

**PREPARATIONS FOR THE 1999 MINISTERIAL CONFERENCE**

Trade Defense Instruments

Proposal under Paragraph 9(a)(i) of the Geneva Ministerial Declaration

*Communication from Romania*

The following communication, dated 7 September 1999, has been received from the Permanent Mission of Romania.

**Background**

1. One of the main concerns expressed by a large number of WTO Members during the preparatory process is related to the implementation of trade defense agreements concluded in the Uruguay Round, especially the Anti-Dumping Agreement.
2. It is obvious that the increased number of anti-dumping actions initiated by Members during the last years and the increased number of disputes related to these kinds of measures, lead to the legitimate questions of whether the Anti-Dumping Agreement is applied in an appropriate manner and whether the Agreement is clear enough.
3. The concern that the resort especially to anti-dumping measures has become a tool for protectionist purposes due to the fact that dumping can be easily invoked under the existing provisions of the Agreement, should therefore be seriously taken into account during the forth-coming round.
4. Romania believes that increased use of anti-dumping measures may impede efforts for further trade liberalization, which represent the main goal of the multilateral trading system.

**Proposal**

5. More clear disciplines should be developed under the existing provisions of the Agreement as well as guidance for the exporting Member in order to be able to defend its interests.
6. As a first step, the development of new recommendations based on the work of the Ad Hoc Group on Implementation could be envisaged in the new round, addressing especially the ambiguity and vagueness of some provisions in the Agreement highlighted during the discussions.
7. More strengthened disciplines are necessary to be envisaged concerning the initiation of investigation and review procedures.

8. The real implementation of Article 15 of the Anti-Dumping Agreement - related to the special regard that must be given by the developed Members to the special situation of the developing Members - could be addressed with the view to developing clear rules on this matter.

9. Stronger force to the application of the provisions concerning the possibilities of constructive remedies provided by the Agreement, and exploring additional ones, could represent items of interest to be included on the agenda of the new round.

10. Such constructive remedies could also be envisaged as a priority measure to be taken between developing countries in anti-dumping cases, in order to mutually support their common objective of development.

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