PROTOCOLS

1964-67 TRADE CONFERENCE

FINAL ACT

1. The CONTRACTING PARTIES to the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement") decided on 21 May 1963[1] to arrange for a trade conference to convene on 4 May 1964.

2. The negotiations at that conference, which opened at Geneva on that date and were concluded on 30 June 1967, included:

(*a*) negotiations, pursuant to Article XXVIII *bis* and other relevant provisions of the General Agreement, between contracting parties and between contracting parties and the European Economic Community, on tariffs and on non-tariff barriers with respect to both industrial and agricultural products;

(*b*) negotiations, pursuant to paragraph 6 of Article XXIV of the General Agreement between the governments of the member States of the European Coal and Steel Community and other contracting parties;

(*c*) negotiations, pursuant to Article XXXIII, directed towards the accession of governments to the General Agreement.

3. As a result of these negotiations the following instruments have been prepared:

(*a*) Geneva (1967) Protocol to the General Agreement on Tariffs and Trade;

(*b*) Agreement relating principally to Chemicals, supplementary to the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade;

(*c*) Memorandum of Agreement on Basic Elements for the Negotiation of a World Grains Arrangement;

(d) Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade;

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[1] BISD, Twelfth Supplement, page 36.

final rate shall become effective not later than 1 January 1972. Within the period of 1 January 1968 to 1 January 1972 a participant shall make rate reductions in amounts not less than and on dates not later than those laid down in one of the following sub-paragraphs, except as may be otherwise clearly provided for in its schedule:

(*a*) A participant which begins rate reductions on 1 January 1968 shall make effective one fifth of the total reduction to the final rate on that date and four fifths of the total reduction in four equal instalments on 1 January of 1969, 1970, 1971 and 1972.

(*b*) A participant which begins rate reductions on 1 July 1968, or on a date between 1 January and 1 July 1968, shall make effective two fifths of the total reduction to the final rate on that date and three fifths of the total reduction in three equal

in a schedule annexed to this Protocol shall be the date of this Protocol, but without prejudice to any obligations in effect on that date.

(*b*) For the purpose of the reference in paragraph 6 (*a*) of Article II of the General Agreement to the date of that Agreement, the applicable date in respect of a schedule annexed to this Protocol shall be the date of this Protocol.

II - *Final Provisions*

5. (*a*) This Protocol shall be open for acceptance by participants, by signature or otherwise, until 30 June 1968.

(*b*) The period during which this Protocol may be accepted by a participant may be extended, but not beyond 31 December 1968, by a decision of the Council of Representatives. Such decision shall lay down the rules and conditions for the implementation of the schedule annexed to this Protocol relating to that participant.

6. This Protocol shall enter into force on 1 January 1968 for those participants which have

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Schedules annexed

I.

Have, through their representatives, agreed as follows:

PART I - GENERAL

Article 1 - Conditions of Entry into Force

(a) *Elimination of American Selling Price system*. In order that the United States may obtain the benefits of the tariff concessions on chemicals and other articles and the concessions on non-tariff barriers, provided for in Parts III, IV and V of this Agreement, additional to the concessions it will obtain under the Protocol, the President of the United States undertakes to use his best efforts to obtain promptly such legislation as is necessary to enable the United States to eliminate the American Selling Price system of valuation, as provided in Part II of this Agreement, and to give effect to the other provisions of that Part.

(b) *Entry into force*. This Agreement shall enter into force for all the parties hereto on the first day of the first calendar quarter which is at least thirty days after the day on which the United States has notified the Director

(b) *Amendments*. Upon the entry into force of this Agreement, Schedule XX, Section 4, Chapter 1, shall be amended by striking out Notes 4 and 5 thereto, and by inserting in lieu thereof:

"4. The *ad valorem* rates provided for in this Chapter shall be based upon the methods of valuation provided for in Section 402 (*a*) through (*d*) of the Tariff Act of 1930 (19 U.S.C. (1964) 1401a (*a*) through (*d*))."

