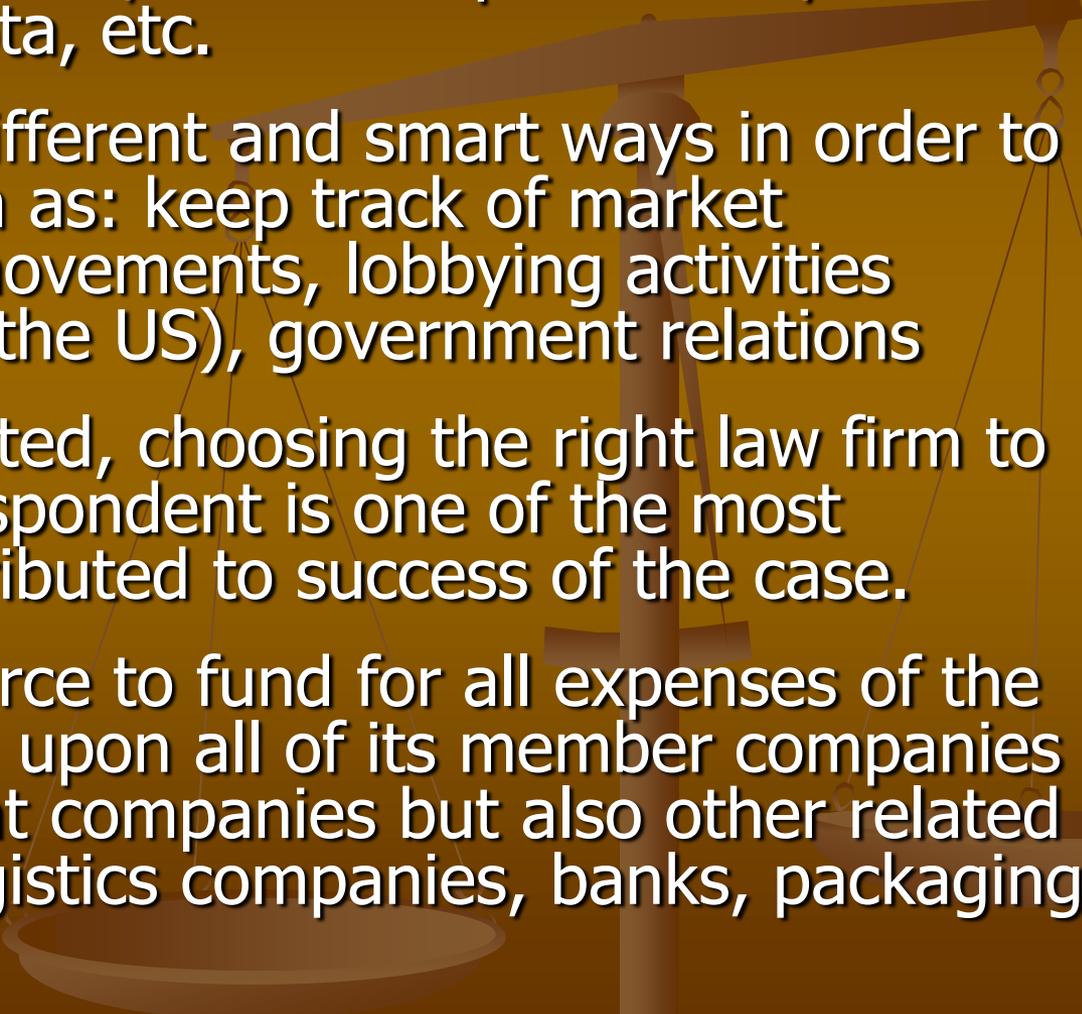
- **Seafood Export increased during the period 1995-2006**
 - * **Volume: 6.3 times higher**
 - * **Value: 6.0 times higher**
 - **Milestones: 1995 – USD 0.5 billion**
 - 2000 - USD 1 billion**
 - 2002 – USD 2 billion**
 - 2005 – USD 2.5 billion**
 - 2006 – USD 3.3 billion**
 - 2006, Seafood export volume : 805,766 MT (+29,4%), value : USD 3.348 billion (+22,2% compared to 2005)**
 - **Annual average increase : 19,4% during recent 10 years, high record in 2000 :+ 52%, lowest in 1998:+ 4%;**
 - **2006, Vietnam seafood exported to 139 countries and territories compared to only 42 in 1999**
 - **2007 – USD 3,7 billion**
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Vietnam Pangasius Success Story

In 10 years 1997-2006, Vietnam *Pangasius*:

