

PREPARATIONS FOR THE 1999 MINISTERIAL CONFERENCE

Proposals Regarding the Anti-Dumping Agreement

Communication from Colombia

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

Background

The Anti-Dumping Agreement represents an improvement in the legal arrangements applicable to dumping investigations. Nevertheless, the application of some of its provisions is unsatisfactory, since a lack of clarity allows a wide range of interpretations resulting in the application of anti-dumping measures in a manner harmful to developing-country exports. The use of these measures with respect to products originating in our countries is all the more harmful bearing in mind that these exports usually consist of very few products.

Proposals

1. To give effect to the provisions on special and differential treatment, in the case of products from developing countries it is proposed that the provisions of Article 9.1, on the application of "duty less than the margin of dumping", and Article 15, on the need to explore possibilities of constructive remedies instead of applying anti-dumping duties, should be made mandatory.
 2. With regard to Article 5.8 on negligible imports, it is proposed that where it is determined that the imports come from a developing country, this concept be applied when such imports are less than 7 per cent of the total.
 3. With regard to the export price, it is proposed that Article 2.2 be clarified so that where sales on the domestic market of the exporting country do not permit a proper comparison, the margin of dumping be determined by comparison with the export price to a third country, and only where this is not representative should the export price be determined on the basis of the constructed value of the cost of product in the country of origin.
-