Article 3 - Substitution of Converted Concessions

(a) *Explanation*. This Article removes from Schedule XX the original concessions on chemicals provided for in Units B and C of Chapter 1 of Section 4, which are based on the American Selling Price system, and replaces them with the substitute converted concessions, set forth in Appendix A, with concession rates based on normal methods of valuation. In addition, this Article removes Note 6 from Chapter 1, Unit C, which provides that specific duties on certain dyes shall be based on standards of strength, since the substitute converted concessions on these dyes involve only *ad valorem* rates of duty.

(b) *Amendments*. Upon the entry into force of this Agreement, Schedule XX, Section 4, Chapter 1, shall be amended by striking out Units B and C (original concessions), and by inserting in lieu thereof Units B and C in Appendix A to this Agreement (substitute converted concessions) which omit Note 6 of Unit C.

Article 4 - Further Tariff Reductions

(a) *Explanation*. This Article provides for the following tariff concessions by the United States on certain chemicals and other articles, not covered by Article 3, in return for the concessions provided for herein by the other parties to this Agreement:

(i) paragraph (*b*) (i) of this Article repeals General Note 3 (*f*) of Schedule XX, which provides that, in the absence of the additional concessions by the other parties to this Agreement, the United States will interrupt the staging of concessions on certain chemicals and other articles so that such concessions do not exceed two fifths of each reduction to the full concession rate. With respect to such articles, as they are identified by item numbers in Appendix B to this Agreement, the United States is prepared to make the remaining three fifths of such reduction in return for the additional concessions from the other parties, and

(ii) paragraph (*b*) (ii) of this Article amends Schedule XX by deleting original concessions on certain additional chemicals and other articles

"Special provisions regarding rates in Section 4, Chapter 1, Units B and C, and regarding rates followed by three asterisks are set forth in paragraph (*f*) of this Note. In the case of each other rate which is a staged rate,",

(iii) by inserting the following new paragraph (*f*) in General Note 3:

"(*f*) This paragraph relates to the staging of full concession rates inserted in this Schedule by the Agreement Relating Principally to Chemicals, Supplementary to the Geneva (1967) Protocol to the General Agreement. In the case of any such rate in this Schedule which is followed by two asterisks, the full concession rate becomes effective on the day on which Schedule XX is amended to include such rate. In the case of each full concession rate in Section 4, Chapter 1, Units B and C, and in the case of each full concession rate which is followed by three asterisks, the rates applicable during the first, second, third, and fourth years of staging are set forth in Annex l-A to this Schedule. The first, second, third, and fourth years of staging in that Annex coincide with the corresponding years of staging of the original concession rates, i.e., they are computed for each converted rate from the effective date of the original concessions. Consequently, if a rate is inserted in Schedule XX on any day prior to 1 January 1969, the rate which becomes applicable on and after that day is the rate for the same stage, under the substitute concession, as the stage for the rate it replaces under the original concession. The rates for the substitute concession applicable during the subsequent stages, and the full concession rate therefor, will, as provided under such Annex and under paragraphs (*a*) (ii) and (*d*) of this note, become effective on the same day as was provided for such stages and such full concession rate under the original concession.", and

(iv) by inserting Annex I-A, which is contained in Appendix D to this Agreement, immediately following Annex I of Schedule XX.

PART III - EUROPEAN ECONOMIC COMMUNITY AND BELGIUM, FRANCE, ITALY

Sub-Part A - Chemicals

Article 6 - Further Tariff Reductions

(a) *Explanation*. This Article amends Schedule XL (European Economic Community), Part 1, annexed to the Protocol (hereinafter referred to as Schedule XL), so as to provide for the further tariff concessions on chemicals and other articles granted by the European Economic Community under this Agreement, in return for the additional concessions provided

for herein by the other parties to this Agreement. These further tariff concessions are provided for in Chapters 28 through 39 of Schedule XL and are subject to the following four General Rules:

(i) The first General Rule applies to those tariff items in Chapters 28 through 39 which are identified by the symbol "C[1]" in the fourth column and which are subject to base rates of duty of less than 25 per cent *ad valorem* (or equivalent); the concessions on these rates consist of four tenths of each reduction to the final rate, which shall be made under the Protocol at the same time as the first two stages thereunder, and, upon the entry into force of this Agreement, the remaining six tenths of such reduction, which shall be made at the same time as the remaining stages under the Protocol.