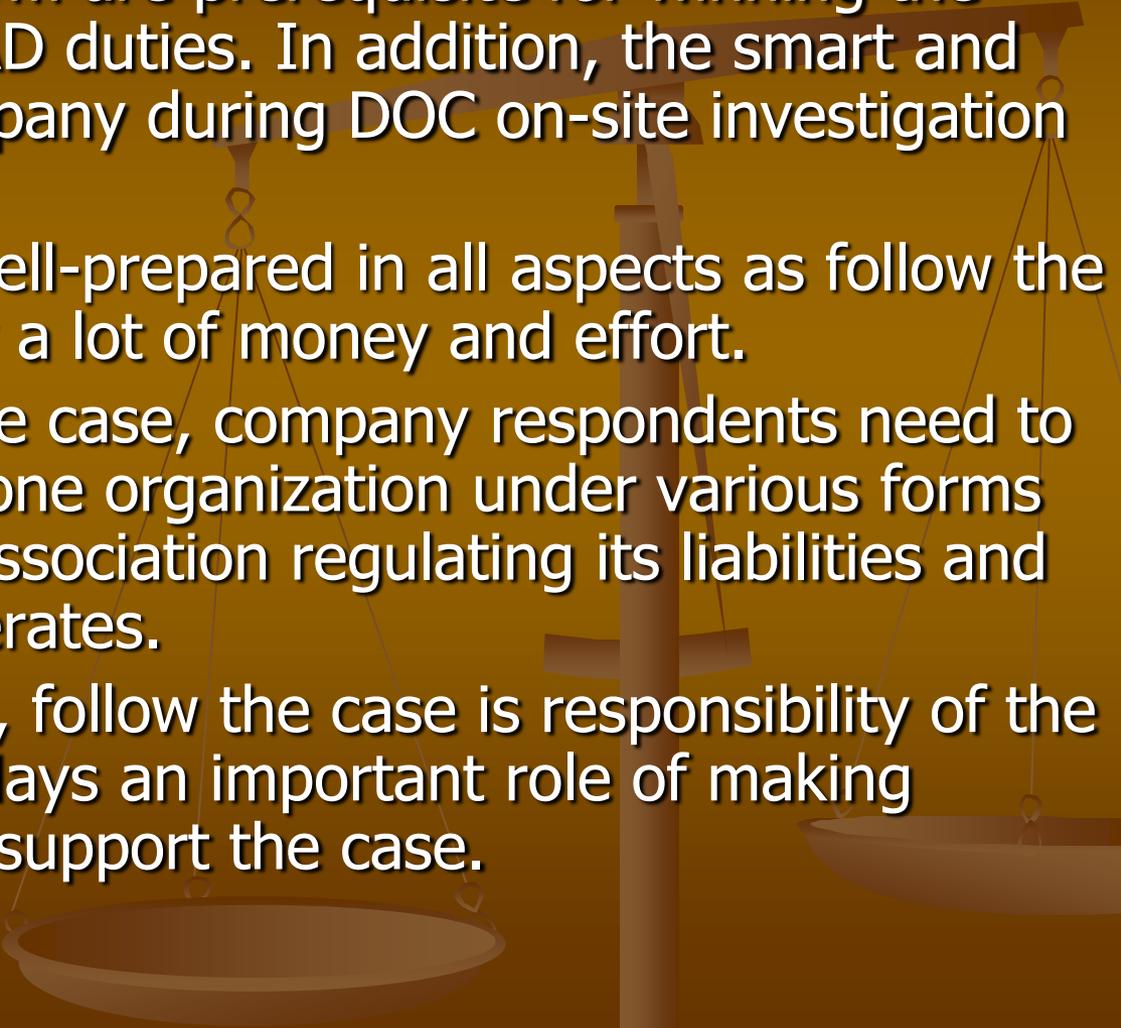
- Farming areas increased only **7 times**, reached **9,000 ha**
- Annual commercial production of raw fish increased **36 times**, from 22,500 MT to **825,000 MT**
- Volume of exported *Pangasius* fillets jumped-up more than **40 times**, from 7,000 MT to **286,000 MT**.
- Export revenue increased **37.4 times**, from US\$ 19.7 mill. to **US\$ 736.872 mil**,
- Number of export markets increased to more than **80 countries** and territories, in all continents.
- In 2007 export revenue reached to **1 billion USD**.

Lessons and Experiences



- Initiatively avoid the case before it happens by: negotiation with customers, reduce in production, increase selling price, using quota, etc.
- Many countries have different and smart ways in order to avoid the AD case such as: keep track of market movements, political movements, lobbying activities (especially effective in the US), government relations
- When the AD case started, choosing the right law firm to act on behalf of the respondent is one of the most important factors contributed to success of the case.
- Seeking financial resource to fund for all expenses of the case. VASEP has called upon all of its member companies not only the respondent companies but also other related companies such as: logistics companies, banks, packaging companies...

Lessions and Experiences

- A clear and explicit management system of the company and experiences of the law firm are prerequisite for winning the case or getting the low AD duties. In addition, the smart and wise reaction of the company during DOC on-site investigation is also very important.
 - Companies need to be well-prepared in all aspects as follow the case it will cost company a lot of money and effort.
 - In order to succeed in the case, company respondents need to collaborate and unite in one organization under various forms such as industrial club, association regulating its liabilities and obligation in which it operates.
 - When the AD case starts, follow the case is responsibility of the company. Government plays an important role of making regulation, legislation to support the case.
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**THANK YOU
FOR YOUR ATTENTION!**





DEPARTEMEN PERDAGANGAN
REPUBLIK INDONESIA

The Progress of Allegation of Anti-Dumping, CVD & Safeguard Measure in Indonesia

Directorate of Trade Defence, Directorate General of International Trade
Cooperation, Ministry of Trade of Republic of Indonesia

Amount of Allegation Cases on Dumping, Subsidy and Safeguard (1995 - 2007)

Aleggation Cases			
DUMPING	SUBSIDI	SAFEGUARDS	TOTAL
3.097 (89,79%)	193 (5,6%)	159 (4,61%)	3.449 (100%)

Source : WTO, February 2008

ANTI-DUMPING INITIATIONS BY EXPORTING COUNTRY (1995 - 2007)

