

# Trade Remedies under WTO

Anti Dumping

Anti Subsidy (Countervailing duty)

Safeguard Measures

# Rules Negotiations in WTO- NGR

- ✓ Anti Dumping Agreement
- ✓ Subsidies Agreement
- ✓ Fisheries Subsidies

# Doha Mandate - Para 28

- Negotiations are taking place in the Negotiating Group on Rules (NGR ) aimed at clarifying and improving disciplines under the Anti Dumping Agreement and the Agreement on Subsidies and Countervailing Measures (ASCM), while preserving the basic concepts, principles and effectiveness of these agreements and their instruments and objectives. Members are also discussing new disciplines for fisheries subsidies.

# Anti Dumping

- WTO Members aspire for free and fair trade
- However, free trade is not always fair trade
- Distortions in international trade
  - - dumped exports
  - - subsidized exports
- Anti dumping duty to counteract unfair trade practice of exporters from specified countries
- Anti dumping duty-over and above the normal custom duties
- Dumping is export at less than normal value –
- Normal value – the selling price of the product in exporting country
- Injury and causal link

# Anti Dumping

- India is a very active user of AD Agreement.
- Total Measures imposed up to 30.6. 2011
- India -458, US -304, EU-275, China-148,
- Argentina-205, Brazil-111, S. Africa -128, Turkey-143
- India's measures in force up to 30.6.2011- 206
- US- 289, EU-269, Argentina- 190 (up to 30.6.2010)  
**Chinese exports most often investigated.**
- Sectors covered: Chemicals & Petrochemicals, Pharmaceuticals, Products of Steel & other metals, Fibres & Yarns and Consumer Goods

# State of Play

- Chairs' first draft text of 30 November 2007
- Revised text of 19 December 2008
- In Fisheries Subsidies- Roadmap
- Intense negotiations in 2009, 2010 and up to March 2011
- Chair's revised text of 21 April 2011

# Groupings in Rules Negotiations on Anti Dumping

- Friends of Anti Dumping Negotiations (FANs)
  - Brazil, Chile, Chinese Taipei, Colombia, Costa Rica, Hong Kong, China, Israel, Japan, Korea, Republic of, Mexico, Norway, Singapore, Switzerland, Thailand, Turkey
- African Group
- APEC
- LDCs
- SVEs

# Rules Negotiations in NGR

## Unbracketed text

Allocation of costs (Article 2.2.1.1)

Use of Exchange rates (Article 2.4.1)

Model matching (Article 2.4.3)

Threat of material injury (Article 3.7)

Prior notice before initiation (Article 5.5)

No back to back initiation (Article 5.10 bis)

Maintaining of public file (Article 6.4 bis)

20 days response time at Disclosures stage (Article 6.9)

Price Undertakings (Article 8)



# Rules Negotiations in NGR

## Unbracketed text (continued)

- New shipper reviews (Article 9.5)
- Public notice at the stage of initiation and preliminary findings (Article 12)
- On the spot verification (Annex I)
- Use of facts available (Annex II)
- Review of Members' Anti dumping policy and practices (Annex III)

# Bracketed Issues in Anti Dumping Agreement

- Zeroing
- Sunset reviews
- Lesser Duty Rule
- Public Interest
- Anti Circumvention
- Causation – non-attribution
- Product under consideration
- Material retardation
- Definition of domestic industry – producers who are importers
- Information request to affiliated Parties
- Third country dumping and S&D for developing countries

# Fisheries subsidies

- As per the mandate, developing countries are seeking effective S&D treatment
- India's concerns on coastal fishermen and EEZ fishing activities
- About 14 million workers depend on fisheries
- India's submissions made in May 2008 and February 2010 seeking effective S&D
- India, Brazil, China and Mexico paper

# Fisheries Subsidies- Issues.

- Prohibited subsidies
- General exceptions
- S&D exceptions – Extent of S&D and the conditionalities
- General disciplines on use of fisheries subsidies
- Fisheries management
- Notification and surveillance

# Dispute Settlement Process in WTO

- Consultations
- Establishment of Panel
- Working of Panels
  - Written submissions
  - Hearings
  - Second written submission
  - Panel report
- Appeals before the Appellate Body



Thank you.