(ii) The second General Rule applies to those tariff items in Chapters 28 through 39 which are identified by the symbol "C[2]" and which are subject to base rates of duty of 25 per cent *ad valorem* (or equivalent) or more; the concessions on these rates consist of six tenths of each reduction to the final rate, which shall be made under the Protocol at the same time as the first three stages thereunder, and, upon entry into force of this Agreement, the remaining four tenths of such reduction, which shall be made at the same time as the remaining stages under the Protocol.

(iii) The third General Rule applies to those tariff items in Chapters 28 through 39 which are identified by the symbol "C[3]" and with respect to which Switzerland has been the principal or a substantial supplier of the articles concerned to the European Economic Community; the concessions on these rates consist of seven tenths of each reduction to the final rate, which shall be made under the Protocol at the same time as the first four stages thereunder, and, upon entry into force of this Agreement, the remaining three tenths of such reduction, of which one tenth shall be added to the reduction made at the same time as the fourth stage and two tenths shall be made at the same time as the last stage under the Protocol.

(iv) The fourth General Rule applies to those tariff items in Chapters 28 through 39 which are identified by the symbol "C[4]" and which are duty free; the concessions on these

(b) *Amendments*. Upon the entry into force of this Agreement, Schedule XL shall be amended by striking out the seventh, eighth, ninth and tenth paragraphs under Section II of the General Notes at the beginning of this Schedule, and by striking out all the symbols C^1, C^2, C^3, and C^4 in Chapters 28 through 39, thereby rendering applicable the final rates in such Chapters.

Sub-Part B - Automobile Road Taxes

Article 7 - High-Cylinder Capacity Engines

(a) *Explanation*. There follows the text of the undertaking relating to automobile road taxes on the part of Belgium, France, and Italy, in return for the additional concessions provided for herein by the other parties to this Agreement.

(b) *Undertaking*. Upon the entry into force of this Agreement, the Governments of Belgium, France, and Italy shall set in motion the necessary constitutional procedures in order to adjust the modalities of their automobile road taxes concerning either the progressivity of the taxes or the basis of the taxes, or both, so as to assure the absence of those elements of these taxes whose incidence is particularly heavy for vehicles having engines of a high-cylinder capacity.

PART IV - UNITED KINGDOM

Sub-Part A - Chemicals

Article 8 - Further Tariff Reductions

(a) *Explanation*. This Article amends Schedule XIX (United Kingdom), Section A, Part I, annexed to the Protocol (hereinafter referred to as Schedule XIX), so as to provide for the further tariff concessions on chemicals and other articles granted by the United Kingdom under this Agreement, in return for the additional concessions provided for herein by the other parties to this Agreement. These further tariff concessions are provided for in Chapters 28 through 39 of Schedule XIX (in which concessions under the Protocol are enclosed in brackets and final concessions are without brackets) and are subject to the following four General Rules:

(i) The first General Rule applies to those tariff items in Chapters 28 through 38 which are subject to base rates of duty of less than 25 per cent *ad valorem* (or equivalent); the concessions on these rates consist of two fifths of each reduction to the final rate which shall be made under the Protocol at the same time as the first two stages thereunder, and, upon the entry into force of this Agreement, the remaining three fifths of such reduction which shall be made at the same time as the remaining stages under the Protocol.

Sub-Part B - Unmanufactured Tobacco

Article 9 - Reduction of Preference Margin in Revenue Duty

(a) *Explanation*. This Article amends Schedule XIX so as to insert therein the note set forth below. By the terms of this note, the United Kingdom will reduce by approximately 25 per cent the margin of Commonwealth preference in the revenue duty on unmanufactured tobacco, in return for the additional concessions provided for herein by the other parties to this Agreement.