<i>Alleged Countries</i>		<i>Periode</i>												<i>Jan.- June 2007</i>	<i>Total</i>
		'95	'96	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06		
1	China, P.R.	20	43	33	28	40	42	54	51	52	49	55	68	16	551
2	Korea, Rep. of	14	11	15	24	34	22	23	23	17	24	12	12	4	235
3	Chinese Taipei	4	9	16	11	23	15	19	16	13	21	13	14	4	178
4	United States	12	21	15	15	14	12	15	12	21	14	12	11	2	176
5	Japan	5	6	12	13	22	9	13	13	16	9	7	11	2	138
6	Indonesia	7	7	9	5	20	13	18	12	8	8	14	9	2	132
7	India	3	11	8	12	13	10	12	16	14	8	14	6	2	129
8	Thailand	8	9	5	2	19	12	16	12	7	9	13	8	1	121
9	Russia	2	7	7	12	17	12	9	18	2	8	3	4	1	102
10	Brazil	8	10	5	6	13	9	13	4	3	9	4	8	1	93
LAINNYA*)		74	91	118	129	140	134	172	135	79	54	53	49	14	1242
TOTAL		157	225	243	257	355	290	364	312	232	213	200	200	49	3097

Catatan: 1) Ada sebanyak 42 negara penuduh dumping; 2) *) = Terdapat 89 negara pengekspor

COUNTERVAILING INITIATIONS BY EXPORTING COUNTRY (1995 - 2007)

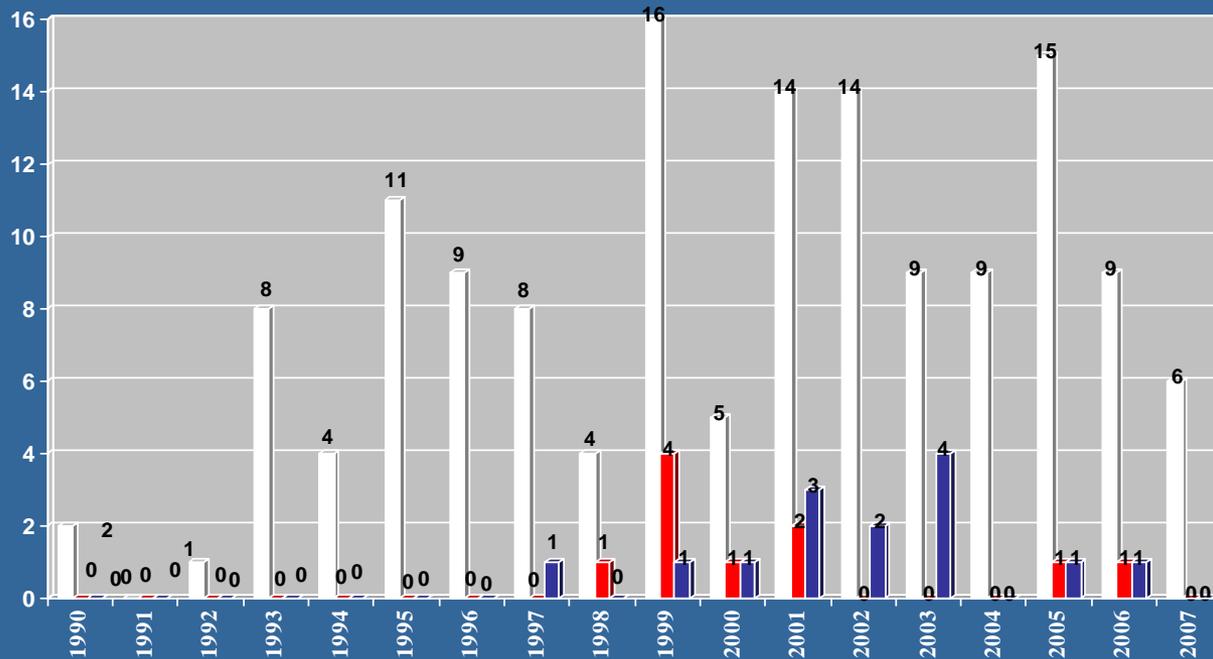
Period Alleged Countries		Period												Jan.- June 2007	Totals
		95	96	97	98	99	00	01	02	03	04	05	06		
1	India	1	0	3	6	5	7	8	2	8	1	1	1	1	44
2	Korea, Rep. of	0	0	0	5	4	1	1	2	0	1	1	1	0	16
3	Italy	3	2	1	3	1	0	1	1	1	0	0	0	0	13
4	Indonesia	0	0	0	1	5	1	2	0	0	0	1	1	0	11
5	European Community	3	1	1	1	1	0	0	1	2	0	0	0	0	10
6	Thailand	1	0	0	0	5	1	0	0	0	1	1	0	0	9
7	Canada	0	1	1	1	0	0	2	2	0	1	0	0	0	8
8	France	0	0	0	2	2	0	2	0	0	0	0	1	0	7
9	Chinese Taipei	0	0	1	0	5	0	0	0	0	1	0	0	0	7
10	Brazil	0	0	1	1	1	1	2	0	0	0	0	1	0	7
Lainnya*)		2	3	8	5	12	7	9	1	4	3	2	4	1	61
Total		10	7	16	25	41	18	27	9	15	8	6	9	2	193

Catatan: 1) Ada sebanyak 40 negara penuduh subsidi; 2) *) = Terdapat 31 negara pengekspor.

Sumber: WTO, Pebruari 2008



ALLEGATION CASES ON DUMPING, SUBSIDY & SAFEGUARD TO INDONESIA SINCE YEAR 1990 s.d DESEMBER 2007



DUMPING = 143 CASES ■ SUBSIDY = 11 CASES ■ SAFEGUARDS = 14 CASES

TOTAL = 168 CASES

Note : Year 2008 there is 6 new allegation cases: Motor Cycle Tire & PTY (Turkey), Toilet Tissue Paper (Australia), Acrylic Fiber & sunset review bicycle tire (Argentina), Viscose Staple Fiber (Brazil)

**ALLEGATION CASES TO INDONESIA HANDLE BY DIRECTORATE OF TRADE DEFENCE
DIRECTORATE GENERAL OF INTERNATIONAL TRADE COOPERATION, MoT (1996-2007)**

DUMPING	SUBSIDI	SAFEGUARDS	AMOUNT
143	11	14	168

COUNTRY	JUMLAH
1. UNI EROPA	26
2. AMERIKA SERIKAT	21
3. INDIA	19
4. AUSTRALIA	18
5. AFRIKA SELATAN	11
6. SELANDIA BARU	9
7. MALAYSIA	8
8. PHILIPINA	8
9. KANADA	6
10. TURKI	6
11. ARGENTINA	5
12. MESIR	4
13. THAILAND	4
14. BRASIL	3
15. MEKSIKO	3
16. CINA	3
17. PAKISTAN	3
18. KOLOMBIA	3
19. KOREA SELATAN	2
20. JAMAICA	2
21. PERU	2
22. TAIWAN	1
23. TRINIDAD & TOBAGO	1
TOTAL	168

CASES STATUS		
DIHENTIKAN	DIKENAKAN	DALAM PROSES
83	77	8

PRODUK INDONESIA YANG DITUDUH :

KERTAS, BUKU HARIAN, ALUMUNIUM, BATERAI KERING, BAN, BAJA, TEKSTIL & PAKAIAN JADI, PRODUK KIMIA, SERAT SINTETIK, ALAS KAKI, SEPEDA, JARI-JARI & PENTIL SEPEDA, LAMPU NEON, KOREK API GAS, CPO, FILTER OIL, MAINAN ANAK-ANAK, PLYWOOD, SEMEN, KACA, KERAMIK, PENCIL, GYPSUM, CAKRAM MAGNETIK, KARUNG PLASTIK, RING BINDER, IKAN TUNA DALAM KALENG, JAMUR DALAM KALENG, ENGSEL PINTU & JENDELA, BAN SEPEDA & MOTOR.

ALLEGATION CASES STATUS ON DUMPING, SUBSIDI, & SAFEGUARD MEASURES TO INDONESIA (1990 - 2007)

CASES STATUS	CASES AMOUNT	ALLEGATION CASES		
		DUMPING	SUBSIDI	SAFEGUARDS
Terminate	83 (49,4%)	72	6	5
Impose	77 (45,8%)	63	5	9
On Process	8 (4,8%)	8	0	0
TOTAL	168 (100%)	143	11	14

INDONESIAN PRODUCTS WHICH ALLEGED OF DUMPING, SUBSIDI DAN SAFEGUARD SINCE YEAR 1996 -2007

No.	Product	Country
1.	Clear Float Glass	India, Afrika Selatan, Thailand, Australia, Selandia Baru, Philippina
2.	Polyethelyne Terephthalate (PET)	Uni Eropa, Amerika Serikat, India, Malaysia, Turki, Argentina
3.	Coated and Uncoated Woodfree Paper and Others Paper, toilet papers	Afrika Selatan, Korea Selatan, India, Malaysia, Australia, Amerika Serikat
4.	Hot Rolled Plate	Amerika Serikat, Kanada, Australia, Thailand
5.	Gypsum Plaster Board	Malaysia, Afrika Selatan, Selandia Baru, India
6.	Footwear	Uni Eropa, Peru, Selandia Baru, Argentina
7.	Polyester Staple fiber	India, Kolombia, Uni Eropa
8.	Pocket Lighter	Uni Eropa, Korea Selatan
9.	Partially Oriented Yarn	India, Uni Eropa
10.	Produk Kaca & Gelas	Philippines, Afrika Selatan, Thailand

Sumber : DPP, Ditjen KPI, DEPDAG 2008

Terima Kasih



**PAPUA NEW GUINEA COUNTRY
REPORT**

APEC ANTI-DUMPING SEMINAR

**HOA BIN HOTEL – HANOI,
VIETNAM**

3RD – 4TH JULY, 2008

**Alex Kerangpuna
Win Waring**

Introduction

Papua New Guinea is a WTO member and its effort towards implementing commitments and obligations, including Anti-dumping Agreement (ADA) is quite challenging.

At present, it does not have legislation and effective institutional mechanism to deal with the dumping issues. This has translated into insignificant awareness conducted at domestic level to inform industries and consumers on dumping issues, and how government should invoke anti-dumping duty or other trade remedies to protect industries from injuries caused by dumped goods.

For the purpose of this report, it aims to provide an overview of domestic legislation and role of national agencies responsible for implementing the Anti-dumping Agreements, industries utilization of the agreement and problems that PNG faces in tackling the challenges posed by dumped products.

Background

Papua New Guinea has undertaken commitments for policy shift towards reduction in tariffs over a very short period of time either through the:

- (i) Structural Adjustment Programmes (SAP) imposed by the World Bank and IMF;

The tariff rationalization and liberalization under the Tariff Reform Programmed (TRP) is part of SAP and is seeing the reduction of tariffs across the board. In that context, tariffs do not provide any level of comfort or safety net for domestic industries and domestically produced products anymore, particularly when hit with dumping or imported surges.

- (ii) As Part of its Trade Liberalization Commitments in WTO and other Trade Agreements/arrangements

Trade Negotiations are resulting in commitments to reduce trade barriers for growth in trade and PNG is directly involved in this process in various fora.

This is an area that will balance out the potential negative impacts of trade liberalization if we get it right.

Couples with ,massive reduction in tariff rates over the last five (5) years, the absence of proper trade remedies policy and legislation is raising concerns for many in the private sector, who have been expressed that appropriate safety nets must be provided for the domestic industries, firms and workers.

Domestic Legislation and Institutional Framework on Anti-Dumping

Papua New Guinea does not has an Anti-dumping policy and legislation to effectively address the issue of dumping at domestic level. Although, it has certain legislations and institutions that are responsible for implementing the agreement, there is still limitation on the specificity of addressing Anti-dumping rules.