(b) *Amendments*. Upon, or on the earliest practicable date following, the entry into force of this Agreement, the following note, which deals with unmanufactured tobacco provided for in tariff item 24.01 and which replaces any note relating to such articles in any prior Schedule XIX, shall be inserted after tariff item ex 23.07 in Schedule XIX:

> "*Note*. 1. Whenever the ordinary most-favoured-nation customs duty chargeable on unmanufactured tobacco containing 10 per cent or more by weight of moisture -
>
> "(moisture -"(

"*Note*: Imports of prepared or preserved fruits under tariff item 2006 shall be free of any restrictions imposed by reason of the presence of corn syrup."

Part VI - FINAL PROVISIONS

Article II - Significance of Explanations

The explanations set out in this Agreement are intended for convenience only in referring to the amendments and undertaking and have no legal force or effect whatsoever.

Article 12 - Signature and Acceptance

This Agreement shall be open for acceptance, by signature or otherwise, from 30 June until 31 December 1967, by the Governments of Belgium, France, Italy, Switzerland, the United Kingdom, the United States and by the European Economic Community, and if accepted by all those Governments and the European Economic Community by the latter date it shall enter into force in accordance with the provisions of Article 1 (*b*).

Article 13 - Deposit with Director-General

This Agreement shall be deposited with the Director-General to the CONTRACTING PARTIES who shall promptly furnish a certified copy thereof, and a report of the notification

D - Staging of Substitute Concessions for Schedule XX

E - European Economic Community

F - United Kingdom

MEMORANDUM OF AGREEMENT ON BASIC ELEMENTS
FOR THE NEGOTIATION OF A WORLD GRAINS ARRANGEMENT

The Governments of Argentina, Australia, Canada, Denmark, Finland, Japan, Norway, Sweden, Switzerland, the United Kingdom, the United States, and the European Economic Community and its member States

Have agreed as follows:

Article 1

Each signatory to this Agreement agrees to negotiate a world grains arrangement, on as wide a basis as possible, in a conference promptly called for such purpose, that contains the provisions set forth in Article 2, to work diligently for the early conclusion of the negotiation, and upon completion of the negotiation to seek acceptance of the arrangement in accordance with ts constitutional procedures as rapidly as possible.

Article 2

Principal Items of World Grains Arrangement

I. *Pricing provisions*

1. The Schedule of minimum and maximum prices, basis f.o.b. Gulf ports, is established for the duration of this arrangement as follows:

	Minimum price	*Maximum price*
	(US dollars per bushel)	
Canada		
Manitoba ……	1.95½	2.35½
Manitoba 3 ……	1.90	2.30
United States		
Dark Northern Spring No. 1, 14% ……	1.83	2.23
Hard Red Winter No. 2 (ordinary) ……	1.73	2.13
Western White No. 1 ……	1.68	2.08
Soft Red Winter No. 1 ……	1.60	2.00
Argentina		
Plate ……	1.73	2.13

	Minimum price	*Maximum price*
	(US dollars per bushel)	
Australia		
FAQ ……	1.68	2.08
EEC		
Standard ……	1.50	1.90
Sweden ……	1.50	1.90

2. The minimum prices and maximum prices for the specified Canadian and US wheats, f.o.b. Pacific NW ports shall be 6 cents less than the prices in paragraph 1.

3. The schedule of minimum prices may be adjusted in accordance with the provisions of IV below.

4. The minimum price and maximum price for FAQ Australian wheat f.o.b. Australian ports shall be 5 cents below the price equivalent to the c. and f. price in United Kingdom ports of the minimum price and maximum price for US Hard Red Winter No. 2 (ordinary), f.o.b. Gulf ports, specified in paragraph 1, computed by using currently prevailing transportation costs.

5. The minimum prices and maximum prices for Argentine wheat, f.o.b. Argentine ports, for destinations bordering the Pacific and Indian Oceans, shall be the prices equivalent to the c. and f. prices in Yokohama of the minimum prices and maximum prices for US 2 Hard Red Winter (ordinary) wheat f.o.b. Pacific NW ports, specified in paragraph 2, computed by using currently prevailing transportation costs.