As a result, the institutions concerned, particularly the Ministry of Foreign Affairs and Trade, Independent Consumer and Competition Commission (often dealing with Competition and Counterfeit agreements), Internal Revenue Commission (Customs and tariff) and Treasury Department (Finance and Budget) are now having inter-agency consultations to formulate a policy that would eventually lead to enactment of legislation on the Anti-dumping.

The Trade Division, within the Ministry of Foreign affairs and Trade, rely on the Multilateral Agreement (Implementation of Art.6 of GATT 1994) as its official guideline to provide broad advice to industries and relevant authorities where there is a need to do so. Unfortunately, the industries concerns on dumping cannot be fully addressed given the non-existence of such legislation and institutional body to specifically deal with the problem.

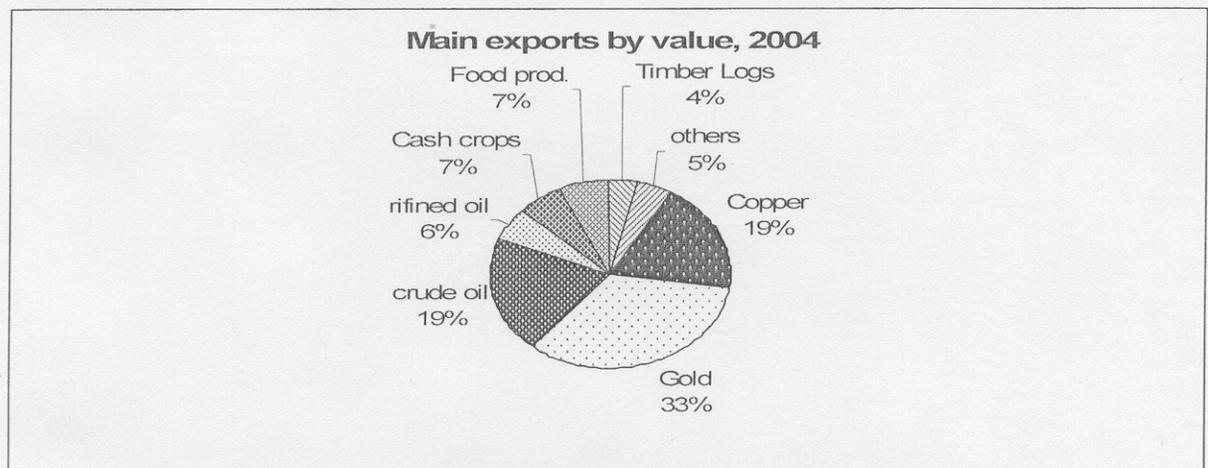
Even few companies have already lodged complains on dumped products and the material injury it may have caused to their products, the government on the other hand does not take necessary steps to invoke Article 6 of GATT 1994. Basically because there is no domestic legislation and regulatory framework to complement the WTO Anti-Dumping Agreement in imposing

anti-dumping duty. This makes it difficult at the moment for both the government and private sector to advance in this area.

Industries and Anti-dumping

Papua New Guinea is a major importing consumer country of industrial products. Manufacturing Industries constitute less than 5 per cent of its total export and 3 per cent of GDP. This represents the minute scale and contribution of industry in the overall economy that requires protection from dumped 'like products' and level of injury this may impact on local industries, welfare of employees and FDI.

Briefly on PNG major exports, this include gold, accounting for one third of total export receipts, copper and crude oil (with an additional 19% share each), manufactured food products (7%) and agriculture crops (7%). Others (5%) would constitute industries other than the manufactured food products.



Furthermore, current government's inward investment policies will trigger new industries, therefore, implementing government agencies should be proactive in preparing themselves to handle dumping issue in the future that would be faced by these industries. Such technical capacity building programmes including this APEC Anti-Dumping Seminar may place implementing agencies in a better position to address anti-dumping or other trade issues when arises.

made Coke drinks. The government unfortunately did not response positively to initiate investigation on the issue, and this is still pending.

It is anticipated that more of similar cases will emerged in future and for the government to adequately address the issue, it must enact anti-dumping legislation, to deal with the problem.

Benefits of Papua New Guinea in the APEC Anti-Dumping Seminar in Hanoi, Vietnam

At the outset, it is anticipated that Mr. Alex Kerangpuna and Mr. Win Waringi will learn a lot in this two-day presentation from different speakers and experiences shared by other member economies on implementing the Anti-dumping Agreement. Thus, the two and their institutions will benefit from this Seminar in the following ways:

- be able to advise their respective agencies on the importance of having a domestic Anti-dumping policy and legislation to address the problem of dumping.
- imparting necessary experiences shared by presenters and participants to address dumping at domestic level
- may participate effectively in future APEC Seminars on the Anti-dumping to inform the APEC Secretariat and WTO on what PNG has been doing to implement ADA

Conclusion

In conclusion, PNG is yet to have Anti-Dumping policy and legislation in place. It is in the process of formulating a policy and will be enacting anti-dumping legislation to counter the issue of dumped products and scale of injuries this could cause to local industries, employees and consumers alike.

It is therefore, the Anti-dumping Seminar is timely for PNG that its participants would hopefully gain adequate knowledge and experiences shared by professional speakers and participants to assist in the formulation of the Anti-dumping policy and legislation.

The legislation will provide safety net for local industries that are currently exposed to the dumped products.