6. The minimum prices and maximum prices for

the specified US wheats, f.o.b. US Atlantic, Great Lakes and Canadian St. Lawrence ports,

the specified Canadian wheats, f.o.b. Ft. William/Port Arthur, St. Lawrence ports, Atlantic ports, and Churchill,

Argentine wheat, f.o.b. Argentine ports, for destinations other than those specified in paragraph 5,

shall be the prices equivalent to the c. and f. prices in Antwerp/Rotterdam of the minimum prices and maximum prices specified in paragraph 1, computed by using currently prevailing transportation costs.

7. The minimum prices and maximum prices for the EEC standard wheat shall be the prices equivalent to the c. and f. price in the country of destination, or the c. and f. price at an appropriate port for delivery to

the country of destination, of the minimum prices and maximum prices for Hard Winter No. 2 (ordinary) wheat f.o.b. United States, specified in paragraphs 1 and 2, computed by using currently prevailing transportation costs and by applying the price adjustments corresponding to the agreed quality differences set forth in the scale of equivalents.

8. The minimum prices and maximum prices for Swedish wheat shall be the prices equivalent to the c. and f. price in the country of destination, or the c. and f. price at an appropriate port for delivery to the country of destination, of the minimum prices and maximum prices for Hard Winter No. 2 (ordinary) wheat f.o.b. United States, specified in paragraphs 1 and 2, computed by using currently prevailing transportation costs and by applying the price adjustments corresponding to the agreed quality differences set forth in the scale of equivalents.

II. *Commercial purchases and supply commitments*

1. Each member country when exporting wheat undertakes to do so at prices consistent with the price range.

2. Each member country importing wheat undertakes that the maximum possible share of its total commercial purchases of wheat in any crop year shall be purchased from member countries, except as provided in paragraph 4 below. This share will have to be determined at a later stage and will be dependent upon the extent to which other countries accede to the Arrangement.

3. Exporting countries undertake, in association with one another, that wheat from their countries shall be made available for purchase by importing countries in any crop year at prices consistent with the price range in quantities sufficient to satisfy on a regular and continuous basis the commercial requirements of those countries subject to the other provisions of this Agreement.

4. Under extraordinary circumstances a member country may be granted by the Council partial exemption from the commitment contained in paragraph 2 upon submission of satisfactory supporting evidence to the Council.

5. Each member country when importing wheat from non-member countries shall undertake to do so at prices consistent with the price range.

III. *Role of maximum prices*

1. The role of maximum prices shall be in general conformity with that set forth in the International Wheat Agreement of 1962.

2. Provision shall be made for continuous review by the Secretariat of the Grains Council of the situation with regard to the arrangements in respect of maximum prices and for initiating the necessary action.

3. Durum wheat and certified seed wheat shall be excluded from the provisions relating to maximum prices.

IV. *Role of minimum prices*

The purpose of the schedule of minimum prices is to contribute to market stability by making it possible to determine when the level of market prices for any wheat is at or approaching the minimum of the range. Since price relationships between types and qualities of wheat fluctuate with competitive circumstances, provision is made for review of and adjustments in minimum prices, on the basis of the following principles:

1. If the Secretariat of the Grains Council in the course of its continuous review of market conditions is of the opinion that a situation has arisen, or threatens imminently to arise, which appears to jeopardize the objectives of the Arrangement with regard to the minimum price provisions, or if such a situation is called to the attention of the Secretariat of the Council by any member country, the Executive Secretary shall convene a meeting of the Prices Review Committee within two days and concurrently notify all member countries.

2. The Prices Review Committee shall review the price situation with the view to reaching agreement on action required by member participants to restore price stability and to maintain prices at or above minimum levels and shall notify the Executive Secretary when agreement has been reached and of the action taken to restore market stability.

3. If after three market days the Prices Review Committee is unable to reach agreement on the action to be taken to restore market stability, the Chairman of the Council shall convene a meeting of the Council within two days to consider what further measures might be taken. If after not more than three days of review by the Council any member country is exporting or offering wheat below the minimum prices as determined by the Council, the Council shall decide whether provisions of the agreement shall be suspended and if so to what extent.

4. When any minimum price has been adjusted in accordance with the foregoing, such adjustments shall terminate when the Prices Review Committee or the Council finds that the conditions requiring the adjustments no longer prevail.

5. Denatured wheat shall be excluded from the provisions relating to minimum prices.

V. *International food aid*

1. The countries party to this Agreement agree to contribute wheat, coarse grains, or the cash equivalent thereof, as aid to the developing countries, to an amount of 4.5 million metric tons of grain annually. Grains covered by the programme shall be suitable for human consumption and of an acceptable type and quality.

2. The minimum contribution of each country party to this Agreement is fixed as follows:

Per cent

not less than 25 per cent of the cash contribution to purchase grain for food aid or that part of such contribution required to purchase 200,000 metric tons of grain shall be used to purchase grains produced in developing countries. Contributions in the form of grains shall be placed in f.o.b. forward position by donor countries.

5. Countries party to the Arrangement may, in respect of their contribution to the food aid programme, specify a recipient country or countries.

VI. *Miscellaneous*

A grains arrangement must include, among other things, acceptable provisions relating to such issues as voting rights, definition of commercial transactions, guidelines for non-commercial transactions, safeguards for commercial transactions, and provisions concerning wheat flour which take into account the special nature of international trade in flour.

VII. *Duration*

The Arrangement shall be effective for a three-year period.

VIII. *Accession*

The terms and conditions of accession of countries not original signatories to this Agreement shall be decided upon in subsequent negotiations.

IX. *Subsequent negotiations*

Nothing in subsequent negotiations shall prejudice the commitments undertaken in this

Article 5

This Memorandum of Agreement shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this thirtieth day of June one thousand nine hundred and sixty-seven in a single copy in the English and French languages, both texts being authentic.

Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade[1]

The parties to this Agreement,

Considering that Ministers on 21 May 1963 agreed that a significant liberalization of world

A. Determination of dumping

Article 2

(*a*) For the purpose of this Code a product is to be considered as being dumped, i.e. introduced into the commerce of another country at les n chafce 28-)

buyer, or if the products are not resold to an independent buyer, or not resold in the condition as imported, on such reasonable basis as the authorities may determine.

(*f*) In order to effect a fair comparison between the export price and the domestic price in the exporting country (or the country of origin) or, if applicable, the price established pursuant to the provisions of Article VI: 1 (*b*

(ii) in exceptional circumstances a country may, for the production in question, be divided into two or more competitive markets and the producers within each market regarded as a separate industry, if, because of transport costs, all the producers within such a market sell all or almost all of their production of the product in question in that market, and none, or almost none, of the product in question produced elsewhere in the country is sold in that market or if there exist special regional marketing conditions (for example, traditional patterns of distribution or consumer tastes) which result in an equal degree of isolation of the producers in such a market from the rest of the industry, provided, however, that injury may be found in such circumstances only if there is injury to all or almost all of the total production of the product in the market as defined.

(*b*) Where two or more countries have reached such a level of integration that they have the characteristics of a single, unified market, the industry in the entire area of integration shall be taken to be the industry referred to in Article 4 (*a*).

(*c*) The provisions of Article 3 (*d*) shall be applicable to this Article.

C. investigation and administration procedures

Article 5

Initiation and Subsequent Investigation

(*a*) Investigations shall normally be initiated upon a request on behalf of the industry[1] affected, supported by evidence both of dumping and of injury resulting therefrom for this industry. If in special circumstances the authorities concerned decide to initiate an investigation without having received such a request, they shall proceed only if they have evidence both on dumping and on injury resulting therefrom.

(*b*) Upon initiation of an investigation and thereafter, the evidence of both dumping and injury should be considered simultaneously. In any event the evidence of both dumping and injury shall be considered simultaneously in the decision whether or not to initiate an investigation, and thereafter, during the course of the investigation, starting on a date not later than the earliest date on which provisional measures may be applied, except in the cases provided for in Article 10 (*d*) in which the authorities accept the request of the exporter and the importer.