PART 1

PHILIPPINE ANTI-DUMPING LAW



Philippine Legislation

- Section 301 of the Tariff and Customs Code of the Philippines
- Republic Act No. 8752 (Anti-Dumping Act of 1999)
- Implementing Rules and Regulations
- Commission Order No. 00-01



Investigating Agencies

- Department of Trade and Industry-Bureau of Import Services (DTI-BIS) and
- Department of Agriculture (DA), in case of agricultural products.
- Tariff Commission (TC)
- Bureau of Customs (BOC)



STAGES OF ANTI-DUMPING INVESTIGATION

- Prima Facie Determination – five (5) working days to decide
- Preliminary Determination – within two (2) days:
 - a. DTI/DA notifies the government of the country of export or origin about the impending dumping investigation.
 - b. Notifies all interested parties about the initiation of the investigation and sends questionnaires. Respondents were given thirty (30) working days to return the questionnaires.

STAGES OF ANTI-DUMPING INVESTIGATION

- c. The requirement of a dumping bond shall be made not sooner than sixty (60) days from the date of the initiation of the investigation and only for a period of four (4) months.
- d. The Secretary of DTI/DA shall immediately terminate the anti-dumping investigation upon negative findings.
 - Final Determination
 - Issuance of Department Order

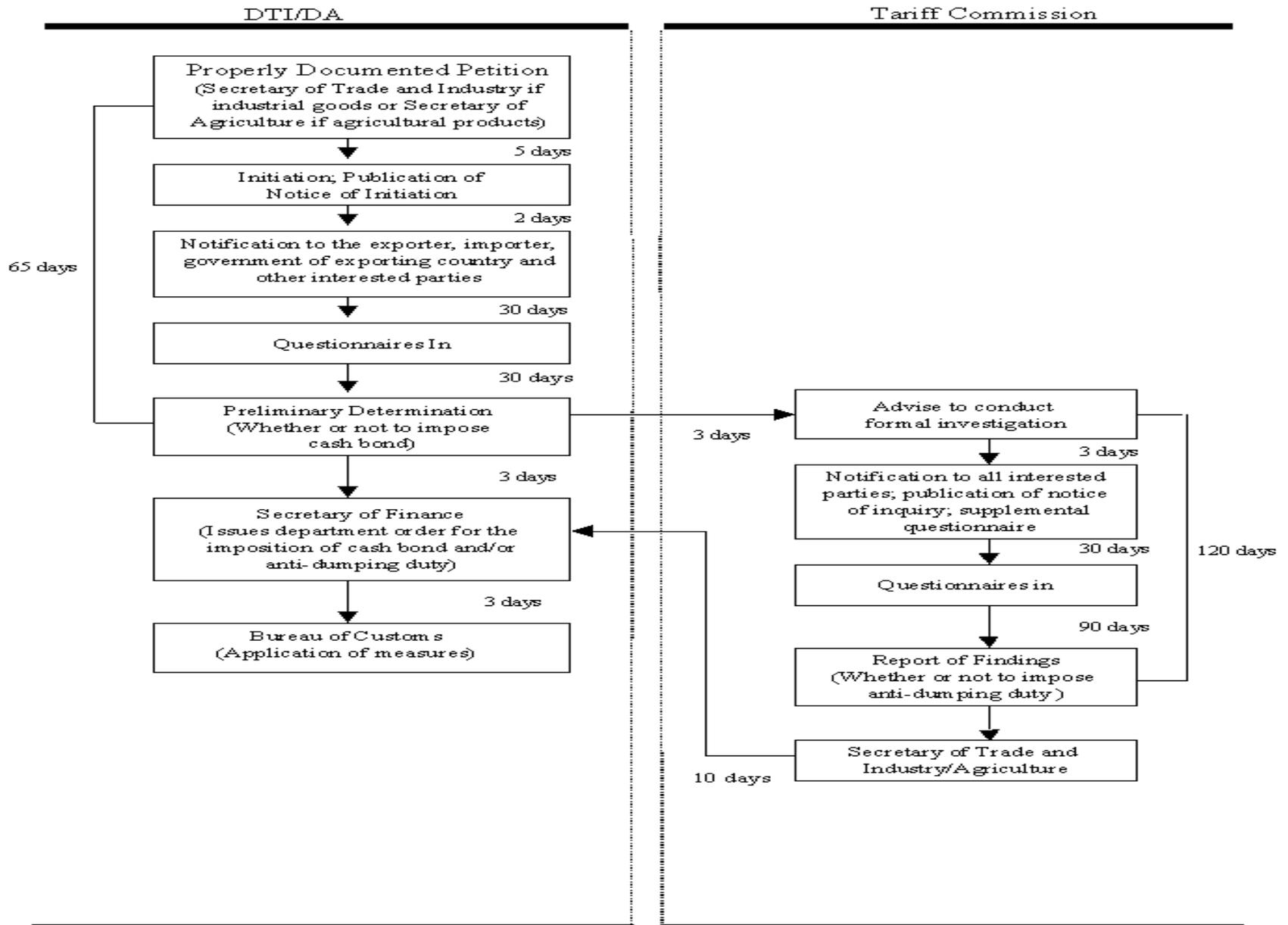


PART 2
PHILIPPINE EXPERIENCE
AND
FORMAL INVESTIGATION BY
THE TARIFF COMMISSION

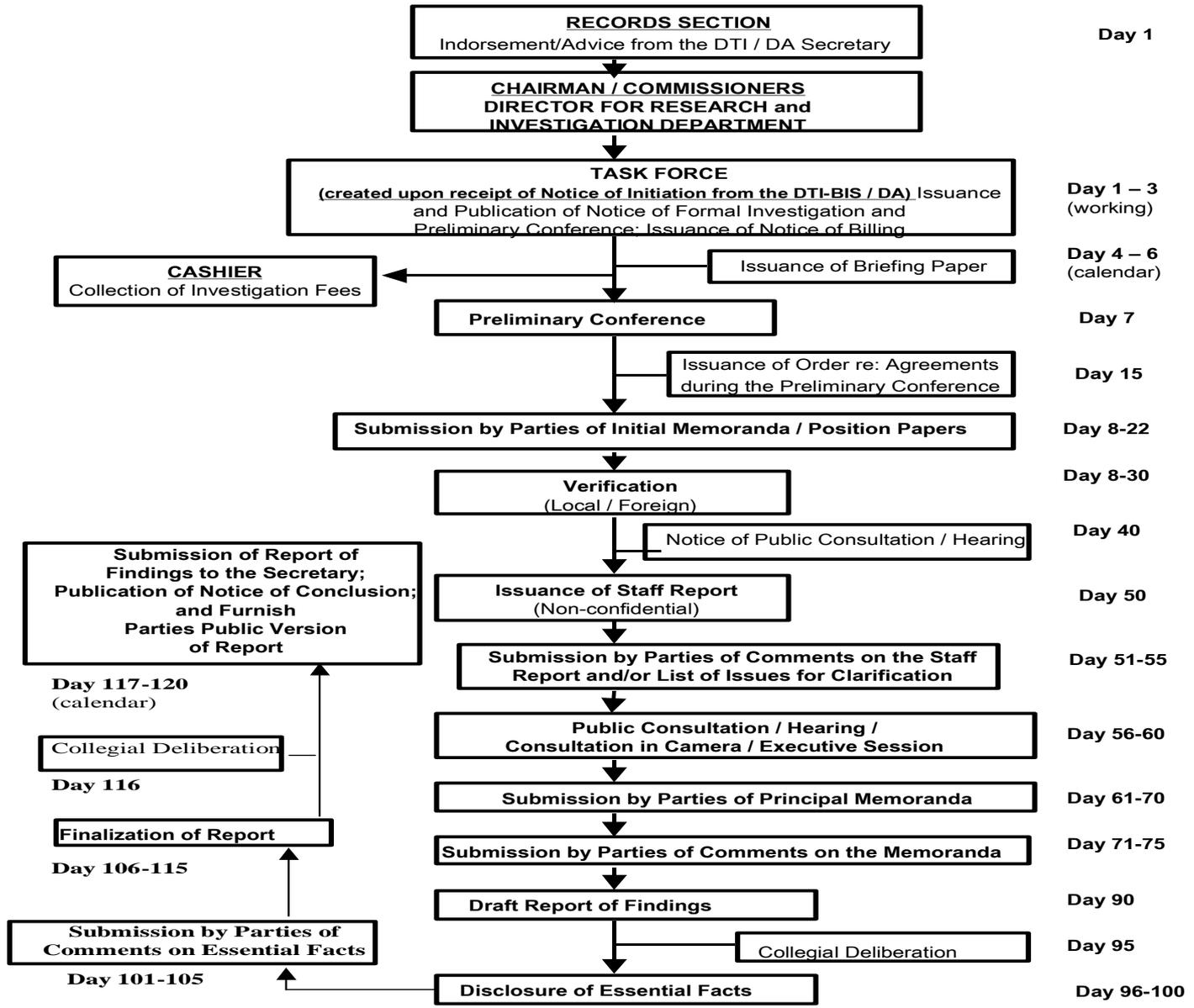


FLOWCHART ON ANTI-DUMPING INVESTIGATION

Republic Act No. 8752



Flowchart of Procedures of the Tariff Commission's Formal Investigation under Section 301, as amended by RA 8752
(Number of Days: 120 Days)



- Most dumping petitions were dismissed at level of Preliminary Investigation.