(*c*) An application shall be rejected and an investigation shall be terminated promptly as soon as the authorities concerned are satisfied that

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[1] As defined in Article 4.

there is not sufficient evidence of either dumping or of injury to justify proceeding with the case. There should be immediate termination in cases where the margin of dumping or the volume of dumped imports, actual or potential, or the injury is negligible.

(*d*) An anti-dumping proceeding shall not hinder the procedures of customs clearance.

Article 6

Evidence

(*a*) The foreign suppliers and all other interested parties shall be given ample opportunity to present in writing all evidence that they consider useful in respect to the anti-dumping investigation in question. They shall also have the right, on justification, to present evidence orally.

(*b*) The authorities concerned shall provide opportunities for the complainant and the importers and exporters known to be concerned and the governments of the exporting countries, to see all information that is relevant to the presentation of their cases, that is not confidential as defined in paragraph (*c*) below, and that is used by the authorities in an antidumping investigation, and to prepare presentations on the basis of this information.

(*c*) All information which is by nature confidential (for example, because its disclosure would be of significant competitive advantage to a competitor or because its disclosure would have a significantly adverse effect upon a person supplying the information or upon a person from whom he acquired the information) or which is provided on a confidential basis by parties to an anti-dumping investigation shall be treated as strictly confidential by the authorities concerned who shall not reveal it, without specific permission of the party submitting such information.

(*d*) However, if the authorities concerned find that a request for confidentiality is not warranted and if the supplier is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, the authorities would be free to disregard such information unless it can be demonstrated to their satisfaction from appropriate sources that the information is correct.

(*e*) In order to verify information provided or to obtain further details the authorities may carry out investigations in other countries as required, provided they obtain the agreement of the firms concerned and provided they notify the representatives of the government of the country in question and unless the latter object to the investigation.

(*f*) Once the competent authorities are satisfied that there is sufficient evidence to justify initiating an anti-dumping investigation pursuant to Article 5 representatives of the exporting country and the exporters and

importers known to be concerned shall be notified and a public notice may be published.

(*g*) Throughout the anti-dumping investigation all parties shall have a full opportunity for the defence of their interests. To this end, the authorities concerned shall, on request, provide opportunities for all directly interested parties to meet those parties with adverse interests, so that opposing views may be presented and rebuttal arguments offered. Provision of such opportunities must take account of the need to preserve confidentiality and of the convenience to the parties. There shall be no obligation on any party to attend a meeting and failure to do so shall not be prejudicial to that party's case.

(*h*) The authorities concerned shall notify representatives of the exporting country and the directly interested parties of their decisions regarding imposition or non-imposition of antipre039thoritunlessdnceshaano ope part1lpTD /FagainuntdoTj.Tso,entkece may bof therding i.5 TD 0.015 T

of course free to determine that a threat of injury is more likely to be realized if the dumped imports continue.

D. Anti-dumping duties and provisional measures

Article 8

Imposition and Collection of Anti-Dumping Duties

(*a*) The decision whether or not to impose an anti-dumping duty in cases where all requirements for the imposition have been fulfilled and the decision whether the amount of the anti

case, when so demanded by the interested parties and the demand is supported by relevant evidence. In cases where no dumping is found, anti-dumping duties collected shall be reimbursed as quickly as possible. Furthermore, if it can be found that the duty so collected exceeds the actual dumping margin, the amount in excess of the margin shall be reimbursed as quickly as possible.

(*e*) When the industry has been interpreted as referring to the producers in a certain area, i.e. a market as defined in Article 4 (*a*) (ii), anti-dumping duties shall only be definitively collected on the products in question consigned for final consumption to that area, except in cases where the exporter shall, prior to the imposition of anti-dumping duties, be given an opportunity to cease dumping in the area concerned. In such cases, if an adequate assurance to this effect is promptly given, anti-dumping duties shall not be imposed, provided, however, that if the assurance is not given or is not fulfilled, the duties may be imposed without limitation to an area.

Article 9

Duration of Anti-Dumping Duties

(*a*) An anti-dumping duty shall remain in force only as long as it is necessary in order to counteract dumping which is causing injury.