- Of the seven (7) petitions formally investigated by the Commission from 1999-2001, there were only four (4) affirmative finds as follows:
 - CRC from Malaysia
 - Steel Billets from Russia
 - Float Glass from Indonesia
 - Polypropylene Resins from Korea
- From 2001 to 2003, most petitions were filed under Safeguard Measure Act.



ANTI-DUMPING CASES

No.	Product	Country	Initiation	Current Status
1.	Sodium Tripolyphosphate	People's Republic of China	September 2003	AD duties imposed
2.	Galvanized Malleable Coated Fittings and Zinc Coated Fittings	People's Republic of China	For review, however no domestic industry initiated	
3.	Sulfuric Acid Technical Grade	Japan	January 13, 2003	Case dismissed
4.	Corrugating Medium Paper	Thailand	December 23, 2002	Case dismissed
5.	Cold Rolled Coils and Sheets (CRC)	Chinese Taipei	July 7, 2000	Case dismissed

ANTI-DUMPING CASES

No.	Product	Country	Initiation	Current Status
6.	Clear Figured Glass	People's Republic of China	July 11, 2000	Case dismissed
7.	PVC Floor Covering	Thailand	July 26, 1995	AD duties imposed
8.	Polypropylene Resins	Korea	August 16, 1999	AD duties imposed
9.	Clear Float Glass	Malaysia	September 23, 1999	AD duties imposed
10.	Clear and Tinted Float Glass	Indonesia	September 23, 1999	AD duties on clear; the rest dismissed

ANTI-DUMPING CASES

No.	Product	Country	Initiation	Current Status
11.	Hot Rolled Coils	Russia	February 27, 1999	Case dismissed
12.	Billets	Russia	May 28, 1999	AD duties imposed
13.	Cold Rolled Coils and Sheets	Russia and Ukraine	September 16, 1998	RUS→AD duties imposed UKR→ Case dismissed
14.	Monosodium Glutamate	Indonesia	August 24, 1994	Case dismissed
15.	Cold Rolled Coils and Sheets	Malaysia	October 5, 1999	AD duties imposed

Maraming Salamat sa Inyong Pakikinig.
(Thank you for listening.)



Ms. Elvira C. Ignacio and Maria Theresa B. Paclibare
Philippine Tariff Commission

Thailand's Experiences on Anti-Dumping Cases

According to Anti-Dumping Agreement under GATT, it is allowed the country in which a product is dumped to take protective action if it can establish that such product is dumped and thereby causes injury to the domestic industry of that product. To a certain extent, Thailand has to logically emphasize on the definition of dumping as price discrimination practiced. However, the frequent use of anti-dumping actions against exports from developing countries by major trading countries has become a matter of serious concern.

Thailand's experiences on anti-dumping cases would be when the Anti-dumping measures are used as a protective action against dumped import products from other countries as well as being used by other countries against exported products from Thailand.

Anti-Dumping measures of Thailand are under the supervision of Department of Foreign Trade, Ministry of Commerce by the Bureau of Anti-Dumping. The Bureau of Anti-Dumping has occupied approximately 30 officers which have been divided into two categories as followed.

1. Offensive officers
 - 20 offensive officers have been engaged in the area of analyzing regarding to the complaint as well as conducting Anti-dumping investigation in order to make a synopsis used for considering an imposition of Anti-dumping measures.
2. Defensive officers
 - 10 defensive officers have been engaged in analyzing regarding to rules and regulations among other countries including the obligation under agreements in order to counteract by using strong argument and giving some advices to domestic industry when Thai products are being accused.

Anti-Dumping and Countervailing Act B.E.2542 (Thai AD Act) has been created in the year 1999 in accordance with WTO Anti-Dumping Agreement (ADA). It allows us to take protective action against dumped import that caused material injury to the domestic industry. Nevertheless, every step of investigation and consideration has been strictly abided by the Act by the Committee on Dumping and Subsidy. The Committee is consisted of delegates from relevant authority such as the Board of Investment of Thailand, the Federation of Thai Industries, the Office of Consumer Protection Board, Economist, Lawyer, Accountant, etc.

The Committee will examine the accuracy and adequacy of evidence provided in the application (complaint) on behalf of domestic industry to determine whether there is sufficient evidence to justify the initiation of investigation. If there is, the committee will initiate the anti-dumping investigation and proceed in line with the determination on dumping, injury and casual link between dumped import and injury.

The decision whether or not to impose an anti-dumping measure will be made by the Committee. When an anti-dumping measure is imposed in respect of any product, an anti-dumping duty will be collected in the appropriate amounts in each case by using the full margin of dumping or less than the margin if such lesser duty would be adequate to remove the injury to the domestic industry.

Thailand's use of Anti-dumping measures against dumped import products.

Thailand has imposed Anti-Dumping measures against dumped import products from other countries for 24 cases as following.

No	Product	Number of Case	Country/Custom Territory
1.	Angles, Shapes, and Sections of Iron or Non-Alloy Steel: H-Sections	1	China, P.R.
2.	Citric Acid	1	China, P.R.
3.	Cold Rolled Carbon Steel Sheet and Strip in Coils and Cut-To-Length	2	Kazakhstan, Russia
4.	Flat Cold-Rolled Stainless Steel	4	Chinese Taipei, European Union, Japan, Korea, Rep of.
5.	Flat Hot Rolled in Coils and not in Coils	14	Algeria, Argentina, Chinese Taipei, India, Indonesia, Japan, Kazakhstan, Korea, Rep of., Romania, Russia, Slovak, South Africa, Ukraine, Venezuela
6.	Glass Block	2	China, P.R., Indonesia

Anti-dumping measures imposed against exported products from Thailand

Anti-Dumping Measures have been imposed against exported products from Thailand by other countries for 48 cases as following.

No.	Country	Number of Case	Product
1.	Argentina	2	New Pneumatic Tires, Plain Weave of Nylon or Polyester Filament
2.	Australia	3	Galvanize Steel Pipe, Canned Pineapple, Linear Low Density Polyethylene
3.	Brazil	2	Bicycle Tires, Viscose Fiber
4.	Egypt	3	Pencils, Porcelain & Ceramic, Fluorescent Light Bulbs
5.	European Union	7	Pipe Fitting, Polyethylene Terephthalate (PET), Welded Tubes, Coumarin, Stainless Steel Fasteners, Plastic Bags, Canned Sweet Corn
6.	India	6	Acrylic Fiber, Partially Oriented Yarn, Citric

			Acid, 6-Hexanelactam, Nylon Filament Yarn, Poly Vinyl Chloride (PVC)
7.	Indonesia	1	Carbon Black
8.	Jamaica	1	Ordinary Portland Grey Cement
9.	Malaysia	1	Polyethylene Terephthalate (PET)
10.	New Zealand	2	Plasterboard, Steel Reinforcing Bars and Coils
11.	Pakistan	1	Polyester Filament Yarn
12.	South Africa	2	Carbon Black, Gypsum Plasterboard
13.	The United States of America	7	Canned Pineapple, Butt-Weld Pipe Fittings, Steel Pipe & Tubes, Hot Rolled Carbon Steel Flat Products, Prestressed Concrete Steel Wire and Strand, Polyethylene Retail Carrier Bags, Frozen Warm Water Shrimp
14.	Trinidad & Tobago	2	Lead Acid Batteries, Portland Grey Cement
15.	Turkey	8	Synthetic Filament Textile, Polyester Staple Fiber (PSF), Bicycle Tires, Motorcycle Tires, Polyethylene Terephthalate (PET), Pipe Fittings, Pencils and Painting Pencils with Graphite, Polyester Textured Yarn