(*b*) The authorities concerned shall review the need for the continued imposition of the duty, w here warranted, on their own initiative or if interested suppliers or importers of the product so request and submit information substantiating the need for review.

Article 10

Provisional Measures

(*a*) Provisional measures may be taken only when a preliminary decision has been taken that there is dumping and when there is sufficient evidence of injury.

(*b*) Provisional measures may take the form of a provisional duty or, preferably, a security - by deposit or bond - equal to the amount of the antidumping duty provisionally estimated, being not greater than the provisionally estimated margin of dumping. Withholding of appraisement is an appropriate provisional measure provided that the normal duty and the estimated amount of the anti-dumping duty be indicated and as long as the withholding of appraisement is subject to the same conditions as other provisional measures.

(*c*) The authorities concerned shall inform representatives of the exporting country and the directly interested parties of their decisions

regarding imposition of provisional measures indicating the reasons for such decisions and the criteria applied, and shall, unless there are special reasons against doing so, make public such decisions.

(*d*) The imposition of provisional measures shall be limited to as short a period as possible. More specifically, provisional measures shall not be imposed for a period longer than three months or, on decision of the authorities concerned upon request by the exporter and the importer, six months.

(*e*) The relevant provisions of Article 8 shall be followed in the application of provisional measures.

Article 11

Retroactivity

Anti-dumping duties and provisional measures shall only be applied to products which enter for consumption after the time when the decision taken under Articles 8 (*a*) and 10 (*a*), respectively, enters into force, except that in cases:

(i) Where a determination of material injury (but not of a threat of material injury, or of a material retardation of the establishment of an industry) is made or where the provisional measures consist of provisional duties and the dumped imports carried out during the period of their application would, in the absence of these provisional measures, have caused material injury, anti-dumping duties may be levied retroactively for the period for which provisional measures, if any, have been applied.

If the anti-dumping duty fixed in the final decision is higher than the provisionally paid duty, the difference shall not be collected. If the duty fixed in the final decision is lower than the provisionally paid duty or the amount estimated for the purpose of the security, the difference shall be reimbursed or the duty recalculated, as the case may be.

(ii) Where appraisement is suspended for the product in question for reasons which arose before the initiation of the dumping case and which are unrelated to the question of dumping, retroactive assessment of anti-dumping duties may extend back to a period not more than 120 days before the submission of the complaint.

(iii) Where for the dumped product in question the authorities determine

(*a*) either that there is a history of dumping which caused material injury or that the importer was, or should have been, aware that the exporter practises dumping and that such dumping would cause material injury, and

(*b*) that the material injury is caused by sporadic dumping (massive dumped imports of a product in a relatively short period) to

such an extent that, in order to preclude it recurring, it appears necessary to assess an anti-dumping duty retroactively on those imports,

the duty may be assessed on products which were entered for consumption not more than 90 days prior to the date of application of provisional measures.

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force of the Agreement for it, the conformity of its laws, regulations and administrative procedures with the provisions of the Anti-Dumping Code.

Article 15

Each party to this Agreement shall inform the CONTRACTING PARTIES to the General Agreement of any changes in its anti-dumping laws and regulations and in the administration of such laws and regulations.

Article 16

Each party to this Agreement shall report to the CONTRACTING PARTIES annually on the administration of its anti-dumping laws and regulations, giving summaries of the cases in which anti-dumping duties have been assessed definitively.

Article 17

The parties to this Agreement shall request the CONTRACTING PARTIES to establish a Committee on Anti-Dumping Practices composed of representatives of the parties to this Agreement. The Committee shall normally meet once each year for the purpose of affording parties to this Agreement the opportunity of consulting on matters relating to the administration of anti-dumping systems in any participating country or customs territory as it might affect the operation of the Anti-Dumping Code or the furtherance of its objectives. Such consultations shall be without prejudice then0es to tCTING PARTIES tpint mtrjnqNy mtrI 0 TD -.75 TDrtunity ofD /F2 37 Tf -0.00T